

FOR PLAT SEE
FARM PLAT 3
PAGE 436

PLAT AND CERTIFICATION
OF
CUMMINGS PARK PLAT NO. 1

FILED NO. 4524
BOOK 141 PAGE 377
99 MAY -7 PM 3: 26
MICHELLE UTSLER
RECORDER
MADISON COUNTY, IOWA

I, Jean E. Thompson, Acting Madison County Zoning Administrator, do hereby certify that the plat to which this certificate is attached is a plat of a subdivision known and designated as Cummings Park Plat No. 1 and that the real estate comprising said plat is attached hereto.

REC \$ 90 ⁰⁰
AUD \$ 5 ²⁰
T.M.F. \$ 1 ⁰⁰

COMPUTER
RECORDED
COMPARED

I do further certify that the attached hereto are true and correct copies of the following documents which have been submitted in connection with said plat:

1. Consent to Plat of the Cummings Park Plat No. 1.
2. Attorney's Opinion.
3. Lenders Consent to Plat
4. Certificate from County Treasure of Madison County, Iowa.
5. Certificate from County Recorder of Madison County, Iowa.
6. Certificate from Clerk of Court of Madison County, Iowa.
7. Declaration of Covenants, Conditions and Restrictions for Cummings Park Plat No. 1
8. Resolution of the Madison County Board of Supervisors approving said plat.
9. 8 1/2 x 14 inch Final Plat
10. 8 1/2 x 14 inch Final Plat mylar copy
11. Agreement between developer and County Engineer
12. Final Plat

All of which is duly certified in accordance with the Madison County Rural Estates Subdivision Regulations.

Dated this 4 day of May, 1999

Jean Thompson
Jean E. Thompson
Acting Madison County
Zoning Administrator

STATE OF IOWA :
MADISON COUNTY :

On this 4th day of May 1999, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared, Jean E. Thompson, Acting Madison County Zoning Administrator, to me known to be the identical person name in and who executed the foregoing instrument, and acknowledged that he executed the same as her voluntary act and deed.



Stephanie Pull
Deputy Clerk of Court

**DEDICATION OF PLAT
OF
CUMMINGS PARK PLAT NO. 1**

KNOW ALL MEN BY THESE PRESENTS:

That we, Norwin Cummings and Joyce Marlene Cummings, husband and wife, and Steven Cummings and Michele Cummings, husband and wife, do hereby certify that we are the sole owners and proprietors of the following-described real state:

Part of the Northeast ¼ of Section 19, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa, more particularly described as beginning at the Northeast corner of said Section 19; thence S00°20'36"E, 872.00 feet along the East line of the Northeast ¼ of said Section 19; thence N80°00'00"W, 553.30 feet; thence N00°00'00"W, 114.45 feet; thence S90°00'00"W, 90.00 feet; thence N00°00'00"W, 110.00 feet; thence S90°00'00"W, 157.30 feet; thence N00°00'00"W, 495.05 feet to the North line of said NE¼ of Section 19; thence N85°54'10"E, 789.00 feet along said North line of the Northeast ¼ of Section 19 to the point of beginning and containing 13.103 acres.

That the subdivision of the above-described real estate as shown by the final plat of Cummings Park Plat No. 1 is with the free consent and in accordance with the owners' desires as owners of said real estate.

A building setback line of fifty (50) feet from all streets, roads and private drives is hereby provided.

DATED this 6 day of March, 1999.

Norwin Cummings
Norwin Cummings

Joyce Marlene Cummings
Joyce Marlene Cummings

Steven Cummings
Steven Cummings

Michele Cummings
Michele Cummings

STATE OF IOWA

SS

MADISON COUNTY

On this 6th day of MARCH, 1999, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared, Norwin Cummings and Joyce Marlene Cummings, to me known to be the identical persons named in and who executed the within and foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.

Jennifer J. Key
Notary Public in and for the State of Iowa

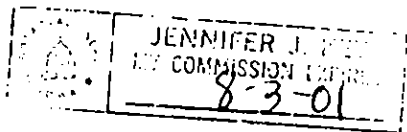
STATE OF IOWA

SS

MADISON COUNTY

On this 6th day of MARCH, 1999, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared, Steven Cummings and Michele Cummings, to me known to be the identical persons named in and who executed the within and foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.

