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MAY 8 2009
CLAUDIA K. BECKER
DELAWARE COUNTY AUDITOR

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CLAUDIA J. CAHALAN
DELAWARE COUNTY ASSESSOR

✓ Book 2009 Page 1872

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DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

PREPARED BY/RETURN TO: RANDALL L. RATTENBORG; 105 W. MAIN ST., MANCHESTER, IA 52057 563-927-2434

PLAT OF SURVEY

PARCEL U

PART OF THE SW 1/4-SW 1/4
SEC. 27, T90N, R6W OF THE 5th P.M., DELAWARE COUNTY, IOWA

LEGAL DESCRIPTION:

PARCEL U, PART OF THE SOUTHWEST QUARTER (SW ¼) OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION TWENTY-SEVEN (27), TOWNSHIP NINETY NORTH (T90N), RANGE SIX WEST (R6W) OF THE FIFTH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA, containing a total of 0.72 acres, including 0.55 acres of public road right of way, subject to easements of record, and more particularly described by metes and bounds as follows;

COMMENCING at the Northeast Corner of the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of Section Twenty-seven (27), Township Ninety North (T90N), Range Six West (R6W) of the Fifth Principal Meridian, Delaware County, Iowa;

THENCE along the Easterly Line of the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of said Section Twenty-seven (27), South 03° 02' 08" West, 33.04 feet to the POINT OF BEGINNING;

THENCE continuing along the Easterly Line of the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of said Section Twenty-seven (27), South 03° 02' 08" West, 220.24 feet;

THENCE North 89° 37' 56" West, to the Southerly extension of the Easterly Line of Parcel K, as recorded in Plat Book 8, Page 70 in the Office of the Delaware County Recorder, 131.05 feet;

THENCE along the Easterly Line of said Parcel K and Southerly extension thereof, North 02° 59' 14" West, 220.38 feet;

THENCE South 89° 37' 56" East, 154.20 feet to the POINT OF BEGINNING;

Containing a total of 0.72 acres, including 0.55 acres of public road right of way, and subject to easements of record.

The above Legal Description and attached Plat of Survey is a retracement of an existing Legal Description as recorded in a contract between Gloria R. Fangman and Carolyn Boll in L. D. Book 134, Page 368. See attached surveyors report to explain conflicts.

SURVEY REQUESTED BY: STEVE CARR, CARR & CARR ATTORNEYS

SURVEYED ON: 12/18/2008

LICENSED LAND SURVEYOR
RANDALL L. RATTENBORG
17939
IOWA

PAGES OR SHEETS COVERED BY THIS SEAL: 1-5

PROPRIETORS: GLORIA R. FANGMAN c/p CAROLYN BOLL

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.

