

THIS 12 DAY OF Oct 2005

Book 2005 Page 4947 Type 06 044 Pages 12
Date 10/12/2005 Time 1:26 PM
Rec Amt \$62.00 Aud Amt \$5.00

Gracie Welch
Debbie Carlson
DEPUTY RECORDER

COMPILED	<input checked="" type="checkbox"/>
RECORDED	<input checked="" type="checkbox"/>
COMPALED	<input type="checkbox"/>

FOR PLAT SEE RECORD
BOOK 2005, PAGE 4947

PLAT AND CERTIFICATE FOR PONDEROSA RANCH SUBDIVISION MADISON COUNTY, IOWA

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 Ponderosa Ranch Subdivision, and that the real estate comprising said plat is described as follows:

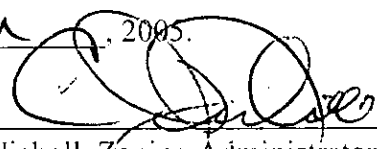
A Part of Parcel E in the Northwest Fractional Quarter of the Northwest Quarter of Section 7, Township 76 North, Range 28 West of the 5th P.M., Madison County, Iowa, described as follows: Beginning at the Northwest corner of said Section 7; thence S 89°58'49" E a distance of 923.30' to an iron pin; thence S 00°31'45"W a distance of 885.46' to an iron pin; thence N 89°43'33" W a distance of 311.94' to an iron pin; thence N 00°26'56" W a distance of 365.19' to an iron pin; thence N 89°42'53" W a distance of 596.53' to a pk nail; thence N 00°25'24" W a distance of 516.11' to the point of beginning, having an area of 13.574 acres including 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. Dedication of Plat of Ponderosa Ranch Subdivision;
2. Attorney's opinion;
3. Certificate of County Treasurer of Madison County, Iowa;
4. Ground Water Statement;
5. Consent to Platting by Earlham Savings Bank;
6. Resolution of the Board of Supervisors of Madison County, Iowa, approving said plat;
7. Agreement with County Engineer; and
8. Land Disturbing Activities Affidavit.

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

Dated this 4th day of October, 2005.



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

**DEDICATION OF PLAT
OF
PONDEROSA RANCH SUBDIVISION**

KNOW ALL MEN BY THESE PRESENTS:

That Albert Charles Fagen, single, does hereby certify that he is the sole owner and proprietor of the following-described real state:

A Part of Parcel E in the Northwest Fractional Quarter of the Northwest Quarter of Section 7, Township 76 North, Range 28 West of the 5th P.M., Madison County, Iowa, described as follows: Beginning at the Northwest corner of said Section 7; thence S 89°58'49" E a distance of 923.30' to an iron pin; thence S 00°31'45" W a distance of 885.46' to an iron pin; thence N 89°43'33" W a distance of 311.94' to an iron pin; thence N 00°26'56" W a distance of 365.19' to an iron pin; thence N 89°42'53" W a distance of 596.53' to a pk nail; thence N 00°25'24" W a distance of 516.11' to the point of beginning, having an area of 13.574 acres including acres of county road right-of-way.

That the subdivision of the above-described real estate as shown by the final plat of Ponderosa Ranch Subdivision is with the free consent and in accordance with the owner's desire as owner of said real estate.

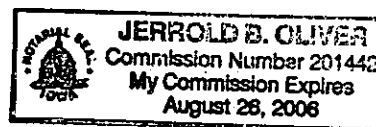
DATED this 18 day of Aug, 2005.

Albert Charles Fagen
Albert Charles Fagen

STATE OF IOWA, COUNTY OF MADISON

This instrument was acknowledged before me on this 18 day of Aug, 2005 by Albert Charles Fagen.

