

FOR PLAT
SEE 2005-5467

PLAT AND CERTIFICATE
FOR APPLE ACRES 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 Apple Acres Subdivision, and that the real estate comprising said plat is described as follows:

A Subdivision of Parcel "G" in the Northwest Fractional Quarter (NW FR $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section Seven (7) Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, and described as follows: Beginning at the Southwest corner of said Northwest Fractional Quarter (NW FR $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$); thence North 00°25'39" West a distance of 428.99 feet; thence South 89°43'33" East a distance of 908.65 feet; thence South 00°31'10" West a distance of 428.88 feet; thence North 89°43'51" West a distance of 901.56 feet to the point of beginning. Containing 8.913 acres including 1.138 acres of county road right of way.

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. Attorney's Opinion;
2. Lenders Consent to Plat;
3. Consent to Plat;
4. Certificate from County Treasurer;
5. Resolution of the Board of Supervisors of Madison County, Iowa, approving said plat;
6. Agreement with County Engineer;
7. Ground Water Statement; and
8. Madison County Soil and Water Conservation District Land Disturbing Activity Affidavit.

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



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

**DEDICATION OF PLAT
OF
APPLE ACRES SUBDIVISION**

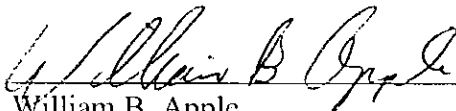
KNOW ALL MEN BY THESE PRESENTS:

That William B. Apple, Single and Susan K. Adkins, Single do hereby certify that they are the sole owners and proprietors of the following-described real state:


A Subdivision of Parcel "G" in the Northwest Fractional Quarter (NW FR¹/₄) of the Northwest Quarter (NW¹/₄) of Section Seven (7) Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, and described as follows: Beginning at the Southwest corner of said Northwest Fractional Quarter (NW FR¹/₄) of the Northwest Quarter (NW¹/₄); thence North 00°25'39" West a distance of 428.99 feet; thence South 89°43'33" East a distance of 908.65 feet; thence South 00°31'10" West a distance of 428.88 feet; thence North 89°43'51" West a distance of 901.56 feet to the point of beginning. Containing 8.913 acres including 1.138 acres of county road right of way.

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

DATED this 4 day of Oct, 2005.



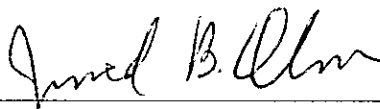
William B. Apple



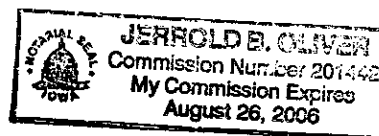
Susan K. Adkins

STATE OF IOWA, COUNTY OF MADISON

This instrument was acknowledged before me on this 4 day of Oct, 2005 by William B. Apple and Susan K. Adkins.



Notary Public in and for said State of Iowa



**ATTORNEY'S OPINION FOR FINAL PLAT,
APPLE ACRES 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 one (1) part, last certified to August 29, 2005, at 8:00 a.m., by Madison County Abstract Co., purporting to show the chain of title to the following described real estate, which is the real property contained in Final Plat, Apple Acres Subdivision, Madison County, Iowa:

A Subdivision of Parcel "G" in the Northwest Fractional Quarter (NW FR $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section Seven (7) Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, and described as follows:
Beginning at the Southwest corner of said Northwest Fractional Quarter (NW FR $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$); thence North 00°25'39" West a distance of 428.99 feet; thence South 89°43'33" East a distance of 908.65 feet; thence South 00°31'10" West a distance of 428.88 feet; thence North 89°43'51" West a distance of 901.56 feet to the point of beginning. Containing 8.913 acres including 1.138 acres of county road right of way.

