



FOR PLAT
SEE 2004-6040

**PLAT AND CERTIFICATE
FOR THE NEAL DAY SUBDIVISION
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 The Neal Day Subdivision, and that the real estate comprising said plat is described as follows:

A parcel of land located in the Southeast Quarter of the Southwest Quarter of Section 27, Township 77 North, Range 28 West of the 5th P.M., Madison County, Iowa; more particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter of the Southwest Quarter of Section 27, Township 77 North, Range 28 West of the 5th P.M., Madison County, Iowa; thence South 86° 56'44" West, 105.55 feet along the centerline of an existing county road; thence South 02° 18'27" East, 411.76 feet along an existing fenceline which is the East boundary line of the existing Parcel "A"; thence North 88° 06'53" West, 55.02 feet along said fenceline to the Point of Beginning; thence South 01° 24'19" East, 128.44 feet; thence North 88° 06'51" West, 278.22 feet; thence South 00° 16'01" West, 220.09 feet; thence North 88° 47'03" West, 462.01 feet to a point on the East boundary line of the existing Parcel "C"; thence North 00° 16'01" East, 394.82 feet along the East boundary line of said Parcel "C" to the Southwest corner of said existing Parcel "A"; thence South 88° 47'03" East, 461.33 feet along an existing fenceline which is the South boundary line of said Parcel "A"; thence South 00° 33'52" East, 46.47 feet along said boundary line fence; thence South 88° 06'51" East, 274.47 feet along said boundary line fence to the Point of Beginning. Said Parcel contains 5.00 acres.

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 The Neal Day Subdivision;
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. Ground Water Statement;
9. Consent to Platting by Raccoon Valley Bank.

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

Dated this 16th day of December, 2004.



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

**DEDICATION OF PLAT
OF
THE NEAL DAY SUBDIVISION**

KNOW ALL MEN BY THESE PRESENTS:

That A. Neal Day and Marilyn M. Day do hereby certify that they are the sole owners and proprietors of the following-described real state:

A parcel of land located in the Southeast Quarter of the Southwest Quarter of Section 27, Township 77 North, Range 28 West of the 5th P.M., Madison County, Iowa; more particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter of the Southwest Quarter of Section 27, Township 77 North, Range 28 West of the 5th P.M., Madison County, Iowa; thence South $86^{\circ}56'44''$ West, 105.55 feet along the centerline of an existing county road; thence South $02^{\circ}18'27''$ East, 411.76 feet along an existing fenceline which is the East boundary line of the existing Parcel "A"; thence North $88^{\circ}06'53''$ West, 55.02 feet along said fenceline to the Point of Beginning; thence South $01^{\circ}24'19''$ East, 128.44 feet; thence North $88^{\circ}06'51''$ West, 278.22 feet; thence South $00^{\circ}16'01''$ West, 220.09 feet; thence North $88^{\circ}47'03''$ West, 462.01 feet to a point on the East boundary line of the existing Parcel "C"; thence North $00^{\circ}16'01''$ East, 394.82 feet along the East boundary line of said Parcel "C" to the Southwest corner of said existing Parcel "A"; thence South $88^{\circ}47'03''$ East, 461.33 feet along an existing fenceline which is the South boundary line of said Parcel "A"; thence South $00^{\circ}33'52''$ East, 46.47 feet along said boundary line fence; thence South $88^{\circ}06'51''$ East, 274.47 feet along said boundary line fence to the Point of Beginning. Said Parcel contains 5.00 acres.

That the subdivision of the above-described real estate as shown by the final plat of The Neal Day Subdivision is with the free consent and in accordance with the owners' desire as owners of said real estate.

DATED this 20 day of Nov, 2004.

A Neal Day
A. Neal Day

Marilyn M Day
Marilyn M. Day

STATE OF IOWA, COUNTY OF MADISON

This instrument was acknowledged before me on this 20th day of November, 2004 by A. Neal Day and Marilyn M. Day.


