

FOR PLAT SEE  
2004-2164

**PLAT AND CERTIFICATE  
FOR QUAIL'S MEADOW  
MADISON COUNTY, IOWA**



COMPUTER	<input checked="" type="checkbox"/>
RECORDED	<input checked="" type="checkbox"/>
COMPARED	<input type="checkbox"/>

I, C. J. Nicholl, Zoning Administrator of Madison County, Iowa, do hereby certify that the plat to which this certificate is attached is a plat of a subdivision known and designated as Quail's Meadow, and that the real estate comprising said plat is described as follows:

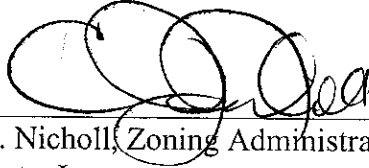
A parcel of land located in the Northeast Quarter (NE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 26, T77N R27W of the 5<sup>th</sup> PM, Madison County, Iowa, more particularly described as follows: Commencing at the NE corner of said Section 26; thence N90°00'00"E, along north line of said Section 26, 505.00 to the Point of Beginning; thence continuing N90°00'00"E, along said north line 808.24 feet to the west line of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of said Section 26; thence S00°24'16"E, along said west line 1313.44 feet to the south line of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of said Section 26; thence S89°59'26"E, along said south line 467.40 feet; thence N00°11'44"W, 653.25 feet; thence N90°00'00"E, 336.05 feet; thence N00°11'44"W, 660.25 feet to the Point of Beginning. Said parcel contains 19.26 acres including 0.61 acres county road right of way and is subject to easements of record.

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

1. Dedication of Plat of Quail's Meadow;
2. Attorney's opinion;
3. Certificate of County Treasurer of Madison County, Iowa;
4. Certificate of County Recorder of Madison County, Iowa;
5. Certificate of Clerk of the District court of Madison County, Iowa;
6. Resolution of the Board of Supervisors of Madison County, Iowa, approving said plat;
7. Agreement with County Engineer; and
8. Deed of Restrictions.

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

Dated this 27<sup>th</sup> day of April, 2004.



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C. J. Nicholl, Zoning Administrator of Madison  
County, Iowa

**DEDICATION OF PLAT  
OF  
QUAIL'S MEADOW**

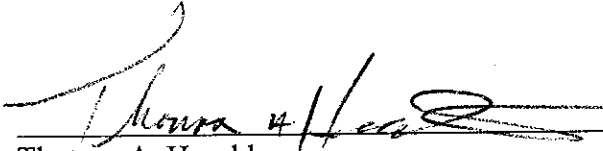
KNOW ALL MEN BY THESE PRESENTS:


That Thomas A. Herold and Rebecca A. Herold, Husband and Wife, do hereby certify that they are the sole owners and proprietors of the following-described real state:

A parcel of land located in the Northeast Quarter (NE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 26, T77N R27W of the 5<sup>th</sup> PM, Madison County, Iowa, more particularly described as follows: Commencing at the NE corner of said Section 26; thence N90°00'00"E, along north line of said Section 26, 505.00 to the Point of Beginning; thence continuing N90°00'00"E, along said north line 808.24 feet to the west line of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of said Section 26; thence S00°24'16"E, along said west line 1313.44 feet to the south line of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of said Section 26; thence S89°59'26"E, along said south line 467.40 feet; thence N00°11'44"W, 653.25 feet; thence N90°00'00"E, 336.05 feet; thence N00°11'44"W, 660.25 feet to the Point of Beginning. Said parcel contains 19.26 acres including 0.61 acres county road right of way and is subject to easements of record.

That the subdivision of the above-described real estate as shown by the final plat of Quail's Meadow is with the free consent and in accordance with the owners' desire as owners of said real estate.

DATED this 13<sup>th</sup> day of March, 2004.