Jennifer J. Key
Notary Public in and for the State of Iowa



LAW OFFICES

JORDAN, OLIVER & WALTERS, P.C.

FARMERS & MERCHANTS STATE BANK BUILDING;
POST OFFICE BOX 230
WINTERSSET, IOWA 50273-0230
TELEPHONE (515) 462-3731
FAX (515) 462-3734

LEWIS H. JORDAN
JERROLD B. OLIVER
G. STEPHEN WALTERS

April 15, 1999

Ms. Jean Thompson
Madison County Zoning Administrator
Madison County Courthouse
Winterset, IA 50273

Dear Ms. Thompson:

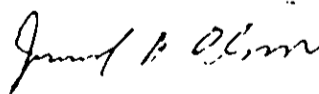
This attorney's opinion is given in accordance with Section 6, subparagraph C1, of the Madison County Subdivision Ordinance. I, Jerrold B. Oliver, an attorney at law of Winterset, Madison County, Iowa, do hereby state that this attorney's opinion of title concerns the following described real estate:

Part of the Northeast ¼ of Section 19, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa, more particularly described as beginning at the Northeast corner of said Section 19; thence S00°20'36"E, 872.00 feet along the East line of the Northeast ¼ of said Section 19; thence N80°00'00"W, 553.30 feet; thence N00°00'00"W, 114.45 feet; thence S90°00'00"W, 90.00 feet; thence N00°00'00"W, 110.00 feet; thence S90°00'00"W, 157.30 feet; thence N00°00'00"W, 495.05 feet to the North line of said NE¼ of Section 19; thence N85°54'10"E, 789.00 feet along said North line of the Northeast ¼ of Section 19 to the point of beginning and containing 13.103 acres.

Title to said real estate is in Norwin Cummings and Steven G. Cummings, free and clear of all liens and encumbrances, except a Real Estate Contract held by Kenneth C. Patterson, recorded in book 139, page 467 of the Recorder's office of Madison County, Iowa.

Respectfully submitted,

JORDAN, OLIVER & WALTERS, P.C.

By 
Jerrold B. Oliver

JBO:hm



5

CONSENT TO PLATTING

BY KENNETH C. PATTERSON, SINGLE

Kenneth C. Patterson, single, does hereby consent to the platting and subdivision of the following-described real estate:

Part of the Northeast ¼ of Section 19, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa, more particularly described as beginning at the Northeast corner of said Section 19; thence S00°20'36"E, 872.00 feet along the East line of the Northeast ¼ of said Section 19; thence N80°00'00"W, 553.30 feet; thence N00°00'00"W, 114.45 feet; thence S90°00'00"W, 90.00 feet; thence N00°00'00"W, 110.00 feet; thence S90°00'00"W, 157.30 feet; thence N00°00'00"W, 495.05 feet to the North line of said NE¼ of Section 19; thence N85°54'10"E, 789.00 feet along said North line of the Northeast ¼ of Section 19 to the point of beginning and containing 13.103 acres.

in accordance with ordinances of the State of Iowa. The undersigned is the vendor of a Real Estate Contract for the sale of the above described real estate and other real estate which Contract is recorded in book 139, page 467 of the Recorder's office of Madison County, Iowa.

Dated: March 31, 1999.

Kenneth C. Patterson
Kenneth C. Patterson

STATE OF IOWA :
 : ss
MADISON COUNTY :

On this 31 day of March, 1999, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Kenneth C. Patterson, to me known to be the identical person named in and who executed the within and foregoing instrument and acknowledged that he executed the same as his voluntary act and deed.

 **GORDON K. DARLING**

Gordon K. Darling
Notary Public in and for the State of Iowa

6

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

I, Becky McDonald, 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:

Part of the Northeast ¼ of Section 19, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa, more particularly described as beginning at the Northeast corner of said Section 19; thence S00°20'36"E, 872.00 feet along the East line of the Northeast ¼ of said Section 19; thence N80°00'00"W, 553.30 feet; thence N00°00'00"W, 114.45 feet; thence S90°00'00"W, 90.00 feet; thence N00°00'00"W, 110.00 feet; thence S90°00'00"W, 157.30 feet; thence N00°00'00"W, 495.05 feet to the North line of said NE¼ of Section 19; thence N85°54'10"E, 789.00 feet along said North line of the Northeast ¼ of Section 19 to the point of beginning and containing 13.103 acres.

