



Document 2023 2826

Book 2023 Page 2826 Type 06 009 Pages 11
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Rec Amt \$57.00

INDX
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BRANDY MACUMBER, COUNTY RECORDER
MADISON COUNTY IOWA

Prepared by and return to: Mark L. Smith, P.O. Box 230, Winterset, Iowa 50273, 515-462-3731
Return Document To: Mark L. Smith, POB 230, Winterset, IA 50273

AFFIDAVIT

STATE OF IOWA :
 :SS
COUNTY OF MADISON :

I, Mark L. Smith, being first duly sworn on oath state:

I am a practicing attorney in Winterset, Madison County, Iowa. This Affidavit concerns the following described properties:

See Attached Legal Descriptions

The original seller of this land was Victoria Engnell, Executor of the Tim A. Engnell Estate and the original purchaser in this transaction was Alternative Equity Advisors, LLC. I know of my own personal knowledge that Alternative Equity Advisors, LLC assigned their interest in the purchase. Attached hereto are copies of said assignments.

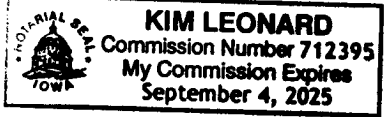
I make this Affidavit to clear any perceived cloud on title and to show that the Estate had authority to sell to the assignees.

Dated this 1 day of Nov., 2023.

Mark L. Smith
Mark L. Smith

Subscribed and sworn to before me by Mark L. Smith on this 1st day of November, 2023.

Kim Leonard
Notary Public



KCD Towers, L.L.C. Legal Description

All that part of the Southwest Quarter ($\frac{1}{4}$) of Section Twenty-seven (27), Township Seventy-six (76) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, lying and being North of the highway.

Benshoof Family Farm, LLC Legal Description

Legal Description of Property Conveyed:

Parcel "K" an irregular tract of land lying South of the Centerline of Highway 92 in the Southeast Quarter of the Southwest Quarter of Section 27 and East Half of the West Half of Section 34 all in Township 76 North, Range 26 West of the 5th P.M., Madison County, Iowa, as shown in Plat Of Survey filed September 22, 2023, in Book 2023, Page 2330 of the Recorder's Office of Madison County, Iowa.

Saratoga Farms, LLC Legal Description

The North Half ($\frac{1}{2}$) of the Northwest Quarter ($\frac{1}{4}$) of the Southwest Quarter ($\frac{1}{4}$); **AND** the South one (1) acre of the East nineteen (19) acres of the Southwest Quarter ($\frac{1}{4}$) of the Northwest Quarter ($\frac{1}{4}$), **ALL IN** Section Thirty-four (34), Township Seventy-six (76) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa; **AND** all that part of the Southwest Quarter ($\frac{1}{4}$) of the Southwest Quarter ($\frac{1}{4}$) of Section Twenty-seven (27), Township Seventy-six (76) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, lying and being South of the highway.

PARTIAL ASSIGNMENT OF PURCHASE AGREEMENT

WHEREAS, Alternative Equity Advisors, LLC (“Assignor”) and Tim A. Engnell Estate And/Or Owner of Record (“Seller”) have entered into a Purchase Agreement for the sale of 262 acres m/l located in the SW 1/4 of Section 27 EXCEPT that part thereof conveyed for highway purposes; AND the E 1/2 of the NW 1/4, the NW 1/4 of the NE 1/4 of the SW 1/4, the N 1/2 of the NW 1/4 of the SW 1/4, the S 1 acre of the East Nineteen Acres of the SW 1/4 of the NW 1/4, and all that part of the N 2 acres of the S 1/2 of the NE 1/4 of the SW 1/4 lying North of Middle River, of Section 34 all in Township 76 North, Range 26 West of the 5th P.M., in Madison County, Iowa.

WHEREAS, KCD Towers, L.L.C., (“Assignee”) has agreed to assume Assignor’s rights under the Purchase Agreement;

1. The Assigned Tract is shown in the attached legal description.
2. The allocated purchase price for the Assigned Tract shall be \$1,421,000.
3. The Earnest Money Deposit shall be refunded to Alternative Equity Advisors, LLC at closing.

