

FILED NO. 6836
BOOK 2003 PAGE 6836
2003 NOV 14 PM 3: 37

NICKI UTSLER
RECORDER
MADISON COUNTY, IOWA

CERTIFICATE OF ZONING ADMINISTRATOR
FOR
BEVINGTON ESTATES 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 Bevington Estates Subdivision, Madison County, Iowa and that the real estate described in this plat is as follows:

The Northeast Quarter (1/4) of the Southeast Quarter (1/4) of Section Twenty-four (24), Township Seventy-six (76) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa except Parcel "B" and Parcel "C" thereof more particularly described as follows:

REC \$ 120.00
AUD \$ 5.00
R.M.F. \$ 5.00

Commencing at the East Quarter corner of Section Twenty-four (24), Township Seventy-six (76) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa; thence South 00°46'04" East 318.27 feet along the East line of the Southeast Quarter (1/4) of said Section Twenty-four (24) to the Point of Beginning; thence South 82°00'34" West 991.21 feet along a south line of Parcel "B", thence South 34°23'32" West 502.98 feet along a line of Parcel "B" to a point on the West line of the Northeast Quarter (1/4) of the Southeast Quarter (1/4) of said Section Twenty-four (24); thence South 00°26'12" East 368.30 feet along said West line; thence North 72°58'32" East 754.93 feet along a line of Parcel "C"; thence North 89°39'03" East 550.38 feet along a line of Parcel "C" to the East line of said Northeast Quarter (1/4) of the Southeast Quarter (1/4); thence North 00°46'04" West 696.82 feet to the Point of Beginning containing 18.426 acres including 0.717 acres of County Road right-of-way. Area is to be divided into Five (5) lots as shown on the plat.

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. Consent and Approval of Plat by the City having concurrent jurisdiction;
3. Restrictive Covenants executed by the proprietor for this Subdivision;
4. Certificate of the Treasurer of Madison County, Iowa for this Subdivision;
5. Certificate of the Recorder of Madison County, Iowa for this Subdivision;
6. Certificate of the Clerk of Court of Madison County, Iowa for this Subdivision;
7. Certificate of Engineer of Madison County, Iowa, for this Subdivision;
8. Title Opinion of Attorney at law for this Subdivision showing the land title to be in the name of the proprietor;
9. Resolution of Approval of the Final Subdivision Plat for this Subdivision by the Madison County Board of Supervisors;
10. 8 1/2 x 14 inch Final Plat;
11. 8 1/2 x 14 inch Final Plat- Mylar Copy; and,
12. Final Plat.

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

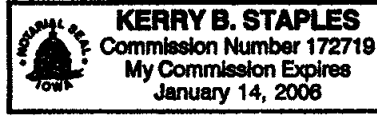
Dated on this 12th day of Nov, 2003, at Winterset, Iowa

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

State of Iowa)
) ss
Madison County)

On this 14th day of November 2003, 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.

Kerry B. Staples
_____, Notary Public

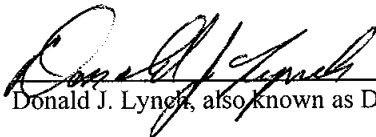


**DEDICATION OF PLAT
TO BEVINGTON ESTATES SUBDIVISION
IN
MADISON COUNTY, IOWA**

I, Donald J. Lynch, a single person, hereby certify that he is the sole 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 Bevington Estates Subdivision in Madison County, Iowa, is in accordance with his free consent and in accordance with his desire as owner and proprietor. The undersigned owner and proprietor do 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:

The Northeast Quarter (1/4) of the Southeast Quarter (1/4) of Section Twenty-four (24), Township Seventy-six (76) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa except Parcel "B" and Parcel "C" thereof more particularly described as follows:

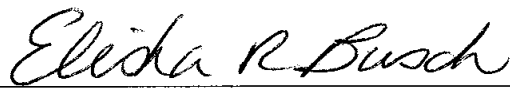
Commencing at the East Quarter corner of Section Twenty-four (24), Township Seventy-six (76) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa; thence South 00°46'04" East 318.27 feet along the East line of the Southeast Quarter (1/4) of said Section Twenty-four (24) to the Point of Beginning; thence South 82°00'34" West 991.21 feet along a south line of Parcel "B", thence South 34°23'32" West 502.98 feet along a line of Parcel "B" to a point on the West line of the Northeast Quarter (1/4) of the Southeast Quarter (1/4) of said Section Twenty-four (24); thence South 00°26'12" East 368.30 feet along said West line; thence North 72°58'32" East 754.93 feet along a line of Parcel "C"; thence North 89°39'03" East 550.38 feet along a line of Parcel "C" to the East line of said Northeast Quarter (1/4) of the Southeast Quarter (1/4); thence North 00°46'04" West 696.82 feet to the Point of Beginning containing 18.426 acres including 0.717 acres of County Road right-of-way. Area is to be divided into Five (5) lots as shown on the plat.


