Document 2008 3705

Book 2008 Page 3705 Type 06 032 Pages 1 Date 12/23/2008 Time 11:58 AM

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INDX1 **ANNO SCAN**

LISA SMITH, COUNTY RECORDER MADISON TOWA

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Prepared by David L. Dorff, Ass't Att'y Gen.. <u>lowa Dep't of Justice</u>, <u>State Capitol Complex</u>, <u>Des Moines, Iowa 50319, 515-281-5351:Return to: MADISON SWCD.</u> **fo Box 267 Winderschild Joans**IOWA FINANCIAL INCENTIVE PROGRAM FOR SOIL EROSION CONTROL Form IP-4(Rev 10/06) Form IP-4(Rev 10/06) MAINTENANCE/PERFORMANCE AGREEMENT

lowa Department of Agriculture & Land Stewardship

FARMS Agreement No #5304

Division of Soil Conservation Return to: Madison County SWCD PO BOX 267 Winterset, IA 50273

MADISON SWCD County Soil and Water Conservation District

This AGREEMENT is made and entered into this day of December 22, 2008. by and between the MADISON SWCD County Soil and Water Conservation District, herein called DISTRICT, and JEFF KIDDO, herein called

WITNESSETH:

DISTRICT and RECIPIENT hereby agree that this covenant is executed to satisfy the requirements of Iowa Code Section 161A.7(16) and should be interpreted in a manner that promotes the policies of Chapter 161A of the Iowa Code. Section 161A.7(16) requires this covenant as a condition for receiving DISTRICT financial incentive assistance and provides that the owner, present or future, of the property herein described is personally liable through this AGREEMENT if the soil and water conservation practice herein named is not maintained or is removed, altered or modified while this AGREEMENT is effective.

The RECIPIENT hereby acknowledges the receipt of FARMS Agreement No. #5304 in the amount of \$16,541.10 as reimbursement for partially or completely financing the herein named soil and water conservation practice on Qtr. SW1/4SE1/4 section 2 and NE1/4NW1/4 AND NW1/4 NE1/4 SECTION 11 T74N R29W Grand River

County Madison, in the State of Iowa.

RECIPIENT hereby agrees that no action shall be taken by the RECIPIENT or his/her agents or successors to remove, alter or modify any soil and water conservation practice herein named for 20 years from the date of the AGREEMENT unless prior written authorization is obtained from the District and incorporated into this AGREEMENT.

RECIPIENT hereby agrees that if any unauthorized removal, alteration or modification of the soil and water conservation practices herein named occurs during the term of this AGREEMENT. RECIPIENT will repair or reconstruct the practices to their original as-built design specifications at RECIPIENT'S own expense. In lieu of repairing or reconstructing the practices. DISTRICT, at the sole discretion, may allow RECIPIENT or RECIPIENT'S successors to refund to the lowa Division of Soil Conservation the entire amount of the financial incentive payment received by RECIPIENT.

DISTRICT and RECIPIENT hereby agree that if RECIPIENT makes a refund of all money received under this AGREEMENT to the DIVISION that the AGREEMENT is cancelled and that no costs of cancellation shall be

charged to either party.

RECIPIENT hereby agrees to notify any prospective purchaser of the property herein described of the landowner's obligations created by this AGREEMENT and Section 161A.7(16) of the lowa Code and Section 27-10.31 of the lowa Administrative Code before legal or equitable title to any portion of this property is transferred. COVERAGE OF THIS AGREEMENT:

DISTRICT and RECIPIENT agree that the soil and water conservation practice(s) detailed in the following description and on the attached sketch (hereby made part of this AGREEMENT) were partially or completely installed with DISTRICT funds and is covered by this AGREEMENT.

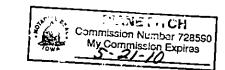
RECIPIENT hereby agrees the maintenance agreement will begin on December 22, 2008

Practice Terraces	Amount Installed 6.996 Feet of narrow base outl
Signature of SWCD Chairperson	Gignature of Owner, agent or POA
State 6 t	Sign (Recipient, JEFF KIDDO
State of <u>Iowa</u> County of <u>Madison</u> This instrument was asked and a	12 14 24
This instrument was acknowledged Quane Puch (s	date) (date) (grature of notarial officer) by Jeff Kiddoo (name(s) of person(s)
Stole Savadania	(Stamp or Seal)

State Secretary ____Title (and Rank)

Distribution APPLICANT, SWCD, DSC

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