



Document 2024 2961

Book 2024 Page 2961 Type 06 044 Pages 18

Date 12/09/2024 Time 1:25:45PM

Rec Amt \$92.00 Aud Amt \$5.00

INDX

ANNO

SCAN

BRANDY MACUMBER, COUNTY RECORDER
MADISON COUNTY IOWA

CHEK

Buck Creek Subdivision

PREPARER INFORMATION:

Benjamin L. Rouse, Brown, Fagen & Rouse, Phone: (515) 992-3728
502 15th Street, P.O. Box 250
Dallas Center, Iowa 50063

TAXPAYER INFORMATION:

Kirk D. Bjorland
2045 145th Lane
Clive, Iowa 50325

RETURN DOCUMENT TO:

Benjamin L. Rouse
Brown, Fagen & Rouse
502 15th Street, P.O. Box 250
Dallas Center, Iowa 50063

GRANTOR:

GRANTEE:

**PLAT AND CERTIFICATE
FOR
BUCK CREEK PLAT**

I, Ryan Hobart, Zoning Administrator of the Madison County, Iowa, do hereby certify that the Plat to which this certificate is attached is a plat of subdivision known and designated as Buck Creek Subdivision; and, that the real estate comprising said plat is described as follows:

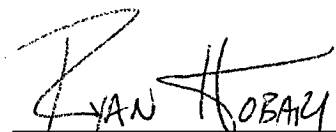
The Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section Twenty-six (26), Township Seventy-seven (77) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa; AND Parcel "N" located in the South Half of the Northwest Quarter (S 1/2 NW 1/4) of said Section Twenty-six (26), containing 42.75 acres, as shown in Plat of Survey filed in Book 2020 at Page 3124 on August 24, 2020, in the Office of the Recorder of Madison County, Iowa.

I do further certify that attached hereto are true and correct copies of the following documents that have been submitted in connection with said plat.

1. Owner's Dedication of Plat of Buck Creek Subdivision;
2. Attorney's Opinion;
3. Certificate of Treasurer;
4. Auditor's Approval;
5. Ground Water Statement;
6. Assignment with County Engineer;
7. Land Disturbing Activity;
8. Resolution of Board of Supervisors;
9. Fence Affidavit;
10. Lienholder's Consent to Plat;

all of which are duly certified in accordance with the Madison County Zoning Ordinance.

Dated this 8TH day of November, 2024.



Ryan Hobart, Zoning Administrator

STATE OF IOWA, MADISON COUNTY, ss:

On this ____ day of November, 2024, before me, the undersigned, a Notary Public in and for the said State, personally appeared Ryan Hobart, to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.





Notary Public

Owner's Consent to Plat

August 14, 2024

I, Dione Reicks-Berry, am the registered contract purchaser of Parcel N in the South 1/2 of the NW 1/4 of Section 26, Township 77 North, Range 28 West in Madison County, Iowa.

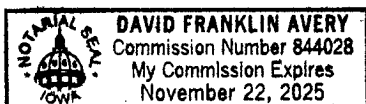
By this document I state that I am authorizing said parcel to be surveyed and subdivided in accordance with the proposed Buck Creek subdivision.

Dione Reicks-Berry 8-19-2024
Dione Reicks-Berry Date

STATE OF Iowa COUNTY OF Polk

Signed and sworn to (or affirmed) before me this 19 day of August, 2024 by DIONE REICKS-BERRY.

Carol Avery, Iowa



Carol Avery, Iowa
Signature of Notary Public

Owner's Consent to Plat

August 14, 2024

I, Curtis Ricketts, am the registered contract purchaser of Parcel N in the South 1/2 of the NW 1/4 of Section 26, Township 77 North, Range 28 West in Madison County, Iowa.

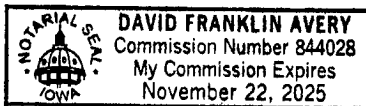
By this document I state that I am authorizing said parcel to be surveyed and subdivided in accordance with the proposed Buck Creek subdivision.