Donald J. Lynch, also known as Donald Lynch, Owner

STATE OF IOWA, COUNTY OF MADISON, ss:

On this 21st day of August, 2003, before me, the undersigned, a Notary Public in and for said State, personally appeared Donald J. Lynch, to me known to be the person 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 said State.

**RESTRICTIVE COVENANTS
OF BEVINGTON ESTATES SUBDIVISION
IN MADISON COUNTY, IOWA**

I, Donald J. Lynch, a single person, is now the fee simple owner and record titleholder of the following-described real estate:

The Northeast Quarter (1/4) of the Southeast Quarter (1/4) of Section Twenty-four (24), Township Seventy-six (76) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa except Parcel "B" and Parcel "C" thereof more particularly described as follows:

Commencing at the East Quarter corner of Section Twenty-four (24), Township Seventy-six (76) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa; thence South 00°46'04" East 318.27 feet along the East line of the Southeast Quarter (1/4) of said Section Twenty-four (24) to the Point of Beginning; thence South 82°00'34" West 991.21 feet along a south line of Parcel "B", thence South 34°23'32" West 502.98 feet along a line of Parcel "B" to a point on the West line of the Northeast Quarter (1/4) of the Southeast Quarter (1/4) of said Section Twenty-four (24); thence South 00°26'12" East 368.30 feet along said West line; thence North 72°58'32" East 754.93 feet along a line of Parcel "C"; thence North 89°39'03" East 550.38 feet along a line of Parcel "C" to the East line of said Northeast Quarter (1/4) of the Southeast Quarter (1/4); thence North 00°46'04" West 696.82 feet to the Point of Beginning containing 18.426 acres including 0.717 acres of County Road right-of-way. Area is to be divided into Five (5) lots as shown on the plat.

The undersigned owner do hereby impose and subject this real estate to certain regulations, covenants, restrictions and easements as to the use and occupancy thereof, as follows:

1. All parcels shall be used only for single-family residential purposes. The residential dwelling structure shall be at least one thousand two hundred (1200) square feet in habitable, finished living area within the dwelling not limited to the main entry level, but excluding from this minimum area that portion of the structure used as a basement or as an unfinished portion of the structure. No mobile homes shall be erected or placed on any of said parcels. Modular homes and manufactures homes shall be permitted to be erected or placed on these parcels, but all residential dwelling structures shall have a concrete foundation with a full basement. For the purpose of this Restrictive Covenants the following definitions shall apply.

a. "*Mobile home*" means any vehicle without motive power used or so manufactured or constructed as to permit it 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.

b. "*Modular home*" means a factory-built structure which is manufactured to be used as a place of human habitation, is constructed to comply with the Iowa state building code for modular factory-built structures, and must display the seal issued by the estate building code commissioner.

c. "*Manufactured home*" means a factory-built structure used as a place for human habitation, but which is not constructed to equipped with a permanent hitch or other devise allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles.

No hog confinement, nursery or finishing structure, cattle finishing structure, poultry laying or raising houses shall be erected on any of the above described parcels.

2. The requirements contained in the Madison County Zoning Ordinance as to lot area, width and yard requirements shall apply to all parcels. A setback of fifty (50) feet from all streets, roads and private drives shall apply.

3. The parcels described above may be further subdivided in compliance with the Subdivision Ordinance and Zoning Ordinance of Madison County, Iowa.

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 parcel unless the design and location is in harmony with the existing structures and locations in the tract and does not violate any of these restrictive covenants.

6. No building including a residential dwelling unit may be moved or relocated onto any lot, except for storage sheds whose gross floor square feet is less than two hundred (200) square feet, unless all lot

owner(s) within the subdivision agree in writing prior to such move.

7. The titleholder of each parcel, vacant or improved, shall keep their parcel or parcels free of weeds and debris, and shall not engage in any activity which is a nuisance.

8. 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, 2022, 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 parcels, it is agreed to delete said covenants in whole or in part. No new or additional covenants shall be added unless all of the owners of said parcels agree in writing to any such additional covenants.

9. 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 parcel or parcels to institute proceedings in law or in equity against the person or persons violating 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.

10. 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.

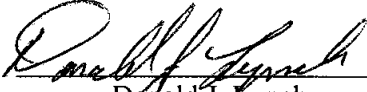
11. If any parcel owner decides to erect a fence upon his parcel, the total cost of installation of such fence shall be borne by said parcel owner as well as the cost of all future maintenance of the fence. No adjoining parcel owner shall be required to participate in the cost of the erection or maintenance of any fence. Any fence erected shall be the sole property of the parcel owner and can be removed by such parcel owner at his discretion. Nothing in this paragraph shall be deemed to preclude a fencing agreement between adjoining parcel owners for erection and maintenance of a common fence, however, for any such common fence agreement to be enforceable upon future Parcel 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.

