

COMPUTER
RECORDED
COMPARED

REC \$ 145.00
AUD \$ 10.00
R.M.F. \$ 1.00

FILED NO. 4697
BOOK 141 PAGE 436
99 MAY 20 PM 12:31

FOR PLAT SEE
FARM PLAT 3, PAGE 445

PLAT AND CERTIFICATION

OF

CATHERINE COURT

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 Catherine Court and that the real estate comprising said plat is attached hereto.

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 Catherine Court.
2. Attorney's Opinion.
3. Lenders Consent to Plat - **No Mortgage shown**
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 Catherine Court
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 - **No private roads**
12. Resolution from City of Winterset
13. 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 E. Thompson

Jean E. Thompson
Acting Madison County
Zoning Administrator

STATE OF IOWA
MADISON COUNTY

On this 5th 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.



Sam J. [Signature]

Notary
[Signature]
Deputy Clerk of Court

ENTERED FOR TAXATION
THIS 30 DAY OF May, 1999
[Signature]

AUDITOR
[Signature]
DEPUTY AUDITOR

2

DEDICATION OF PLAT
OF
CATHERINE COURT

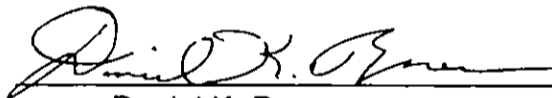
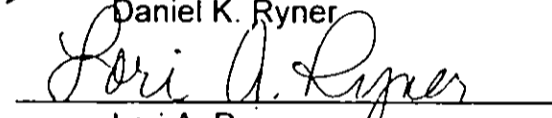
KNOWN BY ALL MEN PRESENT:

The undersigned, Daniel K. Ryner and Lori A. Ryner (a/k/a Lori Ann Ryner), husband and wife, do hereby certify that we are the sole owners of the real estate described in EXHIBIT A, attached hereto and by this reference incorporated herein and made a part hereof.

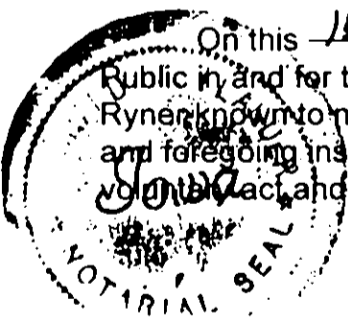
The real estate described in EXHIBIT A contains 24.070 acres including 3.804 acres of county road right of way and is divided into 8 lots as shown on the plat of CATHERINE COURT.

The sub-division of the real estate described in EXHIBIT A as shown on the Plat of CATHERINE COURT is with our free consent and is in accordance with our desires as owners of the said real estate.

Dated on this 15th day of February, 1999, in the City of Winterset, Madison County, Iowa.


Daniel K. Ryner

Lori A. Ryner

STATE OF IOWA)
)SS:
COUNTY OF MADISON)



On this 15th day of February, 1999, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Daniel K. Ryner and Lori A. Ryner, known to me 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.

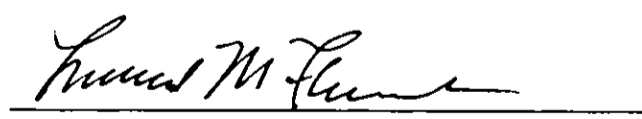

Leonard M. Flander
Notary Public in and for the State of Iowa

EXHIBIT A

A parcel of land described as commencing at the North Quarter Corner of Section 30, Township 76 North, Range 27 West of the 5th P.M., Madison County, Iowa; thence South 88° 47' 19" East 243.45 feet along the North line of the Northeast Quarter of said Section 30 to the Point of Beginning; thence South 00° 53' 40" West 750.00 feet; thence South 88° 47' 19" East 416.43 feet to a point on the centerline of a paved county road; thence North 00° 24' 10" East 749.16 feet along the centerline of said county road; thence North 00° 53' 40" East 0.90 feet along the centerline of said county road to a point on the North line of the Northeast Quarter of said Section 30; thence North 00° 53' 40" East 220.65 feet along said county road centerline; thence South 86° 46' 20" East 327.00 feet; thence North 07° 49' 28" East 358.88 feet; thence North 08° 34' 56" East 368.90 feet to the Southeast Corner of Parcel "A"; thence North 33° 19' 46" East 250.98 feet along the Southeast line of Parcel "A", to the Southwest Corner of Lot 8; thence North 16° 56' 03" East 352.36 feet along the Easterly line of Parcel "A" to the Southeasterly right-of-way of a county road; thence North 30° 17' 54" West 55.00 feet to the centerline of a paved county road; thence Northeasterly along the centerline of said County Road 171.80 feet along a 1273.24 feet radius curve concave Southeasterly with a 171.67 feet chord bearing North 64° 02' 50" East; thence North 22° 05' 32" West 60.00 feet to the Northeast Corner of Parcel "F"; thence North 83° 19' 43" East 175.00 feet; thence South 06° 40' 17" East 370.00 feet along the east line of Lot 8; thence South 68° 20' 44" West 455.63 feet along the south line of Lot 8; thence South 33° 19' 46" West 250.98 feet along the Southeast line of Parcel "A"; thence North 73° 55' 01" West 292.97 feet along the Southerly line of Parcel "A" to the centerline of a county paved road; thence Northeasterly 110.23 feet along a 1273.24 feet radius curve concave southeasterly with a 110.20 feet chord bearing North 30° 09' 45" East; thence North 51° 11' 28" West 241.49 feet; thence North 00° 53' 40" East 602.13 feet; thence South 05° 25' 58" West 229.18 feet; thence South 02° 04' 32" West 388.02 feet; thence South 55° 10' 18" West 203.08 feet; thence South 00° 53' 40" West 310.00 feet; thence South 89° 11' 24" East 247.75 feet to the centerline of a paved county road; thence Southwesterly 293.62 feet along a 1273.24 feet radius curve concave southeasterly with a 292.97 feet chord bearing South 11° 27' 31" West; thence North 88° 47' 19" West 413.04 feet; thence South 00° 53' 40" West 520.00 feet to the Point of Beginning containing 24.070 acres including 3.804 acres of county road right-of-way