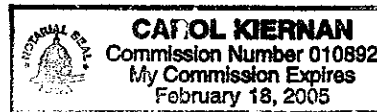
  
Thomas A. Herold

  
Rebecca A. Herold

STATE OF IOWA :  
 :SS  
COUNTY OF MADISON :

On this 13 day of March, 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared Thomas A. Herold and Rebecca A. Herold, to me known to be the person named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

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



**CONSENT TO PLATTING  
BY EARLHAM SAVINGS BANK**

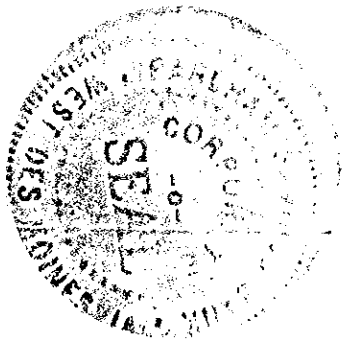
Earlham Savings Bank does consent to the platting and subdivision of the following-described real estate:

A parcel of land located in the Northeast Quarter (NE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 26, T77N R27W of the 5<sup>th</sup> PM, Madison County, Iowa, more particularly described as follows: Commencing at the NE corner of said Section 26; thence N90°00'00"E, along north line of said Section 26, 505.00 to the Point of Beginning; thence continuing N90°00'00"E, along said north line 808.24 feet to the west line of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of said Section 26; thence S00°24'16"E, along said west line 1313.44 feet to the south line of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of said Section 26; thence S89°59'26"E, along said south line 467.40 feet; thence N00°11'44"W, 653.25 feet; thence N90°00'00"E, 336.05 feet; thence N00°11'44"W, 660.25 feet to the Point of Beginning. Said parcel contains 19.26 acres including 0.61 acres county road right of way and is subject to easements of record.

in accordance with the ordinances of Madison County, Iowa, and the laws of the State of Iowa.

the State of Iowa. The undersigned holds a mortgage against said real estate.

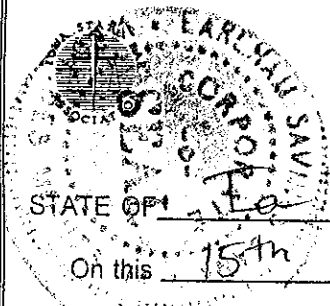
Dated: 15 March, 2004.



EARLHAM SAVINGS BANK

By William W. Hunt

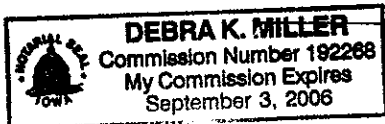
By [Signature]



STATE OF Ia, COUNTY OF Madison, ss:

On this 15th day of March, 2004, before me, the undersigned, a Notary Public in and for the said State, personally appeared William W Hunter and Vernon L Geiger, to me personally known, who being by me duly sworn, did say that they are the President and Executive Vice President respectively, of the corporation executing the within and foregoing instrument to which this is attached, that ~~(no seal has been procured by the)~~ (the seal affixed thereto is the seal of the) corporation; that the instrument was signed (and sealed) on behalf of the corporation by authority of its Board of Directors; and that William W Hunter and Vernon L Geiger as officers acknowledged the execution of the foregoing instrument to be the voluntary act and deed of the corporation, by it and by them voluntarily executed.

Debra K. Miller  
\_\_\_\_\_, Notary Public in and for said State.



(Section 558.39, Code of Iowa)

Acknowledgment: For use in the case of corporations

## ATTORNEY'S OPINION FOR FINAL PLAT, QUAIL'S MEADOW

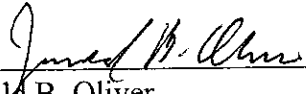
I, Jerrold B. Oliver, an attorney at law licensed to practice under the laws of the State of Iowa, have examined the abstract of title in one (1) part, last certified to March 12, 2004, at 8:00 A.M. by Madison County Abstract Company, purporting to show the chain of title to the following described real estate, which is the real property contained in Final Plat, Quail's Meadow, Madison County, Iowa:

A parcel of land located in the Northeast Quarter (NE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 26, T77N R27W of the 5<sup>th</sup> PM, Madison County, Iowa, more particularly described as follows: Commencing at the NE corner of said Section 26; thence N90°00'00"E, along north line of said Section 26, 505.00 to the Point of Beginning; thence continuing N90°00'00"E, along said north line 808.24 feet to the west line of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of said Section 26; thence S00°24'16"E, along said west line 1313.44 feet to the south line of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of said Section 26; thence S89°59'26"E, along said south line 467.40 feet; thence N00°11'44"W, 653.25 feet; thence N90°00'00"E, 336.05 feet; thence N00°11'44"W, 660.25 feet to the Point of Beginning. Said parcel contains 19.26 acres including 0.61 acres county road right of way and is subject to easements of record.

