Book 2008 Page 32
Document 2008 32 Type 06 002 Pages 10
Date 1/04/2008 Time 8:43:36AM
Rec Amt $52.00

DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

FILED
JAN - 4 2008
CARLA K. BECKER
DELAWARE COUNTY AUDITOR

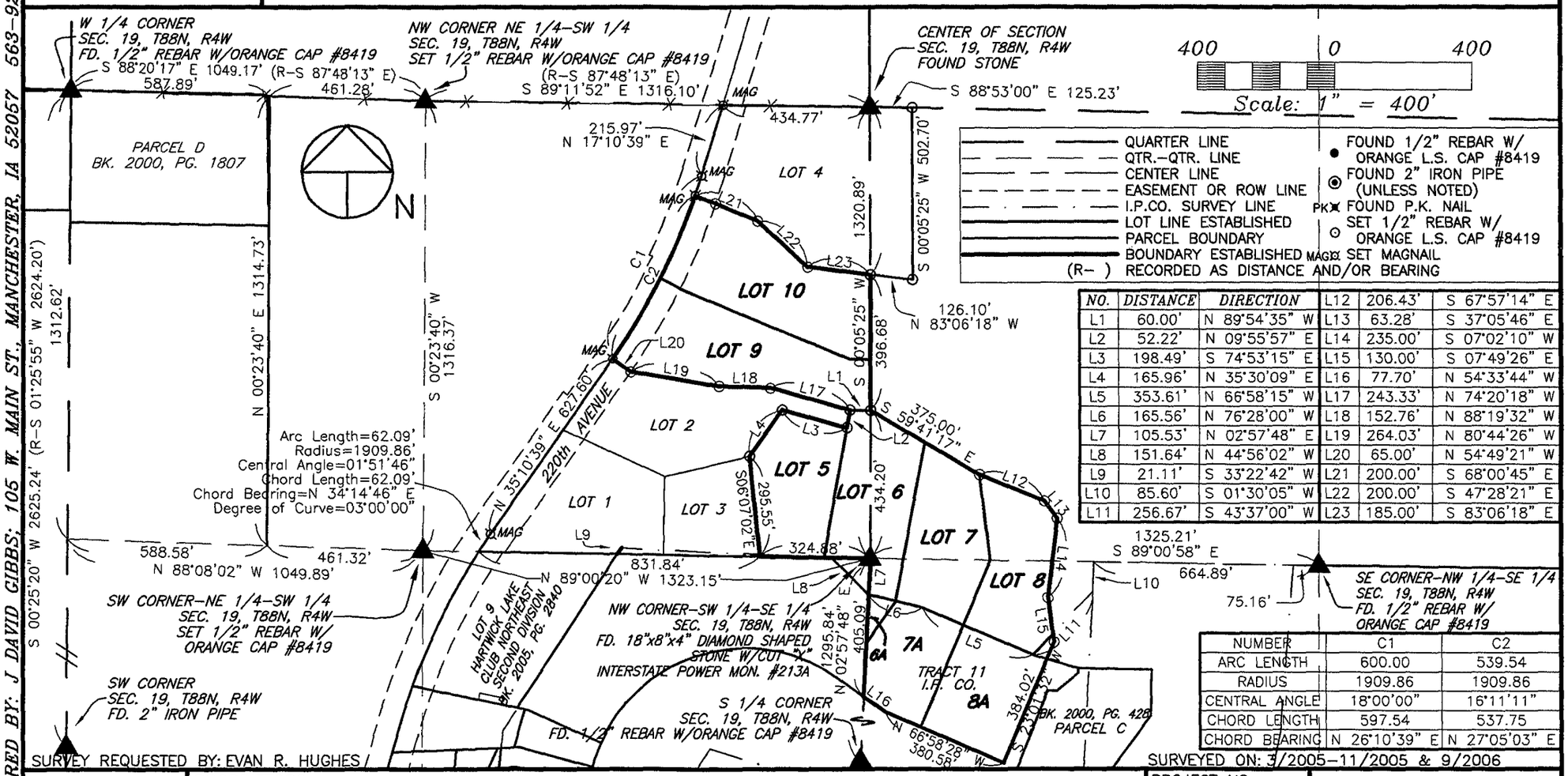
FILED
JAN - 4 2008
CLAUDIA J. CAHALAN
DELAWARE COUNTY ASSESSOR

PLAT OF SURVEY

THE VILLAGE — SECOND ADDITION

PART OF THE SW 1/4 & PART OF THE SE 1/4 OF SECTION 19, T88N, R4W OF THE FIFTH P.M., DELAWARE COUNTY, IOWA

PREPARED BY: J. DAVID GIBBS; 105 W. MAIN ST., MANCHESTER, IA 52057 563-927-2434



QUARTER LINE
QTR.-QTR. LINE
CENTER LINE
EASEMENT OR ROW LINE
I.P.CO. SURVEY LINE
LOT LINE ESTABLISHED
PARCEL BOUNDARY
BOUNDARY ESTABLISHED
(R-) RECORDED AS DISTANCE AND/OR BEARING

● FOUND 1/2" REBAR W/ ORANGE L.S. CAP #8419
◉ FOUND 2" IRON PIPE (UNLESS NOTED)
PK FOUND P.K. NAIL
⊙ SET 1/2" REBAR W/ ORANGE L.S. CAP #8419
MAG SET MAGNAIL

NO.	DISTANCE	DIRECTION	NO.	DISTANCE	DIRECTION
L1	60.00'	N 89°54'35" W	L13	63.28'	S 37°05'46" E