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

13. There is no common sewage system available for use within said parcels, and it shall be the responsibility of each of the owners of the respective parcels to provide a septic system for use with the residence constructed upon each parcel.

14. No animals shall be kept or maintained on any of the parcels except ordinary household pets; provided, however, that each lot shall be allowed to maintain thereon one (1) horse for each acre of lot area calculated to the nearest whole acre of the lot. Ducks and geese shall be permitted on any tract upon which a pond is located or later constructed.

Dated this 21st day of August, 2003.




Donald J. Lynch

STATE OF IOWA :
: ss
MADISON COUNTY :

On this 21st day of August, 2003, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Donald J. Lynch, 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

**FIRST AMENDMENT
TO
RESTRICTIVE COVENANTS
OF BEVINGTON ESTATES SUBDIVISION
IN MADISON COUNTY, IOWA**

I, Donald J. Lynch, a single person, is now the fee simple owner and record titleholder of the following-described real estate:

The Northeast Quarter (1/4) of the Southeast Quarter (1/4) of Section Twenty-four (24), Township Seventy-six (76) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa except Parcel "B" and Parcel "C" thereof more particularly described as follows:

Commencing at the East Quarter corner of Section Twenty-four (24), Township Seventy-six (76) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa; thence South 00°46'04" East 318.27 feet along the East line of the Southeast Quarter (1/4) of said Section Twenty-four (24) to the Point of Beginning; thence South 82°00'34" West 991.21 feet along a south line of Parcel "B", thence South 34°23'32" West 502.98 feet along a line of Parcel "B" to a point on the West line of the Northeast Quarter (1/4) of the Southeast Quarter (1/4) of said Section Twenty-four (24); thence South 00°26'12" East 368.30 feet along said West line; thence North 72°58'32" East 754.93 feet along a line of Parcel "C"; thence North 89°39'03" East 550.38 feet along a line of Parcel "C" to the East line of said Northeast Quarter (1/4) of the Southeast Quarter (1/4); thence North 00°46'04" West 696.82 feet to the Point of Beginning containing 18.426 acres including 0.717 acres of County Road right-of-way. Area is to be divided into Five (5) lots as shown on the plat.

The undersigned owner does hereby amend the Restrictive Covenants which are dated August 21, 2003 to impose and subject this real estate to amended regulations, covenants, restrictions and easements as to the use and occupancy thereof, as follows:

1. All parcels shall be used only for single-family residential purposes. The residential dwelling structure shall be at least one thousand four hundred (1,400) square feet in habitable, finished living area within the dwelling not limited to the main entry level, but excluding from this minimum area that portion of the structure used as a basement or as an unfinished portion of the structure. No mobile homes shall be erected or placed on any of said parcels. Modular homes and manufactures homes shall be permitted to be erected or placed on these parcels, but all residential dwelling structures shall have a concrete foundation with a full basement. For the purpose of this Restrictive Covenants the following definitions shall apply.

a. "*Mobile home*" means any vehicle without motive power used or so manufactured or constructed as to permit it 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.

b. "*Modular home*" means a factory-built structure which is manufactured to be used as a place of human habitation, is constructed to comply with the Iowa state building code for modular factory-built structures, and must display the seal issued by the estate building code commissioner.

c. "*Manufactured home*" means a factory-built structure used as a place for human habitation, but which is not constructed to equipped with a permanent hitch or other devise allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles.

No hog confinement, nursery or finishing structure, cattle finishing structure, poultry laying or raising houses shall be erected on any of the above described parcels.

2. The requirements contained in the Madison County Zoning Ordinance as to lot area, width

and yard requirements shall apply to all parcels. A setback of fifty (50) feet from all streets, roads and private drives shall apply.

3. The parcels described above may be further subdivided in compliance with the Subdivision Ordinance and Zoning Ordinance of Madison County, Iowa.

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 parcel unless the design and location is in harmony with the existing structures and locations in the tract and does not violate any of these restrictive covenants.

6. No building including a residential dwelling unit may be moved or relocated onto any lot, except for storage sheds whose gross floor square feet is less than two hundred (200) square feet, unless such structure is approved by the undersigned Subdivider in writing prior to such move.

7. The titleholder of each parcel, vacant or improved, shall keep their parcel or parcels free of weeds and debris, and shall not engage in any activity which is a nuisance.

8. 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, 2022, 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 parcels, it is agreed to delete said covenants in whole or in part. No new or additional covenants shall be added unless all of the owners of said parcels agree in writing to any such additional covenants.

9. 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 parcel or parcels to institute

proceedings in law or in equity against the person or persons violating 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.