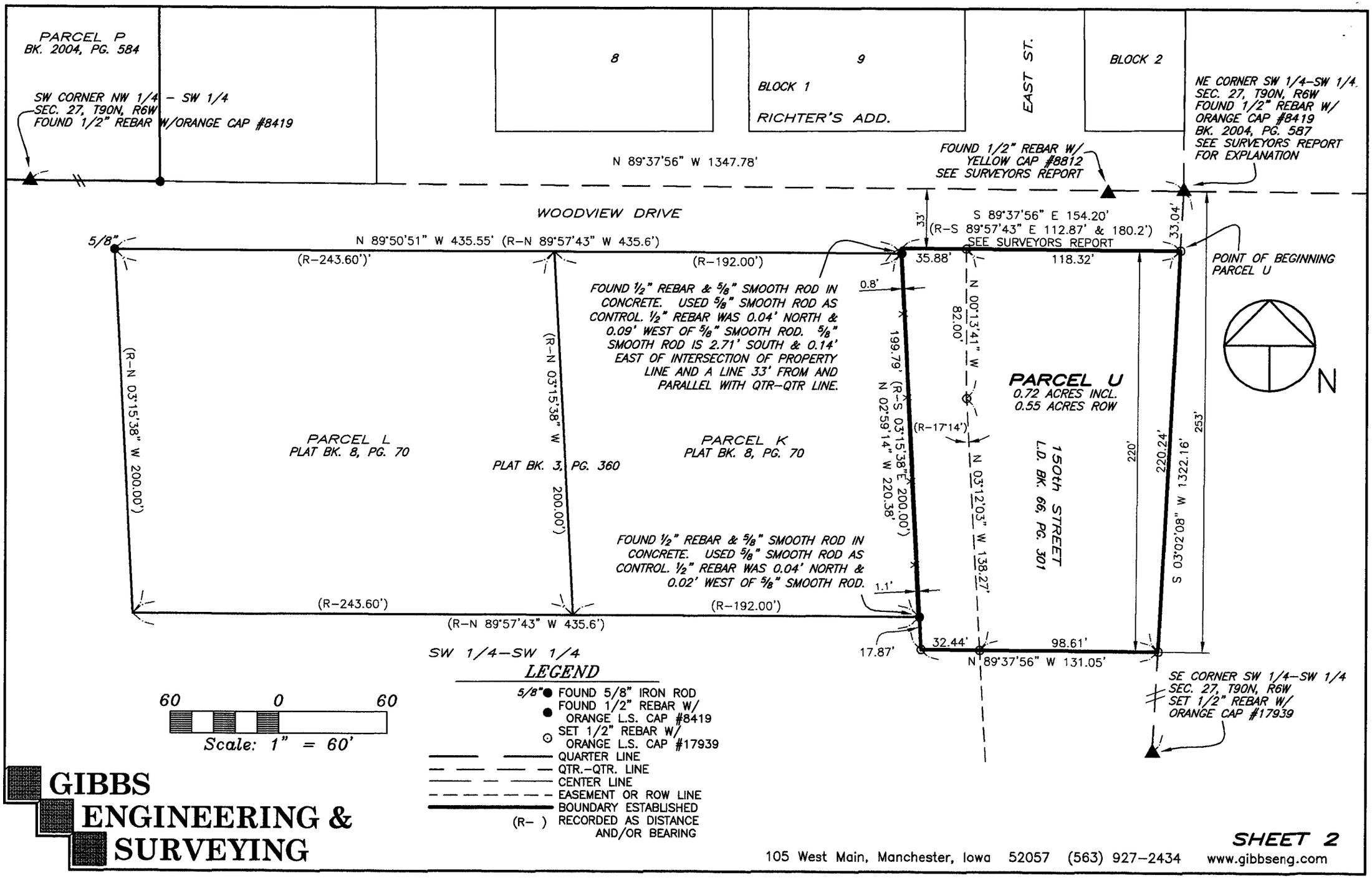
5/8/09

RANDALL L. RATTENBORG L.S. LIC. #17939 DATE

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2009

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

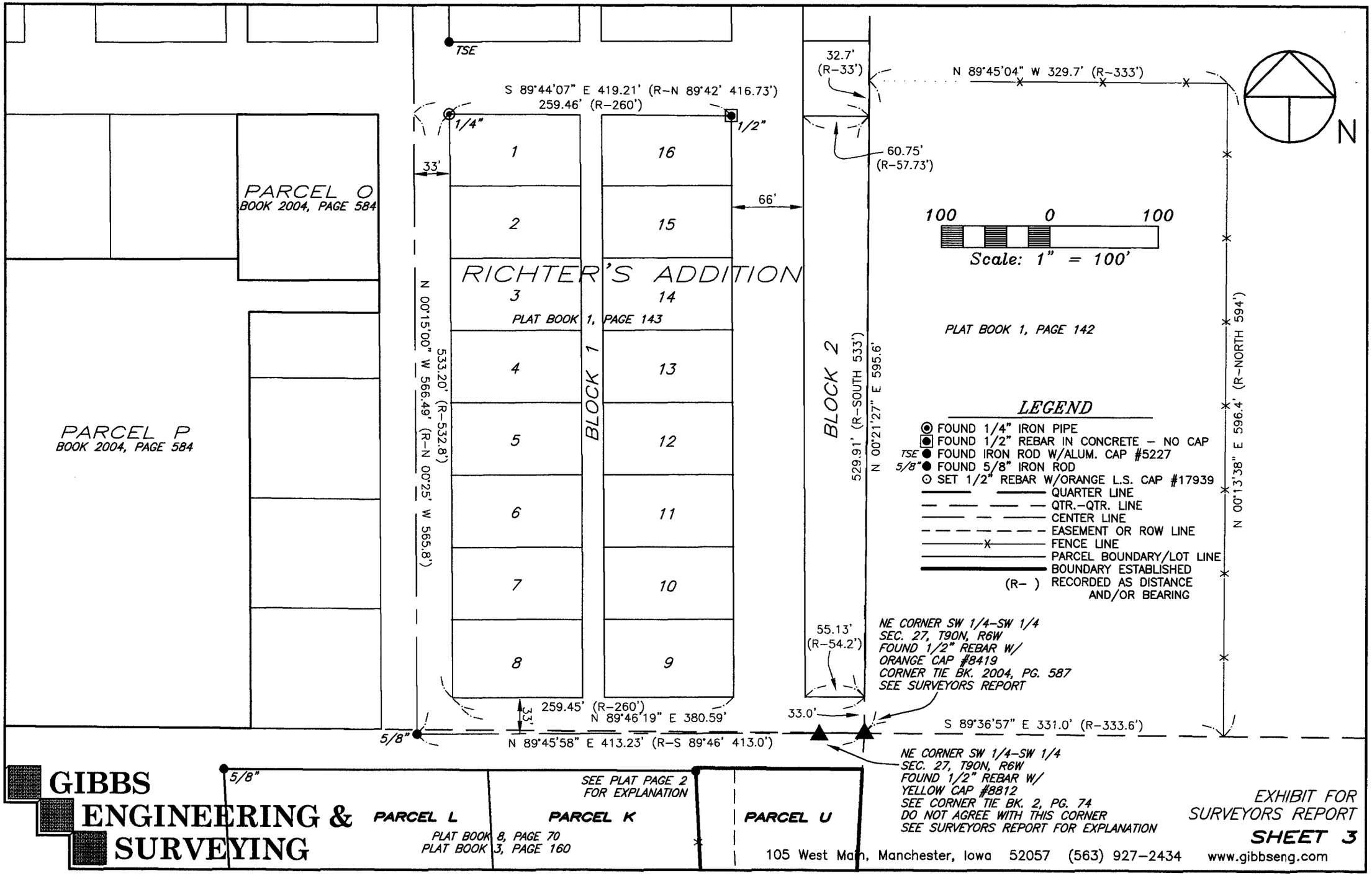
PROJECT NO. 08-82
SCALE: 1"=50'
DATE: 1/2/2009
DRAWN BY: RLR
CHECKED BY: JDG
GPS: 10
REVISED
SHEET 1 OF 5



