

Document 2008 383

Book 2008 Page 383 Type 06 044 Pages 16

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LISA SMITH, COUNTY RECORDER  
MADISON IOWA

CHEK

**LUKE SUBDIVISION  
IN MADISON COUNTY, IOWA**

**Recorder's Cover Sheet**

**Preparer Information:** (Name, address and phone number)

John E. Casper, 223 East Court Avenue, P.O. Box 67, Winterset, Iowa 50273 (515) 462-4912

**Taxpayer Information:** (Name and complete address)

Darrell Luke, Karla Hansen, Gayla Barr  
720 3<sup>rd</sup> Street  
Lorimor, Iowa 50149

**Return Document To:** (Name and complete address)

John E. Casper  
P.O. Box 67  
Winterset, Iowa 50273

**Grantors:**

Darrell Luke

**Grantees:**

Luke Subdivision

**Legal description:**

A parcel of land in the Southeast Quarter (¼) of the Southeast Quarter (¼) of Section Fourteen (14), in Township Seventy-five (75) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa more particularly described as follows:

Beginning at the Southeast Corner of the Southeast Quarter (¼) of the Southeast Quarter (¼) of Section Fourteen (14), Township Seventy-five (75) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa, thence South 89°43'49" West 1320.51 feet to the Southwest Corner of said Southeast Quarter (¼) of the Southeast Quarter (¼), thence North 00°44'34" East 525.62 feet along the West line of said Southeast Quarter (¼) of the Southeast Quarter (¼), thence South 88°39'21" East 1032.63 feet; thence North 23°01'25" East 133.52 feet; thence North 01°59'24" East 249.16 feet; thence North 01°21'57" East 441.99 feet to a point on the North line of said Southeast Quarter (¼) of the Southeast Quarter (¼), thence South 89°51'20" East 230.80 feet to the Northeast Corner of said Southeast Quarter (¼) of the Southeast Quarter (¼), thence South 00°54'17" West 1308.48 feet to the Point of Beginning containing 19.852 acres including 1.047 acres of County Road right-of-way.

**Document or instrument number if applicable:**

**CERTIFICATE OF ZONING ADMINISTRATOR  
FOR  
LUKE SUBDIVISION  
IN  
MADISON COUNTY, IOWA**

I, C. J. Nicholl, Zoning Administrator of Madison County, Iowa, do hereby certify that the Subdivision Plat to which this Certificate is attached is a plat of a subdivision known and designated as the Luke Subdivision, Madison County, Iowa and that the real estate described in this plat is as follows:

A parcel of land in the Southeast Quarter (¼) of the Southeast Quarter (¼) of Section Fourteen (14), in Township Seventy-five (75) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa more particularly described as follows:


Beginning at the Southeast Corner of the Southeast Quarter (¼) of the Southeast Quarter (¼) of Section Fourteen (14), Township Seventy-five (75) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa, thence South 89°43'49" West 1320.51 feet to the Southwest Corner of said Southeast Quarter (¼) of the Southeast Quarter (¼), thence North 00°44'34" East 525.62 feet along the West line of said Southeast Quarter (¼) of the Southeast Quarter (¼), thence South 88°39'21" East 1032.63 feet; thence North 23°01'25" East 133.52 feet; thence North 01°59'24" East 249.16 feet; thence North 01°21'57" East 441.99 feet to a point on the North line of said Southeast Quarter (¼) of the Southeast Quarter (¼), thence South 89°51'20" East 230.80 feet to the Northeast Corner of said Southeast Quarter (¼) of the Southeast Quarter (¼), thence South 00°54'17" West 1308.48 feet to the Point of Beginning containing 19.852 acres including 1.047 acres of County Road right-of-way.

The undersigned Zoning Administrator further certifies that following described documents attached to this Certificate are the true and correct documents submitted in connection with this subdivision plat:

1. Consent and Dedication of Plat executed by the proprietor for this Subdivision;
2. Certificate of the Treasurer of Madison County, Iowa for this Subdivision;
3. Title Opinion of Attorney at law for this Subdivision showing the land title to be in the name of the proprietor;
4. Land Disturbing Activities Affidavit;
6. Proprietor's Agreement with the Engineer of Madison County, Iowa for this Subdivision;
7. Resolution of Approval of the Final Subdivision Plat for this Subdivision by the Madison County Board of Supervisors;
8. Groundwater Hazard Statement;
9. 8 1/2 x 14 inch Final Plat;
10. 8 1/2 x 14 inch Final Plat- Mylar Copy; and,
11. Final Plat.

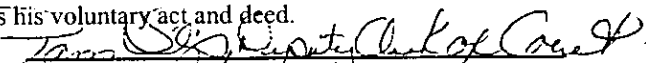
all of which is hereby duly certified in accordance with the Subdivision Ordinance of Madison County, Iowa.