L2	52.22'	N 09°55'57" E	L14	235.00'	S 07°02'10" W
L3	198.49'	S 74°53'15" E	L15	130.00'	S 07°49'26" E
L4	165.96'	N 35°30'09" E	L16	77.70'	N 54°33'44" W
L5	353.61'	N 66°58'15" W	L17	243.33'	N 74°20'18" W
L6	165.56'	N 76°28'00" W	L18	152.76'	N 88°19'32" W
L7	105.53'	N 02°57'48" E	L19	264.03'	N 80°44'26" W
L8	151.64'	N 44°56'02" W	L20	65.00'	N 54°49'21" W
L9	21.11'	S 33°22'42" W	L21	200.00'	S 68°00'45" E
L10	85.60'	S 01°30'05" W	L22	200.00'	S 47°28'21" E
L11	256.67'	S 43°37'00" W	L23	185.00'	S 83°06'18" E

NUMBER	C1	C2
ARC LENGTH	600.00	539.54
RADIUS	1909.86	1909.86
CENTRAL ANGLE	18°00'00"	16°11'11"
CHORD LENGTH	597.54	537.75
CHORD BEARING	N 26°10'39" E	N 27°05'03" E

SURVEY REQUESTED BY: EVAN R. HUGHES

SURVEYED ON: 3/2005-11/2005 & 9/2006

SCALE: 1"=400'	
DATE: 10/13/2006	
DRAWN BY: RLR	
CHECKED BY: JDG	
FIELD BK: D.L.	
REVISED	
SHEET 1 OF 10	

PROPRIETORS:
H & H INVESTMENT, INC.

PROJECT NO.
04-08

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE 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.