10. 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.

11. If any parcel owner decides to erect a fence upon his parcel, the total cost of installation of such fence shall be borne by this parcel owner as well as the cost of all future maintenance of the fence. No adjoining parcel 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 parcel owner and can be removed by such parcel owner at his discretion. Nothing in this paragraph shall be deemed to preclude a fencing agreement between adjoining parcel owners for erection and maintenance of a common fence, however, for any such common fence agreement to be enforceable upon future Parcel 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.

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


13. There is no common sewage system available for use within these parcels, and it shall be the responsibility of each of the owners of the respective parcels to provide a septic system for use with the residence constructed upon each parcel.

14. No animals shall be kept or maintained on any of the parcels except ordinary household

pets; provided, however, that each lot shall be allowed to maintain thereon not more than a total of three (3) head of domestic livestock, including horses, sheep, goats, and cattle. For purposes of this paragraph, hogs shall not be allowed upon any lot and shall not be considered domestic livestock. However, ducks and geese shall be permitted on any tract upon which a pond is located or later constructed in addition to the three (3) head of domestic livestock.

15. A perpetual easement is hereby dedicated for purposes of a common private drive and utility access upon, along and under the area designated on the final plat as the private access road and public utility easement. This common easement area is for public access to all lots and for the construction, maintenance, repair and replacement of electric and telephone lines and accessory equipment, sewer lines and other necessary installations common to all lots within the plat. The undersigned shall provide at their cost the initial construction of the private drive. Thereafter, the Lot owners within the Subdivision shall pay equally on a per lot basis for the cost of maintaining and repairing the private drive including the snow and ice removal thereon. The need for such maintenance or replacement and the amount of the assessment for each lot to cover any costs incurred shall be determined by the vote of the Lot owners with the decision of a majority of the Lot owners being binding upon all Lot owners. Each lot shall be entitled to one vote notwithstanding the number of persons who may own an interest in that lot. The initial assessment for each lot shall be ten dollars (\$10.00) per month effective with the month the Lot owner acquires title to the lot; however, the assessment may be subsequently either raised or lowered in the manner provided above.

Dated this 28 day of October, 2003.


Donald J. Lynch

STATE OF IOWA :
: ss

MADISON COUNTY :

On this 28 day of October, 2003, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Donald J. Lynch, 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.

Elisha R. Busch
Notary Public in and for the State of Iowa



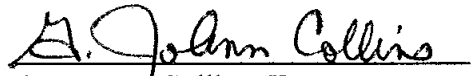
**CERTIFICATE OF THE COUNTY TREASURER
OF MADISON COUNTY, IOWA
FOR
BEVINGTON ESTATES SUBDIVISION
IN MADISON COUNTY, IOWA**

I, G. JoAnne 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:

The Northeast Quarter (1/4) of the Southeast Quarter (1/4) of Section Twenty-four (24), Township Seventy-six (76) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa except Parcel "B" and Parcel "C" thereof more particularly described as follows:

Commencing at the East Quarter corner of Section Twenty-four (24), Township Seventy-six (76) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa; thence South 00°46'04" East 318.27 feet along the East line of the Southeast Quarter (1/4) of said Section Twenty-four (24) to the Point of Beginning; thence South 82°00'34" West 991.21 feet along a south line of Parcel "B", thence South 34°23'32" West 502.98 feet along a line of Parcel "B" to a point on the West line of the Northeast Quarter (1/4) of the Southeast Quarter (1/4) of said Section Twenty-four (24); thence South 00°26'12" East 368.30 feet along said West line; thence North 72°58'32" East 754.93 feet along a line of Parcel "C"; thence North 89°39'03" East 550.38 feet along a line of Parcel "C" to the East line of said Northeast Quarter (1/4) of the Southeast Quarter (1/4); thence North 00°46'04" West 696.82 feet to the Point of Beginning containing 18.426 acres including 0.717 acres of County Road right-of-way. Area is to be divided into Five (5) lots as shown on the plat.

Dated on this 21st day of August, 2003 at Winterset, Iowa.



G. JoAnne Collins, Treasurer
of Madison County, Iowa

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

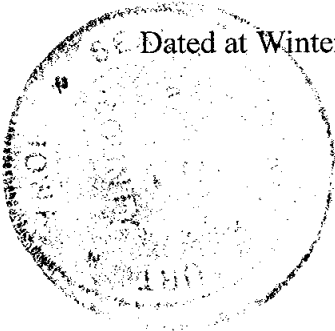
I, Janice Weeks, do hereby certify that I am the duly appointed and acting Clerk of the Iowa District Court for Madison County; that I have examined the records in the Office of the District Court for Madison County, Iowa; and, that the following described real estate:

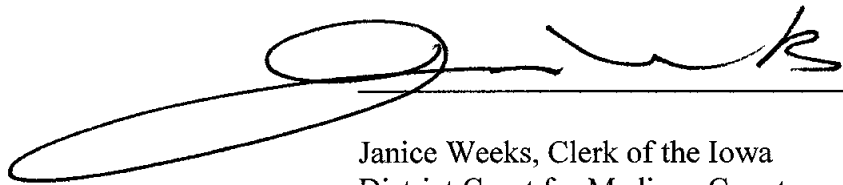
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is free from all judgments, attachments, mechanic's or other liens of any kind as shown by these official records.