Jerrold B. Oliver
Notary Public in and for said State of Iowa



**ATTORNEY'S OPINION FOR FINAL PLAT,
PONDEROSA RANCH 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 1, 2005, at 8:00 a.m., by Security Abstract & Title Company, Inc. purporting to show the chain of title to the following described real estate, which is the real property contained in Final Plat, Ponderosa Ranch Subdivision, Madison County, Iowa:

A Part of Parcel E in the Northwest Fractional Quarter of the Northwest Quarter of Section 7, Township 76 North, Range 28 West of the 5th P.M., Madison County, Iowa, described as follows: Beginning at the Northwest corner of said Section 7; thence S 89°58'49" E a distance of 923.30' to an iron pin; thence S 00°31'45" W a distance of 885.46' to an iron pin; thence N 89°43'33" W a distance of 311.94' to an iron pin; thence N 00°26'56" W a distance of 365.19' to an iron pin; thence N 89°42'53" W a distance of 596.53' to a pk nail; thence N 00°25'24" W a distance of 516.11' to the point of beginning, having an area of 13.574 acres including acres of county road right-of-way.

In my opinion, merchantable title to the above described property is in the name of Albert Charles Fagen, free and clear of all liens and encumbrances, except:

A mortgage to Earlham Savings Bank in the principal amount of \$182,000.00, dated July 12, 2005, and filed July 14, 2005, in Book 2005, Page 3265 of the Recorder's Office of Madison County, Iowa.

The abstract shows the following easements which we call to your attention:

A. Entry No. 5 shows an Easement to Iowa Power & Light Company dated May 21, 1942, and filed November 6, 1942, in Deed Record 78, Page 499 of the Recorder's Office of Madison County, Iowa, granting an easement to erect, construct, reconstruct, operate and maintain an electric transmission line and necessary appurtenances.

- B. Entry No. 10 shows an Easement to Madison County, Iowa for road purposes dated May 5, 1964, and filed May 6, 1964, in Deed Record 93, Page 251 of the Recorder's Office of Madison County, Iowa.
- C. Entry No. 29 shows an Easement Agreement by and between Albert Charles Fagen and Pamela Crystine Fagen, Husband and Wife, First Party and Michael H. Frey and Penny L. Frey, Husband and Wife, Second Party, dated and filed September 1, 1998, in Deed Record 139, Page 510 of the Recorder's Office of Madison County, Iowa, granting an easement for a tile line and tile outlet. Entry No. 35 shows an Amendment to Easement dated April 7, 1999, and filed April 8, 1999, in Deed Record 141, Page 310 of the Recorder's Office of Madison County, Iowa. Entry No. 53 shows a Second Amendment to Easement dated January 27, 2004, and filed February 11, 2004, in Book 2004, Page 620 of the Recorder's Office of Madison County, Iowa.
- D. Entry No. 45 shows an Easement to Warren Water, Inc., dated August 6, 2003, and filed September 9, 2003, in Book 2003, Page 5377 of the Recorder's Office of Madison County, Iowa, granting the right to erect, construct, install, lay and thereafter use, operate, inspect, repair, maintain, replace and remove waterlines and necessary appurtenances.

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

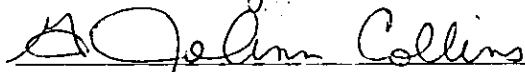
ATTORNEYS FOR ALBERT CHARLES FAGEN

**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 Part of Parcel E in the Northwest Fractional Quarter of the Northwest Quarter of Section 7, Township 76 North, Range 28 West of the 5th P.M., Madison County, Iowa, described as follows: Beginning at the Northwest corner of said Section 7; thence S 89°58'49" E a distance of 923.30' to an iron pin; thence S 00°31'45" W a distance of 885.46' to an iron pin; thence N 89°43'33" W a distance of 311.94' to an iron pin; thence N 00°26'56" W a distance of 365.19' to an iron pin; thence N 89°42'53" W a distance of 596.53' to a pk nail; thence N 00°25'24" W a distance of 516.11' to the point of beginning, having an area of 13.574 acres including acres of county road right-of-way.

DATED at Winterset, Iowa, this 18 day of August, 2005.