In my opinion, merchantable title to the above described property is in the name of Thomas A. Herold and Rebecca A. Herold, Husband and Wife, as Joint Tenants with Full Rights of Survivorship and Not as Tenants in Common, subject to a Mortgage held by Earlham Savings Bank in the principal amount of \$50,000 dated November 15, 1995, and filed November 30, 1995, in Mortgage Record 179, Page 491 of the Recorder's Office of Madison County, Iowa.

The abstract does show an Easement to Warren Water, Inc., for water pipeline and appurtenances dated October 18, 2000, and filed November 15, 2000, in Deed Record 144, Page 355 of the Recorder's Office of Madison County, Iowa.

JORDAN, OLIVER & WALTERS, P.C.

By   
Jerrold B. Oliver  
Farmers & Merchants State Bank Bldg.  
P.O. Box 230  
Winterset, Iowa 50273  
Telephone: 515-462-3731  
Fax: 515-462-3734

ATTORNEY FOR THOMAS A. HEROLD  
AND REBECCA A. HEROLD



**CERTIFICATE OF THE COUNTY TREASURER  
OF 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 my office, and that there are no unpaid taxes forming a lien against the following-described real estate, to-wit:

A parcel of land located in the Northeast Quarter (NE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 26, T77N R27W of the 5<sup>th</sup> PM, Madison County, Iowa, more particularly described as follows: Commencing at the NE corner of said Section 26; thence N90°00'00"E, along north line of said Section 26, 505.00 to the Point of Beginning; thence continuing N90°00'00"E, along said north line 808.24 feet to the west line of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of said Section 26; thence S00°24'16"E, along said west line 1313.44 feet to the south line of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of said Section 26; thence S89°59'26"E, along said south line 467.40 feet; thence N00°11'44"W, 653.25 feet; thence N90°00'00"E, 336.05 feet; thence N00°11'44"W, 660.25 feet to the Point of Beginning. Said parcel contains 19.26 acres including 0.61 acres county road right of way and is subject to easements of record.

DATED at Winterset, Iowa, this 19 day of March, 2004.

*G. JoAnn Collins by C. Speer*  
G. JoAnn Collins, Treasurer of Madison County, *deputy*  
Iowa



**CERTIFICATE OF THE COUNTY RECORDER  
OF MADISON COUNTY, IOWA**

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I, Michelle Utsler, do hereby certify that I am the duly elected and acting Recorder of Madison County, Iowa; that Thomas A. Herold and Rebecca A. Herold, Husband and Wife, are the fee simple owners and record titleholders of the following-described real estate, to-wit:

A parcel of land located in the Northeast Quarter (NE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 26, T77N R27W of the 5<sup>th</sup> PM, Madison County, Iowa, more particularly described as follows: Commencing at the NE corner of said Section 26; thence N90°00'00"E, along north line of said Section 26, 505.00 to the Point of Beginning; thence continuing N90°00'00"E, along said north line 808.24 feet to the west line of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of said Section 26; thence S00°24'16"E, along said west line 1313.44 feet to the south line of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of said Section 26; thence S89°59'26"E, along said south line 467.40 feet; thence N00°11'44"W, 653.25 feet; thence N90°00'00"E, 336.05 feet; thence N00°11'44"W, 660.25 feet to the Point of Beginning. Said parcel contains 19.26 acres including 0.61 acres county road right of way and is subject to easements of record.

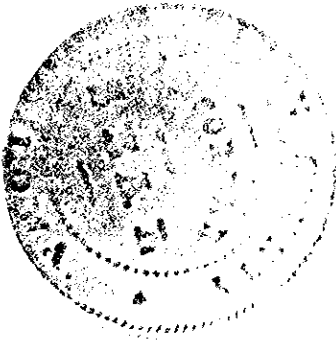
and that said real estate is free and clear of all liens and encumbrances against said real estate.

DATED at Winterset, Iowa, this 19<sup>th</sup> day of March, 2004.

