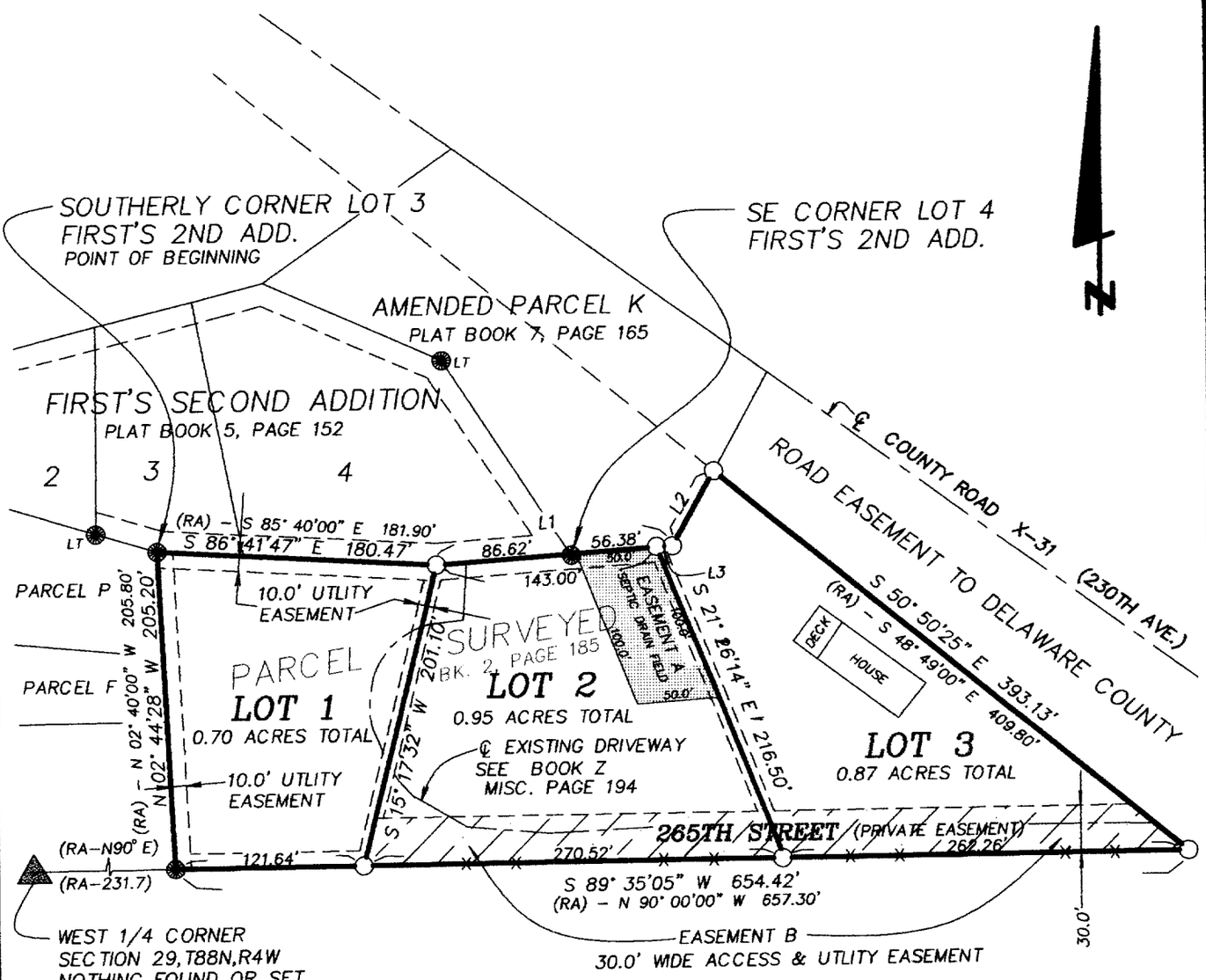
AUG 5 2004
FILED
AUG 5 2004
FILED
JOHN R. KLAUS
DELAWARE COUNTY ASSESSOR
BOOK 2004 PAGE 2978
DELAWARE CO RECORDER
42.00
2004 AUG -5 PM 1:46
DELAWARE COUNTY IOWA
FILED

PREPARED BY BILL BURGER OF WM. BURGER LANDSURVEYOR 510 3RD STREET WEST COURT, WORTHINGTON, IOWA 52078 (563) 855 2028

PLAT OF SURVEY

FLANNAGAN ADDITION PART OF THE SOUTHWEST QUARTER (SW1/4) OF THE NORTHWEST QUARTER (NW1/4), SECTION TWENTY-NINE (29), TOWNSHIP EIGHTY-EIGHT NORTH (T88N), RANGE FOUR WEST (R4W) OF THE FIFTH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA



LINE	BEARING	DISTANCE	LINE	(RA) - BEARING	(RA) - DISTANCE
L1	N 86° 04'05" E	153.00	L1	N 86° 00'00" E	153.00
L2	N 29° 00'00" E	54.82	L2	N 29° 00'00" E	72.20
L3	N 29° 00'00" E	10.00			

LEGEND

- ○ SET 1/2" IRON ROD W/YELLOW CAP #12642
- ◉ FOUND 5/8" IRON ROD NO CAP
- ——— SUBDIVISION BOUNDARY SURVEYED
- (RA) RECORDED AS
- P.O.B. POINT OF BEGINNING
- LT RED CAP 7060
- -X-X- EXISTING FENCELINE

100 0 100 200

SCALE: 1" = 100'

DATE OF SURVEY: 5/28/2004, 6/9/2004

SHEET 1 OF 4

PROPRIETORS: JAMES W. & SHARYL M. KELLER

LICENSED LAND SURVEYOR WILLIAM H. BURGER 12642 IOWA

I HEREBY CERTIFY THAT THIS LANDSURVEYING DOCUMENT WAS PREPARED AND RELATED SURVEY WORK WAS PREFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA. MY LICENSE RENEWAL DATE IS DECEMBER 31, 2004

William H Burger 8/5/04

WILLIAM H. BURGER #12642 DATE

NO. OF SHEETS COVERED BY THIS SEAL 1

Wm. Burger LandSurveyor
510 3rd Street West Court
Worthington, Iowa 52078

LEGAL DESCRIPTION

FLANNAGAN ADDITION Part of the Southwest Quarter (SW1/4) of the Northwest Quarter (NW1/4), Section Twenty-nine (29), Township Eighty-eight North (T88N), Range Four West (R4W) of the Fifth Principal Meridian, Delaware County, Iowa, containing a total of 2.51 acres divided into Three lots and numbered Lot 1 through Lot 3 as shown on the attached plat, subject **to easements of record** and more particularly described by metes and bounds as follows:

BEGINNING at the most Southerly corner of Lot 3 of First's Second Addition in the Southwest Quarter (SW1/4) of the Northwest Quarter (NW1/4), Section Twenty-nine (29), Township Eighty-eight North (T88N), Range Four West (R4W) of the Fifth Principal Meridian, Delaware County, Iowa as recorded in the Office of the Delaware County, Recorder Plat Book 5, Page 152;

Thence South 86°-41'-47" East 180.47 feet along the Southerly line of said Lot 3 and along the Southerly line of Lot Four (4) of First's Second Addition;

Thence continuing along said Southerly line of Lot Four (4) North 86°-04'-05" East 153.00 feet to a Southeasterly corner of Amended Parcel K as recorded in the Office of the Delaware County Recorder in Plat Book 7, Page 165;

Thence along the Southeasterly line of said Amended Parcel K North 29°-00'-00" East 54.82 feet to the right of way line of County Road X-31 (230th Avenue);

Thence South 50°-50'-25" East 393.13 feet along said right of way line to the South line of the Southwest Quarter (SW1/4) of the Northwest Quarter (NW1/4) of said Section Twenty-nine (29);

Thence along said South line South 89°-35'-05" West 654.42 feet;

Thence North 02°-44'-28" West 205.20 feet to the **POINT OF BEGINNING** containing 2.51 acres total divided into Three lots numbered Lot 1 through Lot 3 as shown on the attached plat, **subject to easements of record**;

The South line of Southwest Quarter (SW1/4) of the Northwest Quarter (NW1/4), Section Twenty-nine (29), Township Eighty-eight North (T88N), Range Four West (R4W) of the Fifth Principal Meridian, Delaware County, Iowa is assumed to bear South 89°-35'-05" West.

EASEMENT A - A 50.0' x 100.0' Septic drain field easement is created as shown on the attached plat for the benefit of Lot 3

EASEMENT B – A 30.0' wide access and utility easement is created as shown on the attached plat for the benefit of Lot 1 and Lot 2

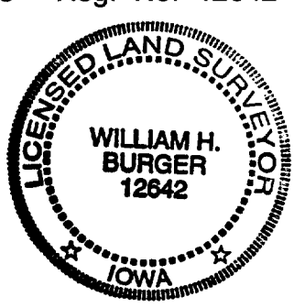
SURVEYORS CERTIFICATE

I hereby certify that this land survey document was prepared and related survey work was performed by me or under my direct personal supervision, and that I am a duly Licensed Land Surveyor under the laws of the State of Iowa; All Monuments were set or will be set within one (1) year of the date this plat is recorded; My license renewal date is December 31, 2004

William H Burger 8/5/04

William H. Burger Date Reg. No. 12642

No. of sheets covered by this seal 1



OWNERS ACKNOWLEDGMENT

I (We) James W. & Sharyl M. Keller of DELAWARE County, State of Iowa, do hereby certify that the above survey, as shown by the attached Plat, is made with my (our) free consent, and in accordance with my (our) desire.

