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DEBORAH L. PEYTON, RECORDER/REGISTRA
DELAWARE COUNTY IOWA

DECLARATION OF RESTRICTIVE COVENANTS

Recorder's Cover Sheet

Preparer Information:

Todd J. Locher, 202 2nd Avenue NW, Box 7, Farley, (563) 744-3359

Taxpayer Information:

Ruth E. Koelker
Box 174
Dyersville, IA 52040

Return Address

Locher & Locher
Box 7
Farley, IA 52046

Grantors:

Ruth E. Koelker

Grantees:

25-90-3

Legal Description: See Pages 3 & 4

Document or instrument number if applicable:

DECLARATION OF RESTRICTIVE COVENANTS

The undersigned, Ruth E. Koelker, being the owner of real property described in the attached Exhibit A and hereby makes the following declarations as to limitations, restrictions and uses to which the above described real property may be put, hereby specifying that said declaration shall constitute covenants to run with all of the said real estate, successors and assignees of all parties and all persons claiming under them and for the benefit and limitation upon all future owners of the above described real estate.

1. Ruth E. Koelker is the owner of the above described real estate and desires to preserve the natural state of the above described real estate for agricultural use.

2. That the above real estate may be used only for agricultural purposes, which shall include crop farming, pasturing livestock and the growing of other trees and plants.

3. Nothing in this Declaration of Restrictive Covenants shall prevent the owner or tenants of the above described real estate from idling the land either in any government set aside program or otherwise.

4. That only one residential dwelling shall be allowed on the above described real estate at any given time.

5. Duration. The covenants and restrictions set forth in this declaration shall run with the land and shall inure to the benefits of and be enforceable by the undersigned owner and her heirs, successors and assigns, for a term of 21 years from the day of this declaration. The declaration of these restrictive covenants must be extended in accordance with Iowa Code Section 614.24 prior to the expiration as set forth herein in order to extend beyond the 21 year duration.

Dated this 9th day of September, 2005.

Ruth E. Koelker

Ruth E. Koelker

EXHIBIT A

The Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼), the Southeast Quarter (SE ¼) of the Southwest Quarter (SW ¼), all that part of the Northeast Quarter (NE ¼) of the Southwest Quarter (SW ¼) that lies East of the Rockville Dixon Settlement road and South and West of the Right of Way of the Chicago Great Western Railroad, and all that part of the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) that lies South and West of the Chicago Great Western Railroad right of way, and West of the center of Bear Creek, all in Section Twenty-five (25), Township Eighty-nine North (T89N), Range Three West (R3W) of the 5th P.M., Delaware County, Iowa, subject to roadways and easements of record,

Except, Lot Two (2) of Krapfl Subdivision, part of the SE ¼ of the SW ¼ of said Section Twenty-five (25), Township Eighty-nine North (T89N), Range Three West (R3W) of the 5th P.M., Delaware County, Iowa, per plat recorded in Book 5 Plats, Page 94.

A tract of land located in the Southeast Quarter (SE ¼) of the Southwest Quarter (SW ¼) of Section Twenty-five (25), Township Eighty-nine North (T89N), Range Three West (R3W) of the 5th P.M., Delaware County, Iowa, and more particularly described as follows:

Commencing at the Southwest corner of said Section Twenty-five (25), Township Ninety North (T90N), Range Three West (R3W) of the 5th P.M., said point being on the northerly right of way line of the Illinois Central Railroad; thence Easterly, along the northerly right of way line of the Illinois Central Railroad, a distance of One thousand five hundred fifty-nine and eight tenths (1559.8) feet to the place of beginning; thence North, at a right angle, a distance of Three hundred fifty (350) feet; thence East Three hundred fifty (350) feet north of and parallel to the said railroad right of way, a distance of Four hundred forty-six and ninety-nine hundredths (446.99) feet, to the westerly right of way line of the public road, a distance of Three hundred sixty-four and ninety-five hundredths (364.95) feet, to the northerly right of way line of the Illinois Central Railroad; thence west, along the said Illinois central Railroad right of way line, a distance of Five hundred fifty (550) feet to the place of beginning; and containing four (4.0) acres.

Subject to easements, rights of way, building restrictions, minerals heretofore reserved by previous owners, any valid mineral leases of record, and unmatured installments of special assessments, if any.

A strip of land 100 feet in width extending over and across that part of the Northeast Quarter (NE ¼) of the Southwest Quarter (SW ¼) of Section Twenty-five (25), Township Eighty-nine North (T89N), Range Three West (R3W) of the 5th P.M., Delaware County, Iowa, lying Easterly of the centerline of the North-South public road running through said Quarter-Quarter Section, said strip of land being Fifty (50) feet in width on each side of the centerline of said main track (now removed) of the Dubuque and Northwestern Railway Company (later the Chicago Great Western Railway Company), as said main track centerline was originally located and established over and across said Section Twenty-five (25).

Also:

A strip of land Fifty (50) feet in width lying Northeasterly of and adjoining said above-described 100 foot-wide strip of land, and lying Westerly of a line drawn parallel with the East line of the Southwest Quarter (SW ¼) of said Section Twenty-five (25) through a point on said original main track centerline a distant 277.5 feet Northwesterly from the intersection thereof with the East line of said Southwest Quarter (SW ¼) of Section Twenty-five (25).

STATE OF IOWA)
) ss:
DUBUQUE COUNTY)

On this 9th day of September, 2005, before me, the undersigned a Notary Public in and for said State, personally appeared Ruth E. Koelker, to me known to be the identical person named in and who executed the foregoing instrument and acknowledged that she executed the same as her voluntary act and deed.

TODD J. LOCHER
Iowa Notarial Seal
Commission Number: 176419
My Commission Expires: 10/12/06

Notary Public