*Michelle Utsler*

Michelle Utsler, Recorder of Madison County, Iowa

*by Lisa K. Smith, Deputy*



**CERTIFICATE OF THE CLERK OF THE DISTRICT  
COURT  
OF MADISON COUNTY, IOWA**

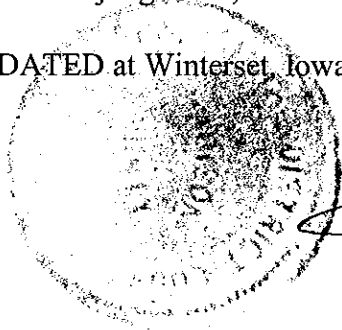
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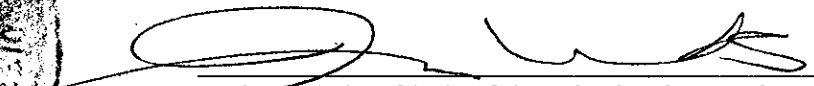
I, Janice Weeks, do hereby certify that I am the duly elected and acting Clerk of the District Court of Madison County, Iowa; that I have examined the records in my office, and that the following-described real estate, to-wit:

A parcel of land located in the Northeast Quarter (NE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 26, T77N R27W of the 5<sup>th</sup> PM, Madison County, Iowa, more particularly described as follows: Commencing at the NE corner of said Section 26; thence N90°00'00"E, along north line of said Section 26, 505.00 to the Point of Beginning; thence continuing N90°00'00"E, along said north line 808.24 feet to the west line of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of said Section 26; thence S00°24'16"E, along said west line 1313.44 feet to the south line of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  of said Section 26; thence S89°59'26"E, along said south line 467.40 feet; thence N00°11'44"W, 653.25 feet; thence N90°00'00"E, 336.05 feet; thence N00°11'44"W, 660.25 feet to the Point of Beginning. Said parcel contains 19.26 acres including 0.61 acres county road right of way and is subject to easements of record.

is free from all judgments, attachments, mechanic's or other liens.

DATED at Winterset, Iowa, this 18<sup>th</sup> day of March, 2004.



  
Janice Weeks, Clerk of the District Court of  
Madison County, Iowa

**DEED OF RESTRICTIONS  
QUAIL'S MEADOW  
MADISON COUNTY, IOWA**

We, Thomas A. Herold and Rebecca A. Herold, Husband and Wife, are now the fee simple owners and record titleholders of the following-described real estate:

A parcel of land located in the Northeast Quarter (NE¼) of the Northeast Quarter (NE¼) of Section 26, T77N R27W of the 5<sup>th</sup> PM, Madison County, Iowa, more particularly described as follows: Commencing at the NE corner of said Section 26; thence N90°00'00"E, along north line of said Section 26, 505.00 to the Point of Beginning; thence continuing N90°00'00"E, along said north line 808.24 feet to the west line of the NE¼ of the NE¼ of said Section 26; thence S00°24'16"E, along said west line 1313.44 feet to the south line of the NE¼ of the NE¼ of said Section 26; thence S89°59'26"E, along said south line 467.40 feet; thence N00°11'44"W, 653.25 feet; thence N90°00'00"E, 336.05 feet; thence N00°11'44"W, 660.25 feet to the Point of Beginning. Said parcel contains 19.26 acres including 0.61 acres county road right of way and is subject to easements of record.

which real estate is being platted as Quail's Meadow, Madison County, Iowa.

Said owners do hereby impose and subject said real estate to certain regulations, covenants, restrictions and easements as to the use and occupancy thereof, as follows:

1. All lots in said plat shall be used only for single-family residential purposes. No structure shall be erected on any lot except the residential dwelling structure, which shall be at least 1250 square feet in area, a one- to three-car garage and certain accessory buildings provided that accessory buildings other than garages may not be erected in excess of 3000 square feet in area. No mobile homes or manufactured homes shall be erected or placed on any of the lots in Quail's Meadow. No hog confinement, nursery or finishing structure, cattle finishing structure, poultry laying or raising houses shall be erected on any of the lots in said Quail's Meadow..

The following definitions shall apply:

- a. Manufactured home. "*Manufactured home*" is a factory-built structure built under authority of 42 U.S.C. § 5403, is required by federal law to display a seal from the United States department of housing and urban development, and was constructed on or after June 15, 1976.
- b. Mobile home. "*Mobile home*" means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa. A "*mobile home*" is not built to a mandatory building code, contains no state or federal seals, and was built before June 15, 1976.

2. The requirements contained in the Madison County Zoning Ordinance as to lot area, width and yard requirements shall apply to all lots within the subdivision. Setbacks are provided as follows:

Front and Rear Yard Setback	50 feet
Side Yard Setback	25 feet.