DATED at Winterset, Iowa, this 15 day of April, 1999.

Becky McDonald
Becky McDonald, Treasurer of Madison County,
Iowa



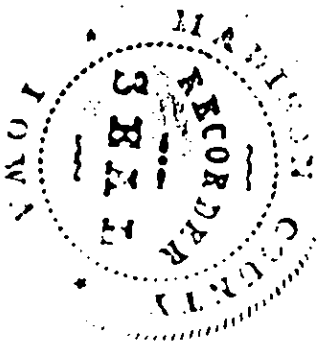
**CERTIFICATE OF THE COUNTY RECORDER
OF MADISON COUNTY, IOWA**

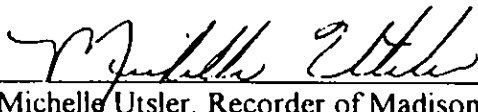
I, Michelle Utsler, do hereby certify that I am the duly elected and acting Recorder of Madison County, Iowa; that Norwin Cummings and Joyce Marlene Cummings, husband and wife, and Steven Cummings and Michele Cummings, husband and wife, the fee simple owner and record titleholder of the following-described real estate, to-wit:

Part of the Northeast ¼ of Section 19, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa, more particularly described as beginning at the Northeast corner of said Section 19; thence S00°20'36"E, 872.00 feet along the East line of the Northeast ¼ of said Section 19; thence N80°00'00"W, 553.30 feet; thence N00°00'00"W, 114.45 feet; thence S90°00'00"W, 90.00 feet; thence N00°00'00"W, 110.00 feet; thence S90°00'00"W, 157.30 feet; thence N00°00'00"W, 495.05 feet to the North line of said NE¼ of Section 19; thence N85°54'10"E, 789.00 feet along said North line of the Northeast ¼ of Section 19 to the point of beginning and containing 13.103 acres.

and that said real estate is free and clear of all liens and encumbrances, except for a Real Estate Contract held by Kenneth C. Patterson against said real estate.

DATED at Winterset, Iowa, this 15TH day of APRIL, 1999.




Michelle Utsler, Recorder of Madison
County, Iowa

4

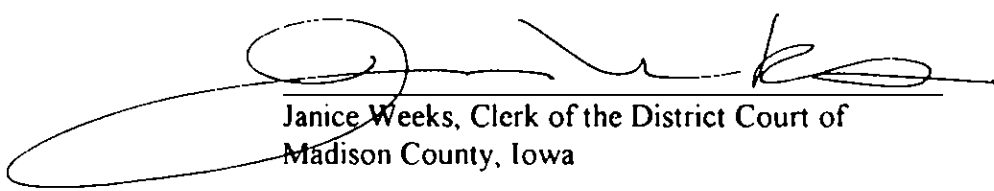
CERTIFICATE OF THE CLERK OF THE DISTRICT COURT OF MADISON COUNTY, IOWA

I, Janice Weeks, do hereby certify that I am the duly elected and acting Clerk of the District Court of Madison County, Iowa; that I have examined the records in my office, and that the following-described real estate, to-wit:

Part of the Northeast ¼ of Section 19, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa, more particularly described as beginning at the Northeast corner of said Section 19; thence S00°20'36"E, 872.00 feet along the East line of the Northeast ¼ of said Section 19; thence N80°00'00"W, 553.30 feet; thence N00°00'00"W, 114.45 feet; thence S90°00'00"W, 90.00 feet; thence N00°00'00"W, 110.00 feet; thence S90°00'00"W, 157.30 feet; thence N00°00'00"W, 495.05 feet to the North line of said NE¼ of Section 19; thence N85°54'10"E, 789.00 feet along said North line of the Northeast ¼ of Section 19 to the point of beginning and containing 13.103 acres.

is free from all judgments, attachments, mechanic's or other liens.

DATED at Winterset, Iowa, this 15th day of April, 1999.