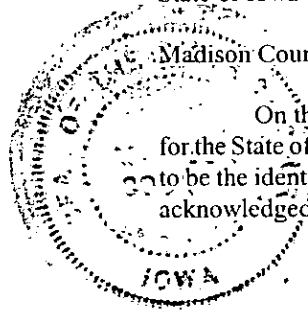
Dated on this 1 day of FEB, 2008 at Winterset, Iowa.

  
\_\_\_\_\_  
C. J. Nicholl, Zoning Administrator  
Madison County, Iowa

State of Iowa        )  
                          ) ss  
Madison County    )

On this 1st day of February, 2008, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared, C. J. Nicholl, Madison County Zoning Administrator, to me known to be the identical person named in the foregoing instrument and who executed the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.

  
\_\_\_\_\_  
Notary Public in and for the State of Iowa

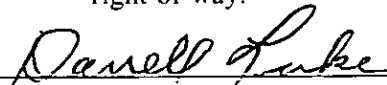


**DEDICATION OF PLAT  
TO LUKE SUBDIVISION  
IN  
MADISON COUNTY, IOWA**

I, Darrell Luke, a single person, hereby certify that he is the owner and proprietor of the real property described below and that the disposition of this real property subdivided as shown by the accompanying final plat for the Luke Subdivision, in Madison County, Iowa, is in accordance with his free consent and in accordance with his desires as owner and proprietor. The undersigned owner and proprietor does hereby dedicate to the public and convey any and all easements and any other public right-of-way as shown on that plat designated for public use. The real property covered by this Dedication of Plat is described as follows:

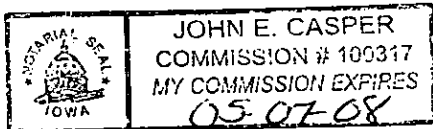
A parcel of land in the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of Section Fourteen (14), in Township Seventy-five (75) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa more particularly described as follows:

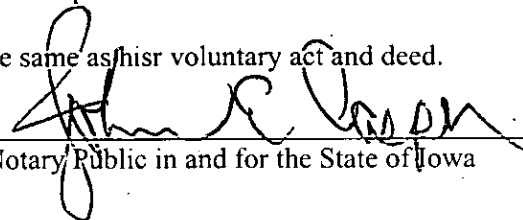
Beginning at the Southeast Corner of the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of Section Fourteen (14), Township Seventy-five (75) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa, thence South 89°43'49" West 1320.51 feet to the Southwest Corner of said Southeast Quarter (1/4) of the Southeast Quarter (1/4), thence North 00°44'34" East 525.62 feet along the West line of said Southeast Quarter (1/4) of the Southeast Quarter (1/4), thence South 88°39'21" East 1032.63 feet; thence North 23°01'25" East 133.52 feet; thence North 01°59'24" East 249.16 feet; thence North 01°21'57" East 441.99 feet to a point on the North line of said Southeast Quarter (1/4) of the Southeast Quarter (1/4), thence South 89°51'20" East 230.80 feet to the Northeast Corner of said Southeast Quarter (1/4) of the Southeast Quarter (1/4), thence South 00°54'17" West 1308.48 feet to the Point of Beginning containing 19.852 acres including 1.047 acres of County Road right-of-way.

  
\_\_\_\_\_  
Darrell Luke, Owner

STATE OF IOWA, COUNTY OF MADISON, ss:

On this 1<sup>st</sup> day of November, 2007, before me, the undersigned, a Notary Public in and for said State, personally appeared Darrell Luke, to me known to be the persons named in and who executed the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.



  
\_\_\_\_\_  
Notary Public in and for the State of Iowa

*Flander, Casper and Rosien, P.C.*

JOHN E. CASPER  
jcasper@ferpc.com

JANE E. ROSIEN  
jrosien@ferpc.com

LEONARD M. FLANDER  
(1934-2002)

ATTORNEYS AT LAW  
223 EAST COURT AVENUE  
P.O. BOX 67  
WINTERSET, IOWA 50273-0067

Telephone: (515) 462-4912  
Fax: (515) 462-3392  
E-Mail: [attorneys@ferpc.com](mailto:attorneys@ferpc.com)

November 1, 2007

Madison County Zoning Administrator  
Madison County Courthouse  
Winterset, Iowa 50273

I, John E. Casper, do hereby certify that I am an attorney licensed to practice under the laws of the State of Iowa; that I have examined an abstract of title showing the chain of title to the real estate described below from the root of title to October 26, 2007 at 12:14 o'clock p.m. In my opinion the fee simple title to the real property described below is in the name of the proprietors, to wit: **Darrell Luke**. In my opinion, no mortgages, liens or other encumbrances exist against the following described real property as of October 26, 2007 at 12:14 o'clock a.m.