G. JoAnn Collins, Treasurer of Madison County,
Iowa



**CONSENT TO PLATTING
BY EARLHAM SAVINGS BANK**

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

A Part of Parcel E in the Northwest Fractional Quarter of the Northwest Quarter of Section 7, Township 76 North, Range 28 West of the 5th P.M., Madison County, Iowa, described as follows: Beginning at the Northwest corner of said Section 7; thence S 89°58'49" E a distance of 923.30' to an iron pin; thence S 00°31'45" W a distance of 885.46' to an iron pin; thence N 89°43'33" W a distance of 311.94' to an iron pin; thence N 00°26'56" W a distance of 365.19' to an iron pin; thence N 89°42'53" W a distance of 596.53' to a pk nail; thence N 00°25'24" W a distance of 516.11' to the point of beginning, having an area of 13.574 acres including acres of county road right-of-way.

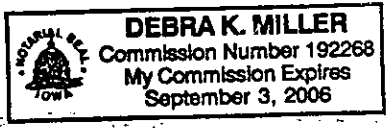
in accordance with the ordinances of Madison County, Iowa, and the laws of the State of Iowa. the State of Iowa. The undersigned holds a mortgage against said real estate dated July 12, 2005, and filed July 14, 2005, in Book 2005, Page 3265 of the Recorder's Office of Madison County, Iowa.

Dated this 6 day of Sept, 2005.

Earlham Savings Bank
By *Robert J. Keen*

STATE OF Iowa, COUNTY OF Madison

This instrument was acknowledged before me on this 6 day of September, 2005 by *Robert J. Keen* as *vice president* of Earlham Savings Bank.



Debra K. Miller
Notary Public in and for said State

**RESOLUTION APPROVING FINAL PLAT
OF PONDEROSA RANCH 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 Ponderosa Ranch Subdivision; and

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

A Part of Parcel E in the Northwest Fractional Quarter of the Northwest Quarter of Section 7, Township 76 North, Range 28 West of the 5th P.M., Madison County, Iowa, described as follows: Beginning at the Northwest corner of said Section 7; thence S 89°58'49" E a distance of 923.30' to an iron pin; thence S 00°31'45" W a distance of 885.46' to an iron pin; thence N 89°43'33" W a distance of 311.94' to an iron pin; thence N 00°26'56" W a distance of 365.19' to an iron pin; thence N 89°42'53" W a distance of 596.53' to a pk nail; thence N 00°25'24" W a distance of 516.11' to the point of beginning, having an area of 13.574 acres including 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 proprietor, Albert Charles Fagen; 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 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,

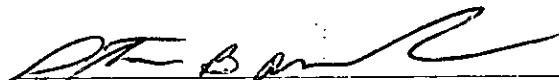
known as Ponderosa Ranch Subdivision should be approved by the Board of Supervisors, Madison County, Iowa.

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


1. That said plat, known as Ponderosa Ranch 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 27th day of October, 2005.


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

ATTEST:


Madison County Auditor

AGREEMENT

This Agreement, made and entered into, by and between, the proprietors of Ponderosa Ranch Subdivision and Todd Hagan, Madison County Engineer.

NOW THEREFORE IT IS AGREED AS FOLLOWS:

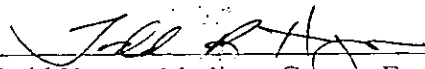
1. The proprietor of Ponderosa Acres Subdivision, a Plat of the following described real estate:

A Part of Parcel E in the Northwest Fractional Quarter of the Northwest Quarter of Section 7, Township 76 North, Range 28 West of the 5th P.M., Madison County, Iowa, described as follows: Beginning at the Northwest corner of said Section 7; thence S 89°58'49" E a distance of 923.30' to an iron pin; thence S 00°31'45" W a distance of 885.46' to an iron pin; thence N 89°43'33" W a distance of 311.94' to an iron pin; thence N 00°26'56" W a distance of 365.19' to an iron pin; thence N 89°42'53" W a distance of 596.53' to a pk nail; thence N 00°25'24" W a distance of 516.11' to the point of beginning, having an area of 13.574 acres including acres of county road right-of-way.

hereby agree that all private roads located within Ponderosa Ranch Subdivision are private roads and are not being dedicated to Madison County, Iowa. Said proprietor consents and agrees that such roads shall not be maintained in any manner by Madison County, Iowa, or the Madison County Engineer's Department.