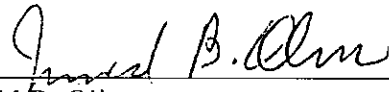
In my opinion, merchantable title to the above described property is in the names of William B. Apple and Susan K. Adkins, free and clear of all liens and encumbrances, except a mortgage from Earlham Savings Bank, an Iowa Corporation in the principal amount of \$100,000.00, dated July 17, 2000, and filed July 18, 2000, in Mortgage Record 219, Page 224 of the Recorder's Office of Madison County, Iowa.

You should become acquainted with the current status and location, and with the rights and obligations imposed by each of the following easements:

- a. Entry 3 shows an Easement from S.M. Drake and Clara M. Drake to Iowa Power & Light Company, dated March 17, 1942, and recorded November 6, 1942, in Deed Record 78 on page 493, for electrical transmission purposes.
- b. Entry 4 shows an Easement from Annis J. Clampitt to Iowa Power & Light Company, dated May 21, 1942, and recorded November 6, 1942, in Deed Record 78 on page 499, for electrical transmission purposes.
- c. Entry 8 shows an Easement from Alma Werts to Madison County, dated May 5, 1964, and recorded May 6, 1964, in Deed Record 93 on page 251, for highway purposes.
- d. Entry 17 shows an Easement from Albert Charles Fagen and Pamela Crystine Fagen to Michael H. Frey and Penny L. Frey, dated and recorded September 1, 1998, in Deed Record 139 on page 510, for tile line and tile outlet purposes. There are two (2) amendments to this easement, one of which is dated April 7, 1999, and filed April 8, 1999, in Deed Record 141, Page 310 of the Recorder's Office of Madison County, Iowa. The other of which is dated January 27, 2004, and filed February 11, 2004, in Book 2004, Page 620 of the Recorder's Office of Madison County, Iowa.
- e. Entries 37 and 38 show Easements to Warren Water Inc. for waterlines and necessary appurtenances one of which Easements is dated August 6, 2003, and filed September 9, 2003, in Book 2003, Page 5377 of the Recorder's Office of Madison County, Iowa. The other of which is dated August 29, 2003, and filed November 3, 2003, in Book 2003, Page 6630 of the Recorder's Office of Madison County, Iowa.

Respectfully submitted,

JORDAN, OLIVER & WALTERS, P.C.

By 

Jerrold B. Oliver

Farmers & Merchants Bank Bldg.

P.O. Box 230

Winterset, Iowa 50273

Telephone: (515) 462-3731

ATTORNEYS FOR WILLIAM B. APPLE AND
SUSAN K. ADKINS

**CONSENT TO PLATTING
BY EARLHAM SAVINGS BANK**

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

A Subdivision of Parcel "G" in the Northwest Fractional Quarter (NW FR $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section Seven (7) Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, and described as follows: Beginning at the Southwest corner of said Northwest Fractional Quarter (NW FR $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$); thence North 00°25'39" West a distance of 428.99 feet; thence South 89°43'33" East a distance of 908.65 feet; thence South 00°31'10" West a distance of 428.88 feet; thence North 89°43'51" West a distance of 901.56 feet to the point of beginning. Containing 8.913 acres including 1.138 acres of county road right of way.

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 dated July 17, 2000, and filed July 18, 2000, in Mortgage Record 219, Page 224 of the Recorder's Office of Madison County, Iowa.

Dated this 5th day of October, 2005.

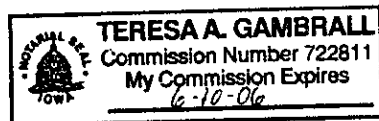
Earlham Savings Bank

By Robert J. Kress

STATE OF IOWA, COUNTY OF IOWA

This instrument was acknowledged before me on this 5th day of October, 2005 by Robert J. Kress as VICE PRESIDENT of Earlham Savings Bank.