IN WITNESS WHEREOF, the parties have executed this Partial Assignment as their free and voluntary act and deed, on this 31st day of October, 2023.

ASSIGNOR:

Alternative Equity Advisors, LLC

By: *Hunter Norland*
25C81363424C3
 Hunter Norland

ASSIGNEE:

KCD Towers, L.L.C.

By: *Kevin Potter*
4E2E43D0702F412..

KCD Towers, L.L.C. Legal Description

All that part of the Southwest Quarter ($\frac{1}{4}$) of Section Twenty-seven (27), Township Seventy-six (76) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, lying and being North of the highway.

PARTIAL ASSIGNMENT OF PURCHASE AGREEMENT

WHEREAS, Alternative Equity Advisors, LLC (“Assignor”) and Tim A. Engnell Estate And/Or Owner of Record (“Seller”) have entered into a Purchase Agreement for the sale of 262 acres m/l located in the SW 1/4 of Section 27 EXCEPT that part thereof conveyed for highway purposes; AND the E 1/2 of the NW 1/4, the NW 1/4 of the NE 1/4 of the SW 1/4, the N 1/2 of the NW 1/4 of the SW 1/4, the S 1 acre of the East Nineteen Acres of the SW 1/4 of the NW 1/4, and all that part of the N 2 acres of the S 1/2 of the NE 1/4 of the SW 1/4 lying North of Middle River, of Section 34 all in Township 76 North, Range 26 West of the 5th P.M., in Madison County, Iowa.

WHEREAS, Benshoof Family Farms, LLC, (“Assignee”) has agreed to assume Assignor’s rights under the Purchase Agreement;

1. The Assigned Tract is shown in the attached survey and legal description.
2. The allocated purchase price for the Assigned Tract shall be \$1,250,000.
3. The Earnest Money Deposit shall be refunded to Alternative Equity Advisors, LLC at closing.

IN WITNESS WHEREOF, the parties have executed this Partial Assignment as their free and voluntary act and deed, on this 29th day of October, 2023.

ASSIGNOR:

Alternative Equity Advisors, LLC

DocuSigned by:
By: Hunter Norland
Hunter Norland

ASSIGNEE:

Benshoof Family Farms, LLC

By: Tad Benshoof M.M.

INDEX LEGEND

COUNTY: MADISON
 LOCATION: SW 1/4 SEC. 27 AND NW 1/4 SEC. 34 - T 76 N - R 26 W
 REQUESTOR: ALTERNATIVE EQUITY ADVISORS
 PROPRIETOR: TIM A. ENGNELL, c/o VICTORIA R. ENGNELL
 SURVEYOR: CHAD R. ASBERRY, P.L.S.
 SURVEYOR COMPANY: COOPER CRAWFORD & ASSOCIATES, LLC
 475 S. 50th STREET, SUITE 800
 WEST DES MOINES, IOWA 50265
 RETURN TO: COOPER CRAWFORD & ASSOCIATES, LLC

BK: 2023 PG: 2330
 Recorded: 9/22/2023 at 1:58:58.0 PM
 Pages 2
 County Recording Fee: \$12.00
 Iowa E-Filing Fee: \$3.22
 Combined Fee: \$15.22
 Revenue Tax:
 BRANDY L. MACUMBER, RECORDER
 Madison County, Iowa

RECORDER'S USE ONLY

PLAT OF SURVEY

SHEET 1 OF 2

PARCEL 'K' LEGAL DESCRIPTION:

AN IRREGULAR TRACT OF LAND LYING SOUTH OF THE CENTERLINE OF HIGHWAY 92 IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27 AND EAST HALF OF THE WEST HALF OF SECTION 34, ALL IN TOWNSHIP 76 NORTH, RANGE 26 WEST OF THE 5TH P.M., MADISON COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 27, THENCE N00°12'08"E ALONG THE EAST LINE OF SOUTHWEST QUARTER OF SAID SECTION 27, A DISTANCE OF 271.91 FEET TO THE CENTERLINE OF HIGHWAY 92; THENCE FOLLOWING SAID CENTERLINE WESTERLY ALONG A 22,616.76 FOOT RADIUS CURVE, CONCAVE SOUTHERLY, WITH A CHORD BEARING OF N89°44'00"W, AN ARC DISTANCE OF 305.10 FEET; THENCE CONTINUING ALONG SAID CENTERLINE S89°50'52"W, A DISTANCE OF 643.84 FEET; THENCE CONTINUING ALONG SAID CENTERLINE AND A 12,161.60 FOOT RADIUS CURVE, CONCAVE NORTHERLY, WITH A CHORD BEARING OF N89°17'10"W, AN ARC DISTANCE OF 363.26 FEET TO A POINT ON THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE S00°14'52"W ALONG SAID WEST LINE, A DISTANCE OF 377.72 FEET TO THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 34; THENCE S00°18'48"W ALONG THE WEST LINE OF THE EAST HALF OF NORTHWEST QUARTER OF SAID SECTION 34, A DISTANCE OF 2634.51 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 34; THENCE S00°10'39"W ALONG THE WEST LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 34, A DISTANCE OF 725.90 FEET TO THE NORTH LINE OF THE SOUTH 18 ACRES OF THE NORTHWEST QUARTER OF SAID SECTION 34 AS SHOWN ON PLAT OF SURVEY FILED IN BOOK 2014 PAGE 499, THENCE N85°04'40"E ALONG THE NORTH LINE OF SAID SOUTH 18 ACRES, A DISTANCE OF 935.61 FEET TO THE CENTER OF THE MIDDLE RIVER; THENCE N36°01'59"E ALONG THE CENTERLINE OF THE MIDDLE RIVER, A DISTANCE OF 86.96 FEET TO POINT ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 34; THENCE S85°03'12"W, A DISTANCE OF 330.86 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 34; THENCE N00°17'16"E, A DISTANCE OF 660.05 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 34; THENCE N85°05'32"E, A DISTANCE OF 657.16 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 34; THENCE N00°23'14"E ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 34, A DISTANCE OF 2623.66 FEET TO THE POINT OF BEGINNING, CONTAINING 100.196 ACRES, WHICH INCLUDES 2.108 ACRES OF HIGHWAY RIGHT OF WAY EASEMENT.

INGRESS/EGRESS EASEMENT LEGAL DESCRIPTION:

A 30 FEET WIDE EASEMENT FOR INGRESS/EGRESS ACCESS LYING SOUTH OF THE CENTERLINE OF HIGHWAY 92 AND BEING PARALLEL TO AND EAST OF THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27 AND PARALLEL TO AND EAST OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 34, ALL IN TOWNSHIP 76 NORTH, RANGE 26 WEST OF THE 5TH P.M., MADISON COUNTY, IOWA, AND THUS TERMINATING AT THE SOUTH LINE OF THE EAST HALF QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 34 AND CONTAINING 2.075 ACRES.

UTILITY EASEMENT LEGAL DESCRIPTION:

A 30 FEET WIDE EASEMENT FOR THE INSTALLATION AND MAINTENANCE OF UTILITY SERVICE LYING SOUTH OF THE CENTERLINE OF HIGHWAY 92 AND BEING PARALLEL TO AND EAST OF THE WEST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27 AND PARALLEL TO AND EAST OF THE WEST LINE OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 34, ALL IN TOWNSHIP 76 NORTH, RANGE 26 WEST OF THE 5TH P.M., MADISON COUNTY, IOWA, AND THUS TERMINATING AT THE SOUTH LINE OF THE EAST HALF QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 34 AND CONTAINING 2.075 ACRES.