Notary Public



ATTORNEY'S OPINION FOR FINAL PLAT, THE NEAL DAY SUBDIVISION

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 two (2) parts, last certified to October 22, 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, The Neal Day Subdivision, Madison County, Iowa:

A parcel of land located in the Southeast Quarter of the Southwest Quarter of Section 27, Township 77 North, Range 28 West of the 5th P.M., Madison County, Iowa; more particularly described as follows:

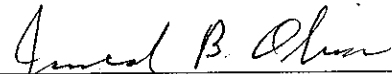
Commencing at the Northeast corner of the Southeast Quarter of the Southwest Quarter of Section 27, Township 77 North, Range 28 West of the 5th P.M., Madison County, Iowa; thence South $86^{\circ}56'44''$ West, 105.55 feet along the centerline of an existing county road; thence South $02^{\circ}18'27''$ East, 411.76 feet along an existing fenceline which is the East boundary line of the existing Parcel "A"; thence North $88^{\circ}06'53''$ West, 55.02 feet along said fenceline to the Point of Beginning; thence South $01^{\circ}24'19''$ East, 128.44 feet; thence North $88^{\circ}06'51''$ West, 278.22 feet; thence South $00^{\circ}16'01''$ West, 220.09 feet; thence North $88^{\circ}47'03''$ West, 462.01 feet to a point on the East boundary line of the existing Parcel "C"; thence North $00^{\circ}16'01''$ East, 394.82 feet along the East boundary line of said Parcel "C" to the Southwest corner of said existing Parcel "A"; thence South $88^{\circ}47'03''$ East, 461.33 feet along an existing fenceline which is the South boundary line of said Parcel "A"; thence South $00^{\circ}33'52''$ East, 46.47 feet along said boundary line fence; thence South $88^{\circ}06'51''$ East, 274.47 feet along said boundary line fence to the Point of Beginning. Said Parcel contains 5.00 acres.

In my opinion, merchantable title to the above described property is in the name of A. Neal Day and Marilyn M. Day, husband and wife with Full Rights of Survivorship and not as Tenants in Common free and clear of all liens and encumbrances, except a mortgage to Raccoon Valley Bank dated June 17, 2004 and filed June 22, 2004 in Book 2004, Page 2890 of the Recorder's office of Madison County, Iowa.

The abstract shows the following Easements:

- a. Entry No. 171 shows an Easement to Northern Gas Products Company, a Delaware Corporation dated May 17, 1961 and filed May 25, 1961 in Deed Record 90, Page 352 of the Recorder's office of Madison County, Iowa. Entry No. 172 shows an Assignment of this easement to Hydrocarbon Transportation, Inc., a Delaware corporation dated January 1, 1967 and filed March 20, 1968 in Deed Record 96, Page 104 in the Recorder's office of Madison County, Iowa. Entry No. 185 shows a Ratification and subsequent Assignment to Enron Liquids Pipeline Company, by Assignment dated July 23, 1992 and filed August 5, 1992 in Deed Record 127, Page 682 in the Recorder's office of Madison County, Iowa. Entry No. 186 shows a subsequent Conveyance, Assignment and Bill of Sale to Enron Liquids Pipeline Operating Limited Partnership dated July 23, 1992 and filed August 5, 1992 in Deed Record 127, Page 708 in the Recorder's office of Madison County, Iowa.
- b. Entry No. 173 shows a Pipeline Easement to Hydrocarbon Transportation, Inc., a Delaware corporation dated April 24, 1968 and filed June 17, 1968 in Deed Record 97, Page 254 in the Recorder's office of Madison County, Iowa.
- c. Entry No. 189 shows an Easement to Pamela Brown, David Brown and Kenneth W. Duda, Grantees, granting an easement for ingress and egress dated July 22, 1993 and filed July 23, 1993 in Deed Record 131, Page 744 in the Recorder's office of Madison County, Iowa.
- d. Entry No. 194 shows an Easement to Warren Water, Inc. for water pipeline purposes dated July 7, 2003 and filed August 13, 2003 in Book 2003, Page 4782 in the Recorder's office of Madison County, Iowa.

JORDAN, OLIVER & WALTERS, P.C.

By 

Jerrold B. Oliver

Farmers & Merchants Bank Bldg.