Teresa A. Gambrell
Notary Public in and for said State

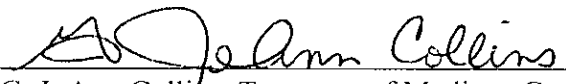


**CERTIFICATE OF THE COUNTY TREASURER
OF MADISON COUNTY, IOWA**

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 Subdivision of Parcel "G" in the Northwest Fractional Quarter (NW FR $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section Seven (7) Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, and described as follows: Beginning at the Southwest corner of said Northwest Fractional Quarter (NW FR $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$); thence North 00°25'39" West a distance of 428.99 feet; thence South 89°43'33" East a distance of 908.65 feet; thence South 00°31'10" West a distance of 428.88 feet; thence North 89°43'51" West a distance of 901.56 feet to the point of beginning. Containing 8.913 acres including 1.138 acres of county road right of way.

DATED at Winterset, Iowa, this 10th day of October, 2005.



G. JoAnn Collins, Treasurer of Madison County,
Iowa

**RESOLUTION APPROVING FINAL PLAT
OF APPLE ACRES SUBDIVISION
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 Apple Acres Subdivision; and

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

A Subdivision of Parcel "G" in the Northwest Fractional Quarter (NW FR $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section Seven (7) Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, and described as follows: Beginning at the Southwest corner of said Northwest Fractional Quarter (NW FR $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$); thence North 00°25'39" West a distance of 428.99 feet; thence South 89°43'33" East a distance of 908.65 feet; thence South 00°31'10" West a distance of 428.88 feet; thence North 89°43'51" West a distance of 901.56 feet to the point of beginning. Containing 8.913 acres including 1.138 acres of county road right of way.

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, William B. Apple and Susan K. Adkins; 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 except a mortgage to Earlham Savings Bank, and Certified statement from the Treasurer of Madison County, Iowa, that said platted land is free from taxes.

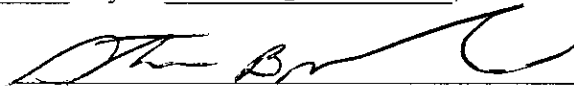
WHEREAS, the Board of Supervisors, Madison County, Iowa, finds that said plat conforms to the provisions of the Zoning Ordinance of Madison County, Iowa, and that the plat, papers and documents presented therewith should be approved by the Board of Supervisors, and that said plat, known as Guye Woods Overlook Subdivision 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 Apple Acres 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 8th day of November, 2005.



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 of Apple Acres Subdivision and Todd Hagan, Madison County Engineer.

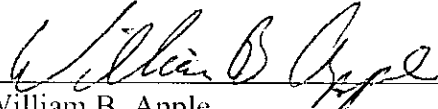
NOW THEREFORE IT IS AGREED AS FOLLOWS:

1. The proprietors of Apple Acres Subdivision, a Plat of the following described real estate:

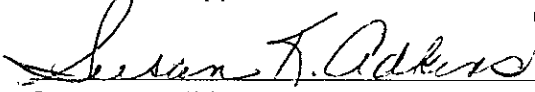
A Subdivision of Parcel "G" in the Northwest Fractional Quarter (NW FR $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section Seven (7) Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, and described as follows: Beginning at the Southwest corner of said Northwest Fractional Quarter (NW FR $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$); thence North 00°25'39" West a distance of 428.99 feet; thence South 89°43'33" East a distance of 908.65 feet; thence South 00°31'10" West a distance of 428.88 feet; thence North 89°43'51" West a distance of 901.56 feet to the point of beginning. Containing 8.913 acres including 1.138 acres of county road right of way.

hereby agree that all private roads located within Apple Acres 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.

