



Document 2009 GW3582

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Date 11/25/2009 Time 1:46 PM

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LISA SMITH, COUNTY RECORDER  
MADISON COUNTY IOWA

**REAL ESTATE TRANSFER - GROUNDWATER HAZARD STATEMENT  
TO BE COMPLETED BY TRANSFEROR**

**TRANSFEROR:**

Name Gary D. VanEngelenburg

Address 14843 130TH AVE. Indianola, IA 50125

Number and Street or RR

City, Town or P.O.

State

Zip

**TRANSFeree:**

Name Stephanie J. Jackman Trust

Address 8131 ROCKLYN DR. Urbandale, IA 50322

Number and Street or RR

City, Town or P.O.

State

Zip

**Address of Property Transferred:**

2607 CUMMING RD. Winterset, IA 50273

Number and Street or RR

City, Town, or P.O.

State

Zip

**Legal Description of Property: (Attach if necessary)**

Parcel One (1) located in the Southwest Quarter (1/4) of the Southwest Quarter (1/4) of Section Two (2), Township Seventy-six (76) North, Range Twenty-seven (27) West of the 5th P.M.,

**1. Wells (check one)**

- There are no known wells situated on this property.
- There is a well or wells situated on this property. The type(s), location(s) and legal status are stated below or set forth on an attached separate sheet, as necessary.

**2. Solid Waste Disposal (check one)**

- There is no known solid waste disposal site on this property.
- There is a solid waste disposal site on this property and information related thereto is provided in Attachment #1, attached to this document.

**3. Hazardous Wastes (check one)**

- There is no known hazardous waste on this property.
- There is hazardous waste on this property and information related thereto is provided in Attachment #1, attached to this document.

**4. Underground Storage Tanks (check one)**

- There are no known underground storage tanks on this property. (Note exclusions such as small farm and residential motor fuel tanks, most heating oil tanks, cisterns and septic tanks, in instructions.)
- There is an underground storage tank on this property. The type(s), size(s) and any known substance(s) contained are listed below or on an attached separate sheet, as necessary.

**6. Private Burial Site (check one)**

- There are no known private burial sites on this property.
- There is a private burial site on this property. The location(s) of the site(s) and known identifying information of the decedent(s) is stated below or on an attached separate sheet, as necessary.

**6. Private Sewage Disposal System (check one)**

- There are no known private sewage disposal systems on this property.
- There is a private sewage disposal system on this property. A certified inspector's report is attached which documents the condition of the private sewage disposal system and whether any modifications are required to conform to standards adopted by the Department of Natural Resources. A certified inspection report must be accompanied by this form when recording.
- There is a private sewage disposal system on this property. Weather or other temporary physical conditions prevent the certified inspection of the private sewage disposal system from being conducted. The buyer has executed a binding acknowledgment with the county board of health to conduct a certified inspection of the private sewage disposal system at the earliest practicable time and to be responsible for any required modifications to the private sewage disposal system as identified by the certified inspection. A copy of the binding acknowledgment is attached to this form. When the inspection is completed, an amended Groundwater Hazard Statement shall be recorded with the certified inspection and shall include the document numbers of both the real estate transfer document and the original Groundwater Hazard Statement.
- There is a private sewage disposal system on this property. The building to which the sewage disposal system is connected will be demolished without being occupied. The buyer has executed a binding acknowledgment with the county board of health to demolish the building within an agreed upon time period. A copy of the binding acknowledgment is provided with this form.
- This property is exempt from the private sewage disposal inspection requirements pursuant to the following exemption: \_\_\_\_\_
- The private sewage disposal system has been installed within the past two years pursuant to permit number \_\_\_\_\_

Information required by statements checked above should be provided here or on separate sheets attached hereto:

Well is located 20 feet southwest of barn.