P.O. Box 230

Winterset, Iowa 50273

Telephone: (515) 462-3731

A. Neal Day and Marilyn M. Day

**CONSENT TO PLATTING
BY RACCOON VALLEY BANK**

Raccoon Valley Bank does consent to the platting and subdivision of the following-described real estate:

A parcel of land located in the Southeast Quarter of the Southwest Quarter of Section 27, Township 77 North, Range 28 West of the 5th P.M., Madison County, Iowa; more particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter of the Southwest Quarter of Section 27, Township 77 North, Range 28 West of the 5th P.M., Madison County, Iowa; thence South 86° 56'44" West, 105.55 feet along the centerline of an existing county road; thence South 02° 18'27" East, 411.76 feet along an existing fenceline which is the East boundary line of the existing Parcel "A"; thence North 88° 06'53" West, 55.02 feet along said fenceline to the Point of Beginning; thence South 01° 24'19" East, 128.44 feet; thence North 88° 06'51" West, 278.22 feet; thence South 00° 16'01" West, 220.09 feet; thence North 88° 47'03" West, 462.01 feet to a point on the East boundary line of the existing Parcel "C"; thence North 00° 16'01" East, 394.82 feet along the East boundary line of said Parcel "C" to the Southwest corner of said existing Parcel "A"; thence South 88° 47'03" East, 461.33 feet along an existing fenceline which is the South boundary line of said Parcel "A"; thence South 00° 33'52" East, 46.47 feet along said boundary line fence; thence South 88° 06'51" East, 274.47 feet along said boundary line fence to the Point of Beginning. Said Parcel contains 5.00 acres.

in accordance with the ordinances of Madison County, Iowa, and the laws of the State of Iowa. The undersigned holds a mortgage against said real estate in the principal amount of \$85,000.00 dated June 17, 2004 and filed June 22, 2004 in Book 2004, Page 2890 in the Recorder's office of Madison County, Iowa.

Dated: November 22, 2004.

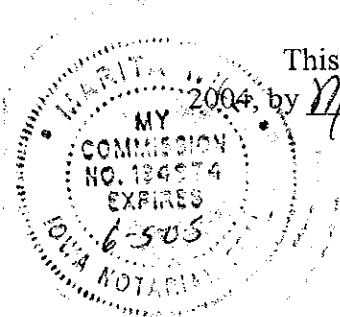
RACCOON VALLEY BANK

By Michael R. Bobb, VP

STATE OF IOWA, COUNTY OF Dallas

This instrument was acknowledged before me on this 22nd day of Nov., 2004, by Michael R. Bobb as Vice President of Raccoon Valley Bank.

Marta Wilo
Notary Public in and for said State of Iowa



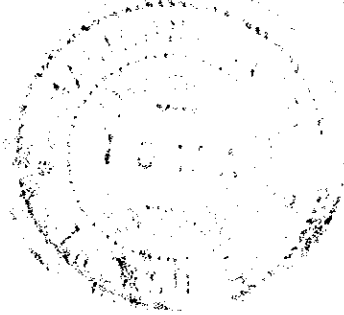
**CERTIFICATE OF THE COUNTY TREASURER
OF MADISON COUNTY, IOWA**


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 Southeast Quarter of the Southwest Quarter of Section 27, Township 77 North, Range 28 West of the 5th P.M., Madison County, Iowa; more particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter of the Southwest Quarter of Section 27, Township 77 North, Range 28 West of the 5th P.M., Madison County, Iowa; thence South $86^{\circ}56'44''$ West, 105.55 feet along the centerline of an existing county road; thence South $02^{\circ}18'27''$ East, 411.76 feet along an existing fenceline which is the East boundary line of the existing Parcel "A"; thence North $88^{\circ}06'53''$ West, 55.02 feet along said fenceline to the Point of Beginning; thence South $01^{\circ}24'19''$ East, 128.44 feet; thence North $88^{\circ}06'51''$ West, 278.22 feet; thence South $00^{\circ}16'01''$ West, 220.09 feet; thence North $88^{\circ}47'03''$ West, 462.01 feet to a point on the East boundary line of the existing Parcel "C"; thence North $00^{\circ}16'01''$ East, 394.82 feet along the East boundary line of said Parcel "C" to the Southwest corner of said existing Parcel "A"; thence South $88^{\circ}47'03''$ East, 461.33 feet along an existing fenceline which is the South boundary line of said Parcel "A"; thence South $00^{\circ}33'52''$ East, 46.47 feet along said boundary line fence; thence South $88^{\circ}06'51''$ East, 274.47 feet along said boundary line fence to the Point of Beginning. Said Parcel contains 5.00 acres.

DATED at Winterset, Iowa, this 17th day of November, 2004.