PROPRIETOR PONDEROSA RANCH SUBDIVISION


Albert Charles Fagen


Todd Hagan, Madison County Engineer

**LAND DISTURBING ACTIVITIES
AFFIDAVIT**

STATE OF IOWA :
 :
 :
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 I make herein, I, Albert Charles Fagen, 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 Part of Parcel E in the Northwest Fractional Quarter of the Northwest Quarter of Section 7, Township 76 North, Range 28 West of the 5th P.M., Madison County, Iowa, described as follows: Beginning at the Northwest corner of said Section 7; thence S 89°58'49" E a distance of 923.30' to an iron pin; thence S 00°31'45" W a distance of 885.46' to an iron pin; thence N 89°43'33" W a distance of 311.94' to an iron pin; thence N 00°26'56" W a distance of 365.19' to an iron pin; thence N 89°42'53" W a distance of 596.53' to a pk nail; thence N 00°25'24" W a distance of 516.11' to the point of beginning, having an area of 13.574 acres including acres of county road right-of-way.

As owner or occupant of the land described above, I am aware that I 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.

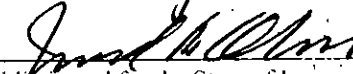
I am aware that loss limit regulations prohibit sediment from leaving the site in excess of 5 tons per acre per year. The land disturbing activities described above will be conducted in a manner that will insure compliance with the soil loss limit regulations.

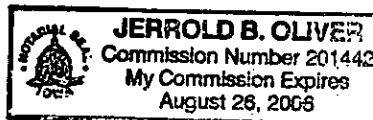
I assume responsibility for all land disturbing activities conducted on this property by us or other people entities we represent. This authority covers only the land and land disturbing activity described above.

I am the owner of the land, and have full authority to enter into this agreement.


Albert Charles Fagen

Subscribed and sworn to before me on this 18 day of Aug., 2005.

