

FOR PLAT SEE  
2006-551

**PLAT AND CERTIFICATE  
FOR GREEN 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 Green Acres Subdivision, and that the real estate comprising said plat is described as follows:

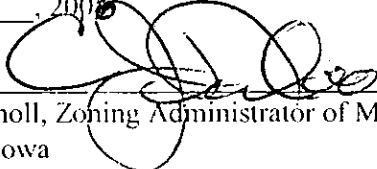
Parcel "B", located in the East Half (1/2) of the Southeast Quarter (1/4) of Section Eighteen (18), Township Seventy-seven (77) North, Range Twenty-eight (28) West of the 5<sup>th</sup> P.M., Madison County, Iowa, as shown in Amended Plat of Survey filed in Book 3, Page 408 on March 18, 1999, in the Office of the Recorder of Madison County, Iowa

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 Green Acres Subdivision;
2. Attorney's opinion;
3. Certificate of County Treasurer of Madison County, Iowa;
4. Ground Water Statement;
5. Consent to Platting by Commercial Federal Bank;
6. Consent to Platting by MERS.;
7. Resolution of the Board of Supervisors of Madison County, Iowa, approving said plat;
8. Agreement with County Engineer; and
9. Declaration of Covenants, Conditions and Restrictions.
10. Land Disturbing Activities Affidavit.

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

Dated this 31<sup>st</sup> day of January, 2006

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

**DEDICATION OF PLAT  
OF  
GREEN ACRES SUBDIVISION**

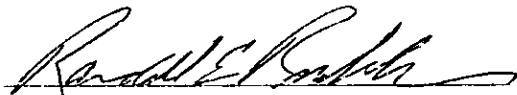
KNOW ALL MEN BY THESE PRESENTS:


That Randall E. Richardson and Jerrilyn K. Richardson, do hereby certify that they are the sole owners and proprietors of the following-described real state:

Parcel "B", located in the East Half (½) of the Southeast Quarter (1/4) of Section Eighteen (18), Township Seventy-seven (77) North, Range Twenty-eight (28) West of the 5<sup>th</sup> P.M., Madison County, Iowa, as shown in Amended Plat of Survey filed in Book 3, Page 408 on March 18, 1999, in the Office of the Recorder of Madison County, Iowa

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

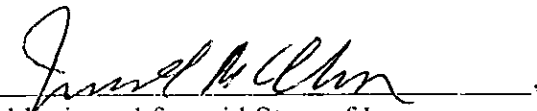
DATED this 5 day of Aug, 2005.

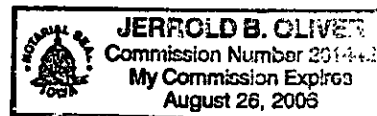
  
Randall E. Richardson

  
Jerrilyn K. Richardson

STATE OF IOWA, COUNTY OF MADISON

This instrument was acknowledged before me on this 5 day of Aug, 2005 by Randall E. Richardson and Jerrilyn K. Richardson

  
Notary Public in and for said State of Iowa



**CONSENT TO PLATTING**

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS (MERS) P.O. Box 2026 Flint, MI  
48501-2025

Phone 1-888-679-6377

MERS does consent to the platting and subdivision of the following-

described real estate:

Parcel "B" located in the East Half (E 1/2) of the Southeast Quarter (SE  
1/4) of Section Eighteen (18), Township Seventy-seven (77) North, Range  
Twenty-eight (28) West of the 5th P.M., Madison County, Iowa, as shown  
in Amended Plat of Survey filed in Book 3, Page 408 on March 18, 1999,  
in the Office of the Recorder of Madison county, Iowa,

in accordance with the ordinances of Madison County, Iowa, and the laws of the State of Iowa.

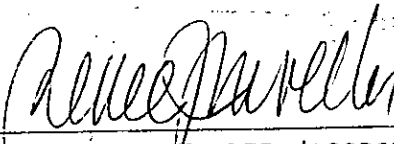
The undersigned holds a Mortgage against said real estate dated September 9, 2005, and filed

September 22, 2005, in Book 2005, Page 4559 of the Recorder's Office of Madison County

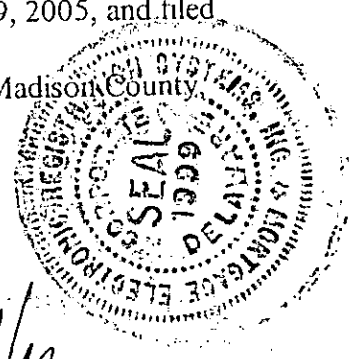
Iowa. The undersigned is the owner of the above-described Mortgage.

