Re-recorded

Book 2020 Page 2142

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Daneen Schindler, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Book 2020 Page 1572

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Daneen Schindler, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

TRUSTEE WARRANTY DEED
Recorder's Cover Sheet

Preparer Information:
THERESA E. HOFFMAN, 620 LAFAYETTE STREET, P.O. BOX 178, WATERLOO, IA 50704-0178, Phone: (319) 234-1766

Taxpayer Information:
THERESA A. SCHMITZ, P.O. BOX 246, DELHI, IA 52223

Return Address
THERESA E. HOFFMAN, 620 LAFAYETTE STREET, P.O. BOX 178, WATERLOO, IA 50704-0178

Grantors:
THERESA A. SCHMITZ, SUCCESSOR TRUSTEE

Grantees:
THERESA A. SCHMITZ, TRUSTEE

Legal Description: See Page 2

Document or instrument number of previously recorded documents:

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TRUSTEE WARRANTY DEED
(Inter Vivos Trust)

For the consideration of ONE ($1.00) Dollar(s) and other valuable consideration, THERESA A. SCHMITZ, Successor Trustee of LOUIS W. SCHMITZ REVOCABLE TRUST U/A DATED OCTOBER 28, 2009 does hereby convey to THERESA A. SCHMITZ, TRUSTEE OF THE LOUIS W. SCHMITZ RESIDUARY TRUST the following described real estate in DELAWARE County, Iowa:

SEE ATTACHED EXHIBIT "A"

This deed is exempt according to Iowa Code 428A.2(21). This deed is being re-recorded to confirm, correct and modify Exhibit "A" pursuant to Iowa Code Section 428A.2(10).

The grantor hereby covenants with grantees, and successors in interest, that grantor holds the real estate by title in fee simple; that grantor has 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 grantor covenants to warrant and defend the real estate against the lawful claims of all persons, except as may be above stated.

The grantor further warrants to the grantees all of the following: That the trust pursuant to which the transfer is made is duly executed and in existence; that to the knowledge of the grantor the person creating the trust was under no disability or infirmity at the time the trust was created; that the transfer by the trustee to the grantees is effective and rightful; and that the trustee knows of no facts or legal claims which might impair the validity of the trust or the validity of the transfer.

Words and phrases herein, including the acknowledgment hereof, shall be construed as in the singular or plural number, according to the context.

Dated: May 13 2020.

THERESA A. SCHMITZ
As Trustee of the above-entitled trust

ACKNOWLEDGMENT FOR INDIVIDUAL TRUSTEE

STATE OF IOWA, COUNTY OF BLACK HAWK

This record was acknowledged before me on May 13 2020, by THERESA A. SCHMITZ, AS SUCCESSOR TRUSTEE OF THE LOUIS W. SCHMITZ REVOCABLE TRUST U/A DATED OCTOBER 28, 2009.

NOTARIAL SEAL IOWA
ELIZABETH A KUNKLE
COMMISSION NO. 165470
MY COMMISSION EXPIRES
JUNE 19, 2022

Signature of Notary Public

EXHIBIT "A"

ALL THE TRUST'S INTEREST IN:

LOT FOURTEEN (14) OF THE CEDARS SUBDIVISION OF THAT PART OF THE NORTHWEST QUARTER (NW ¼) OF THE SOUTHEAST QUARTER (SE ¼) OF SECTION FOURTEEN (14), TOWNSHIP EIGHTY EIGHT (88) NORTH, RANGE FIVE (5), WEST OF THE FIFTH PRINCIPAL MERIDIAN LYING EAST OF THE MAQUOKETA RIVER, ACCORDING TO PLAT RECORDED IN BOOK 2 PLATS, PAGES 91-92, SUBJECT TO ALL COVENANTS, RESTRICTIONS AND EASEMENTS OF RECORD, AND PARCEL B, PART OF LOT 34 OF THE CEDARS SUB-DIVISION IN THE W ½ OF THE SE ¼ OF SECTION 14, TOWNSHIP 88 NORTH, RANGE 5 OF THE FIFTH P.M., DELAWARE COUNTY, IOWA, PER PLAT RECORDED IN BK 8 PLATS PAGE 103.

AND

All lake frontage running to the middle of the Maquoketa River bed with regard to the following described real estate: Lot 14 of the Cedars Subdivision of that part of the Northwest Quarter of the Southeast Quarter of Section 14, Township 88 North, Range 5 West of the 5th P.M., lying East of the Maquoketa River according to plat recorded in Book 2 Plats, Page 91-92 of the Delaware County Recorder, Delaware County, Iowa, subject to the following covenants:

1. Same is subject to the existing flood plain rights and the grantees shall hold the grantors harmless with regard to flooding of the property conveyed.
2. Grantees and their successors are restricted from changing or altering lake frontage without the written permission of the grantors.

AND

PARCEL A; part of Lot Thirty-seven (37) and Part of Lot Thirty-four (34) of the Cedars Sub-Division in the West One-half (W ½) of the Southeast Quarter (SE ¼) of Section Fourteen (14), Township Eighty-eight North (T88N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa, containing a total of 0.03 acres, as shown by Plat of Survey filed in the office of the Delaware County Recorder in Book 8, Page 103 on January 20, 1998, subject to easements of record and more specifically described by metes and bounds as follows:

COMMENCING at the Northerly Most Corner of Lot Fourteen (14) of the Cedars Sub-Division in the West One-half (W ½) of the Southeast Quarter (SE 1/4) of Section Fourteen (14), Township Eighty-eight North (T88N), Range Five West (R5W) of the Fifth Principal Meridian, Delaware County, Iowa, as recorded in Book 2 of Plats, Page 92 in the office of the Delaware County Recorder.

THENCE along the Northeasterly Line of said Lot Fourteen (14) South 34° 20'00" East, 78.50 feet to the POINT OF BEGINNING;

THENCE North 54° 55'25" East to the Southwesterly Line of a 20 foot roadway 50.81 feet;

THENCE along the Southwesterly Line of said railroad South 37°10'55" East, to the Northerly Most Corner of Lot Thirty-seven (37), 25.17 feet;

THENCE along the Northeasterly extension of the Southeasterly Line of said Lot Fourteen (14), South 55°45'20" West, to the Easterly Most Corner of Lot Fourteen (14), 52.06 feet;

THENCE along the Northeasterly line of said Lot Fourteen (14), North 34°20'00" West, 24.37 feet to the POINT OF BEGINNING; containing a total of 0.03 acres and subject to easements of record.

The Northeasterly Line of Lot Fourteen (14) of the Cedars Sub-Division in the West One-half (W ½) Southeast Quarter (SE ¼) of Section Fourteen (14), Township Eighty-eight North (T88N), Range Five West (R5W) of the Fifth Principal Meridian is assumed to bear north 34°20'00" West.