This attorney's opinion is for the real estate legally described as:

A parcel of land in the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of Section Fourteen (14), in Township Seventy-five (75) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa more particularly described as follows:

Beginning at the Southeast Corner of the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of Section Fourteen (14), Township Seventy-five (75) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa, thence South 89°43'49" West 1320.51 feet to the Southwest Corner of said Southeast Quarter (1/4) of the Southeast Quarter (1/4), thence North 00°44'34" East 525.62 feet along the West line of said Southeast Quarter (1/4) of the Southeast Quarter (1/4), thence South 88°39'21" East 1032.63 feet; thence North 23°01'25" East 133.52 feet; thence North 01°59'24" East 249.16 feet; thence North 01°21'57" East 441.99 feet to a point on the North line of said Southeast Quarter (1/4) of the Southeast Quarter (1/4), thence South 89°51'20" East 230.80 feet to the Northeast Corner of said Southeast Quarter (1/4) of the Southeast Quarter (1/4), thence South 00°54'17" West 1308.48 feet to the Point of Beginning containing 19.852 acres including 1.047 acres of County Road right-of-way.

Dated at Winterset, Iowa on this 1st day of November, 2007.

FLANDER, CASPER AND ROSIEN, P.C.

By: 

John E. Casper, Attorney for Darrell Luke

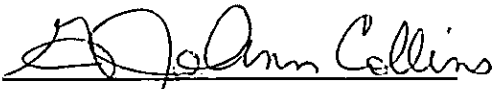
**CERTIFICATE OF THE COUNTY TREASURER  
OF MADISON COUNTY, IOWA  
FOR  
LUKE SUBDIVISION  
IN MADISON COUNTY, IOWA**

I, G. JoAnn Collins, do hereby certify that I am the duly elected and acting Treasurer of Madison County, Iowa; that I have examined the records in the Office of the Madison County Treasurer; and, that there are no certified taxes and no certified special assessments forming a lien against the following described real estate:

A parcel of land in the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of Section Fourteen (14), in Township Seventy-five (75) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa more particularly described as follows:

Beginning at the Southeast Corner of the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of Section Fourteen (14), Township Seventy-five (75) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa, thence South 89°43'49" West 1320.51 feet to the Southwest Corner of said Southeast Quarter (1/4) of the Southeast Quarter (1/4), thence North 00°44'34" East 525.62 feet along the West line of said Southeast Quarter (1/4) of the Southeast Quarter (1/4), thence South 88°39'21" East 1032.63 feet; thence North 23°01'25" East 133.52 feet; thence North 01°59'24" East 249.16 feet; thence North 01°21'57" East 441.99 feet to a point on the North line of said Southeast Quarter (1/4) of the Southeast Quarter (1/4), thence South 89°51'20" East 230.80 feet to the Northeast Corner of said Southeast Quarter (1/4) of the Southeast Quarter (1/4), thence South 00°54'17" West 1308.48 feet to the Point of Beginning containing 19.852 acres including 1.047 acres of County Road right-of-way.

Dated on this 1 day of November, 2007 at Winterset, Iowa.

  
G. JoAnn Collins, Treasurer  
of Madison County, Iowa



**COUNTY AUDITOR  
APPROVAL OF THE  
NAME OF THE SUBDIVISION PLAT**

The Madison County Auditor pursuant to Iowa Code Section 354.11 does hereby approve the following name of the Subdivision Plat, to wit:

Luke Subdivision

for the real estate being subdivided which is legally described as:

A parcel of land in the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of Section Fourteen (14), in Township Seventy-five (75) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa more particularly described as follows:

Beginning at the Southeast Corner of the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of Section Fourteen (14), Township Seventy-five (75) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa, thence South 89°43'49" West 1320.51 feet to the Southwest Corner of said Southeast Quarter (1/4) of the Southeast Quarter (1/4), thence North 00°44'34" East 525.62 feet along the West line of said Southeast Quarter (1/4) of the Southeast Quarter (1/4), thence South 88°39'21" East 1032.63 feet; thence North 23°01'25" East 133.52 feet; thence North 01°59'24" East 249.16 feet; thence North 01°21'57" East 441.99 feet to a point on the North line of said Southeast Quarter (1/4) of the Southeast Quarter (1/4), thence South 89°51'20" East 230.80 feet to the Northeast Corner of said Southeast Quarter (1/4) of the Southeast Quarter (1/4), thence South 00°54'17" West 1308.48 feet to the Point of Beginning containing 19.852 acres including 1.047 acres of County Road right-of-way.