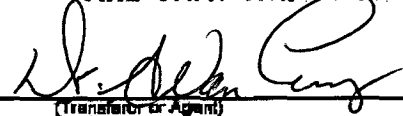
\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**I HEREBY DECLARE THAT I HAVE REVIEWED THE INSTRUCTIONS FOR THIS FORM AND THAT THE INFORMATION STATED ABOVE IS TRUE AND CORRECT.**

Signature:   
(Transferor or Agent)

Telephone No.: (575) 961-3913

### SEPTIC SYSTEM INSPECTION ADDENDUM

This agreement is an addendum to the Offer for Real Estate dated 11-10-09  
 between Seller(s) Gary & Vicki VanEngelenburg  
 and Buyer(s) Stephanie Jackman Trust  
**Property Address:** 2607 Cummy Rd

**Purpose of Addendum:** Iowa Code 455B.172 mandates the inspection of septic systems, unless exempt, prior to the transfer of property. The Code applies to transfer of property, which includes at least one but not more than four dwelling units. This property has a septic system and is not connected to a sanitary sewer system.

**Exempt Properties:** Properties exempted from the Septic System Inspection Requirements include (IA Code 455B.172): Bare ground; property containing 5 or more dwellings units; court ordered transfers; foreclosures; lenders selling foreclosed properties; fiduciaries in the course of an administration of an decedent's estate, guardianship, conservatorship, or trust; between joint tenants or tenants in common; intra family transfers; between divorcing spouses; transfers, for which consideration is \$500 or less; certain intra-family or intra-company business organization transfers; properties which have been inspected within the last two years.

Also, the inspection requirement does not apply to a transfer in which the transferee intends to demolish or raze the building. An Iowa Department of Natural Resources (DNR) form must be used to certify the intent to raze or destroy.

Seller(s) certifies that the property is exempt from the requirement(s) of Iowa Code 455B because one of the above exemptions apply. If so, Seller(s) may stop here.

Seller	Date	Buyer	Date

**Seller's Disclosure Statement:** Sellers warrant, to the best of their knowledge, that the septic system is entirely located on the above property is in good working order at the time of this offer. Brokerage makes no statements or warranty as to the septic system. Seller authorizes Agent to provide a copy of this statement to any person or entity in connection with actual or anticipated sale of the property or as otherwise provided by law. This statement shall not be a warranty of any kind by Seller or Seller's Agent and shall not be intended as a substitute for any other inspection the purchaser may wish to obtain.

Has the system been inspected by a DNR certified inspector within 2 years, or pumped/cleaned within 3 years?  
 Yes  No  UNK  
 Date of inspection 11-11-09  UNK  
 Date system last cleaned/pumped 11-11-09  UNK  
 (Note: If inspected within 2 years of closing date, system may not need inspection and if pumped within 3 years may not need pumping/cleaning.)

Any known problems?  
 Yes If Yes, Explain  No  Unknown  
 General location of system South of Deer  Unknown Age  Unknown  
 Attached additional pages if necessary.

Buyers and Sellers agree to have the septic system inspected by a person certified by the DNR. Such inspection will be paid for by:

- Buyer
- Seller
- Mutually Agreed: Amount \_\_\_\_\_ by Seller, and amount \_\_\_\_\_ by Buyer.

Exact \$ or %    Exact \$ or %

and completed within \_\_\_\_\_ days of the execution of this Addendum or no later than Completed 11-11-09

The County Recorder shall not record a deed or any other property transfer or conveyance document until either a certified inspector's report is provided or attached to the Groundwater Hazard Statement, which documents the condition of the private sewage disposal system and whether any modifications are required to conform to standards adopted by the DNR or, in the event that weather or other temporary physical conditions prevent the certified inspection from being conducted, the buyer has executed and submitted a binding acknowledgment with the county board of health to conduct a certified inspection of the private sewage disposal system at the earliest practicable time and to be responsible for any required modifications to the private sewage disposal system as identified by the certified inspection.

At the time of inspection, any septic system existing as part of the sewage disposal system shall be opened and have the contents pumped out and disposed of as provided for by rule. In the alternative, the owner may provide evidence of the septic system being properly pumped out within three years prior to the inspection by a commercial septic system cleaner licensed by the DNR which shall include documentation of the size and condition of the tank and its components at the time of such occurrence.