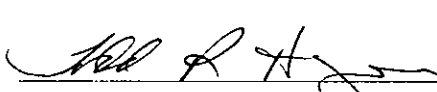
PROPRIETORS OF APPLE ACRES SUBDIVISION



William B. Apple



Susan K. Adkins



Todd Hagan, Madison County Engineer

**LAND DISTURBING ACTIVITIES
AFFIDAVIT**

STATE OF IOWA :
: **SS**
MADISON COUNTY :

Pursuant to section 161 A.64, Code of Iowa in consideration for permission to engage in a land disturbing activity as defined in that statute, and recognizing that the agency authorized by that statute to receive and file this affidavit will rely on the statements we make herein, we, William B. Apple and Susan K. Adkins, being first duly sworn on oath, do solemnly swear to affirm that:

We do not plan to engage in land disturbing activities upon the following described real estate:

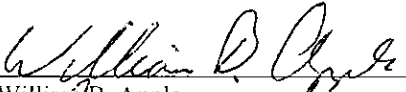
A Subdivision of Parcel "G" in the Northwest Fractional Quarter (NW FR $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section Seven (7) Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, and described as follows: Beginning at the Southwest corner of said Northwest Fractional Quarter (NW FR $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$); thence North 00°25'39" West a distance of 428.99 feet; thence South 89°43'33" East a distance of 908.65 feet; thence South 00°31'10" West a distance of 428.88 feet; thence North 89°43'51" West a distance of 901.56 feet to the point of beginning. Containing 8.913 acres including 1.138 acres of county road right of way.

As owners or occupants of the land described above, we are aware that we must establish and maintain soil conservation practices as necessary to meet the soil loss limits established by the Madison County Soil and Water Conservation District, pursuant to sections 161A.43, and 161A.44, Code of Iowa.

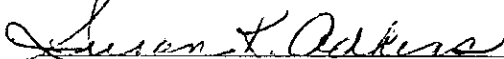
We are aware that loss limit regulations prohibit sediment from leaving the site in excess of 5 tons per acre per year. The land disturbing activities described above will be conducted in a manner that will insure compliance with the soil loss limit regulations.

We assume responsibility for all land disturbing activities conducted on this property by us or other people entities we represent. This authority covers only the land and land disturbing activity described above.

We are the owners of the land, and have full authority to enter into this agreement.

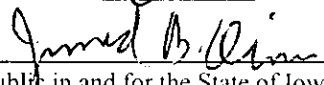


William B. Apple

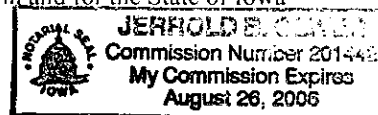


Susan K. Adkins

Subscribed and sworn to before me on this 4 day of Oct, 2005.