Curtis Ricketts 8-19-24
Curtis Ricketts Date

STATE OF Iowa COUNTY OF Polk

Signed and sworn to (or affirmed) before me this 19th day of August, 2024 by

Curtis Ricketts



David Franklin Avery
Signature of Notary Public

BROWN, FAGEN & ROUSE
ATTORNEYS AT LAW

GUY H. HALL (1882-1964)
JOHN C. McDONALD (1924-2005)

RALPH R. BROWN*
CHARLES H. FAGEN**
BENJAMIN L. ROUSE

* Also licensed in District of Columbia
** Also licensed in Minnesota

502 - 15TH STREET
P.O. BOX 250
DALLAS CENTER, IOWA 50063-0250

TELEPHONE: (515) 992-3728
FAX: (515) 992-3971

INTERNET:
www.dallascenterlawyers.com

Grimes Office at:
306 East First Street

TELEPHONE: (515) 986-9888
FAX: (515) 986-9876

REPLY TO DALLAS CENTER OFFICE

The writer's e-mail address:
ben@dallascenterlawyers.com

September 20, 2024

T I T L E O P I N I O N

Kirk D. Bjorland
1976 NW 155th Street
Clive, Iowa 50325

RE: 2045 145th Lane, Earlham, Madison County, Iowa 50272
Buck Creek Plat

Gentlepersons:

We have examined at your request the accompanying Abstract of Title No. 26772851 in nine (9) parts and consisting of 337 entries, prepared by Madison County Abstract, Winterset, Madison County, Iowa; from the Root of Title to the 3rd day of September, 2024, at 8:00 o'clock a.m. to the following described real estate, to-wit:

The Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section Twenty-six (26), Township Seventy-seven (77) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa; AND Parcel "N" located in the South Half of the Northwest Quarter (S 1/2 NW 1/4) of said Section Twenty-six (26), containing 42.75 acres, as shown in Plat of Survey filed in Book 2020 at Page 3124 on August 24, 2020, in the Office of the Recorder of Madison County, Iowa.

at which time, in my opinion, title of record is shown to be duly vested in:

CURTIS RICKETS and DIONE REICKS-BERRY, as joint tenants with full rights of survivorship and not as tenants in common, as Contract Purchasers from JERRIE ENGLAND, single,

subject, however, to the following:

1. At Entry No. 141 of Part No. 26772845 of the Abstract appears a judgment against Curtis Mark Ricketts and in favor of Community Choice Credit Union in the amount of 7,075.26 plus interest at the rate of 1.900 percent from May 18, 2016 and costs, which is not satisfied of record (LACV034386). This judgment must be satisfied of record or an explanatory affidavit filed stating that the record titleholder to the real estate under examination, Curtis Ricketts, is not one and the same person as Curtis Mark Ricketts cited in the judgment.

2. Marital Status. The marital status of the current titleholders is not known. Your examiner requires their marital status be identified on any deed of conveyance and if married, their spouse join in the conveyance to extinguish their rights of dower, homestead and distributive share.

3. At Entry No. 134 of Part No. 26772845 of the Abstract there is shown an easement to Warren Water, Inc. for the purpose of waterlines, which easement is in, upon, and over the real estate under examination. Said easement is dated December 1, 2003, and was recorded on January 20, 2004, in Book 2004 at Page 289, in the Office of the Recorder of Madison County, Iowa. No objection is made to this point; however, you should review the easement as shown in the Abstract.

4. At Entry No. 150 of Part No. P2400506 of the Abstract there is shown an easement to Farmers Electric Cooperative, Inc. for the purpose of underground electric transmission lines, which easement is in, upon, and over the real estate under examination. Said easement is dated May 9, 2023, and was recorded on May 12, 2023, in Book 2023 at Page 1028, in the Office of the Recorder of Madison County, Iowa. No objection is made to this point; however, you should review the easement as shown in the Abstract.

5. At Entry No. 140 of Part No. 26772845 of the Abstract there is shown the Plat of Survey dated August 24, 2020 and recorded in the Office of the Recorder of Madison County, Iowa, on August 24, 2020, in Plat Book 2020 at Page 3124.