11-1-07

Date

*Joan Welch*  
Joan Welch  
Madison County Auditor *by Debby Cookman*

**RESOLUTION APPROVING FINAL PLAT OF  
LUKE SUBDIVISION  
IN MADISON COUNTY, IOWA**

Whereas, a Final Plat has been filed in the Office of the Zoning Administrator of Madison County, Iowa, for a proposed subdivision to be known as the Luke Subdivision in Madison County, Iowa;

Whereas, the Final Plat comprises the real estate legally described as:

A parcel of land in the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of Section Fourteen (14), in Township Seventy-five (75) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa more particularly described as follows:

Beginning at the Southeast Corner of the Southeast Quarter (1/4) of the Southeast Quarter (1/4) of Section Fourteen (14), Township Seventy-five (75) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa, thence South 89°43'49" West 1320.51 feet to the Southwest Corner of said Southeast Quarter (1/4) of the Southeast Quarter (1/4), thence North 00°44'34" East 525.62 feet along the West line of said Southeast Quarter (1/4) of the Southeast Quarter (1/4), thence South 88°39'21" East 1032.63 feet; thence North 23°01'25" East 133.52 feet; thence North 01°59'24" East 249.16 feet; thence North 01°21'57" East 441.99 feet to a point on the North line of said Southeast Quarter (1/4) of the Southeast Quarter (1/4), thence South 89°51'20" East 230.80 feet to the Northeast Corner of said Southeast Quarter (1/4) of the Southeast Quarter (1/4), thence South 00°54'17" West 1308.48 feet to the Point of Beginning containing 19.852 acres including 1.047 acres of County Road right-of-way.

Whereas, the Final Plat has been duly approved by the Planning and Zoning Commission in accordance with the County Subdivision Ordinance and the laws of the State of Iowa;

Whereas, the Final Plat is accompanied by all the documents required by law including the plat dedication by the proprietor, the certificate of the County Treasurer, and the title opinion of the attorney;

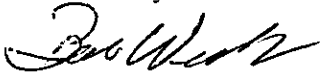
Whereas, the Madison County Board of Supervisors finds that this rural subdivision is not within two (2) miles of any City incorporated under the laws of the State of Iowa and is not thereby subject to any concurrent jurisdiction of any other subdivision laws or ordinances; and,

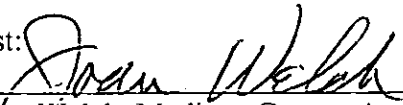
Whereas, the Madison County Board of Supervisors finds that this plat conforms in all respects to the provisions of the Subdivision Ordinance of Madison County and to the laws of the State of Iowa and should now be approved in all respects.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Madison County, Iowa, that the subdivision plat known as the Luke Subdivision in Madison County, Iowa be and is hereby approved in all respects; the dedication and/or conveyance of public areas within the plat, if any, be and are hereby approved and accepted in all respects; and, the Madison County Zoning Administrator be and is hereby directed to certify this Resolution, the Subdivision Plat and all other accompanying documents to the Office of the Madison County Recorder for recording in the manner provided by law.

Passed and approved by the Board of Supervisors on this 18 day of December, 2007, at Winterset, Iowa.

Madison County Board of Supervisors

By   
Robert Weeks, Chairperson  
Madison County Board of Supervisors

Attest:   
Joan Welch, Madison County Auditor  
Secretary of the Board of Supervisors



**PREPARER**

**INFORMATION** John E. Casper, ICIS# AT0001474 223 East Court Ave., Winterset, IA 50273 Telephone: (515-462-4912)

**AGREEMENT**

**THIS AGREEMENT** made and entered into by and between Darrell Luke, a single person, as the proprietor of the Luke Subdivision and Todd Hagan, Madison County Engineer.

**NOW THEREFORE IT IS AGREED** as follows:

The proprietor of the Luke Subdivision, a Plat of the following-described real estate:

A parcel of land in the Southeast Quarter (¼) of the Southeast Quarter (¼) of Section Fourteen (14), in Township Seventy-five (75) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa more particularly described as follows:

Beginning at the Southeast Corner of the Southeast Quarter (¼) of the Southeast Quarter (¼) of Section Fourteen (14), Township Seventy-five (75) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa, thence South 89°43'49" West 1320.51 feet to the Southwest Corner of said Southeast Quarter (¼) of the Southeast Quarter (¼), thence North 00°44'34" East 525.62 feet along the West line of said Southeast Quarter (¼) of the Southeast Quarter (¼), thence South 88°39'21" East 1032.63 feet; thence North 23°01'25" East 133.52 feet; thence North 01°59'24" East 249.16 feet; thence North 01°21'57" East 441.99 feet to a point on the North line of said Southeast Quarter (¼) of the Southeast Quarter (¼), thence South 89°51'20" East 230.80 feet to the Northeast Corner of said Southeast Quarter (¼) of the Southeast Quarter (¼), thence South 00°54'17" West 1308.48 feet to the Point of Beginning containing 19.852 acres including 1.047 acres of County Road right-of-way,

hereby agree that the private roads located within the Luke Subdivision shall remain at all times as private roads and no such road right of way is being dedicated to Madison County, Iowa. The undersigned proprietor consents and agrees that any such road right of way incident to this Subdivision shall not be maintained in any manner by Madison County, Iowa, or the Madison County Engineer's Department.

Dated at Winterset, Iowa on this 1st day of November, 2007.