If a private sewage disposal system is failing to ensure effective wastewater treatment or is otherwise improperly functioning, the private sewage disposal system shall be renovated to meet current construction standards, as adopted by the DNR, either by the seller or, by agreement, within a reasonable time period as determined by the county or the DNR, by the buyer. If the private sewage disposal system is properly treating the wastewater and not creating an unsanitary condition in the environment at the time of inspection, the system is not required to meet current construction standards.

Buyers and Sellers agree to such renovation, repair, or replacement of the septic system. Such renovation, repair, or replacement shall be the responsibility and paid for by:

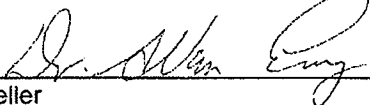
- Buyer
- Seller
- Mutually Agreed: Amount \_\_\_\_\_ by Seller, and amount \_\_\_\_\_ by Buyer.

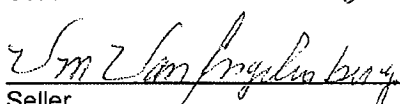
Exact \$ or %    Exact \$ or %

and completed within \_\_\_\_\_ days of the execution of this Addendum or no later than \_\_\_\_\_

Buyer and Seller may agree to escrow money for the renovation, repair and replacement of the septic system and may complete an Escrow Agreement and Release. Following an inspection, the inspection form and any related reports shall be provided to the county for enforcement of any follow-up mandatory system improvement and to the DNR for their records. Title abstracts to property with private sewage disposal systems shall include documentation of septic system inspections.

We, the undersigned, understand this form and agree to its terms.

 \_\_\_\_\_ 11-16-09 \_\_\_\_\_  
 Seller    Date    Buyer    Date

 \_\_\_\_\_ 11-16-09 \_\_\_\_\_  
 Seller    Date    Buyer    Date

**THIS IS A LEGALLY BINDING DOCUMENT.**  
If not understood, consult with the lawyer of your choice.



Time of Transfer Inspection Report (DNR Form 542-0191)

Property information

Current owner GARY VAN ENGELBURG (RUSS GERBER)
Buyer \_\_\_\_\_ Realtor COLDWELL BANKER
Mailing address 14843 130TH AVE, INDIANOLA, IA 50125
Site Address/County 2607 Cumming Rd
Legal Description AS ABSTRACT
No. of bedrooms 5 Last occupied? 9 months Records available YES
Permit/installation date 1978 Separation distances ok/ no? OK

Septic system information

Septic tank(s): size 1000 gal/w material Concrete condition See Notes
Tank pumped? YES date 11-11-09 licensed pumper FORST SEPTIC
Septic/trash/processing tank: size \_\_\_\_\_ material \_\_\_\_\_ condition \_\_\_\_\_
Tank pumped? \_\_\_\_\_ date \_\_\_\_\_ licensed pumper \_\_\_\_\_

Aerobic treatment unit (ATU) mfg \_\_\_\_\_ size \_\_\_\_\_
Tank pumped? \_\_\_\_\_ date \_\_\_\_\_ licensed pumper \_\_\_\_\_
Maintenance contract? \_\_\_\_\_ expiration date \_\_\_\_\_ service provider \_\_\_\_\_
Condition \_\_\_\_\_

Pump tanks/vaults: type \_\_\_\_\_ size \_\_\_\_\_ condition \_\_\_\_\_

Distribution system: distribution box \_\_\_\_\_ outlets used \_\_\_\_\_ condition \_\_\_\_\_
(See Notes) Header pipe(s) \_\_\_\_\_ # of lines \_\_\_\_\_ Pressure dosed? \_\_\_\_\_

Secondary treatment:
length of absorption fields 6 70' Lines determined by County Record
condition of fields DRY determined by PROBING
type of trench material Rock

Size of sand filter \_\_\_\_\_ determined by \_\_\_\_\_
Vent pipes above grade? \_\_\_\_\_ discharge pipe located? \_\_\_\_\_
Effluent sample taken? \_\_\_\_\_ Results \_\_\_\_\_