James W. Keller — Sharyl M. Keller

STATE OF IOWA)
) ss.
DELAWARE COUNTY)

On this 4th day of August A. D. 2004 before me, a Notary Public in and for said County, personally appeared James W Keller and Sharyl M. Keller, to me known to be the person or persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

Notary Public in and for said County

ROBERT R. HANSON
NOTARY PUBLIC-STATE OF IOWA
MY COMMISSION EXPIRES 6/06

MORTGAGE HOLDERS ACKNOWLEDGMENT

The undersigned _____ (financial institution) of _____ (city) State of _____, do hereby certify that the attached Plat of Survey of **FLANNAGAN ADDITION** has made with our free consent and in accordance with our desire as lien holder and mortgagee of the premises described herein.

By: _____
Name
Title

STATE OF _____)
) ss.
_____ (county))

On this _____ day of _____ A. D. 2004 before me, the undersigned, a Notary Public in and for said State, personally appeared _____, to me personally known, who being by me duly sworn, did say that they are the Authorized Party, of the corporation executing the within and foregoing instrument; that the seal affixed thereto is the seal of the corporation; that the instrument was signed and sealed on behalf of the corporation by authority of its Board of Directors; and that _____ as officer, acknowledge the execution of the foregoing instrument to be the voluntarily act and deed of the corporation, by it and by them voluntarily executed.

Notary Public in and for said State

Prepared by John M Heckel, 229 Northland Ct NE Cedar Rapids Iowa 52402 319-373-1989

CONSENT TO PLATTING

PHH Mortgage services as holder of the mortgage dated February 8, 2002 and filed February 15, 2002 in Book 2002 Page 607 from James W. Keller and Sharyl M. Keller to Collins Community Credit Union does hereby consent to the platting of the property as Flannagan's First Addition to Delaware County

PHH Mortgage Service

By: _____

Title: Karen Ziegler
Vice President

Sworn and Subscribed before me, a Notary Public, on this 3rd of August, 2004.

_____
Notary Public, State of Iowa.

JANE M. SPARE
Notary Public
State of New Jersey
My commission expires October 9, 2007

Established 1981
John M. Heckel

John M. Heckel P.C.
Attorney at Law
229 Northland Ct. N.E.
Cedar Rapids, Iowa 52402
HECKELLAW@JMHECKEL.COM

Telephone
(319) 373-1989
Facsimile
(319) 373-8673

July 8, 2004

FIRST OPINION
Keller/Flannagan

To whom it may concern:

Upon your request I have examined the abstract of title to the following described real estate located in Delaware County, Iowa, to-wit:

Part of the SW ¼ of the NW ¼ of Section 29, Township 88 North, Range 4 West of the 5th P.M. described as follows: commencing at a point 231.7 feet East of the SW corner of said SW ¼ of the NW ¼ and running thence North 2 40' West 205.8 feet, thence South 85 40' East 181.9 feet thence, North 86 0' East 153 feet, thence North 29 0' East 72.2 feet, thence South 48 49' East 409.8 feet to the South line of the NW ¼ of said Section 29, thence West 657.3 feet to the point of beginning ; to be plated as Flanagan's First Addition to Delaware County Iowa.

Said abstract consists of #89 entries and was last certified to the 29th day of June, 2004 at 8:00 a.m. Delaware County Abstract Company. Based solely upon an examination of said abstract, I find record merchantible title in:

James W Keller and Sharyl M Keller, husband and wife as Joint Tenants with Full Rights of Survivorship, and not as Tenants in Common

Subject to the following matters:

1. At entry # 85, I find a mortgage from James W Keller and Sharyl M Keller, husband and wife to Collins Community Credit Union. Dated February 8, 2002 and filed February 15, 2002 Book 2002, Page 607, Delaware County Recorder's Office with a Consideration of $133,000.00.

2. At entry #86, I find an Assignment from Collins Community Credit Union By: Steven R Shepherd, Vice President Attest: Tim Sebetka, Real Estate Loan Manager to PHH Mortgage Services its Successor's and/or Assigns Dated February 8, 2002 and Filed February 15, 2002 in Book 2002, Page 608, Delaware County Recorder's Office, for value received.