6. Taxes against the property appear at Entry No. 156 of Part No. 26772845 of the Abstract. No personal taxes are shown as being due. The fiscal year taxes payable for Parcel No. 210032642000000 are shown as follows: The first half payment of \$23.00 is paid in full, and the second half payment of \$23.00 is

due but not delinquent. The fiscal year taxes payable for Parcel No. 210032646017000 are shown as follows: The first half payment of \$614.00 is paid in full, and the second half payment of \$614.00 is due but not delinquent. A purchaser should require that the seller pay real estate taxes prorata to the date of possession. The Abstract does not certify as to special assessments not yet certified to the County Treasurer for collection.

7. The Abstractor states that for Zoning classification, Urban Renewal designation, or other Ordinances pertaining thereto, of the property, an interested party should consult the applicable Government Agency. You should determine for yourself that your planned uses of the real estate under examination conform to any applicable Ordinances. For further particulars, you should contact the Madison County Zoning Administrator.

8. An Abstract of Title will not disclose the existence of hazardous waste, underground storage tanks, drainage wells and other environmentally regulated activities. You are cautioned that federal, state, and local legislation may, in the event there are environmental and/or public health violations, permit injunctive relief and require clean-up such as removal or remedial actions. The costs of such clean-up may be a lien against the property and a personal liability to the owner thereof. You may have liability even though you may not have disposed of hazardous waste on the property or used any underground storage tanks or wells.

9. If the above-described premises are to be used for your personal residence, you should contact the Assessor of Madison County, Iowa, to sign up for the homestead credit and any other exemptions or credits to which you may be entitled.

10. You are admonished to take notice of the rights of all parties in possession of all or any part of the property and to examine the apparent corners and boundaries, taking into consideration markers, hedges or trees, driveways and walls, to satisfy yourself that they are the true corners and boundaries and that there is no adverse possession. You must ascertain the location and character of the water, gas, sewer and electric connections serving the buildings to assure yourself that such are not lateral connections but are directly accessible without traversing the property of others.

11. If access to the property is by a joint or private right-of-way, the conditions of ownership and use of such right-of-way must be ascertained, be satisfactory to you, of binding force on all other joint users, and appear of record. The correctness of lot area and boundary lines is not assured by this Opinion. In order to ascertain the correctness of lot area and boundary lines, it would be necessary to have the premises surveyed by a qualified engineer.

12. You must ascertain that there are no unrecorded liens for labor or material furnished on or for the benefit of the property within the time liens for such may be effectively filed.

Subject to the foregoing, the title, in my opinion, is merchantable.

Respectfully submitted,



Benjamin L. Rouse
Examining Attorney
Title Guaranty Member No. 3833

BLR:lmh

Abstract is:

_____ enclosed with this opinion

X retained by this office

_____ mailed to _____

_____ delivered _____

MADISON COUNTY TREASURER'S CERTIFICATE

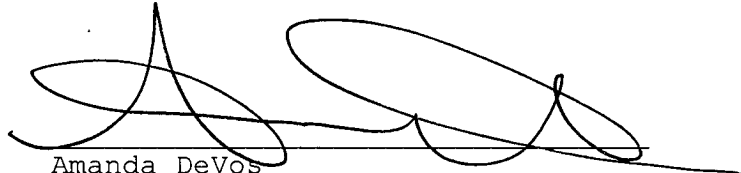
BUCK CREEK A SUBDIVISION PLAT,
BEING PART OF MADISON COUNTY, IOWA

STATE OF IOWA :
 : ss.
COUNTY OF MADISON :

I, Amanda DeVos, Treasurer in and for Madison County, Iowa, do hereby certify that the below described real estate is free from all certified property taxes and special assessments for the 2023 Assessment Year, payable 2024/2025 regarding Tax Parcels 210032646017000 and 210032642000000 have been paid in full, to-wit:

The Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section Twenty-six (26), Township Seventy-seven (77) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa; AND Parcel "N" located in the South Half of the Northwest Quarter (S 1/2 NW 1/4) of said Section Twenty-six (26), containing 42.75 acres, as shown in Plat of Survey filed in Book 2020 at Page 3124 on August 24, 2020, in the Office of the Recorder of Madison County, Iowa.

Dated at Winterset, Madison County, Iowa, this 7 day of October, 2024.