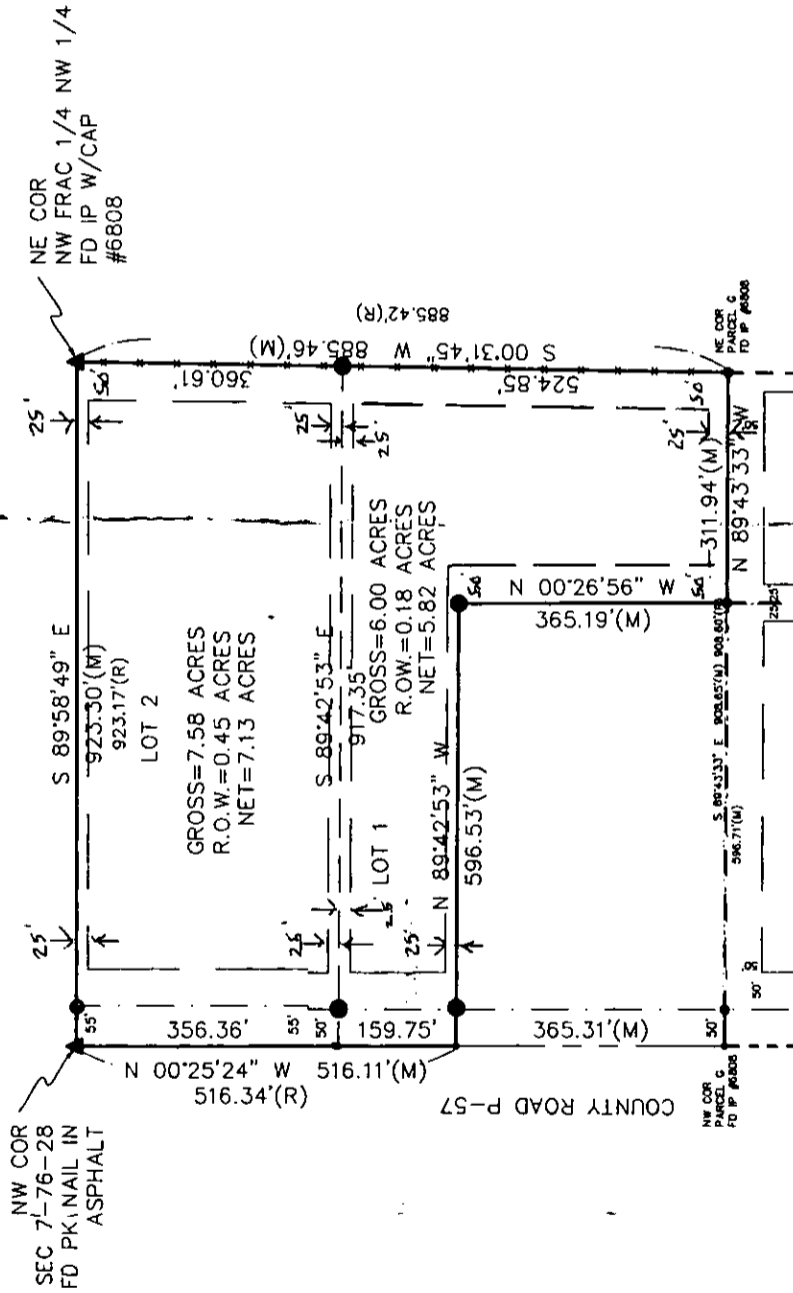
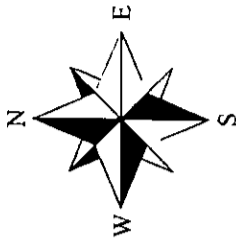

Notary Public in and for the State of Iowa



MICHELLE UTSLER, COUNTY RECORDER
 MADISON IOWA

FINAL PLAT OF PONDEROSA RANCH SUBDIVISION

LEGAL DESCRIPTION— A Part of Parcel E in the Northwest Fractional quarter of the Northwest quarter of Section 7, Township 76 North, Range 28 West of the 5th P.M., Madison County, Iowa, described as follows: Beginning at the Northwest corner of said Section 7; thence S 89°58'49" E a distance of 923.30' to an iron pin; thence S 00°31'45" W a distance of 885.46' to an iron pin; thence N 89°43'33" W a distance of 311.94' to an iron pin; thence N 00°26'56" W a distance of 365.19' to an iron pin; thence N 89°42'53" W a distance of 596.53' to a pk nail; thence N 00°25'24" W a distance of 516.11' to the point of beginning, having an area of 13.574 acres including acres of county road right-of-way.



DEVELOPER—
 ALBERT FAGEN
 1702 EARLHAM ROAD
 WINTERSET, IA. 50273
 515-240-4090

Revised 9-12-05

REQUESTED BY: Albert Fagen	BOLDMAN LAND SURVEYING, L.L.C. P.O. BOX 66 WINTERSET, IA. 50273 (515)462-9242
SURVEYED 8/1,2/05	SCALE 1"=200'
PROJECT NO. 05065	DATE 8.3.05
	OWNER Albert Fagen

- X — FENCE
- IRON PIN SET W/CAP BOLDMAN #13427
- IRON PIN FOUND IP W/CAP #6808
- ▲ GOVT LAND CORNER
- R.O.W. Line
- Building Setback Line



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: *[Signature]*
 NAME: CRAIG S. BOLDMAN
 DATE: 10-11-05

MY LICENSE RENEWAL DATE IS: DECEMBER 31, 2006