J. DAVID GIBBS, P.E., L.S. LICENSE #8419 DATE 1/2/08
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2008

LICENSED LAND SURVEYOR
J. DAVID GIBBS 8419
IOWA

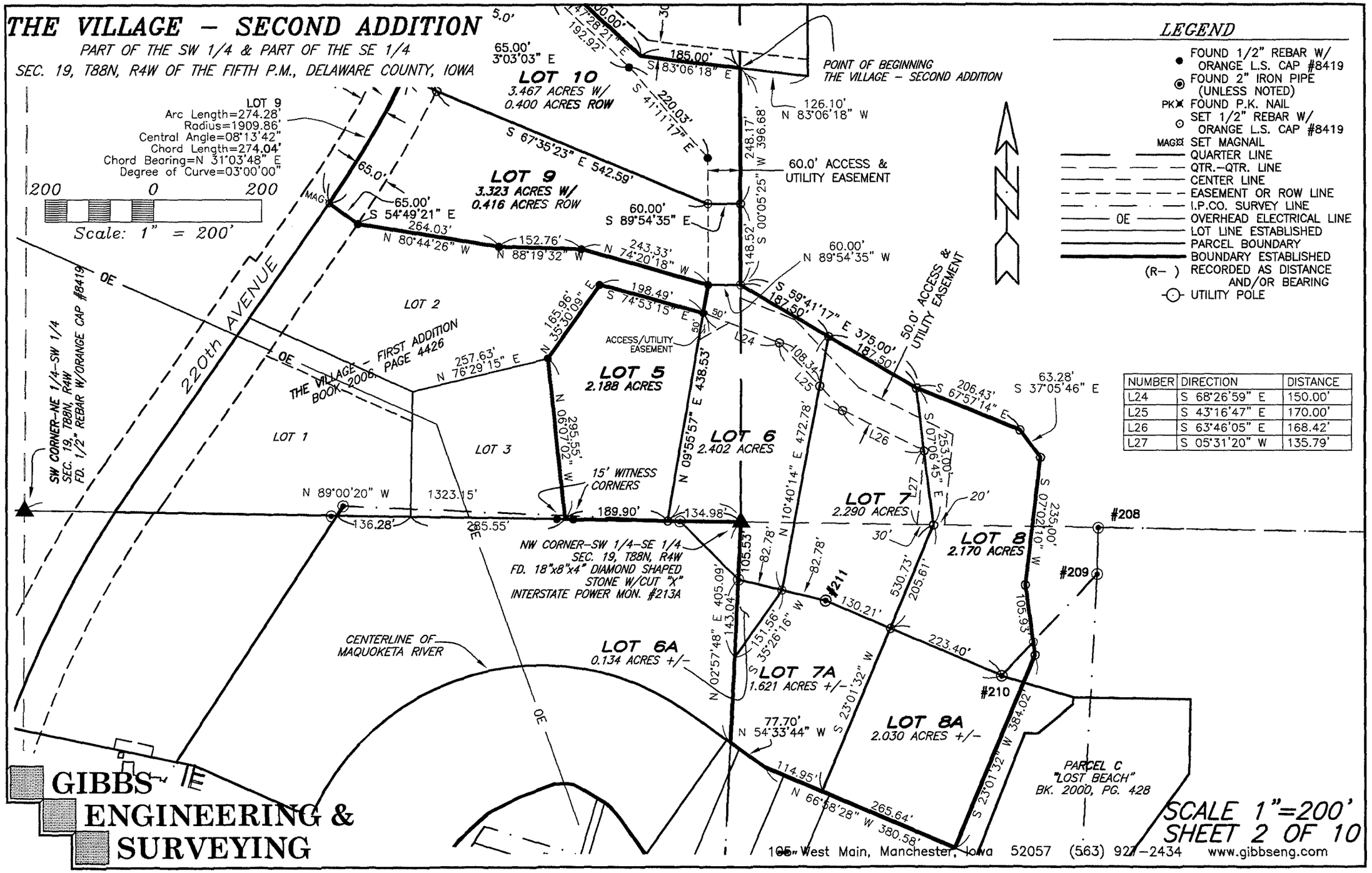
PAGES OR SHEETS COVERED BY THIS SEAL: 1-5