3. At entry # 89 of the abstract, the abstractor states that they are unable to make an examination as to personal taxes assessed as real estate, or for taxes on leased equipment. All taxes are paid. All previous general taxes are paid in full.

4. There are no restrictive covenants which limit restrict or affect the use of the property under examination.

5. I agree that, you may rely upon this opinion using the standard of care applicable under relevant statutory and common law provisions.

6. I specifically direct your attention to the health, building, zoning and fire ordinances of Delaware County, which may regulate and restrict your use of the subject premises.

My opinion is made expressly subject to any rights or claims of parties in possession not shown of record; to defects of title, if any, which may be disclosed by an accurate survey of the premises; to possible mechanics' liens not shown of record, and which may have accrued within 90 days prior to the transfer of the premises, and any special assessments still unconfirmed.

This opinion is expressly made subject to the rights or claims of parties in possession, if any; to the possibility of mechanic's lien claims for work performed or materials supplied within the past ninety (90) days; to the possibility of taxes or special assessments for recent improvements not yet shown as liens by the public records; to the presence of solid waste, radioactive waste, hazardous waste or hazardous substances including those substances defined to be hazardous in 42 U.S.C. Section 9601 (14) and Chapter 455B and 455G, Code of Iowa (1987); to possible errors of survey, easements, servitudes, encroachments, over-laps, boundary line disputes, or other matters which might be disclosed by an accurate survey and careful examination of the premises; and to easements not of record. Further, this opinion is expressly made subject to the rights under federal bankruptcy law or any party in the chain of title, or their successors or assigns, to void any deed or conveyance. This opinion is also made expressly subject to the effect of any laws, ordinances, governmental regulations, covenants or agreements restricting use of the property, or the effect of any violation thereof, including violations of building set-back lines and any limitations imposed upon the property by reason of it lying within a flood plain, if that is the case, and is subject to the governmental exercise of the right of eminent domain or exercise of police powers.

Sincerely,

John M. Heckel
Attorney at Law
(Examiner #2875)

ATTORNEY'S OPINION

I , _____ , a practicing attorney at law in _____ County , Iowa have examined the abstract of title to _____ _____ _____ _____ _____ ;

Said abstract has been prepared in its entirety by the _____ Abstract Company, and was last certified to by said company on the _____ day of _____ , AD, 2004, at the hour of _____ o'clock ___. M.

My examination of said abstract shows good and merchantable title on the date and hour of certification to be in _____ and _____

Dated at _____, Iowa in said County , this _____ day of _____ . 2004

_____
Attorney at Law

DELAWARE COUNTY TREASURER

Delaware,Iowa 7-14, 2004

I the undersigned, Treasurer of Delaware County, Iowa do hereby certify that all taxes and special assessments levied on A Parcel of Land presently owned by James W. Keller and Sharyl M Keller and more particularly described as that part of the SW1/4 of the NW1/*4 of Section 29, Township 88 North, Range 4 West of the 5th P.M. described as commencing at a point 231.7 feet East of the SW corner of said SW1/4 of the NW1/4 and running thence North 2 40' West 205.8 feet, thence South 85 40' East 181.9 feet thence, North 86 0' East 153 feet, thence North 29 0' East 72.2 feet, thence South 48 49' East 409.8 feet to the South line of the NW1/4 of said Section 29, thence West 657.3 feet to the point of beginning. have been paid and said real estate is free and clear of all taxes as of this date.

Carolyn A. Wilson
County Treasurer Delaware County, Iowa

DELAWARE COUNTY RECORDERS CERTIFICATE

Delaware, Iowa _____, 200_

The forgoing plat of **FLANNAGAN ADDITION** has been received by the Dubuque County Recorder.

_____
County Recorder of Delaware County, Iowa

DELAWARE COUNTY E-911 BOARD

Delaware County, Iowa

AUGUST 5, 2004

The foregoing plat of FLANNAGAN ADDITION, Delaware County, Iowa has been examined and approved as to being in full compliance with Delaware County Ordinance #12, The Rural Address System, as passed and adopted by the Delaware County Board of Supervisors on the 8th day of June, 1996

Norman Wellman

Norman Wellman - Coordinator
Delaware County E-911 Board

STATE OF IOWA)
) ss.
DELAWARE COUNTY)

On this 5 day of August A. D. 2004 before me, a Notary Public in and for said County, personally appeared Norman Wellman to me personally known, and, who, being me duly sworn; did say that he is the Coordinator of the Delaware County E-911 Board.

Sharon McCrabb

Notary Public in and for said County

SHARON McCRABB
Commission Number 002573
My Comm. Exp. 6-14-05

Sheet 4A