Dated this 22nd day of NOVEMBER, 2005.

By

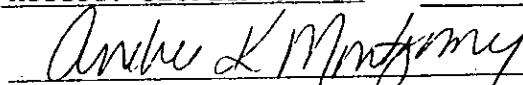
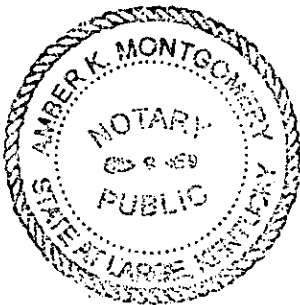


RENEE J. MUELLER / ASSISTANT SECRETARY  
FOR MORTGAGE ELECTRONIC REGISTRATION



STATE OF KENTUCKY, COUNTY OF DAVLESS

This instrument was acknowledged before me on this 22nd day of NOVEMBER, 2005,  
by RENEE J. MUELLER, as ASSIST. SECRETARY of MERS



Notary Public in and for said State  
AMBER K. MONTGOMERY  
COMMISSION EXPIRES 04-25-2006

**CONSENT TO PLATTING  
BY COMMERCIAL FEDERAL BANK**

Commercial Federal Bank does consent to the platting and subdivision of the following-described real estate:

Parcel "B" located in the East Half (E 1/2) of the Southeast Quarter (SE 1/4) of Section Eighteen (18), Township Seventy-seven (77) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa, as shown in Amended Plat of Survey filed in Book 3, Page 408 on March 18, 1999, in the Office of the Recorder of Madison county, Iowa,

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 September 27, 2005, and filed October 24, 2005, in Book 2005, Page 5133 of the Recorder's Office of Madison County, Iowa.

The undersigned is the owner of the above-described Mortgage.

Dated this 21<sup>st</sup> day of November, 2005.

COMMERCIAL FEDERAL BANK

By

Joe Rozgay  
Loss Mit Supervisor

STATE OF

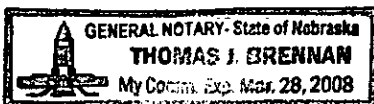
NE

COUNTY OF

Do

This instrument was acknowledged before me on this 21 day of NOVEMBER, 2005, by JOE ROZGAY, as Loss Mit Supervisor of Commercial Federal Bank.

Thomas J. Brennan  
Notary Public in and for said State



**ATTORNEY'S OPINION FOR FINAL PLAT,  
GREEN 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 October 31, 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, Green Acres Subdivision, Madison County, Iowa:

Parcel "B", located in the East Half (½) of the Southeast Quarter (1/4) of Section Eighteen (18), Township Seventy-seven (77) North, Range Twenty-eight (28) West of the 5<sup>th</sup> P.M., Madison County, Iowa, as shown in Amended Plat of Survey filed in Book 3, Page 408 on March 18, 1999, in the Office of the Recorder of Madison County, Iowa

In my opinion, merchantable title to the above described property is in the names of Randall E. Richardson and Jerrilyn K. Richardson, Husband and Wife, as Joint Tenants with Full Rights of Survivorship and Not as Tenants in Common, free and clear of all liens and encumbrances, except:

- a. A Mortgage from Randall E. Richardson and Jerrilyn K. Richardson, Husband and Wife to Homeservices Lending, LLC DBA Midamerican Home Services Mortgage, a Limited Liability Company, a Delaware Corporation in the principal amount of \$177,100.00, dated September 9, 2005, and filed September 22, 2005, in Book 2005, Page 4559 of the Recorder's Office of Madison County, Iowa. This mortgage was assigned to Wells Fargo Bank, N.A., United States Corporation by Assignment dated September 9, 2005, and filed September 22, 2005, in Book 2005, Page 4560 of

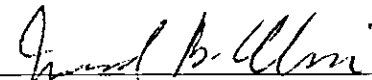
the Recorder's Office of Madison County, Iowa. The mortgage was subsequently assigned to MERS by Assignment dated December 5, 2005, and filed December 27, 2005, in Book 2005, Page 6127 of the Recorder's Office of Madison County, Iowa.