Dated at Winterset, Iowa on this 21st day of August, 2003.




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

**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 Donald J. Lynch, is the fee simple owner and record title holder of the following described real estate:

The Northeast Quarter (1/4) of the Southeast Quarter (1/4) of Section Twenty-four (24), Township Seventy-six (76) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa except Parcel "B" and Parcel "C" thereof more particularly described as follows:

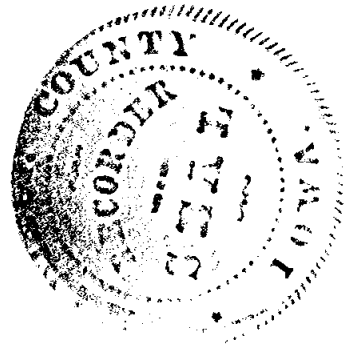
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and that this real estate is free and clear of all liens and encumbrances.

Dated at Winterset, Iowa on this 21st day of August, 2003.



Michelle Utsler, Recorder of
Madison County, Iowa



Flander, Casper and Rosien, P.C.

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

JOHN E. CASPER
jcasper@ferpc.com

JANE E. ROSIEN
jrosien@ferpc.com

LEONARD M. FLANDER
(1934-2002)

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

August 12, 2003

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 July 31, 2003 at 8:00 o'clock a.m. In my opinion the fee simple title to the real property described below is in the name of the proprietor, Donald J. Lynch. In my opinion, no mortgages, liens or other encumbrances exist against the following described real property as of July 31, 2003 at 8:00 o'clock a.m.

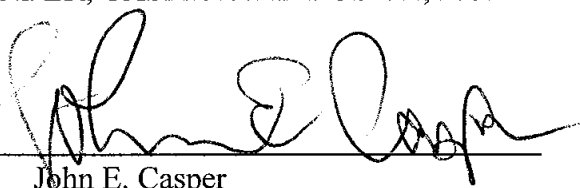
This attorney's opinion is for the real estate legally described as:

The Northeast Quarter (¼) of the Southeast Quarter (¼) of Section Twenty-four (24), Township Seventy-six (76) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa except Parcel "B" and Parcel "C" thereof more particularly described as follows:

Commencing at the East Quarter corner of Section Twenty-four (24), Township Seventy-six (76) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa; thence South 00°46'04" East 318.27 feet along the East line of the Southeast Quarter (¼) of said Section Twenty-four (24) to the Point of Beginning; thence South 82°00'34" West 991.21 feet along a south line of Parcel "B", thence South 34°23'32" West 502.98 feet along a line of Parcel "B" to a point on the West line of the Northeast Quarter (¼) of the Southeast Quarter (¼) of said Section Twenty-four (24); thence South 00°26'12" East 368.30 feet along said West line; thence North 72°58'32" East 754.93 feet along a line of Parcel "C"; thence North 89°39'03" East 550.38 feet along a line of Parcel "C" to the East line of said Northeast Quarter (¼) of the Southeast Quarter (¼); thence North 00°46'04" West 696.82 feet to the Point of Beginning containing 18.426 acres including 0.717 acres of County Road right-of-way. Area is to be divided into Five (5) lots as shown on the plat.

Dated at Winterset, Iowa on this 12th day of August, 2003.

FLANDER, CASPER AND ROSIEN, P.C.

By: 

John E. Casper

**RESOLUTION APPROVING FINAL PLAT OF
BEVINGTON ESTATES 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 Bevington Estates Subdivision in Madison County, Iowa;

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

The Northeast Quarter (1/4) of the Southeast Quarter (1/4) of Section Twenty-four (24), Township Seventy-six (76) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa except Parcel "B" and Parcel "C" thereof more particularly described as follows:

Commencing at the East Quarter corner of Section Twenty-four (24), Township Seventy-six (76) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa; thence South 00°46'04" East 318.27 feet along the East line of the Southeast Quarter (1/4) of said Section Twenty-four (24) to the Point of Beginning; thence South 82°00'34" West 991.21 feet along a south line of Parcel "B", thence South 34°23'32" West 502.98 feet along a line of Parcel "B" to a point on the West line of the Northeast Quarter (1/4) of the Southeast Quarter (1/4) of said Section Twenty-four (24); thence South 00°26'12" East 368.30 feet along said West line; thence North 72°58'32" East 754.93 feet along a line of Parcel "C"; thence North 89°39'03" East 550.38 feet along a line of Parcel "C" to the East line of said Northeast Quarter (1/4) of the Southeast Quarter (1/4); thence North 00°46'04" West 696.82 feet to the Point of Beginning containing 18.426 acres including 0.717 acres of County Road right-of-way. Area is to be divided into Five (5) lots as shown on the plat.