GIBBS ENGINEERING & SURVEYING
105 WEST MAIN STREET, MANCHESTER, IA 52057

BOOK 2008 PAGE 32

THE VILLAGE – SECOND ADDITION

PART OF THE SW 1/4 & PART OF THE SE 1/4
SEC. 19, T88N, R4W OF THE FIFTH P.M., DELAWARE COUNTY, IOWA



LEGEND

- FOUND 1/2" REBAR W/ ORANGE L.S. CAP #8419
- FOUND 2" IRON PIPE (UNLESS NOTED)
- PK FOUND P.K. NAIL
- SET 1/2" REBAR W/ ORANGE L.S. CAP #8419
- MAG SET MAGNAIL
- QUARTER LINE
- QTR.–QTR. LINE
- CENTER LINE
- EASEMENT OR ROW LINE
- I.P.CO. SURVEY LINE
- OE OVERHEAD ELECTRICAL LINE
- LOT LINE ESTABLISHED
- PARCEL BOUNDARY
- BOUNDARY ESTABLISHED
- (R–) RECORDED AS DISTANCE AND/OR BEARING
- UTILITY POLE

NUMBER	DIRECTION	DISTANCE
L24	S 68°26'59" E	150.00'
L25	S 43°16'47" E	170.00'
L26	S 63°46'05" E	168.42'
L27	S 05°31'20" W	135.79'

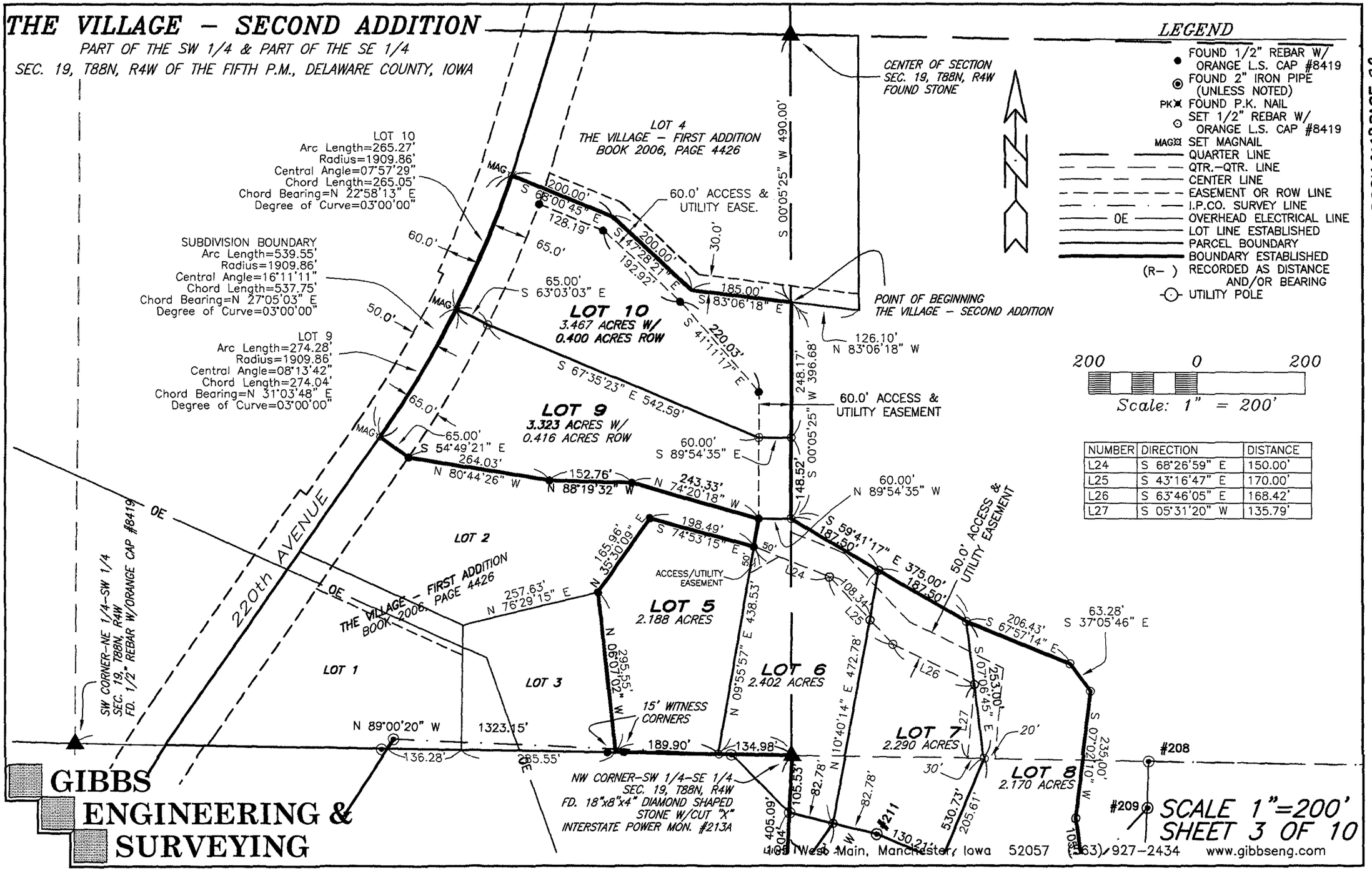
GIBBS ENGINEERING & SURVEYING
105 West Main, Manchester, Iowa 52057 (563) 927–2434 www.gibbseng.com