**LUKE SUBDIVISION**

By Darrell Luke  
Darrell Luke  
Proprietor

**MADISON COUNTY, IOWA**

By Todd Hagan  
Todd Hagan  
Madison County Engineer

**Land Disturbing Activities  
Affidavit**

Pursuant to Section 161A.64, Code of Iowa; in consideration for permission to engage in a land disturbing activity as defined in that statute, and recognizing that the agency authorized by that statute to receive and file this affidavit will rely on statements we make herein. I, Darrell Luke, a single person (hereafter the Affiant) being first duly sworn under oath, do solemnly swear or affirm that:

The Affiant plans to engage in the following land disturbing activity:

The subdivision of the real estate described below pursuant to the Preliminary and Final Plats on file with the Office of the County Zoning Administrator.

The estimated established starting date is upon approval of the Preliminary Plat by the County Planning and Zoning Commission. The estimated completion date is within one (1) year of the approval of the Final Plat for the subdivision of the land. The land disturbing activity will occur on lands under my control, which lands are legally described as:

A parcel of land in the Southeast Quarter (¼) of the Southeast Quarter (¼) of Section Fourteen (14), in Township Seventy-five (75) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa more particularly described as follows:

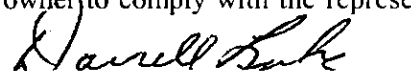
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As owner or occupant of the land describe above, the Affiant is aware that the Affiant must establish and maintain soil conservation practices as necessary to meet the soil loss limits established by the County Soil and Water Conservation District pursuant to Sections 161A.43 and 161A.44 of the Code of Iowa.

The Affiant is aware that the soil loss limit regulations prohibit sediment from leaving the site in excess of 5 tons per year. The land disturbing activities describe above will be conducted in a manner that will insure compliance with the soil loss limit regulations.

Upon filing this affidavit, the Affiant is given authority to start the land disturbing activity. The Affiant also assumes responsibility for all land disturbing activities conducted on this property by myself or other people or entities on the Affiant's behalf. This authority covers only land and land disturbing activity described above.

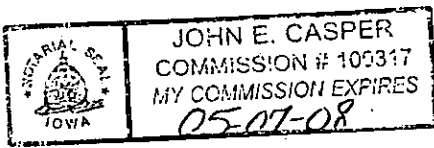
The Affiant is the owner of the land, and have full authority to enter into this agreement on behalf of owner of the above described real estate and to fully bind this land owner, to comply with the representations contained herein.

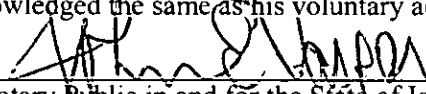
  
Darrell Luke, Proprietor

If a corporation has not adopted a corporate seal, the affiant shall so state: "I hereby certify that the above-named corporation has not adopted a corporate seal."

State of Iowa, County of Madison, ss:

On this 1st day of November, 2007, before me, the undersigned a Notary Public in and for the State of Iowa, personally appeared Darrell Luke, to me known to be the identical person named in and who executed the within and foregoing instrument and acknowledged the same as his voluntary act and deed.



  
Notary Public in and for the State of Iowa

**IRREVOCABLE STANDBY LETTER OF CREDIT**

ISSUER: UNION STATE BANK  
P.O. BOX 110  
201 W. COURT AVE  
WINTERSET, IA 50273

Date of Issue: <u>01-31-2008</u>		Letter of Credit Number: <u>6000026748</u>	
Amount: U.S. \$ <u>1,200.00</u>			
( <u>ONE THOUSAND TWO HUNDRED AND NO/100</u>		U.S. DOLLARS)	
For Benefit Of: <b>Beneficiary Name and Address</b>		For Account Of: <b>Applicant Name and Address</b>	
MADISON COUNTY		MARLYN TINDLE 2224 W. SUMMIT ST. WINTERSET, IA 50273	

LETTER OF CREDIT. Issuer establishes this Irrevocable Standby Letter of Credit (Letter of Credit) in favor of Beneficiary in the amount indicated above. Beneficiary may draw on this Letter of Credit with a Draft (or Drafts, if the maximum number of drawings is greater than one) together with the documents described below. Each Draft shall be signed on behalf of Beneficiary and be marked "Drawn under [Issuer name] Letter of Credit No. [Letter of Credit number] dated [Letter of Credit date]." Drafts must be presented at Issuer's address shown above on or before the Expiration Date. The presentation of any Draft shall reduce the Amount available under this Letter of Credit by the amount of the Draft.

This Letter of Credit sets forth in full the terms of Issuer's obligation to Beneficiary. This obligation cannot be modified by any reference in this Letter of Credit, or any document to which this Letter of Credit may be related.

This Letter of Credit expires on the Expiration Date.

**DRAWINGS.**

- Partial drawings shall not be permitted under this Letter of Credit.
- Partial drawings are permitted. The maximum number of drawings that may be made is \_\_\_\_\_.

