

PREPARED BY: LINCOLN TOWNSHIP TRUSTEES & CLERK, 2310 KIPPY LANE, WINTERSET, IA 50273  
NOTICE OF FINDINGS

Lincoln TOWNSHIP, MADISON COUNTY

David Pettit

Complaining Party

Document 2004 2976

Book 2004 Page 2976 Type 06 13 Pages 5  
Date 6/28/2004 Time 11:33 AM  
Rec Amt \$31.00

2687 Homestead Ave

Winterset Iowa 50273

Address

MICHELLE "MICKI" UTSLER, COUNTY RECORDER  
MADISON IOWA

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

vs.

Deborah Pettit

Responding Party

2731 Heritage Dr,  
Winterset IA 50273

Address

Now on this 21 day of June, 2004, a controversy having arisen between the parties named above, adjoining landowners, as to the erection and maintenance of a partition fence, it comes on for hearing before Lincoln Township Trustees, MADISON County, State of Iowa, acting as fence viewers upon the request of one of the landowners, pursuant to Chapter 113 of the Code.

The Trustees, after providing all parties in interest with due notice or accepting waiver of same, after inspection of the property and fences and being fully advised in the premises, FINDS:

That the complaining party is the owner of the following described real estate, to-wit: (Insert full legal description.)

and

see survey sheet

That the responding party is the owner of the following described real estate, to-wit: (Insert full legal description.)

see survey sheet

and

That there is a partition fence between said tracts of real estate which should be maintained and repaired according to Iowa law,

and

That the Trustees further find that the parties should build, repair and/or maintain their respective portions of said partition fence as is hereinafter ordered.

IT IS THEREFORE HEREBY ORDERED AND ADJUDGED by the Trustees of said Township as follows, to-wit:

1. That the complaining party, his/her grantees and successors in interest shall erect and/or maintain that part of the said partition fence described as follows, to-wit: *Dave Pettit will erect north section running east & west 335.98 feet long. new 39" woven wire with two bars. Post 12 feet apart. Wooden posts to be used in low and high points to hold fence. Anchors inside boundary lines*

2. That the responding party, his/her grantees and successors in interest shall erect and/or maintain that part of the said partition fence described as follows, to-wit: *Deborah Pettit will erect East section running north and south 348.95 feet long. new 39" woven wire with two top bars. Anchor inside boundary lines. Post 12 feet apart.*

3. That said partition fence shall be a "lawful" fence.

*See Also EXHIBIT A ATTACHED*

4. (Insert other legal requirements to be made of one or both parties including date when work is to be completed.) *Corner pins to be surveyed by Vance & Hochstetler*

*Erection of fence to be completed 30 days after survey is done. Dave Pettit gives, Dan Pettit, fence builder for Deborah Pettit. Permission to cross Dave's property with machinery to build Deborah half of fence.*

5. That the costs of this proceeding to be paid on entry of this Order shall be borne as follows:

Recording Fees \$ 26.00 Copy Fees \$ \_\_\_\_\_

Trustee Fees \$ 150.00 Clerk Fees \$ 50.00

*Survey cost 150.00  
Sheriff's fee serving papers #22.94*

Complaining party shall pay \$ \_\_\_\_\_; responding party shall pay \$ \_\_\_\_\_.

*Trp. Clerk has paid Sheriff's fee*

<u>Deb</u>		<u>David</u>
31.00	Recording fees	31.00
—	Trustee fees	150.00
—	Clerk fees	50.00
75.00	Survey fee	75.00
22.94	Sheriff's fee	
<u>\$ 128.94</u>		<u>\$ 306.00</u>

*David has paid \$200.00 6/14/04*

IN WITNESS WHEREOF, we have hereunto signed our names as Trustees of  
Lincoln Township, Madison County, State of Iowa.

Dated at Winterset, Iowa, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

TOWNSHIP TRUSTEES ACTING AS FENCE VIEWERS

Paul Litchy

TRUSTEE

Dee Howard

TRUSTEE

\_\_\_\_\_

TRUSTEE

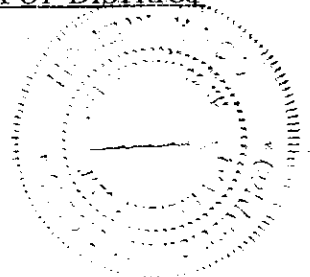
(At least two Trustees must sign.)

Attest:

Robert D. Newton

Township Clerk

**APPEALS MAY BE MADE BY FILING A NOTICE OF APPEAL WITH THE CLERK OF DISTRICT COURT WITHIN 20 DAYS AFTER THE DATE OF THIS DECISION.**



STATE OF IOWA, COUNTY OF Madison, SS.

I, Robert D. Newton, being first duly sworn on oath depose and state that I am the Township Clerk of Lincoln Township, Madison County, Iowa; that I do hereby certify that the foregoing Order of Fence Viewers was recorded in the Township book under the date of June 22, 2004 and that the foregoing Order is a true and correct copy of said Order as recorded in said Township book.

Robert D. Newton  
Township Clerk

Subscribed and sworn to before me by Robert D. Newton this 22 day of June, 2004.

Joan Welch  
Notary Public in and for the State of Iowa

(File one copy in the Township book and file one copy with the County Recorder. Each party to the Order should also have a copy for his or her records.)