- b. An Open-End Mortgage from Randall E. Richardson and Jerrilyn K. Richardson, Husband and Wife to Commercial Federal Bank in the principal amount of \$34,500.00, dated September 27, 2005, and filed October 24, 2005, in Book 2005, Page 5133 of the Recorder's Office of Madison County, Iowa.

Entry No. 85 of the abstract shows an Easement to Warren Water, Inc. dated June 27, 2003, and filed July 15, 2003, in Book 2003, Page 4179 of the Recorder's Office of Madison County, Iowa, granting a perpetual easement with the right to erect, construct, install, lay and thereafter use, operate, inspect, repair, maintain, replace and remove waterlines and appurtenances thereto, over, across and through the real estate under examination. The easement recites that it is 32 feet in width, the centerline of which shall be the water pipeline 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 RANDALL E. RICHARDSON  
AND JERRILYN K. RICHARDSON

Resolution No. 06-02

RESOLUTION WAIVING RIGHT TO REVIEW  
GREEN ACRES PARCEL B PLAT

WHEREAS, Randall & Jerrilyn Richardson, the owners of certain real estate fully described in the plat of survey attached hereto which plat and description are incorporated herein by this reference, has made application to the Council of the City of Earlham, Iowa, for review and approval of said plat under the provisions of Iowa Code Chapter 354; and

WHEREAS, the Council has considered said subdivision plat and determined that said subdivision will have no appreciable impact on community development or the provision of public improvements or services;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Earlham, Iowa:

Section 1. That the Council, pursuant to Iowa Code Section 354.9, hereby waives the right to review the plat of survey of Green Acres Parcel B, a copy of which is attached hereto, which plat sets forth a proposed subdivision consisting of the following described real estate:

Parcel "B" located in the East Half of the Southeast Quarter of Section 18, Township 77 North, Range 28 West of the 5<sup>th</sup> P.M., Madison County, Iowa.

Section 2. That the Clerk shall furnish a certified copy of this Resolution to the owner/subdivider or his agent who will be responsible to record the plat and this resolution in the office of the Madison County Recorder.

Passed by the Council and approved by the Mayor this 23<sup>rd</sup> day of January, 2006.

  
Richard Rothert, Mayor

ATTEST:   
Kathy Timmerman, City Clerk


# **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:

Parcel "B", located in the East Half (½) of the Southeast Quarter (1/4) of Section Eighteen (18), Township Seventy-seven (77) North, Range Twenty-eight (28) West of the 5<sup>th</sup> P.M., Madison County, Iowa, as shown in Amended Plat of Survey filed in Book 3, Page 408 on March 18, 1999, in the Office of the Recorder of Madison County, Iowa

DATED at Winterset, Iowa, this 28 day of October, 2005.

  
\_\_\_\_\_  
G. JoAnn Collins, Treasurer of Madison County,  
Iowa





**DEED OF RESTRICTIONS  
GREEN ACRES SUBDIVISION  
MADISON COUNTY, IOWA**

We, Randall E. Richardson and Jerrilyn K. Richardson, are now the fee simple owners and record titleholders of the following-described real estate:

Parcel "B", located in the East Half (½) of the Southeast Quarter (1/4) of Section Eighteen (18), Township Seventy-seven (77) North, Range Twenty-eight (28) West of the 5<sup>th</sup> P.M., Madison County, Iowa, as shown in Amended Plat of Survey filed in Book 3, Page 408 on March 18, 1999, in the Office of the Recorder of Madison County, Iowa

which real estate is being platted as Green Acres Subdivision, Madison County, Iowa.

Said owners do hereby impose and subject said real estate to certain regulations, covenants, restrictions and easements as to the use and occupancy thereof, as follows:

1. All lots in said plat shall be used only for single-family residential purposes. No structure shall be erected on any lot except the residential dwelling structure, which shall be at least 1000 square feet in area, a one- to three-car garage and certain accessory buildings provided that accessory buildings other than garages may not be erected in excess of 1600 square feet in area. No mobile homes or manufactured homes shall be erected or placed on any of the lots in Green Acres Subdivision. No hog confinement, nursery or finishing structure, cattle finishing structure, poultry laying or raising horses shall be erected on any of the lots in said Green Acres Subdivision.