G. JoAnn Collins, Treasurer of Madison County,
Iowa

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

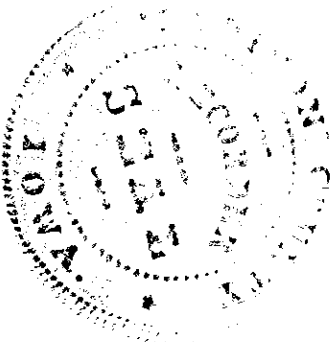
I, Michelle Utsler, do hereby certify that I am the duly elected and acting Recorder of Madison County, Iowa; that Neal A. Day, is the fee simple owners and record titleholders of the following-described real estate, to-wit:


A parcel of land located in the Southeast Quarter of the Southwest Quarter of Section 27, Township 77 North, Range 28 West of the 5th P.M., Madison County, Iowa; more particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter of the Southwest Quarter of Section 27, Township 77 North, Range 28 West of the 5th P.M., Madison County, Iowa; thence South $86^{\circ}56'44''$ West, 105.55 feet along the centerline of an existing county road; thence South $02^{\circ}18'27''$ East, 411.76 feet along an existing fenceline which is the East boundary line of the existing Parcel "A"; thence North $88^{\circ}06'53''$ West, 55.02 feet along said fenceline to the Point of Beginning; thence South $01^{\circ}24'19''$ East, 128.44 feet; thence North $88^{\circ}06'51''$ West, 278.22 feet; thence South $00^{\circ}16'01''$ West, 220.09 feet; thence North $88^{\circ}47'03''$ West, 462.01 feet to a point on the East boundary line of the existing Parcel "C"; thence North $00^{\circ}16'01''$ East, 394.82 feet along the East boundary line of said Parcel "C" to the Southwest corner of said existing Parcel "A"; thence South $88^{\circ}47'03''$ East, 461.33 feet along an existing fenceline which is the South boundary line of said Parcel "A"; thence South $00^{\circ}33'52''$ East, 46.47 feet along said boundary line fence; thence South $88^{\circ}06'51''$ East, 274.47 feet along said boundary line fence to the Point of Beginning. Said Parcel contains 5.00 acres.

and that said real estate is free and clear of all liens and encumbrances against said real estate except a mortgage to Raccoon Valley Bank dated June 17, 2004 and filed June 22, 2004 in Book 2004, Page 2890 in the Recorder's office of Madison County, Iowa.

DATED at Winterset, Iowa, this 18th day of November, 2004.





Michelle Utsler, Recorder of Madison
County, Iowa

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

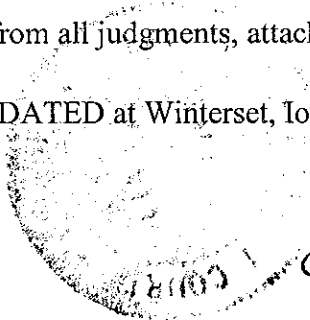
I, Janice Weeks, do hereby certify that I am the duly elected and acting Clerk of the District Court of Madison County, Iowa; that I have examined the records in my office, and that the following-described real estate, to-wit:

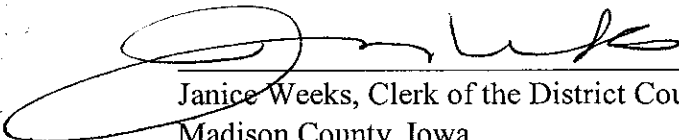
A parcel of land located in the Southeast Quarter of the Southwest Quarter of Section 27, Township 77 North, Range 28 West of the 5th P.M., Madison County, Iowa; more particularly described as follows:

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

DATED at Winterset, Iowa, this 17th day of Nov., 2004.





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

**RESOLUTION APPROVING FINAL PLAT
OF THE NEAL DAY
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 The Neal Day Subdivision; and

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

A parcel of land located in the Southeast Quarter of the Southwest Quarter of Section 27, Township 77 North, Range 28 West of the 5th P.M., Madison County, Iowa; more particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter of the Southwest Quarter of Section 27, Township 77 North, Range 28 West of the 5th P.M., Madison County, Iowa; thence South $86^{\circ}56'44''$ West, 105.55 feet along the centerline of an existing county road; thence South $02^{\circ}18'27''$ East, 411.76 feet along an existing fenceline which is the East boundary line of the existing Parcel "A"; thence North $88^{\circ}06'53''$ West, 55.02 feet along said fenceline to the Point of Beginning; thence South $01^{\circ}24'19''$ East, 128.44 feet; thence North $88^{\circ}06'51''$ West, 278.22 feet; thence South $00^{\circ}16'01''$ West, 220.09 feet; thence North $88^{\circ}47'03''$ West, 462.01 feet to a point on the East boundary line of the existing Parcel "C"; thence North $00^{\circ}16'01''$ East, 394.82 feet along the East boundary line of said Parcel "C" to the Southwest corner of said existing Parcel "A"; thence South $88^{\circ}47'03''$ East, 461.33 feet along an existing fenceline which is the South boundary line of said Parcel "A"; thence South $00^{\circ}33'52''$ East, 46.47 feet along said boundary line fence; thence South $88^{\circ}06'51''$ East, 274.47 feet along said boundary line fence to the Point of Beginning. Said Parcel contains 5.00 acres.