GIBBS ENGINEERING & SURVEYING

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

SHEET 2



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EXHIBIT FOR SURVEYORS REPORT

SHEET 3

BOOK 2009 PAGE 1873

SURVEYORS REPORT

This survey report is being done to clarify a distance in the contract between Gloria R. Fangman and Carolyn Boll recorded in L.D. Book 134, Page 368. The distance in question was 180.2 feet as stated in a Certificate of Land Survey by A.H. Miller recorded on September 29, 1978 in Plat Book 3, Page 160. This distance is also stated to be 112.87 feet in a Plat of Survey done by Daniel Crawford recorded on July 31, 1997 in Plat Book 8, Page 70.

CHAIN OF TITLE:

The North ½ of the SW ¼-SW ¼ of Section 27, T89N, R6W of the Fifth Principal Meridian is owned by Josephine A. Malone per Change of Title dated Nov. 25, 1969. Subsequently a survey done by A.H. Miller recorded in Plat Book 3, Page 160 creates a parcel with a legal description as follows; (hereafter referred to as a 2.00 acre parcel)

> That part of the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of Section Twenty-seven (27), Township Ninety North (T90N), Range Six West (R6W) of the Fifth (5^{th}) P.M., Delaware County, Iowa, described as commencing at the North-east Corner of the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of said Section Twenty-seven (27), thence South 33.0 feet, thence North 86°-55' West 180.2 feet to the point of beginning, thence South 200.0 feet, thence North 86°-55' West, 435.6 feet, thence North 200.0 feet, thence South 86°-55' East 435.6 feet to the point of beginning, said parcel containing approximately 2.00 acres subject to easements of record. The East Line of the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of said Section Twenty-seven (27) is assumed to bear due North and South.

Then Josephine A. Malone conveys to Benjamin Dexter Hilsenbeck the 2.00 acre parcel described above in LD Book 104, Page 192;

Then Josephine A. Malone conveys to James and Darcy Fangman the N ½ of the SW ¼-SW ¼ except the above 2.00 acre parcel in LD Book 112, Page 198;

Then in a Change of Title the estate of Benjamin Dexter Hilsenbeck conveys the 2.00 acre parcel to Steve D. Hilsenbeck in August 7, 1987, in CT Book 2, Page 222;

Then Steve D. Hilsenbeck and Gail Hilsenbeck conveys to Donald Dean Boone and Marlene Rae Boone the 2.00 acre parcel in LD Book 121, Page 119;

Then James and Darcy Fangman conveys to Larry and Gloria Fangman the N ½ of the SW ¼-SW ¼ except the above 2.00 acre parcel in LD Book 121, Page 152;

Then Gloria Fangman conveys under contract to Carolyn Boll in LD Book 134, Page 368

> The South Two Hundred Twenty (220) feet of the North Two Hundred Fifty Three (253) feet of the East One Hundred Eighty and Two-tenths (180.2) feet of the North one-half (N1/2) of the Southwest Quarter (SW ¼) of the Southwest Quarter (SW ¼) of Section Twenty-seven (27), Township Ninety (90) North), Range Six (6), West of the Fifth P.M., subject to roadways and easements of record and ...