SCALE 1"=200'
SHEET 2 OF 10

THE VILLAGE – SECOND ADDITION

PART OF THE SW 1/4 & PART OF THE SE 1/4

SEC. 19, T88N, R4W OF THE FIFTH P.M., DELAWARE COUNTY, IOWA



GIBBS ENGINEERING & SURVEYING

1103 West Main, Manchester, Iowa 52057 (563) 927–2434 www.gibbseng.com

BOOK 2008 PAGE 32

LEGAL DESCRIPTION:

***THE VILLAGE – SECOND ADDITION**; PART OF THE SOUTHWEST QUARTER (SW ¼) AND PART OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION NINETEEN (19), TOWNSHIP EIGHTY-EIGHT NORTH (T88N), RANGE FOUR WEST (R4W) OF THE FIFTH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA,* containing a total of 19.625 acres, including 0.816 acres of public road right of way, divided into Nine (9) Lots numbered Lot 5 through Lot 10, and Lot 6A through Lot 8A, subject to easements of record, and more specifically described by metes and bounds as follows;

COMMENCING at the Center of Section Nineteen (19), Township Eighty-eight North (T88N), Range Four West (R4W) of the Fifth Principal Meridian, Delaware County, Iowa;

THENCE along the Easterly Line of the Northeast quarter (NE ¼) of the Southwest Quarter (SW ¼) of said Section Nineteen (19), South 00° 05' 25" West, to a point on the Southerly Line of Lot 4 of The Village – First Addition, as recorded in Book 2006, Page 4426 in the Office of the Delaware County Recorder, 490.00 feet to the **POINT OF BEGINNING**;

THENCE continuing along the Easterly Line of the Northeast quarter (NE ¼) of the Southwest Quarter (SW ¼) of said Section Nineteen (19), South 00° 05' 25" West, 396.68 feet;

THENCE South 59° 41' 17" East, 375.00 feet;

THENCE South 67° 57' 14" East, 206.43 feet;

THENCE South 37° 05' 46" East, 63.28 feet;

THENCE South 07° 02' 10" West, 235.00 feet;

THENCE South 07° 49' 26" East, 130.00 feet;

THENCE South 23° 01' 32" West, to the centerline of Lake Delhi, also being the centerline of the Maquoketa River, 384.02 feet, more or less;

THENCE along the centerline of Lake Delhi, also being the centerline of the Maquoketa River, North 66° 58' 28" West, 380.58 feet, more or less;