**DOCUMENTS.** Each Draft must be accompanied by the following, an original and two copies except as stated:

- The original Letter of Credit, together with any amendments.
- A sight draft drawn by Beneficiary on Issuer.
- A signed statement by Beneficiary including the following statement:
  
- Other documents:

Issuer shall be entitled to accept a draft and the documentation described above, as required by the terms of this Letter of Credit, from any person purporting to be an authorized officer or representative of Beneficiary without any obligation or duty on the part of Issuer to verify the identity or authority of the person presenting the draft and such documentation.

**SPECIAL INSTRUCTIONS:**

EXPIRATION DATE. This Letter of Credit expires at the close of business at Issuer's address at 4:00 PM (Time) on 01-31-2009 (Date). Issuer agrees to honor all Drafts presented in strict compliance with the provisions of this Letter of Credit on or before the Expiration Date.

If Beneficiary has not drawn the full amount of this Letter of Credit prior to the Expiration Date, the Expiration Date shall be extended for a period of \_\_\_\_\_ days from the Expiration Date, unless Issuer notifies Beneficiary in writing at least \_\_\_\_\_ days prior to the Expiration Date that Issuer elects not to extend this Letter of Credit. In any event, this Letter of Credit shall expire on \_\_\_\_\_ without any notice from Issuer to Beneficiary.

TRANSFERABILITY. This Letter of Credit is  transferable  non-transferable.

APPLICABLE LAW. This Letter of Credit shall be governed by:

- the Uniform Customs and Practice for Documentary Credits, 2006 Revision, International Chamber of Commerce Publication No. 600 (UCP), or any later version or amendment.
- the International Standby Practices 1998 (ISP98).

This Letter of Credit shall also be governed by the laws of IOWA, the United States of America, so long as such laws are not inconsistent with the UCP or ISP, as applicable.

UNION STATE BANK  
(Issuer Name)

By \_\_\_\_\_  
(Signature)

1-31-08  
(Date)

ERIC JOHNSON, SENIOR VICE PRESIDENT  
(Signer Name and Title)



# SOUTHERN IOWA COUNCIL OF GOVERNMENTS

Southern Iowa Development Group, Inc.  
Southern Iowa COG Housing Trust Fund, Inc.

P.O. Box 102  
101 East Montgomery St.  
Creston, Iowa 50801-0102

Telephone 641.782.8491  
Facsimile 641.782.8492  
e-mail SICOG@sicog.com

- David Ferris, Chairperson  
Taylor County
- J. R. Cornett, Vice-Chair  
Decatur County
- Mark Olive, Secretary  
Adams County
- Mike King, Treasurer  
Union County
- Amy Lampe  
Clarke County
- Steve Raymond  
Madison County
- Royce Dredge  
Ringgold County
- Shirley Ross  
Fontanelle, Orient  
Bridgewater & Adair
- Bill Morain  
Private Representative
- Pat Nehring  
Private Representative
- Kathy Timmerman  
Private Representative
- Beth Waddle  
Private Representative
- Jodi Seymour  
Member-At-Large

January 31, 2008

Madison County Board of Supervisors  
Madison County Courthouse  
P.O. Box 152  
Winterset, Iowa 50273

Dear Chairman Raymond,

The Southern Iowa Council of Governments (SICOG) is proposing a regional project to include interested counties in southern Iowa. The project will involve the funding of the installation of septic systems for residents in participating counties. As you obviously know, septic issues in rural areas hinder the economic development of our counties and may cause environmental problems. The project is directed toward homeowners, lower income, and having identified non-compliant septic systems. The systems would have to be identified by the participating counties as needing replaced.

The program would provide a forgivable loan up to \$7,000 but no more than 80% of the cost of installing a septic system on their property. In all cases, the design, inspection, and approval of the septic system, would be done by the county. The homeowner would have to comply with all future inspection requirements and any necessary easements that may be required by the county. Individual homeowners would have to apply to SICOG; the county would assist by directing homeowners with non-compliant systems to our office.

In order to determine if SICOG should pursue this program, I have enclosed a simple survey form to be completed by the county board of supervisors in consultation with the sanitarian. In order to have the best chance at receiving this grant, we ask the County governments to waive any initial fees, to assist free of charge homeowners in applying for these funds and OSWAP funds as needed, and do all design work on an in-kind basis, if applicable.

If you are interested in this project, the board of supervisors should complete the enclosed survey form and either return by mail, fax (641.782.8492), or e-mail ([rounds@sicog.com](mailto:rounds@sicog.com)) to the SICOG office. If you have any questions about the program, please feel free to contact me or Tim Ostroski (641.782.8491). The grant is due in late February; therefore, please have your county board of supervisors complete the survey no later than February 8<sup>th</sup>. I apologize for the short response period.

Thanking you in advance for your time and attention.