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, A. Neal Day and Marilyn M. Day; 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

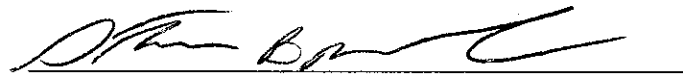
encumbrance, and certified statements from the Treasurer of Madison County, Iowa, that said platted land is free from taxes, and the Clerk of the District Court of Madison County, Iowa, that said land is free from all judgments, attachments, mechanic's or other liens, and the Recorder of Madison County,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

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 Candace Estates should be approved by the Board of Supervisors, Madison County, Iowa.

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

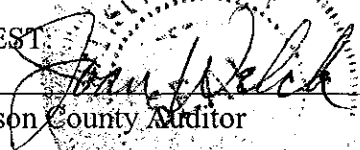
1. That said plat, known as The Neal Day Subdivision prepared in connection with said plat and subdivision is hereby approved.
2. The Zoning Administrator of Madison County, Iowa, is hereby directed to certify this resolution which shall be affixed to said plat to the County Recorder of Madison County, 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 14th day of December, 2004.

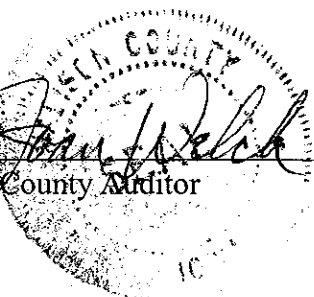


Steve Raymond, Chairman, Board of Supervisors,
Madison County, Iowa

ATTEST:



Joan Welch
Madison County Auditor



AGREEMENT

This Agreement, made and entered into, by and between, the proprietors, A. Neal Day and Marilyn M. Day, husband and wife and Todd Hagan, Madison County Engineer.

NOW THEREFORE IT IS AGREED AS FOLLOWS:

1. The proprietors of The Neal Day Subdivision, a Plat of the following described real estate:

A parcel of land located in the Southeast Quarter of the Southwest Quarter of Section 27, Township 77 North, Range 28 West of the 5th P.M., Madison County, Iowa; more particularly described as follows:

Commencing at the Northeast corner of the Southeast Quarter of the Southwest Quarter of Section 27, Township 77 North, Range 28 West of the 5th P.M., Madison County, Iowa; thence South $86^{\circ}56'44''$ West, 105.55 feet along the centerline of an existing county road; thence South $02^{\circ}18'27''$ East, 411.76 feet along an existing fenceline which is the East boundary line of the existing Parcel "A"; thence North $88^{\circ}06'53''$ West, 55.02 feet along said fenceline to the Point of Beginning; thence South $01^{\circ}24'19''$ East, 128.44 feet; thence North $88^{\circ}06'51''$ West, 278.22 feet; thence South $00^{\circ}16'01''$ West, 220.09 feet; thence North $88^{\circ}47'03''$ West, 462.01 feet to a point on the East boundary line of the existing Parcel "C"; thence North $00^{\circ}16'01''$ East, 394.82 feet along the East boundary line of said Parcel "C" to the Southwest corner of said existing Parcel "A"; thence South $88^{\circ}47'03''$ East, 461.33 feet along an existing fenceline which is the South boundary line of said Parcel "A"; thence South $00^{\circ}33'52''$ East, 46.47 feet along said boundary line fence; thence South $88^{\circ}06'51''$ East, 274.47 feet along said boundary line fence to the Point of Beginning. Said Parcel contains 5.00 acres.

hereby agree that all private roads located within The Neal Day Subdivision 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.

Dated this 20 day of Nov, 2004.

A Neal Day
A. Neal Day

Todd Hagan
Todd Hagan, Madison County Engineer

Marilyn M. Day
Marilyn M. Day