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, the certificate of the County Recorder, the certificate of the Clerk of Court and the title opinion of the attorney;

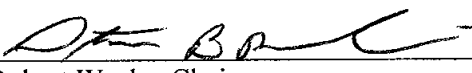
Whereas, the Madison County Board of Supervisors finds that this rural subdivision is within two (2) miles of a City incorporated under the laws of the State of Iowa; is thereby subject to the concurrent jurisdiction of that City's subdivision laws or ordinances; and, the approval of this City of this subdivision is part of the record in this matter;

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 Bevington Estates 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 23rd day of September 2003, at Winterset, Iowa.

Madison County Board of Supervisors

By:  Vice chair
Robert Weeks, Chairperson
Madison County Board of Supervisors

Attest:

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

AGREEMENT

THIS AGREEMENT made and entered into by and between Donald J. Lynch as the proprietor of the Bevington Estates Subdivision and Todd Hagan, Madison County Engineer.

NOW THEREFORE IT IS AGREED as follows:

1. The proprietor of the Bevington Estates Subdivision, a Plat of the following-described real estate:

The Northeast Quarter (1/4) of the Southeast Quarter (1/4) of Section Twenty-four (24), Township Seventy-six (76) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa except Parcel "B" and Parcel "C" thereof more particularly described as follows:

Commencing at the East Quarter corner of Section Twenty-four (24), Township Seventy-six (76) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa; thence South 00°46'04" East 318.27 feet along the East line of the Southeast Quarter (1/4) of said Section Twenty-four (24) to the Point of Beginning; thence South 82°00'34" West 991.21 feet along a south line of Parcel "B", thence South 34°23'32" West 502.98 feet along a line of Parcel "B" to a point on the West line of the Northeast Quarter (1/4) of the Southeast Quarter (1/4) of said Section Twenty-four (24); thence South 00°26'12" East 368.30 feet along said West line; thence North 72°58'32" East 754.93 feet along a line of Parcel "C"; thence North 89°39'03" East 550.38 feet along a line of Parcel "C" to the East line of said Northeast Quarter (1/4) of the Southeast Quarter (1/4); thence North 00°46'04" West 696.82 feet to the Point of Beginning containing 18.426 acres including 0.717 acres of County Road right-of-way. Area is to be divided into Five (5) lots as shown on the plat.


hereby agree that the private roads located within the Bevington Estates 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 18th day of ~~August~~^{September}, 2003.

BEVINGTON ESTATES SUBDIVISION

MADISON COUNTY, IOWA

By 
Donald J. Lynch, Proprietor

By 
Todd Hagan, Madison County Engineer

RESOLUTION 403

RESOLUTION APPROVING FINAL PLAT
OF BEVINGTON ESTATES SUBDIVISION TO
MADISON COUNTY, IOWA

WHEREAS, there is filed in the Office of the City Clerk of the City of Bevington, Iowa, a registered land surveyor's plat of a proposed subdivision known as the Bevington Estates Subdivision to Madison County, Iowa; and,

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

The Northeast Quarter (1/4) of the Southeast Quarter (1/4) of Section Twenty-four (24), Township Seventy-six (76) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa except Parcel "B" and Parcel "C" thereof more particularly described as follows:

Commencing at the East Quarter corner of Section Twenty-four (24), Township Seventy-six (76) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa; thence South 00°46'04" East 318.27 feet along the East line of the Southeast Quarter (1/4) of said Section Twenty-four (24) to the Point of Beginning; thence South 82°00'34" West 991.21 feet along a south line of Parcel "B", thence South 34°23'32" West 502.98 feet along a line of Parcel "B" to a point on the West line of the Northeast Quarter (1/4) of the Southeast Quarter (1/4) of said Section Twenty-four (24); thence South 00°26'12" East 368.30 feet along said West line; thence North 72°58'32" East 754.93 feet along a line of Parcel "C"; thence North 89°39'03" East 550.38 feet along a line of Parcel "C" to the East line of said Northeast Quarter (1/4) of the Southeast Quarter (1/4); thence North 00°46'04" West 696.82 feet to the Point of Beginning containing 18.426 acres including 0.717 acres of County Road right-of-way. Area is to be divided into Five (5) lots as shown on the plat.