The following definitions shall apply:

- a. Manufactured home. "*Manufactured home*" is a factory-built structure built under authority of 42 U.S.C. § 5403, is required by federal law to display a seal from the United States department of housing and urban development, and was constructed on or after June 15, 1976.
- b. Mobile home. "*Mobile home*" means any vehicle without motive power used or so

manufactured or constructed as to permit its 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; but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa. A "*mobile home*" is not built to a mandatory building code, contains no state or federal seals, and was built before June 15, 1976.

2. The requirements contained in the Madison County Zoning Ordinance as to lot area, width and yard requirements shall apply to all lots within the subdivision. A setback of fifty from all streets, roads, and private drives shall apply.

3. No lot in the plat shall be further subdivided, except that a lot may be divided and sold to or with adjoining lots to increase their size.

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

6. The titleholder of each lot, vacant or improved, shall keep his lot or lots free of weeds and debris, and shall not engage in any activity which is a nuisance.

7. 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, 2025, 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 lots, it is agreed to delete and said covenants in whole or in part. No new or additional

covenants shall be added unless all of the owners of the lots in said Green Acres Subdivision agree in writing to any such additional covenants.

8. 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 lot or lots in the to institute proceedings in law or in equity against the person or persons violation 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.

9. 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.

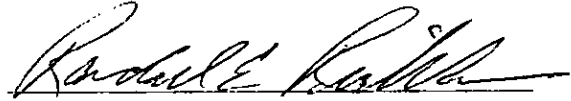
10. If any lot owner decides to erect a fence upon his lot, the total cost of installation of such fence shall be borne by said lot owner as well as the cost of all future maintenance of the fence. No adjoining lot owner shall be required to participate in the cost of the erection or maintenance of any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

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

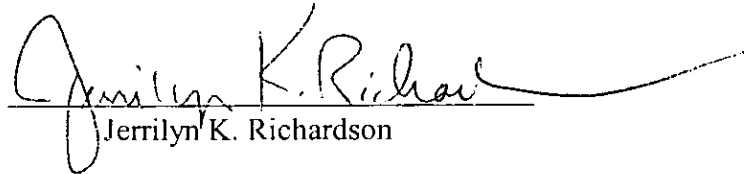
12. There is no common sewage system available for use within Green Acres Subdivision , and it shall be the responsibility of each of the owners of the respective lots within the Green Acres Subdivision to provide a septic tank for use with the residence constructed upon each lot.

13. No animals shall be kept or maintained on any of the lots in Green Acres Subdivision except ordinary pets, horses, and livestock, not to exceed six head in number, for each lot in Green Acres Subdivision.

Dated this 5 day of Aug, 2005.



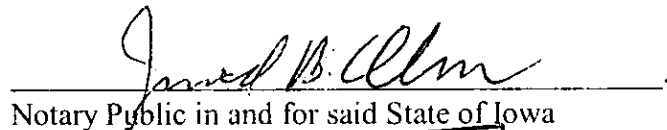
Randall E. Richardson

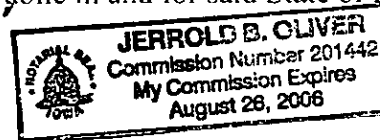


Jerrilyn K. Richardson

STATE OF IOWA, COUNTY OF MADISON

This instrument was acknowledged before me on this 5 day of Aug, 2005 by Randall E. Richardson and Jerrilyn K. Richardson

  
Notary Public in and for said State of Iowa



**RESOLUTION APPROVING FINAL PLAT  
OF GREEN 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 Green Acres Subdivision; and

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

Parcel "B", located in the East Half (1/2) of the Southeast Quarter (1/4) of Section Eighteen (18), Township Seventy-seven (77) North, Range Twenty-eight (28) West of the 5<sup>th</sup> P.M., Madison County, Iowa, as shown in Amended Plat of Survey filed in Book 3, Page 408 on March 18, 1999, in the Office of the Recorder of Madison County, Iowa

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, Randall E. Richardson & Jerrilyn K. Richardson; 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.