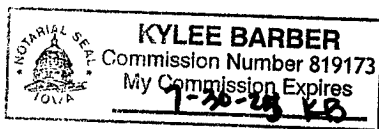


Amanda DeVos
Treasurer, Madison County, Iowa

STATE OF IOWA :
 : ss.
COUNTY OF Madison :

On this 7th day of October, 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared Amanda DeVos, to me known to be the person named in and who executed the foregoing instrument, and acknowledged that she executed the same as her voluntary act and deed.

Kylee Barber, Notary Public
in and for the State of Iowa



**APPROVAL OF SUBDIVISION PLAT NAME
BY MADISON COUNTY**

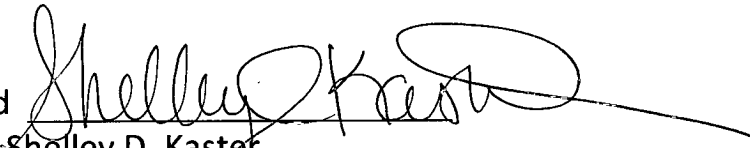
Date 10/8/24

The Madison County Auditor's Office has reviewed the final plat of

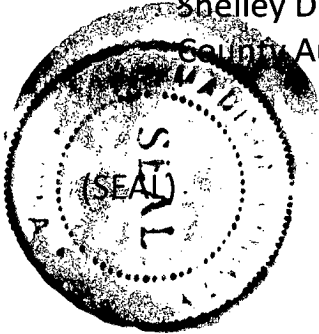
BUCK CREEK

Pursuant to Iowa Code §354.6(2) and §354.11(1)(e), we approve of the Subdivision name or title and have no objections to this subdivision plat being recorded.

Signed



Shelley D. Kaster,
County Auditor of Madison County, Iowa



AGREEMENT

This Agreement made and entered into, by and between, the developer of Buck Creek Subdivision and Mike Hackett, Madison County Engineer.

NOW THEREFORE IT IS AGREED AS FOLLOWS:

The developer of Buck Creek Subdivision, a Plat of the following described real estate:

The Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section Twenty-six (26), Township Seventy-seven (77) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa; AND Parcel "N" located in the South Half of the Northwest Quarter (S 1/2 NW 1/4) of said Section Twenty-six (26), containing 42.75 acres, as shown in Plat of Survey filed in Book 2020 at Page 3124 on August 24, 2020, in the Office of the Recorder of Madison County, Iowa.

Hereby agree that all private roads located within Buck Creek Subdivision are private roads and are not being dedicated to Madison County, Iowa. Said developer consent and agree that such roads shall not be maintained in any manner by Madison County, Iowa, or the Madison County Engineer's Department.

Dated this 11 day of October, 2024.

DEVELOPER OF BUCK CREEK SUBDIVISION


Kirk D. Bjorland


Mike Hackett, Madison County Engineer

ZO - RESOLUTION 11-12-24B
RESOLUTION APPROVING FINAL PLAT
OF BUCK CREEK SUBDIVISION
MADISON COUNTY, IOWA

WHEREAS, there was filed in the Office of the Zoning Administrator of Madison County, Iowa, a registered land surveyor's plat of a proposed subdivision known as Buck Creek Subdivision and

WHEREAS, the real estate comprising said plat is described as follows:

The Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section Twenty-six (26), Township Seventy-seven (77) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa; AND Parcel "N" located in the South Half of the Northwest Quarter (S 1/2 NW 1/4) of said Section Twenty-six (26), containing 42.75 acres, as shown in Plat of Survey filed in Book 2020 at Page 3124 on August 24, 2020, in the Office of the Recorder of Madison County, Iowa.

WHEREAS, there was also filed with said plat a dedication of said plat containing a statement to the effect that the subdivision as it appears on the plat is with the free consent and in accordance with the desire of the developer applicant, Kirk D. Bjorland and contract buyers, Dione Reicks-Berry and Curtis Ricketts.

WHEREAS, said plat was accompanied by a complete abstract of title and an opinion from an attorney at law showing that title in fee simple is in said proprietor and that the platted land is free from encumbrance, and a Certified statement from the Treasurer of Madison County, Iowa, that said platted land is free from taxes.