WHEREAS, this subdivision of plat has been approved by the Zoning Administrator of the City of Bevington, Iowa and the Planning and Zoning Commission of the City of Bevington, Iowa; and,

WHEREAS, this subdivision is submitted to the City of Bevington, Iowa under its concurrent jurisdiction as provided by law; and,

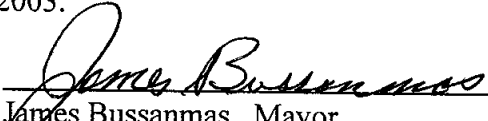
WHEREAS, the City Council of the City of Bevington, Iowa, finds that said plat conforms to the provisions of the Zoning Ordinance and Subdivision Ordinance of the City of Bevington, Iowa, and that the Subdivision plat and accompanying documents should be approved by the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bevington, Iowa;

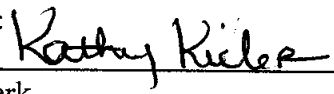
1. That the subdivision plat, known as Bevington Estates Subdivision to Madison County, Iowa be and is hereby approved in all respects.

2. That the City Clerk of the City of Bevington is hereby directed to certify this Resolution to the Madison County Zoning Administrator for submission to the Madison County Planning and Zoning Commission and attend to the filing and recording of the necessary documents as may be reasonable required to complete the Subdivision.

Passed by the City Council and approved by the undersigned Mayor at Bevington, Iowa, on this 10 day of September, 2003.



James Bussanmas, Mayor
of the City of Bevington, Iowa

ATTEST: 