LEGEND

- ▲ FOUND SECTION CORNER AS NOTED
- △ SECTION CORNER SET 5/8" I.R. W/ PINK CAP #24805
- FOUND 5/8" I.R. W/ I.D.O. ALUMINUM CAP, UNLESS NOTED
- SET 5/8" I.R. W/ PINK CAP #24805 OR MAG NAIL
- I.R. IRON ROD
- GP IRON GAS PIPE
- (XX'XX") RECORDED DISTANCE
- XX'XX' MEASURED DISTANCE
- R.O.W. RIGHT OF WAY
- P.U.E. PUBLIC UTILITY EASEMENT



SITE ADDRESS:

NO ADDRESS
 PROLE, IA 50229

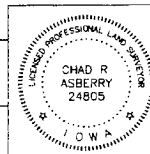
SURVEY NOTES:

1. THIS SURVEY WAS PERFORMED WITH THE AID OF TITLE ABSTRACT #27762649 PROVIDED BY DICKINSON LAW OF DES MOINES, IOWA.
2. THE TITLE ABSTRACT AND DEED DESCRIPTION IN BOOK 2015 PAGE 1922 CONVEY THE GROUND WITH AN EXCEPTION FOR HIGHWAY PURPOSES. THE ABSTRACT AND DOCUMENTS IN THE RECORDER'S OFFICE DO NOT SHOW ANY DEED TRANSFER TO THE STATE OR MADISON COUNTY FOR THE HIGHWAY PORTION OTHER THAN RIGHT OF WAY EASEMENTS. AFTER REVIEWING ALL OF THE INFORMATION IT IS THE OPINION OF THIS SURVEYOR THAT THE RIGHT OF WAY EASEMENT DOCUMENT IN BOOK TO PAGE 257 AS MENTIONED IN THE ABSTRACT WAS MISINTERPRETED AND THE "CONVEY FOR HIGHWAY PURPOSES" PHRASE WAS CONSTRUED AS TRANSFERRING FEE AND SIMPLE TITLE WHEN IT DOES NOT. THE TITLE TO THE LAND HAS ALWAYS REMAINED IN PRIVATE OWNERSHIP AND THE EXCEPTION FOR HIGHWAY PURPOSES IN THE CURRENT DEED SHOULD NOT BE INCLUDED. THE TRANSFER OF OWNERSHIP SHOULD BE TO THE CENTERLINE OF THE HIGHWAY AND NOT THE RIGHT OF WAY LINE.
3. THIS SURVEY IS SUBJECT TO ANY AND ALL EASEMENTS, APPARENT OR OF RECORD. FOUND EASEMENT DOCUMENTS DESCRIBE LOCATIONS BASED ON CONSTRUCTED LOCATION OF UTILITY PIPES NOT LOCATED DURING THIS SURVEY.
4. THE ENTIRE DRIVE/PATHWAY ALONG THE WEST LINE OF PARCEL 'K' IS ENCRoACHING ON THE ADJACENT PROPERTY TO THE WEST.

COOPER CRAWFORD & Associates
 Civil Engineers & Land Surveyors
 475 S. 50th STREET, SUITE 800, WEST DES MOINES, IOWA 50265
 PHONE: (515) 274-1144 FAX: (515) 274-1145