3. No lot in the plat shall be further subdivided, except that a lot may be divided and sold to or with adjoining lots to increase their size.
4. No trailer, basement, tent, shack, garage, barn or other accessory building in the tract shall at any time be used as a residence, temporarily or permanently, nor shall any residence of a temporary character be permitted.
5. No building shall be erected on any building lot unless the design and location is in harmony with the existing structures and locations in the tract and does not violate any of these protective covenants.

6. The titleholder of each lot, vacant or improved, shall keep his lot or lots free of weeds and debris, and shall not engage in any activity which is a nuisance.

7. These covenants are to run with the land, and shall be binding on all parties and persons claiming through or under them until January 1, 2024 at which time said covenants shall be automatically extended for successive periods of 10 years, unless by a vote of the majority of the then owners of the lots, it is agreed to delete and said covenants in whole or in part. No new or additional covenants shall be added unless all of the owners of the lots in said Quail's Meadow agree in writing to any such additional covenants.

8. If any person shall violate or attempt to violate any of the covenants, conditions or restrictions contained herein, it shall be lawful for any owner of any lot or lots in the to institute proceedings in law or in equity against the person or persons violation or attempting to violate any such covenants, conditions or restrictions, and to prevent or enjoin him or them from so doing or recover damages for such violation.

9. Invalidation of any one of these covenants by judgment or court order shall not affect any of the other provisions which shall remain in full force and effect.

10. If any lot owner decides to erect a fence upon his lot, the total cost of installation of such fence shall be borne by said lot owner as well as the cost of all future maintenance of the fence. No adjoining lot owner shall be required to participate in the cost of the erection or maintenance of any fence. Any fence erected shall be the sole property of the lot owner and can be removed by such lot owner at his discretion. Nothing in this paragraph shall be deemed to preclude a fencing agreement between adjoining lot owners for erection and maintenance of a common fence; however, for any such common fence agreement to be enforceable upon future lot owners, such fencing agreement must be in writing and filed on record in the Madison County Recorder's office in order to apprise prospective purchasers of their obligations with respect to

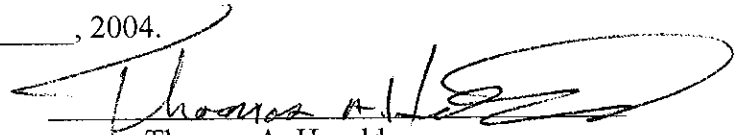
such fencing.

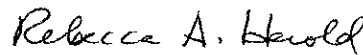
11. With respect to exterior partition fences it shall be the responsibility and obligation of each lot owner to maintain a lawful partition fence separating his lot from adjoining unplatted real estate.

12. There is no common sewage system available for use within Quail's Meadow, and it shall be the responsibility of each of the owners of the respective lots within the Quail's Meadow to provide a septic tank for use with the residence constructed upon each lot.

13. No animals shall be kept or maintained on any of the lots in Quail's Meadow except ordinary pets, horses, and livestock, not to exceed six head in number, for each lot in Quail's Meadow.

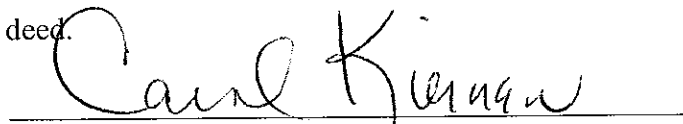
Dated this 13<sup>th</sup> day of March, 2004.

  
Thomas A. Herold

  
Rebecca A. Herold

STATE OF IOWA :  
:SS  
COUNTY OF MADISON :

On this 13 day of March, 2004, before me, the undersigned, a Notary Public in and for said State, personally appeared Thomas A. Herold and Rebecca A. Herold, to me known to be the person named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

  
Notary Public in and for the State of Iowa



**RESOLUTION APPROVING FINAL PLAT  
OF QUAIL'S MEADOW  
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 Quail's Meadow; and

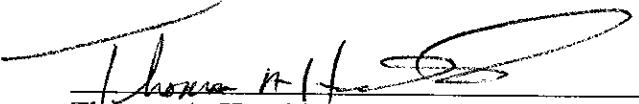
WHEREAS, the real estate comprising said plat is described as follows:

A parcel of land located in the Northeast Quarter (NE¼) of the Northeast Quarter (NE¼) of Section 26, T77N R27W of the 5<sup>th</sup> PM, Madison County, Iowa, more particularly described as follows: Commencing at the NE corner of said Section 26; thence N90°00'00"E, along north line of said Section 26, 505.00 to the Point of Beginning; thence continuing N90°00'00"E, along said north line 808.24 feet to the west line of the NE¼ of the NE¼ of said Section 26; thence S00°24'16"E, along said west line 1313.44 feet to the south line of the NE¼ of the NE¼ of said Section 26; thence S89°59'26"E, along said south line 467.40 feet; thence N00°11'44"W, 653.25 feet; thence N90°00'00"E, 336.05 feet; thence N00°11'44"W, 660.25 feet to the Point of Beginning. Said parcel contains 19.26 acres including 0.61 acres county road right of way and is subject to easements of record.