THENCE along the centerline of Lake Delhi, also being the centerline of the Maquoketa River, North 54° 33' 44" West, to the Westerly Line of the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) of said Section Nineteen (19), also being the Easterly Line of Hartwick Lake Club Northeast Second Division, as recorded in Book 2005, Page 2840 in the Office of the Delaware County Recorder, 77.70 feet, more or less;

THENCE along the Westerly Line of the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) of said Section Nineteen (19), also being the Easterly Line of Hartwick Lake Club Northeast Second Division, North 02° 57' 48" East, to the Northwest Corner of the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) of said Section Nineteen (19), being the Northeast Corner of said Hartwick Lake Club Northeast Second Division, 405.09 feet, more or less;

THENCE along the Southerly Line of the Northeast Quarter (NE ¼) of the Southwest Quarter (SW ¼) of said Section Nineteen (19), also being the Northerly Line of said Hartwick Lake Club Northeast Second Division, North 89° 00' 20" West, to the Southeast Corner of Lot 3 of said The Village – First Addition, 324.88 feet;

THENCE along the Easterly Line of Lot 3 of said The Village – First Addition, North 06° 07' 02" West, to the Southerly Line of Lot 2 of said The Village – First Addition, 295.55 feet;

THENCE along the Southerly Line of Lot 2 of said The Village – First Addition, North 35° 30' 09" East, 165.96 feet;

THENCE continuing along the Southerly Line of Lot 2 of said The Village – First Addition, South 74° 53' 15" East, to the Southeast Corner of said Lot 2, 198.49 feet;

THENCE along the Easterly Line of Lot 2 of said The Village – First Addition, North 09° 55' 57" East, to the Northeast Corner of said Lot 2, 52.22 feet;

THENCE along the Northerly Line of said Lot 2, North 74° 20' 18" West, 243.33 feet;

THENCE continuing along the Northerly Line of said Lot 2, North 88° 19' 32" West, 152.76 feet;

THENCE continuing along the Northerly Line of said Lot 2, North 80° 44' 26" West, to the Easterly right of way line of 220th Avenue, 264.03 feet;

THENCE North 54° 49' 21" West, to the centerline of 220th Avenue, 65.00 feet;

THENCE along the centerline of 220th Avenue along a circular curve concave Northwesterly for an arc length of 539.54 feet, said circular curve having a radius of 1909.86 feet, a central angle of 16° 11' 11", a chord length of 537.75 feet, and a chord bearing of North 27° 05' 03" East, to the Southwest Corner of Lot 4 of said The Village – First Addition;

THENCE along the Southerly Line of said Lot 4, South 68° 00' 45" East, 200.00 feet;

THENCE continuing along the Southerly Line of said Lot 4, South 47° 28' 21" East, 200.00 feet;

THENCE continuing along the Southerly Line of said Lot 4, South 83° 06' 18" East, 185.00 feet to the **POINT OF BEGINNING**;

Containing 19.625 acres, including 0.816 acres of public road right of way, divided into Nine (9) Lots numbered Lot 5 through Lot 10, and Lot 6A through Lot 8A, and subject to easements of record.

The Northerly Line of the Northeast Quarter (NE ¼) of the Southwest Quarter (SW ¼) of Section Nineteen (19), Township Eighty-eight North (T88N), Range Four West (R4W) of the Fifth Principal Meridian, Delaware County, Iowa is assumed to bear South 89° 11' 52" East.

OWNER'S ACKNOWLEDGMENT

I Evan R. Hughes, President of H & H Investment, Inc. of Delaware County, State of Iowa, do hereby certify that the above survey, as shown by the attached Plat, is made with our free consent, and in accordance with our desire.

Evan R. Hughes, President of H & H Investment, Inc.

