Book 2018 Page 911

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Daneen Schindler, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Filed for taxation 14th day
of April AD 2018
Carla K. Becher, Auditor
By: P. Hildebrand Deputy

WARRANTY DEED

Return to: Matthew G. McQuillen, 301 E. Main St., PO Box 228, Anamosa, IA 52205
Preparer: Matthew G. McQuillen, 301 E. Main St., PO Box 228, Anamosa, IA 52205, Phone: (319) 462-3577
Taxpayer: Marty A. Pottebaum, 2725 175th St., Earlville IA 52041

For the consideration of One Dollar(s) and other valuable consideration, Donald J. Pottebaum and Jean K. Pottebaum, husband and wife do hereby Convey to Marty A. Pottebaum the following described real estate in Delaware County, Iowa: See 1 in Addendum

Grantors do Hereby Covenant with grantees, and successors in interest, that grantors hold the real estate by title in fee simple; that they have good and lawful authority to sell and Convey the real estate; that the real estate is free and clear of all liens and encumbrances except as may be above stated; and grantors Covenant to Warrant and Defend the real estate against the lawful claims of all persons except as may be above stated. Each of the undersigned hereby relinquishes all rights of dower, homestead and distributive share in and to the real estate. Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

Dated on April 6, 2018

Donald J. Pottebaum (Grantor)

Jean K Pottebaum
Jean K. Pottebaum (Grantor)

STATE OF IOWA, COUNTY OF JONES

This record was acknowledged before me on April 6, 2018, by Donald J. Pottebaum and Jean K. Pottebaum, husand and wife.

MATTHEW G. MCQUILLEN
Commission Number 147941
My Commission Expires
November 04, 2018

Signature of Notary Public

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Addendum

1. The South Half (S½) of the Northwest Quarter (NW¼) of Section Twelve (12), Township Eighty-Nine (89) North, Range Four (4), West of the Fifth P.M., Delaware County, Iowa, subject to roadways and easements of record. Including Parcel A in the Southwest Quarter (SW¼) of the Northwest Quarter (NW¼) of said section, according to Plat of Survey recorded in Book 8 Page 138.

   Grantor, Donald J. Pottebaum, reserves an easement as shown on the diagram attached, marked Exhibit A, for ingress and egress to and from 175th Street over and across the property to operate, repair, maintain, replace and continue to use the existing storage tanks located on the easement for liquid fertilizer or other agricultural based liquid materials. Grantees or their successors in interest shall continue to provide electrical service, at no cost to Grantor, for use related to the storage tanks located on the easement. Grantees, by accepting this deed, further waive any claims or potential claims of nuisance relating to the continued use of the storage tanks by Grantor and acknowledge Grantor uses the tanks for comercial enterprises and will continue to do so. This easement shall run with the land and shall continue for the duration of Grantor, Donald J. Pottebaums's life.

   Grantor reserves a right of first refusal relating to the sale of all or part of the real estate. In the event Grantee desires to sell, transfer or convey all or part of the real estate to a third party, Grantee shall first offer to sell, transfer or convey such real estate to Grantor at the same price they are offering to sell, transfer or convey the real estate to a third party. Grantor shall be given at least ten (10) days written notice by Grantee of their intent to sell, transfer or convey the real estate. If Grantor exercises the right of first refusal, closing shall be conducted within thirty (30) days. If Grantor does not exercise the right of first refusal within ten (10) days of being notified thereof, the right of first refusal shall lapse and Grantee may sell, transfer or convey all or part of the real estate to a third party on such terms as were offered to Grantor.

   This deed is exempt according to Iowa Code 428A.2(11).