Sincerely,  
  
Jeremy Rounds  
Regional Planner

CC: Elton Root, Sanitarian, Courthouse, Box 152, Winterset, Iowa 50273

Grantsmanship

Planning

Technical Assistance



Question:

If the grant is awarded, as described in the enclosed letter, would you be interested in signing a resolution or other agreement, as necessary, to participate in a regional program to help low-income homeowners with non-compliant septic systems in your county install a compliant on-site system.

- Yes. We are interested. We would consider waiving any fees and design costs that we would ordinarily charge to homeowners that qualify and participate in SICOG's program.
- Yes. We are interested. However, we do not wish to waive any fees or costs even if the grant is awarded.
- No. We are not interested.

If we do not receive comment from the board of supervisors by 4:30 PM, February 8<sup>th</sup>, we will assume you are not interested.

Mail to:  
SICOG  
P.O. Box 102  
Creston, Iowa 50801

Phone: 641.782.8491

Fax: 641.782.8492

e-mail: [rounds@sicog.com](mailto:rounds@sicog.com)

LISA SMITH, COUNTY RECORDER  
 MADISON IOWA

INDX  
 ANNO  
 SCAN  
 CHEK

**LEGAL DESCRIPTION:**  
 A parcel of land in the Southeast Quarter of the Southeast Quarter of Section 14, Township 75 North, Range 28 West of the 5th P.M., Madison County, Iowa more particularly described as follows:  
 Beginning at the Southeast Corner of the Southeast Quarter of the Southeast Quarter of Section 14, Township 75 North, Range 28 West of the 5th P.M., Madison County, Iowa thence South 89°43'49" West 1320.51 feet to the Southwest Corner of said Southeast Quarter of the Southeast Quarter; thence North 00°44'34" East 525.62 feet along the West line of said Southeast Quarter of the Southeast Quarter; thence South 88°39'21" East 1032.63 feet; thence North 23°01'25" East 133.52 feet; thence North 01°59'24" East 249.16 feet; thence North 01°21'57" East 441.99 feet to a point on the North line of said Southeast Quarter of the Southeast Quarter; thence South 89°51'20" East 230.80 feet to the Northeast Corner of said Southeast Quarter of the Southeast Quarter; thence South 00°54'17" West 1308.48 feet to the Point of Beginning containing 19.852 acres including 1.047 acres of County Road right-of-way.

- NOTES:**
1. Zoned - Agricultural
  2. Water - Warren Rural Water
  3. Sewer - Individual Systems
  4. Building Setback =  
 A. Front & Rear Yard = 50'  
 B. Side Yard = 25'
  5. From Pipe Line Centerline = 50'
  6. Lot 1 to be attached to Parcel "B"