State of Iowa)
)
County of Delaware) ss:

On this 2nd day of January A.D. 2008, before me a Notary Public in and for said State, personally appeared Evan R. Hughes, to me personally known, who being by me duly sworn, did say that this person is President of H & H Investment, Inc., and that said instrument was signed on behalf of said corporation by the authority of its board of directors (or trustees); and H and H Investment, Inc. acknowledged the execution of said instrument to be the voluntary act and deed of said corporation by it voluntarily executed.

Notary Public in and for said State

NOTARIAL SEAL IOWA
RANDY RATTENBORG
Commission Number 224055
My Commission Expires
8-17-2008

MORTGAGE HOLDERS ACKNOWLEDGMENT

The First State Bank, State of Iowa, does hereby certify that the above survey, as shown by the attached Plat, is made with our free consent and in accordance with our desire as mortgage holder of a portion of the premises described herein.

By _____

By _____

State of Iowa)
)
County of Delaware) Ss:

On this 2nd day of January, 2008, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Joseph Wiesel and David R Dudley, to me personally known, who being duly sworn, did say that they are the President and Exec. Vice President respectively, of First State Bank executing the within and foregoing instrument to which this is attached, that the seal affixed hereto is the seal of First State Bank; that said instrument was signed and sealed on behalf of First State Bank by authority of its Board of Directors; and that Joseph Wiesel and David R Dudley as officers acknowledged the execution of the foregoing instrument to be the voluntary act and deed of First State Bank, by it and by them voluntarily executed.

Colleen Meyer
Notary Public in and for said State

COLLEEN MEYER
Notarial Seal - Iowa
Commission # 704820
My Commission Expires 8/28/09

Q:\Surveys\Hughes\04-08_Site_19\Legal Village 2 Add.doc

APPROVAL OF AUDITOR

I, Carla K. Becker, Auditor of Delaware County, Iowa, pursuant to Iowa Code Sections 354.6(2) and 354.11(6), have reviewed and do hereby approve of the subdivision name or title of **THE VILLAGE – SECOND ADDITION**, a subdivision in Delaware County, Iowa.

Carla K. Becker 1/2/08
Carla K. Becker, Delaware County Auditor Date

State of Iowa)
)
County of Delaware)

On this 2nd day of January, 2008, before me Julia L. Hackbarth a Notary Public in and for the State of Iowa, personally appeared Carla K. Becker, to me personally known, and, who, being duly sworn, did say that she is the Auditor of Delaware County, Iowa.

JULIA L. HACKBARTH
Commission Number 169605
My Commission Expires
May 24, 2008

Julia L. Hackbarth
Notary Public

DELAWARE COUNTY E-911 BOARD

Delaware County, Iowa

The foregoing plat of **THE VILLAGE – SECOND ADDITION**, has been examined and approved as to being in full compliance with Delaware County Ordinance #12, The Uniform Rural Address System, as passed and adopted by the Delaware County Board of Supervisors on the 6th day of August, 1996

Norman Wellman
Norman Wellman - Coordinator
Delaware County E-911 Board

State of Iowa)
)
County of Delaware) Ss:

On this 2nd day of January, 2008 before me Julia L. Hackbarth a Notary Public in and for the State of Iowa, personally appeared Norman Wellman, to me personally known, and, who, being me duly sworn, did say that he is the Coordinator for the Delaware County E-911 Board.

JULIA L. HACKBARTH
Commission Number 169605
My Commission Expires
May 24, 2008

Julia L. Hackbarth
Notary Public

CERTIFICATE OF TREASURER

I, the undersigned, Carolyn A. Wilson, Treasurer of Delaware County, Iowa, do hereby certify that all taxes and special assessments against **THE VILLAGE – SECOND ADDITION,** Delaware County, Iowa, have been paid and said real estate is free and clear of all taxes as of this date.