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



DEED OF RESTRICTIONS
CUMMINGS PARK PLAT NO. 1
MADISON COUNTY, IOWA

We, Norwin Cummings and Joyce Marlene Cummings, husband and wife, and Steven Cummings and Michele Cummings, husband and wife, are now the fee simple owners and record titleholders of the following-described real estate:

Part of the Northeast 1/4 of Section 19, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa, more particularly described as beginning at the Northeast corner of said Section 19, thence S00°20'36"E, 872.00 feet along the East line of the Northeast 1/4 of said Section 19; thence N80°00'00"W, 553.30 feet; thence N00°00'00"W, 114.45 feet; thence S90°00'00"W, 90.00 feet; thence N00°00'00"W, 110.00 feet, thence S90°00'00"W, 157.30 feet; thence N00°00'00"W, 495.05 feet to the North line of said NE 1/4 of Section 19; thence N85°54'10"E, 789.00 feet along said North line of the Northeast 1/4 of Section 19 to the point of beginning and containing 13.103 acres.

Which real estate is being platted as Cummings Park Plat No. 1, 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, a one- to three-car garage and certain accessory buildings. No hog confinement, nursery or finishing structure, cattle finishing structure, poultry laying or raising houses shall be erected on any of the lots in said Cummings Park Plat No. 1.
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 feet 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, 2019, at which time said covenants shall be automatically extended for successive periods of 10 years, unless 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 Cummings Park Plat No. 1 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 subdivision 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.

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. A perpetual easement for a private drive and utility purposes with the right to construct, maintain and remove electric light lines, telephone lines, poles, wires, conduits, water

pipe lines, drain tiles, sewer tile and other necessary installations is hereby granted to all lot owners together with the right of ingress and egress by, through, over and to the following-described real estate:

Area designated on plat as private access road.

Developers Norwin Cummings, Joyce Marlene Cummings, Steven Cummings, and Michele Cummings, shall pay for and provide the initial construction of the private drive. Thereafter, the owners of lots of Cummings Park Plat No. 1 shall pay for the cost of maintenance and repair of said private drive and snow removal for said private drive, with the owner of each lot paying their pro rata share of the costs of such maintenance, repair and snow removal costs. A majority of the lot owners may decide at any time as to the need for and cost of any needed maintenance, repair or snow removal, and the decision of the majority of said lot owners shall be binding upon all of the owners of lots.

11. 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.

12. 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.

13. There is no common sewage system available for use within Cummings Park Plat No. 1, and it shall be the responsibility of each of the owners of the respective lots within the Cummings Park Plat No. 1 to provide a septic tank for use with the residence constructed upon each lot.

Dated this 24 day of March, 1999.

Norwin Cummings
Norwin Cummings

Joyce Marlene Cummings
Joyce Marlene Cummings

Steven Cummings
Steven Cummings

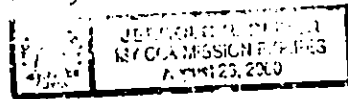
Michele Cummings
Michele Cummings

STATE OF IOWA

MADISON COUNTY

On this 24 day of March, 1999, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Norwin Cummings and Joyce Marlene Cummings, to me known to be the identical persons named in and who executed the within and foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.

James H. Allen
Notary Public in and for the State of Iowa

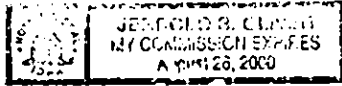


STATE OF IOWA

MADISON COUNTY

SS

On this 2nd day of March, 1999, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Steven Cummings and Michele Cummings, to me known to be the identical persons named in and who executed the within and foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.



Jennifer B. Clum
Notary Public in and for the State of Iowa

**RESOLUTION APPROVING FINAL PLAT
OF
CUMMINGS PARK PLAT NO. 1**

WHEREAS, there was filed in the office of the Acting Madison County Zoning Administrator a registered Land Surveyor's plat of a proposed subdivision known as Cummings Park Plat # 1; and

WHEREAS, the real estate comprising said plat is described as follows:
Part of the Northeast ¼ of Section 19, Township 74N, Range 26W

WHEREAS, there was filed with said plat a Consent to Plat containing a statement to the effect that the subdivision as it appears on the plat is with free consent and in accordance with the desire of the proprietor, Norwin Cummings and wife – Steven Cummings and wife, and