Media filters: type \_\_\_\_\_
Maintenance contract? \_\_\_\_\_ expiration date \_\_\_\_\_ service provider \_\_\_\_\_
Condition \_\_\_\_\_

NPDES General Permit No. 4: required? \_\_\_\_\_ permitted? \_\_\_\_\_ NOI provided \_\_\_\_\_



2607 Cumming Rd. Winterset

### Time of Transfer Inspection Report

Other components:  
 Alarms \_\_\_\_\_ Working? \_\_\_\_\_ disinfection \_\_\_\_\_ working? \_\_\_\_\_  
 Control box \_\_\_\_\_ Timers \_\_\_\_\_ inspection ports \_\_\_\_\_  
 Other components \_\_\_\_\_

Overall condition of the private sewage disposal system

Report system status See NOTES

Explain (attach additional pages as needed): \_\_\_\_\_

Comments: \_\_\_\_\_

Site status at conclusion of Time of Transfer inspection:

- Verify that controls are set on the appropriate mode.
- Power is on to all components.
- Revisit all components to verify lids are secure.
- Gather all tools for removal from the site.
- Verify that no sewage is on the ground surface.

Using this worksheet, write a narrative report of the inspection results and attach a site sketch.

This report indicates the condition of the private sewage disposal system at the time of the inspection. It does not guarantee that it will continue to function satisfactorily.

Signature of Certified inspector: Brian Rinard Date: 11-11-09  
 Name (print): BRIAN RINARD Certificate #: 8805  
 Address: P.O. Box 197, Antony, IA 50021  
 Phone #: 964-1443

Provide a copy of this report, the narrative report and sketch to the seller/agent, buyer/agent, the county sanitarian/environmental health office, county Recorder in the county the inspection was conducted and to:

Iowa DNR Onsite Wastewater Program  
 502 E. 9<sup>th</sup> St.  
 Des Moines, IA 50319

DNR Time of Transfer Report System Status

Address: 2607 Cumming Rd Date: 11-11-09  
Waterset, PA

Comments: Technician BRAN RINTON

ALL WASTEWATER GOES INTO 1000 GALLON  
② COMPARTMENT SEPTIC TANK WITH A  
EFFLUENT FILTER

UNABLE TO LOCATE TO CHECK DISTRIBUTION  
BOX DO TO DEPTH AND LOCATION IN  
LANDSCAPED AREA.

PROBED AND CHECK ALL ⑥ LATERAL AND  
DRY AT TIME OF INSPECTION

RAW WATER FOR 1 HR TO TEST LATERALS  
AS HOUSE HAS BEEN VACANT FOR 9 MONTHS  
THIS MAY HAVE A EFFECT ON THE  
RESULTS OF THE INSPECTION.

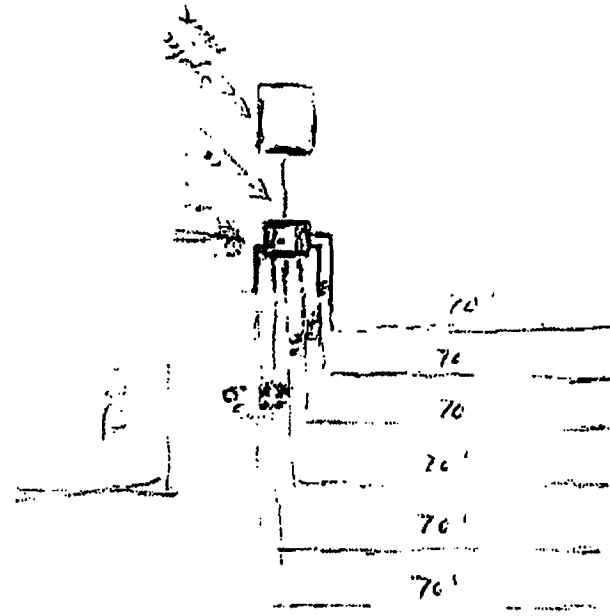
DIAGRAM OF SYSTEM

See  
County  
Record

Permit 892  
7-5-78

→ Z

5-4R



#one

2607 Cumming Rd.  
Winterset 50273