0 300 600
SCALE: 1"=600'
DATE: 09-22-2023
JOB NUMBER CC 2777

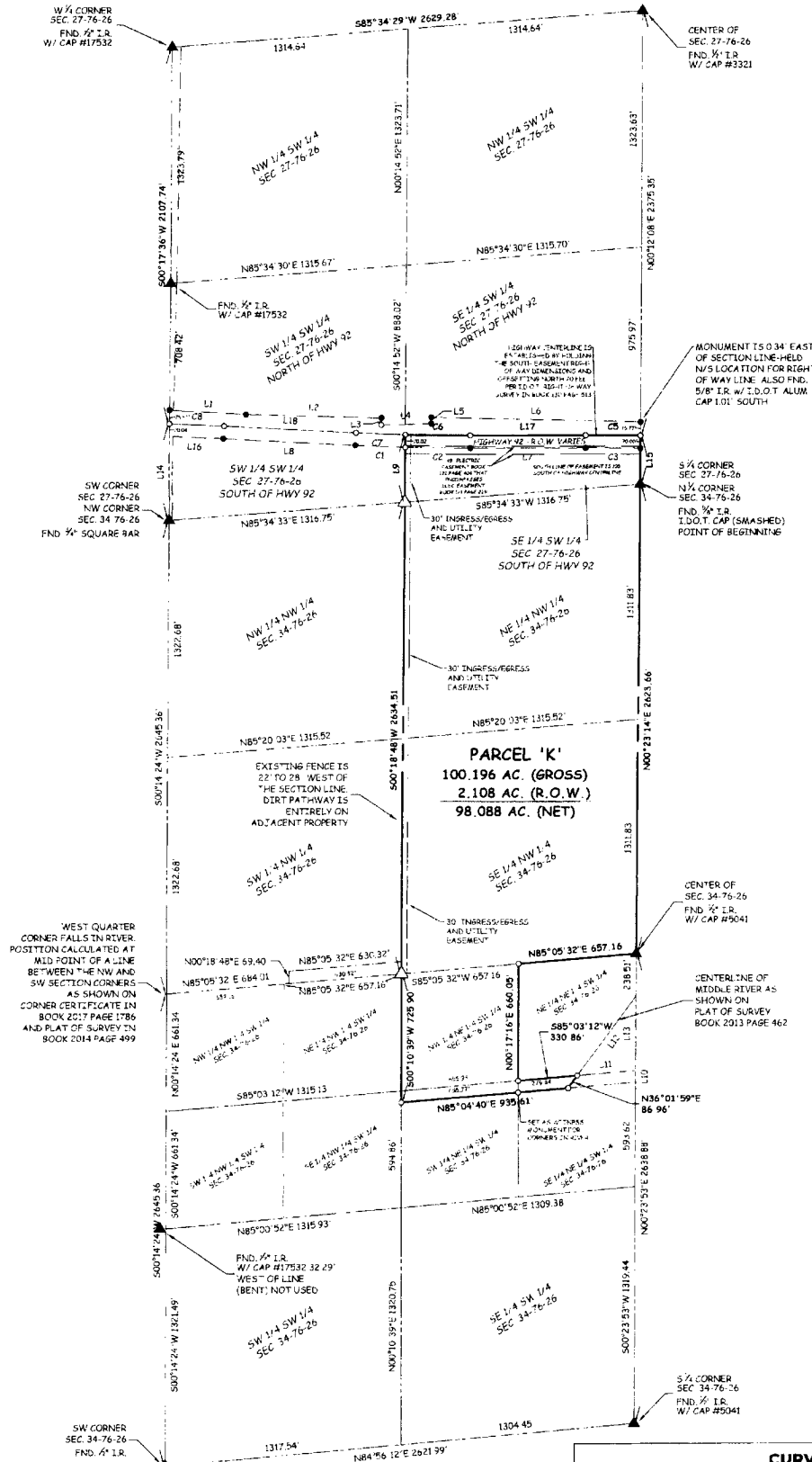
BASIS OF BEARING IOWA STATE PLANE SOUTH ZONE IOWA 91N
DATE OF FIELD WORK 07-11-2023



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 FULLY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

CHAD R. ASBERRY, P.L.S. IOWA LICENSE NO. 24805
 MY LICENSE RENEWAL DATE IS DECEMBER 31, 2023
 PAGES OR SHEETS COVERED BY THIS SEAL: SHEETS 1 AND 2

PLAT OF SURVEY



LINE TABLE		
LINE	LENGTH	DIRECTION
L1	402.90'	S86°47'13"E
L2	754.92'	S88°36'36"E
L3	39.48'	S02°19'43"W
L4	280.06'	N88°31'55"E
L5	35.59'	N01°15'56"E
L6	1166.53'	S88°44'09"E
L7	643.80'	S89°50'51"W
L8	733.83'	N87°08'35"W
L9	377.72'	S00°14'52"W
L10	66.10'	N00°23'53"E
L11	325.06'	S85°03'12"W
L12	555.51'	N36°01'59"E
L13	421.21'	S00°23'53"W
L14	539.82'	S00°17'36"W
L15	271.91'	N00°12'08"E
L16	281.78'	N87°29'32"W
L17	643.84'	S89°50'52"W
L18	733.85'	N87°08'35"W