Then Larry Fangman conveys by Quit Claim Deed to Gloria Fangman the N ½ of the SW ¼-SW ¼ except the above 2.00 acre parcel in LD Book 135, Page 1;

Then Parcel L and Parcel K are created from the above 2.00 acre parcel in a survey by Daniel Crawford in Plat Book 8, Page 70. This survey introduces a 112.87 foot distance to replace the recorded 180.2 foot distance as mentioned in every deed or contract listed above.

Then Donald and Marlene Boone conveys to Tammy Penny and Terry Steger Parcel K in LD Book 138, Page 216;

Then Donald and Marlene Boone conveys Parcel L to Robert and Ina Davis in LD Book 139, Page 222;

Then Tammy Penny and Terry Steger conveys Parcel K to Ralph and Betty Neuhaus in LD Book 139, Page 277;

Then Ralph and Betty Neuhaus conveys Parcel K to Robert and Ina Davis in LD Book 140, Page 52;

Then Gloria Kiburz (fka Gloria Fangman) conveys to Thomas and Tonetta Fangman (1/2 interest) and Katherine Nurre (1/2) interest the N ½ of the SW ¼-SW ¼ except the above 2.00 acre parcel (using the 180.2 foot distance) and except Parcels K and L, and except the legal description used in the contract to Carolyn Boll in Book 2002, Page 4387;

Then Katherine and Paul Nurre convey their ½ interest (using the 180.2 foot distance) to Thomas and Tonnetta Fangman in Book 2002, Page 4388;

Then Robert and Ina Davis conveys to Wayne and Gabriele Davis the Northeasterly one-half (NEly1/2) of Parcel K in Book 2007, Page 3504.

DESCRIPTION OF CONFLICT

The conflict is the location of the Northeast Corner of the SW ¼-SW ¼ of Section Twenty-seven (27). An iron pin was originally set at this disputed corner as shown in the Plat of Richter's Addition, recorded in Plat Book 1, Page 143 on September 29, 1920, and noted in the legal description of Richter's Addition. A survey of a parcel in the N ½ of the SW ¼ of Section Twenty-seven (27) recorded in Plat Book 1, Page 142 also shows this corner. I believe this monument has been obliterated. This is the Point of commencement for the A.H. Miller and Daniel Crawford survey and for this survey.

The discrepancy is in the 180.2 feet distance from the A.H. Miller survey and the 112.87 foot distance used in the Daniel Crawford Survey. The actual location of the boundary of Parcel K and Parcel L in the field are not in question based on found monumentation shown in the attached plat of Parcel U. From survey notes found in the survey project file located in the office of TeKippe Engineering (formerly Tri-State Engineering, owned by A.H. Miller) the intent and location of the originally surveyed BOUNDARY of the 2.00 acre parcel matches the field evidence. However, the 180.2 foot distance cannot be recreated using the field evidence. This distance could be a typographical error and could possibly be 150.2 feet which is a closer match to the 154.29 foot distance shown in this survey.

The 112.87 foot distance from the Daniel Crawford survey is not a typographical error as the distances from the found monuments match the platted distances. Again, the BOUNDARY of the 2.00 acre parcel, and subsequently the BOUNDARY of Parcel K and Parcel L is not in question. The field location of this boundary is agreed to.

In a survey done by J. David Gibbs for Parcel O and Parcel P in Book 2004, Page 584, this corner in question was set using the geometry of Richter's Addition and found monumentation in the area. Additional descriptions of how this corner was set is noted on the Plat of Parcel O and Parcel K in Book 2004, Page 584 and in the United States Public Land Survey Corner Tie Certificate recorded in Book 2004, Page 587.

As shown on attached Sheet 3, using the corner set by J. David Gibbs reasonably fits previously surveyed distances shown in the original Plat of Richter's Addition. It also reasonably matches surveyed distances in the aforementioned parcel in the N ½ of the SW ¼ of Section Twenty-seven (27) recorded in Plat Book 1, Page 142. The Crawford corner does not reasonably fit these surveyed and recorded distances.

CONCLUSION

While the J. David Gibbs location for the NE Corner of the SW ¼-SW ¼ of Section Twenty-seven (27) is not at a theoretical breakdown of the SW ¼ of Section 27, the location does fit the field evidence of Richter's Addition, related surveys and related deed descriptions. In my opinion the J. David Gibbs corner is the correct location and does not create the conflicts the Daniel Crawford corner does.