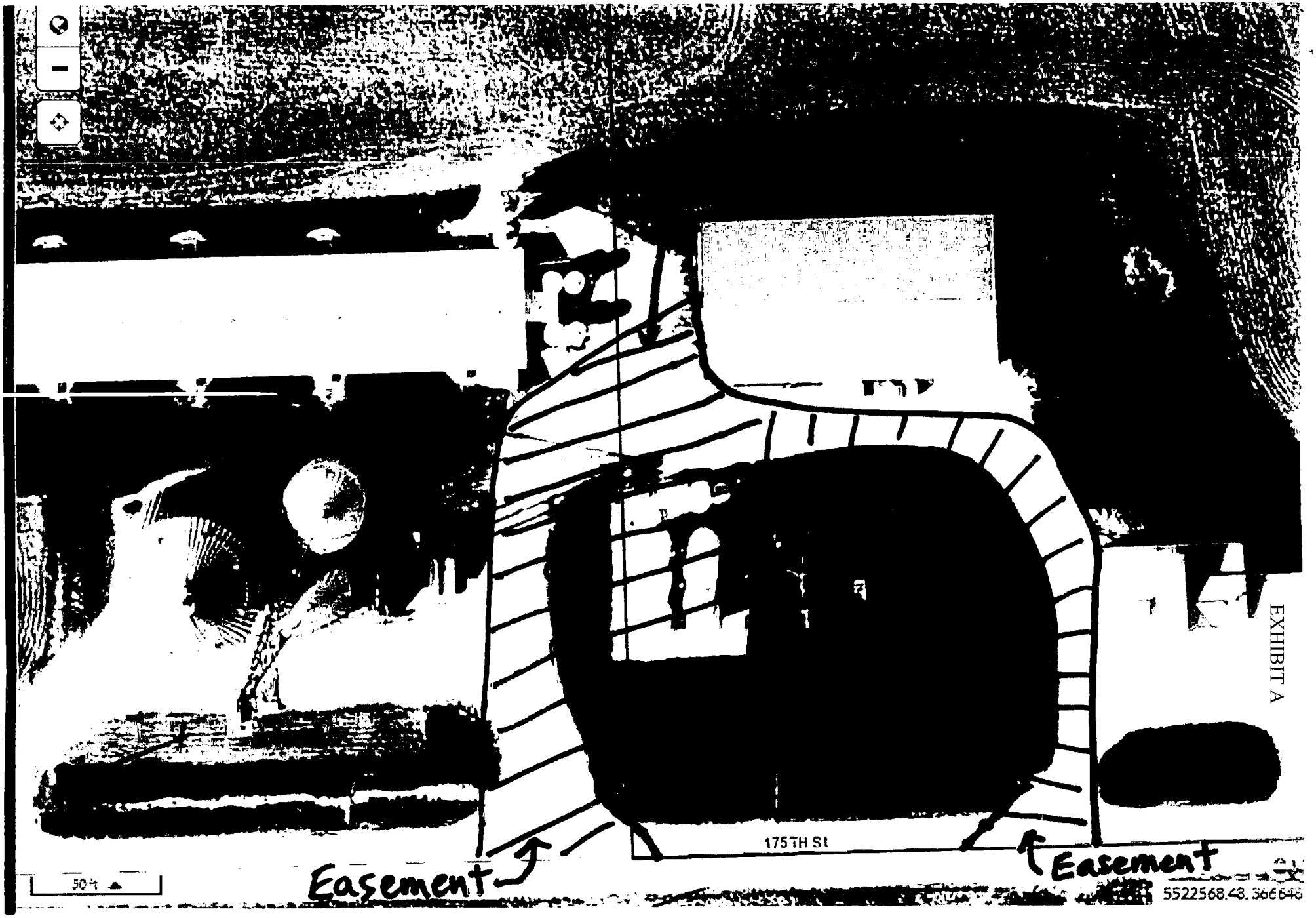


EXHIBIT A

Parcel ID	160120000400	Alternate IDn'a		Owner Address	Pottebaum, Donald J & Jean K
Sec/Twp/Rng	12-89-4	Class	A		1773 265th Ave
Property Address	2725 175TH ST	Acreage	149.75		Earlville, IA 52041-8670
	EARLVILLE				