WHEREAS, said plat was accompanied by an Attorney's Opinion stating that the merchantable title to said premises is now held by Norwin and Steven Cummings subject to contract to Kenneth C. Patterson; and

WHEREAS, a Lender's Consent to Plat from Kenneth C. Patterson, has also been filed with consent to the platting of the property to be platted as Cummings Park Plat No. 1, an Official Plat, included in and forming a part of Madison County, Iowa and specifically described as attached hereto; and

WHEREAS, a Treasurer's Certificate stating that same is free from certified taxes and certified special assessments; and

WHEREAS, a Certificate from the County Clerk of the District Court that the Subdivision is free from all judgements, attachments, mechanics or other liens or record; and

WHEREAS, a Certificate from the County Recorder that the title in fee is in the owners name and that it is free from encumbrances other than those secured by an encumbrance bond, provided that the certificate of the Recorder may show a mortgage or encumbrance if the plat is accompanied by a consent to such platting by the holder of the mortgage or encumbrance; and

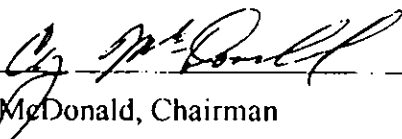
WHEREAS, said subdivision and plat have been approved the Acting Madison County Zoning Administrator and the Madison County Zoning Commission; and

WHEREAS, the Board of Supervisors of Madison County, Iowa find that said plat, known as Cummings Park Plat No. 1, and other supporting documents presented, conforms to the provisions of the Madison County Zoning Ordinance, and therewith should be approved.

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

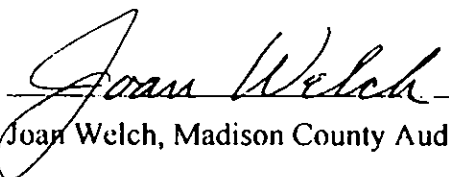
1. That said plat known as Cummings Park Plat No. 1 prepared in connection with said plat and subdivision are hereby approved.
2. The Acting Madison County Zoning Administrator is hereby directed to certify this resolution which shall be affixed to said plat to the County Recorder of Madison County, Iowa and attend to the filing and recording of the plat, papers and documents which should be filed and recorded in connection therewith.

Dated this 4 day of May, 1999, in Winterset, Iowa.



Cy McDonald, Chairman
Madison County Board of Supervisors

ATTEST:



Joan Welch, Madison County Auditor

16

Resolution # 162

BE IT RESOLVED by the City Council of the City of Truro, Iowa, to participate or not Participate in reviewing and offering suggestions for the proposed Cummings Park Subdivision.

Resolution approved this 1st day of March, 1999.

Ayes: Elliberry
Weis
Morris
Branlee
Collins

Nays:

ATTEST:

Sue Rosander
Sue Rosander, City Clerk

Raymond Finley
Raymond Finley, Mayor

RECEIVED MAR 04 1999



17

AGREEMENT

This Agreement, made and entered into, by and between, the proprietors of Cummings Park Plat No. 1, and Todd Hagen, Madison County Engineer.

NOW THEREFORE IT IS AGREED AS FOLLOWS:

1. The proprietors of Cummings Park Plat No. 1, a Plat of the following described real estate:

Part of the Northeast ¼ of Section 19, Township 74 North, Range 26 West of the 5th P.M., Madison County, Iowa, more particularly described as beginning at the Northeast corner of said Section 19; thence S00°20'36"E, 872.00 feet along the East line of the Northeast ¼ of said Section 19; thence N80°00'00"W, 553.30 feet; thence N00°00'00"W, 114.45 feet; thence S90°00'00"W, 90.00 feet; thence N00°00'00"W, 110.00 feet; thence S90°00'00"W, 157.30 feet; thence N00°00'00"W, 495.05 feet to the North line of said NE¼ of Section 19; thence N85°54'10"E, 789.00 feet along said North line of the Northeast ¼ of Section 19 to the point of beginning and containing 13.103 acres.

hereby agree that all private roads located within Cummings Park Plat No. 1 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 CUMMINGS PARK PLAT
NO. 1

By Norwin Cummings
Norwin Cummings

T. Hagen
Todd Hagen, Madison County Engineer