City Clerk
of the City of Bevington, Iowa

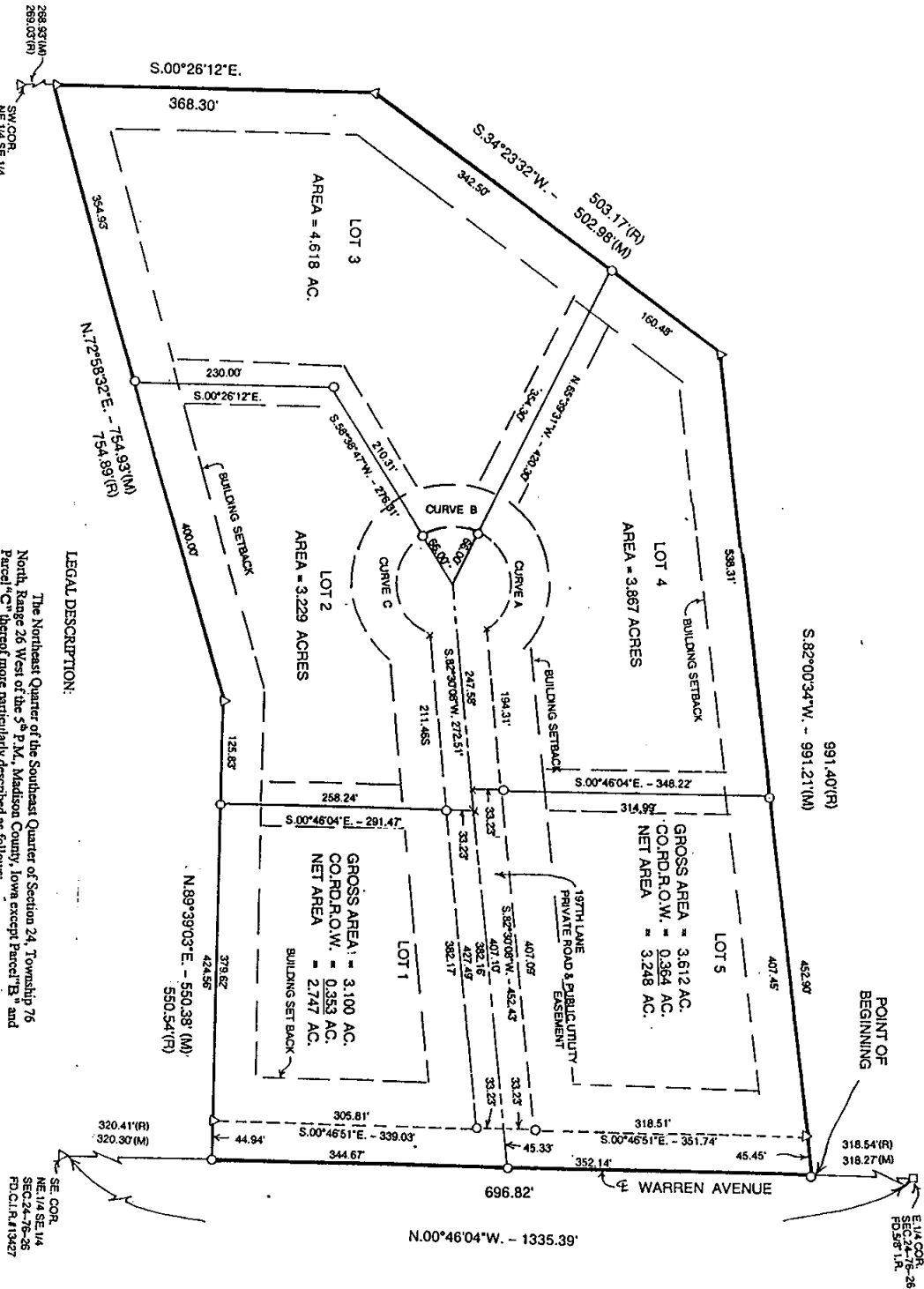
FOR DEDICATION,
RESOLUTION &
CERTIFICATES, SEE
2003-6836

FILED NO. 6836A
BOOK 2003 PAGE 6836A
2003 NOV 14 PM 3: 37

MICKI UTSLER
RECORDER
MADISON COUNTY, IOWA

VANCE & HOCHSTETLER, P.C. CONSULTING ENGINEERS, WINTERSSET, IOWA (515) 462-3995
CHARLES T. VANCE, 110 WEST GREEN ST., WINTERSSET, IOWA 50273
JAMES M HOCHSTETLER, 110 WEST GREEN ST., WINTERSSET, IOWA 50273

BEVINGTON ESTATES

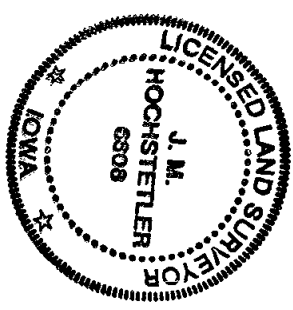
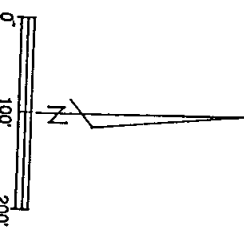


CURVE DATA	
Δ	CURVE "A"
R	118°09'39"
T	66.00'
L	110.19'
CHORD	136.11'
BEARING	113.24'
	N.83°25'19"E
	CURVE "B"
	53°41'42"
	66.00'
	126°08'39"
	66.00'
	129.94'
	64.16'
	117.69'
	61.66'
	CURVE "C"
	126°08'39"
	66.00'
	129.94'
	64.16'
	117.69'
	61.66'
	CURVE "D"
	126°08'39"
	66.00'
	129.94'
	64.16'
	117.69'
	61.66'

LEGAL DESCRIPTION:

The Northeast Quarter of the Southeast Quarter of Section 24, Township 76 North, Range 26 West of the 5th P.M., Madison County, Iowa, except Parcel "B", and Parcel "C", hereof more particularly described as follows:
Commencing at the East Quarter corner of Section 24, Township 76 North, Range 26 West of the 5th P.M., Madison County, Iowa, thence South 00°46'04" East 318.27 feet along the East line of the Southeast Quarter of said Section 24 to the Point of Beginning; thence South 82°00'34" West 991.21 feet along a line of Parcel "B"; thence South 34°23'32" West 302.98 feet along a line of Parcel "B"; to a point on the West line of the Northeast Quarter of the Southeast Quarter of said Section 24; thence South 09°26'12" East 368.30 feet along said West line; thence North 72°59'32" East 754.93 feet along a line of Parcel "C"; thence North 89°39'03" East 550.33 feet along a line of Parcel "C" to the East line of said Northeast Quarter of the Southeast Quarter; thence North 00°46'04" West 696.82 feet to the Point of Beginning containing 18.426 acres including 0.717 acres of County Road right-of-way. Area is to be divided into 5 lots as shown on the plat.

- CAPPED IRON ROD (CIR)#6808 SET
- △ CIR # 13427 FOUND
- 5/8" IRON ROD FOUND
- CO. RD. R.O.W.
- PRIVATE ROAD EASEMENT
- (M) MEASURED DISTANCE
- (R) RECORDED DISTANCE
- ZONED: AGRICULTURAL
- WATER: WARREN RURAL WATER
- SEWER: INDIVIDUAL SYSTEMS
- BUILDING SETBACKS
- FRONT YARD & REAR YARD = 50 FEET
- SIDE YARD = 25 FEET



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
J.M. HOCHSTETLER
License number 6808 Date 11/14/03
My license renewal date is December 31, 2003
Pages or sheets covered by this seal: 1

FINAL PLAT
BEVINGTON ESTATES
OWNER/DEVELOPER: DONALD J. LYNCH 1583 UPLAND TRAIL PROLE, IOWA 50229
LAND SURVEYOR/ENGINEER VANCE & HOCHSTETLER, P.C. CONSULTING ENGINEERS 110 WEST GREEN STREET WINTERSSET, IOWA 50273