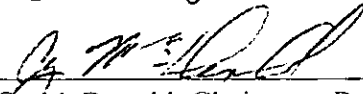
WHEREAS, the Board of Supervisors, Madison County, Iowa, finds that said plat conforms to the provisions of the Zoning Ordinance of Madison County, Iowa, and that the plat, papers and documents presented therewith should be approved by the Board of Supervisors, and that said plat, known as Green Acres 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 Green 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 31 day of JAN, 2006.

  
Cy McDonald, Chairman, Board of Supervisors,  
Madison County, Iowa

ATTEST:   
Joan Welch  
Madison County Auditor

AGREEMENT

AUG 10 2005

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

NOW THEREFORE IT IS AGREED AS FOLLOWS:

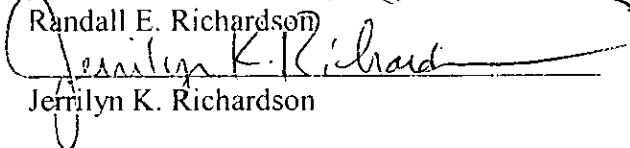
1. The proprietors of Green Acres Subdivision, a Plat of the following described real estate:

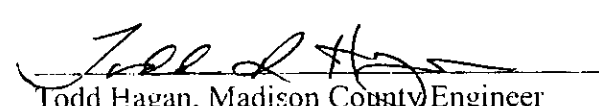
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hereby agree that all private roads located within Green Acres Subdivision are private roads and are not being dedicated to Madison County, Iowa. Said proprietors consent and agree that such roads shall not be maintained in any manner by Madison County, Iowa, or the Madison County Engineer's Department.

PROPRIETORS GREEN ACRES SUBDIVISION

  
Randall E. Richardson

  
Jerrilyn K. Richardson

  
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, Randall E. Richardson and Jerrilyn K. Richardson, 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:

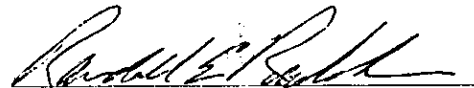
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As owners or occupants of the land described above, we are aware that we must establish and maintain soil conservation practices as necessary to meet the soil loss limits established by the Madison County Soil and Water Conservation District, pursuant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

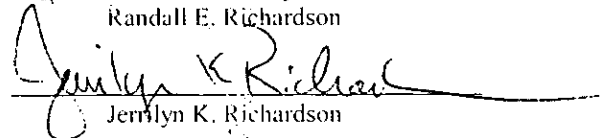
We are aware that loss limit regulations prohibit sediment from leaving the site in excess of 5 tons per acre per year. The land disturbing activities described above will be conducted in a manner that will insure compliance with the soil loss limit regulations.

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.

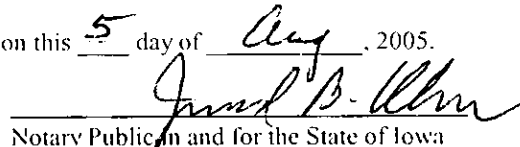


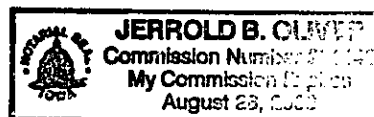
Randall E. Richardson



Jerrilyn K. Richardson

Subscribed and sworn to before me on this 5 day of Aug, 2005.

  
Notary Public in and for the State of Iowa





FOR DEDICATION,  
RESOLUTION &  
CERTIFICATES SEE  
2006-551

Document 2006 551

Book 2006 Page 551 Type 06 044 Pages 17  
Date 2/08/2006 Time 11:49 AM  
Rec Amt \$87.00 Aud Amt \$5.00

MICHELLE UTSLER, COUNTY RECORDER  
MADISON IOWA

VANCE & HOCHSTETLER, P.C. CONSULTING ENGINEERS, WINTERSET, IOWA (515)462-3995  
CHARLES T. VANCE, 110 WEST GREEN ST., WINTERSET, IOWA 50273-1533  
JAMES M HOCHSTETLER, 110 WEST GREEN ST., WINTERSET, IOWA 50273-1533