PARCEL 'K' IN
SEC. 27-76-26

9.746 AC. (GROSS)
2.108 AC. (R.O.W.)
7.638 AC. (NET)

PARCEL 'K' IN
SEC. 34-76-26

90.450 AC. (GROSS)

LEGEND

- ▲ FOUND SECTION CORNER AS NOTED
- △ SECTION CORNER SET 5/8" I.R. W/ PINK CAP #24805
- FOUND 5/8" I.R. W/ I.D.O.T. ALUMINUM CAP UNLESS NOTED
- SET 5/8" I.R. W/ PINK CAP #24805 OR MAG NAIL
- TR IRON ROD
- GP IRON GAS PIPE
- (XX.XX) RECORDED DISTANCE
- XXXX MEASURED DISTANCE
- R.O.W. RIGHT OF WAY
- P.U.E. PUBLIC UTILITY EASEMENT



CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH	TANGENT	CHORD	CH. BEARING
C1	001°18'28"	12231.84	279.20	139.61	279.19	S87°47'09"E
C2	001°42'08"	12231.84	363.40	181.71	363.38	S89°17'27"E
C3	000°46'28"	22546.76	304.71	152.36	304.70	N89°43'57"W
C5	000°46'23"	22616.76	305.10	152.55	305.10	N89°44'00"W
C6	001°42'41"	12161.60	363.26	181.64	363.25	N89°17'10"W
C7	001°18'02"	12161.60	276.08	138.05	276.07	S87°46'56"E
C8	000°43'01"	24266.13	303.62	151.81	303.62	N87°29'42"W

PARTIAL ASSIGNMENT OF PURCHASE AGREEMENT

WHEREAS, Alternative Equity Advisors, LLC (“Assignor”) and Tim A. Engnell Estate And/Or Owner of Record (“Seller”) have entered into a Purchase Agreement for the sale of 262 acres m/l located in the SW 1/4 of Section 27 EXCEPT that part thereof conveyed for highway purposes; AND the E 1/2 of the NW 1/4, the NW 1/4 of the NE 1/4 of the SW 1/4, the N 1/2 of the NW 1/4 of the SW 1/4, the S 1 acre of the East Nineteen Acres of the SW 1/4 of the NW 1/4, and all that part of the N 2 acres of the S 1/2 of the NE 1/4 of the SW 1/4 lying North of Middle River, of Section 34 all in Township 76 North, Range 26 West of the 5th P.M., in Madison County, Iowa.

WHEREAS, Saratoga Farms, LLC, (“Assignee”) has agreed to assume Assignor’s rights under the Purchase Agreement;

1. The Assigned Tract is shown in the attached legal description.
2. There will be no allocated purchase price for the Assigned Tract.
3. The Earnest Money Deposit shall be refunded to Alternative Equity Advisors, LLC at closing.

IN WITNESS WHEREOF, the parties have executed this Partial Assignment as their free and voluntary act and deed, on this 1st day of November, 2023.

ASSIGNOR:

Alternative Equity Advisors, LLC

DocuSigned by:
By: Hunter Norland
Hunter Norland
2358136892409

ASSIGNEE:

Saratoga Farms, LLC

DocuSigned by:
By: Quinn Kendrick
B3F553430F474BC

Saratoga Farms, LLC Legal Description

The North Half ($\frac{1}{2}$) of the Northwest Quarter ($\frac{1}{4}$) of the Southwest Quarter ($\frac{1}{4}$); **AND** the South one (1) acre of the East nineteen (19) acres of the Southwest Quarter ($\frac{1}{4}$) of the Northwest Quarter ($\frac{1}{4}$), **ALL IN** Section Thirty-four (34), Township Seventy-six (76) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa; **AND** all that part of the Southwest Quarter ($\frac{1}{4}$) of the Southwest Quarter ($\frac{1}{4}$) of Section Twenty-seven (27), Township Seventy-six (76) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, lying and being South of the highway.