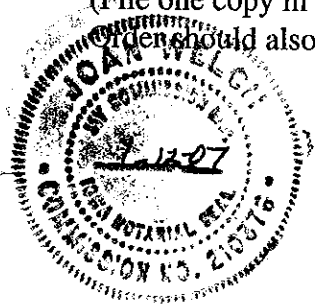


EXHIBIT A

RECEIVED  
MADISON CO. SHERIFF  
WINTERSSET, IOWA

MAY 14 2004

BY 7:05 AM PM  
*[Signature]*

FILED NO. 209  
BOOK 1 PAGE 292  
FARM PLAT  
1983 JUL 28 PM 2:44

PLAT OF SURVEY FOR UNION STATE BANK  
IN THE SW<sub>4</sub> OF THE SE<sub>4</sub> OF  
SECTION 29, T75N, R28W OF THE 5TH P.M.,  
MADISON COUNTY, IOWA

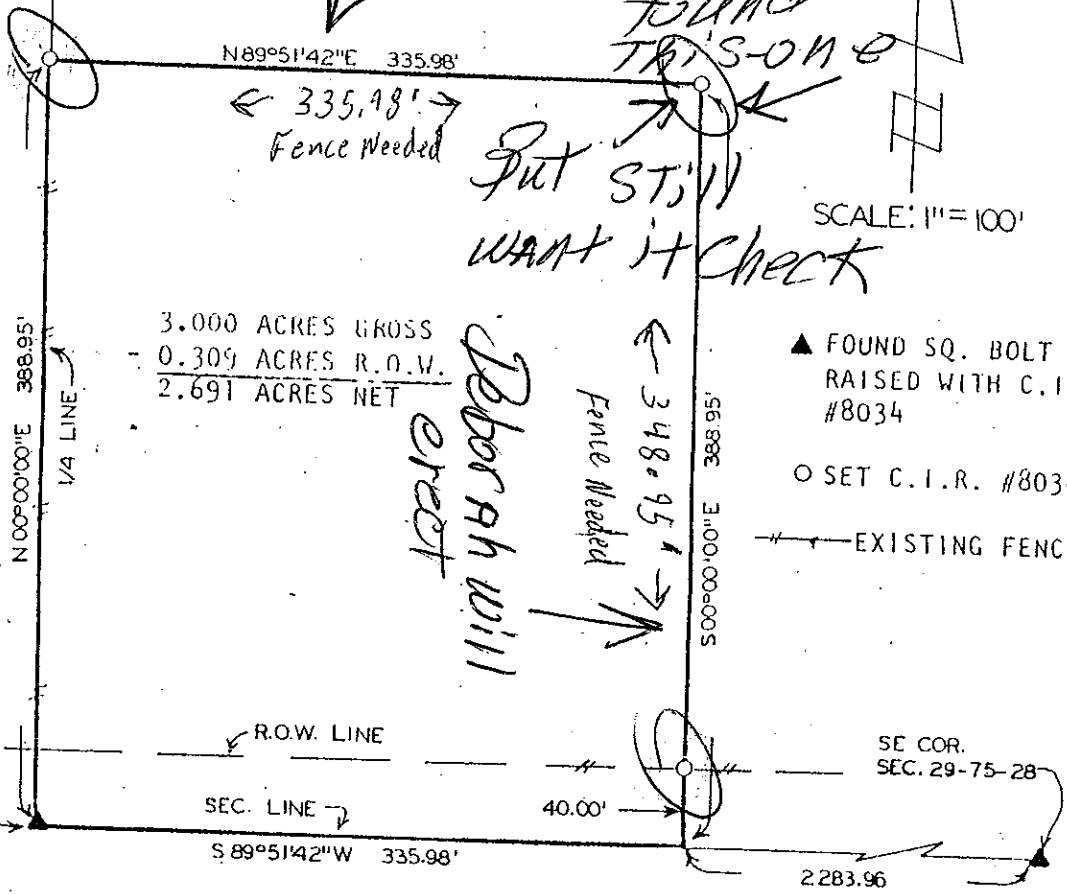
MARY E. WELTY  
RECORDER  
MADISON COUNTY, IOWA  
Fee \$3.00

*David Pettit will erect*

*FOUND TRIS-ONE*

*Put STILL WANT it check*

*Deborah will erect*



3.000 ACRES GROSS  
- 0.309 ACRES R.O.W.  
2.691 ACRES NET

▲ FOUND SQ. BOLT & RAISED WITH C.I.R. #8034  
○ SET C.I.R. #8034  
--- EXISTING FENCE

S 1/4 COR. SEC. 29-75-28 (POINT OF BEGINNING)

SE COR. SEC. 29-75-28

Description:

A parcel of land in the Southwest Quarter of the Southeast Quarter of Section 29, Township 75 North, Range 28 West of the 5th Principal Meridian, Madison County, Iowa, more particularly described as:

Beginning at the South Quarter corner of Section 29, Township 75 North, Range 28 West of the 5th Principal Meridian, Madison County, Iowa; thence along the west line of the Southwest Quarter of the Southeast Quarter of said section on an assumed bearing of North 00°00'00" East a distance of 388.95 feet; thence North 89°51'42" East 335.98 feet; thence South 00°00'00" East 388.95 feet to the south line of aforesaid Southwest Quarter of the Southeast Quarter; thence along said south line, South 89°51'42" West 335.98 feet to the Point of Beginning, containing 3.000 acres, more or less including public road, and 2.691 acres, more or less excluding public road.