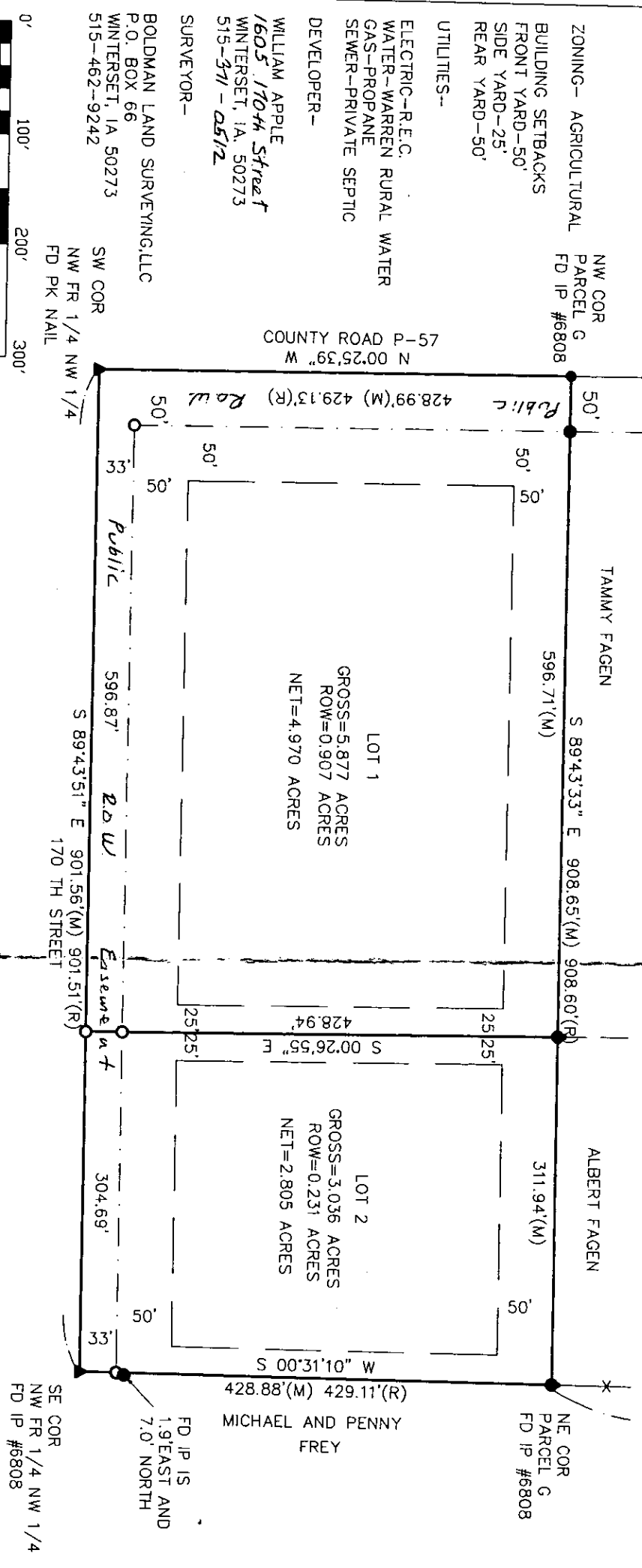
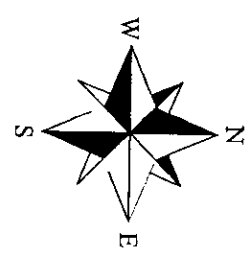


Notary Public in and for the State of Iowa



FINAL PLAT OF APPLE ACRES SUBDIVISION

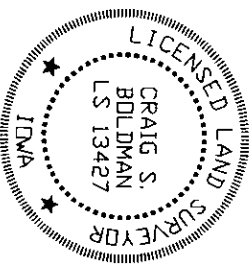
LEGAL DESCRIPTION - a Subdivision of Parcel G in the Northwest Fractional 1/4 (NW 1/4) of the Northwest 1/4 (NW 1/4) of Section 7 Township 76 North, Range 28 West of the 5th P.M., Madison County, and described as follows: Beginning at a the Southwest corner of said NW 1/4 NW 1/4; thence N 00°25'39" W a distance of 428.99'; thence S 89°43'33" E a distance of 908.65'; thence S 00°31'10" W a distance of 428.88'; thence N 89°43'51" W a distance of 901.56' to the point of beginning. CONTAINING 8.913 acres including 1.138 acres of county road right of way.



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.

SIGNATURE: *Craig S. Boldman*
 NAME: CRAIG S. BOLDMAN
 DATE: *8/9/05*
 MY LICENSE/RENEWAL DATE IS: DECEMBER 31, 2006

- IRON PIN SET
- IRON PIN FOUND
- ▲ GOV'T LAND CORNER
- ♣ UTILITY POLE
- WATER WELL



| | | |
|---------------|---------------|--------------------------------------|
| REQUESTED BY: | William Apple | BOLDMAN LAND SURVEYING, L.L.C. |
| SURVEYED | 8/9/05 | P.O. BOX 66 WINTERSSET, IA, 50273 |
| PROJECT NO. | 05065 | (515) 462-9242 |
| DATE | 9.3.05 | OWNER William Apple |

Document 2005 5467
 Book 2005 Page 5467 Type 06 044 Pages 11
 Date 11/10/2005 Time 11:48 AM
 Rec Amt \$57.00 Aud Amt \$5.00

MICHELLE UTSLER, COUNTY RECORDER
 MADISON IOWA

FOR DEDICATION,
 RESOLUTION & CERTIFICATES
 SEE RECORD 2005-5467