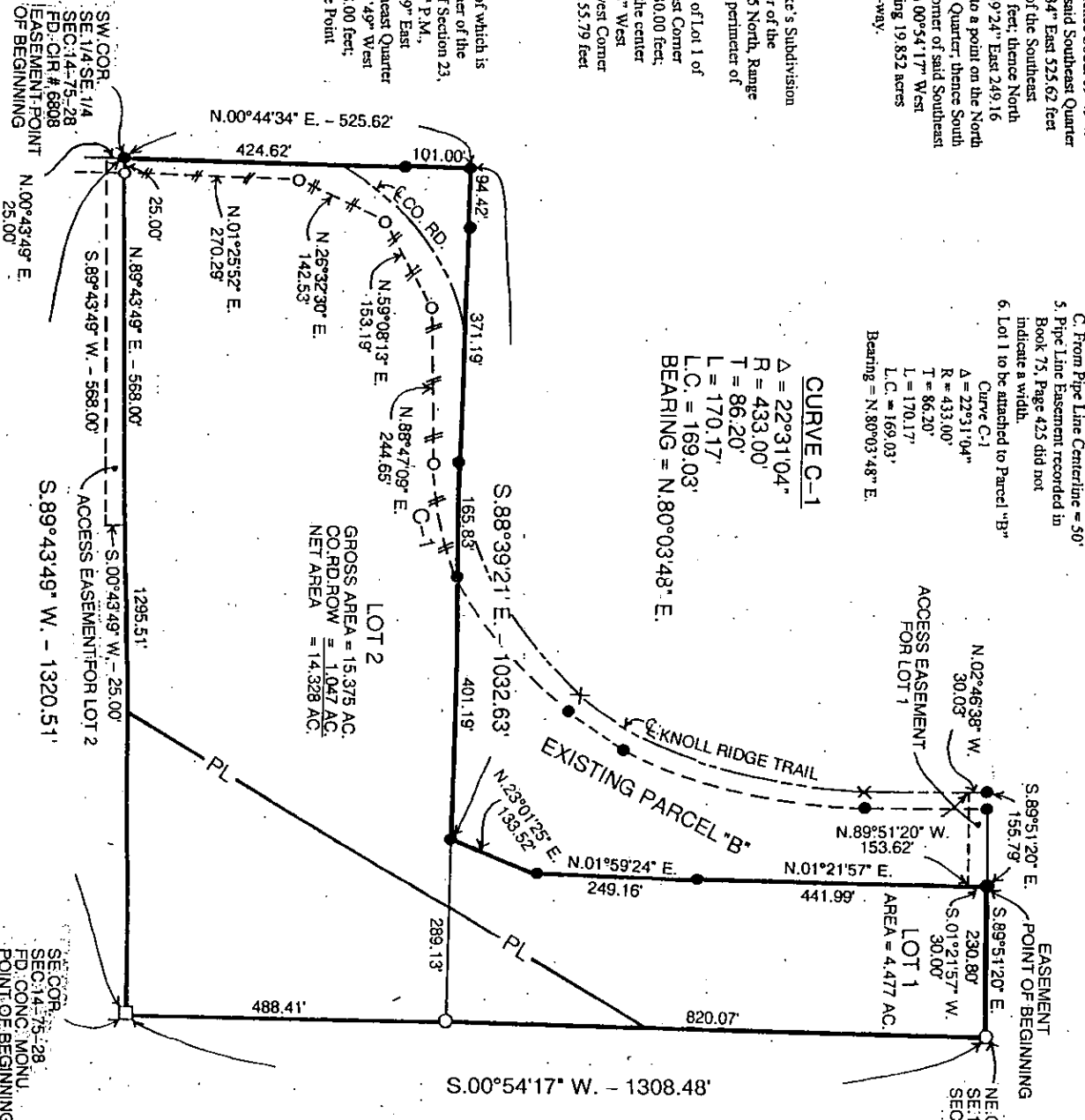
**LUKE'S SUBDIVISION**

**EASEMENT DESCRIPTION FOR LOT 1:**

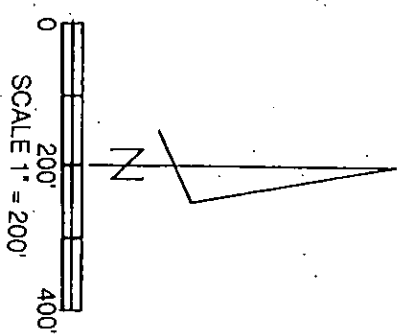
An access easement to Lot 1 of Luke's Subdivision Across Parcel "B" all in the Southeast Quarter of the Southeast Quarter of Section 14, Township 75 North, Range 28 West of the 5th P.M., Madison County the perimeter of which is described as follows:  
 Beginning at the Northwest Corner of Lot 1 of Luke's Subdivision which is also the Northeast Corner of Parcel "B" thence South 01°21'57" West 30.00 feet; thence North 89°51'20" West 153.62 feet to the center line of a County road; thence North 02°46'38" West 30.03 feet along said centerline to the Northwest Corner of Parcel "B"; thence South 89°51'20" East 155.79 feet to the Easement Point of Beginning.

**EASEMENT DESCRIPTION FOR LOT 2:**

An access easement the perimeter of which is described as beginning at the Northwest Corner of the Northeast Quarter of the Northeast Quarter of Section 23, Township 75 North, Range 28 West of the 5th P.M., Madison County, Iowa thence North 89°43'49" East 568.00 feet along the North line of said Northeast Quarter of the Northeast Quarter; thence South 00°43'49" West 25.00 feet; thence South 89°43'49" West 568.00 feet; thence North 00°43'49" East 25.00 feet to the Point of Beginning.



**CURVE C-1**  
 $\Delta = 22^\circ 31' 04"$   
 $R = 433.00'$   
 $T = 86.20'$   
 $L = 170.17'$   
 $L.C. = 169.03'$   
 $BEARING = N.80^\circ 03' 48" E.$



- CAPPED IRON ROD (CIR) #6808 SET
- CIR #6808 FOUND
- CONCRETE MONUMENT FOUND
- EASEMENT LINE
- - - EXISTING FENCE
- PL — CENTERLINE COUNTY ROAD
- PL — CENTERLINE AMERICAN OIL CO. PIPELINE AS INDICATED BY SIGNS

**LICENSED LAND SURVEYOR**  
 J. M. HOCHSTETLER  
 #6808  
 IOWA

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.

J. M. HOCHSTETLER  
 License number 6808 Date 12/11/07  
 My license renewal date is December 31, 2007  
 Pages or sheets covered by this seal:

**FINAL PLAT**

**LUKE'S SUBDIVISION**

SE. 1/4 SE. 1/4 SECTION 14-75-28

**OWNER/DEVELOPER:**  
 DARRELL LUKE  
 421 NORTH RIVER ROCK DRIVE  
 BELGRADE, MONTANA 59714

**ENGINEER/SURVEYOR:**  
 VANCE & HOCHSTETLER, P.C.  
 CONSULTING ENGINEERS  
 110 WEST GREEN STREET  
 WINTERSSET, IOWA 50273