WHEREAS, the Board of Supervisors, Madison County, Iowa, finds that said plat conforms to the provisions of the Zoning Ordinance of Madison County, Iowa, and that the plat, papers and documents presented therewith should be approved by the Board of Supervisors, and that said plat, known Buck Creek Subdivision should be approved by the Board of Supervisors, Madison County, Iowa.


NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors, Madison County, Iowa:

1. That said plat, known as Buck Creek Subdivision, prepared in connection with said plat and subdivision is hereby approved.

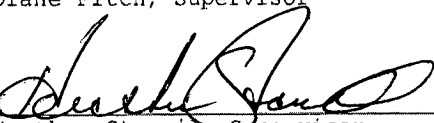
2. The Zoning Administrator of Madison County, Iowa, is hereby directed to certify this Resolution which shall be affixed to said plat to the County Recorder of Madison County, Iowa, and attend to the filing and recording of the plat, papers and documents which should be filed and recorded in connection therewith.

DATED at Winterset, Iowa, this 12 day of Nov., 2024.

MADISON COUNTY BOARD OF SUPERVISORS

By:  Aye Nay
Phil Clifton, Chairman

By:  Aye Nay
Diane Fitch, Supervisor

By:  Aye Nay
Heather Stancil, Supervisor

ATTEST:

By: 
Shelley D. Kaster, Madison County Auditor

PREPARED BY AND
RETURN TO: Benjamin L. Rouse, P.O. Box 250, Dallas Center, IA 50063 515-992-3728


AFFIDAVIT

STATE OF IOWA :
 : ss
COUNTY OF DALLAS :

I, Kirk D. Bjorland, being first duly sworn on oath state that this Affidavit concerns the chain of title to the following described real estate:

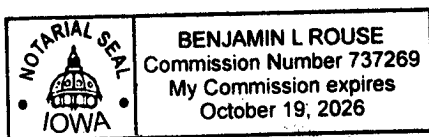
The Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section Twenty-six (26), Township Seventy-seven (77) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa; AND Parcel "N" located in the South Half of the Northwest Quarter (S 1/2 NW 1/4) of said Section Twenty-six (26), containing 42.75 acres, as shown in Plat of Survey filed in Book 2020 at Page 3124 on August 24, 2020, in the Office of the Recorder of Madison County, Iowa.


I further state that there is a lawful fence surrounding the boundary lines of the above-described real estate.



Kirk D. Bjorland

On this 10th day of October, 2024, before me, the undersigned, a Notary Public in and for the said State, personally appeared Kirk D. Bjorland, to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.





Notary Public

**ACKNOWLEDGE CERTIFICATE
OF LIENHOLDER FOR
BUCK CREEK**

A Subdivision Plat, located in
Madison County, Iowa

KNOW ALL MEN BY THESE PRESENTS:

That Community Choice Credit Union of Urbandale, Iowa, holds a judgment as evidenced in the District Court for Madison County as LACV034386. By operation of law the judgment has attached to the below described property to wit:

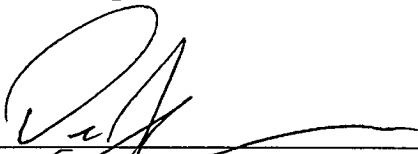
The Northeast Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section Twenty-six (26), Township Seventy-seven (77) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa; AND Parcel "N" located in the South Half of the Northwest Quarter (S 1/2 NW 1/4) of said Section Twenty-six (26), containing 42.75 acres, as shown in Plat of Survey filed in Book 2020 at Page 3124 on August 24, 2020, in the Office of the Recorder of Madison County, Iowa.

That Community Choice Credit Union, in consideration of the enhancement of their security interest in the real estate do hereby give their free consent to the platting and subdivision of the foregoing property.

In addition to the enhancement of its security interest in the above described property, Community Choice Credit Union reserves it's judgment as to all property not dedicated to the county.

Dated this 27th day of September, 2024.

Community Choice Credit Union

By 
David Jordan, as Vice
President of Mortgage Lending

STATE OF IOWA, COUNTY OF Polk, ss:

This record was acknowledged before me on September 27,
2024, by David Jordan as Vice President of Mortgage Lending of
Community Choice Credit Union.


Notary Public in and for Iowa

Re: BuckCreek