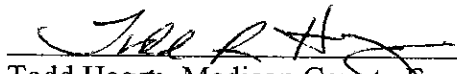
WHEREAS, there was also filed with said plat a dedication of said plat containing a statement to the effect that the subdivision as it appears on the plat is with the free consent and in accordance with the desire of the proprietors, Thomas A. Herold and Rebecca A. Herold; and

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 proprietors and that the platted land is free from encumbrance, and certified statements from the Treasurer of Madison County, Iowa, that said platted land is free from taxes, and the Clerk of the District Court of Madison County, Iowa, that said land is free from all judgments, attachments, mechanic's or other liens, and the Recorder of Madison County, Iowa, that title in fee simple is in said proprietors and is free from encumbrance; and

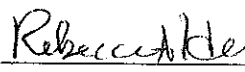
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Thomas A. Herold

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Todd Hagon, Madison County Engineer

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Rebecca A. Herold

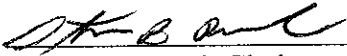


WHEREAS, the Board of Supervisors, Madison County, Iowa, finds that said plat conforms to the provisions of the Zoning Ordinance of Madison County, Iowa, and that the plat, papers and documents presented therewith should be approved by the Board of Supervisors, and that said plat, known as Quail's Meadow should be approved by the Board of Supervisors, Madison County, Iowa.

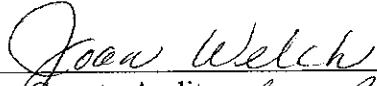
NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors, Madison County, Iowa:

1. That said plat, known as Quail's Meadow 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 27 day of April, 2004.

  
Steve Raymond, Chairman, Board of Supervisors,  
Madison County, Iowa

ATTEST:

  
Madison County Auditor *by AC*

**AGREEMENT**

This Agreement, made and entered into, by and between, the proprietors of Quail's Meadow and Todd Hagan, Madison County Engineer.

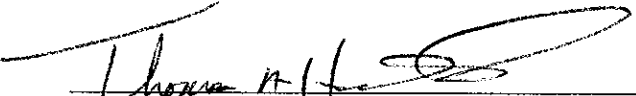
NOW THEREFORE IT IS AGREED AS FOLLOWS:

1. The proprietors of Quail's Meadow, a Plat of the following described real estate:

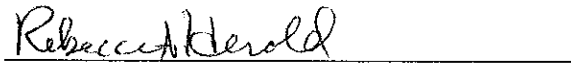
A parcel of land located in the Northeast Quarter (NE¼) of the Northeast Quarter (NE¼) of Section 26, T77N R27W of the 5<sup>th</sup> PM, Madison County, Iowa, more particularly described as follows: Commencing at the NE corner of said Section 26; thence N90°00'00"E, along north line of said Section 26, 505.00 to the Point of Beginning; thence continuing N90°00'00"E, along said north line 808.24 feet to the west line of the NE¼ of the NE¼ of said Section 26; thence S00°24'16"E, along said west line 1313.44 feet to the south line of the NE¼ of the NE¼ of said Section 26; thence S89°59'26"E, along said south line 467.40 feet; thence N00°11'44"W, 653.25 feet; thence N90°00'00"E, 336.05 feet; thence N00°11'44"W, 660.25 feet to the Point of Beginning. Said parcel contains 19.26 acres including 0.61 acres county road right of way and is subject to easements of record.

hereby agree that all private roads located within Quail's Meadow are private roads and are not being dedicated to Madison County, Iowa. Said proprietors consent and agree that such roads shall not be maintained in any manner by Madison County, Iowa, or the Madison County Engineer's Department.

PROPRIETORS QUAIL'S MEADOW  
SUBDIVISION

  
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Thomas A. Herold

  
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Todd Hagan, Madison County Engineer  
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Rebecca A. Herold