DELAWARE COUNTY TREASURER SEAL IOWA

Carolyn A. Wilson 1-2-08
Carolyn A. Wilson, County Treasurer Date

GRAY, STEFANI & MITVALSKY, P.L.C.
LAWYERS
Established 1938
MAILING ADDRESS
P.O. BOX 456
CEDAR RAPIDS, IOWA 52406-0456

FRANK S. MITVALSKY
RAYMOND R. STEFANI II
RICHARD A. STEFANI
THOMAS F. OCHS
RICHARD F. MITVALSKY

RAYMOND R. STEFANI (OF COUNSEL)

B.D. SILLIMAN (1895-1988)
WILLIAM O. GRAY (1914-1997)
RUSSELL I. HESS (1906-2002)

TELEPHONE (319) 364-1535

FACSIMILE (319) 364-1562

OFFICE LOCATION
200 AMERICAN BUILDING
101 SECOND STREET, S.E.
CEDAR RAPIDS, IOWA
52401-1245

e-mail: fsmitvalsky@gsmlawyers.com

ATTORNEY'S OPINION
December 27, 2007

To Whom It May Concern:

I have examined the Abstract of Title to the land which includes THE VILLAGE – SECOND ADDITION, Delaware County, Iowa, on premises more specifically described in the Surveyor's Certificate of J. David Gibbs, dated January 2, 2008.

Said Abstract was prepared by the Delaware County Abstract Company, Inc., and was last certified to by said company on the 17th day of December, 2007, at 8:00 a.m.

My examination of said Abstract shows good and merchantable title to be in

H AND H INVESTMENT, INC.,

free and clear of all mortgages, liens or other encumbrances, except as follows:

1. A Mortgage to First State Bank dated October 1, 1999, filed for record in the office of the Delaware County Recorder on October 1, 1999, appearing there in Book 1999 at Page 3504.

2. A Mortgage to First State Bank dated September 30, 2002, filed for record in the office of the Delaware County Recorder on October 1, 2002, appearing there in Book 2002 at Page 3538.

3. A Deed of Trust to First State Bank dated April 20, 2007, filed for record in the office of the Delaware County Recorder on April 23, 2007, appearing there in Book 2007 at Page 1205.

4. An agreement to convey in the future, by way of a separate document, an easement over and across certain real estate (of which a portion of the land included in THE VILLAGE – SECOND ADDITION is a part) for access to a parcel locally known as Lost Beach.

5. A reservation of one-fourth of all oil and gas and mineral rights to certain predecessors in title, with regard to real estate, a portion of which involves land included in THE VILLAGE – SECOND ADDITION.

6. A reservation of rights to Interstate Power Company, its successors and assigns, to make removals, modifications, alterations and additions as may be required by the Federal Power Commission, with regard to certain real estate included in THE VILLAGE – SECOND ADDITION.

7. An easement granted to Delaware County for road purposes and for use as a public highway.

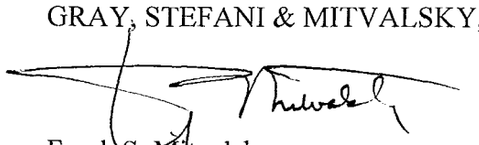
8. Unpaid real estate taxes, plus interest, for fiscal year 2006-2007.

9. Your attention is called to any limitations imposed upon the property in the event it lies within a flood plain, and by zoning regulations and restrictions and other use restrictions passed by an appropriate governmental agency.

This opinion is made expressly subject to any rights or claims of parties in possession of the premises not shown of record; to defects of title, if any, which may be disclosed by an accurate survey of the premises; to any improvements made or contracted for upon which mechanic's liens could be based within ninety days prior to the date of transfer of the premises; to the presence of solid waste, radioactive waste, hazardous waste or hazardous substances, including those substances defined to be hazardous in Chapter 42, United States Code Section 9601(14) and Chapter 455B of the 2007 Code of Iowa; and to any special assessments still unconfirmed, all these being matters not shown in the Abstract and requiring independent knowledge or information on your part.

Respectfully submitted,

GRAY, STEFANI & MITVALSKY, P.L.C.



Frank S. Mitvalsky

FSM/vkw