3

Flander and Casper, P.C.

ATTORNEYS AT LAW
223 EAST COURT AVENUE
P.O. BOX 67

WINTERSSET, IOWA 50273-0067

LEONARD M. FLANDER
JOHN E. CASPER

AREA CODE 515
TELEPHONE 462-4912
FAX 1-515-462-3392

April 6, 1999

Madison County
Madison County Court House
Winterset, IA 50273

RE: Title Opinion for Plat of CATHERINE COURT
Our File 4/99 F-2

Dear Sirs:

Pursuant to the requirements of Iowa Code Section 354.11(3) (1997), I hereby certify that I have examined the Abstract of Title No. 63800 last continued in final form by Security Abstract & Title Co., Inc., continued to March 26, 1999, at 8:00 a.m. and relating to the following described real property:

See EXHIBIT A attached hereto.

As of the last date and time, I find from my examination that record title to the above-described property is in:

DANIEL K. RYNER and/or LORI A. RYNER,
HUSBAND AND WIFE

subject to the following matters:

1. MORTGAGES: There are no mortgages shown.
2. REAL ESTATE TAXES: Entry No. 40 of the abstract shows the taxes on the subject property payable in the fiscal year beginning July 1, 1998, are paid in full.
3. EASEMENTS: Entries 31, 27, and 35 of the abstract shows certain easements for road and public utility purposes, all of which are shown on the plat of survey now on file with the Zoning Administrator.

Madison County
Page 2
April 6, 1999

4. NOTICES: Entry No. 38 of the abstract shows certain notices relating to the cost recovery provision contained in Section 617A.7(16), Code of Iowa and relating to the Soil and Water Resource Conservation Plan adopted by the Madison County Soil and Water Conservation District and approved by the State Soil Conservation Committee.

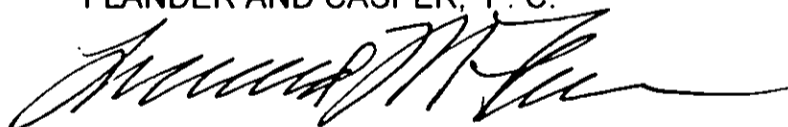
5. ZONING: Entry No. 39 discloses that under the Comprehensive Zoning Ordinance of Madison County, Iowa, the premises is designated as agricultural land and comprehensively zoned for agricultural purposes.

6. SEARCHES: Entry No. 41 of the abstract reflects personal lien searches as to Beth Flander, Madison County, Iowa; Richard T. Ryner; Larry Ryner; William Larry Ryner; Daniel K. Ryner and Lori A. Ryner; and, no liens were found.

You are hereby advised that this opinion is prepared pursuant to Sections 614.26 and 614.28 of the 1997 Code of Iowa, Chapter 11 of the Iowa Title Examination Standards, the abstracting standards of the Iowa Land Title Association and the 40-Year Marketable Title Act.

Respectfully submitted,

FLANDER AND CASPER, P. C.



Leonard M. Flander

LMF:gkh

A parcel of land described as commencing at the North Quarter Corner of Section 30, Township 76 North, Range 27 West of the 5th P.M., Madison County, Iowa; thence South 88° 47' 19" East 243.45 feet along the North line of the Northeast Quarter of said Section 30 to the Point of Beginning; thence South 00° 53' 40" West 750.00 feet; thence South 88° 47' 19" East 416.43 feet to a point on the centerline of a paved county road; thence North 00° 24' 10" East 749.16 feet along the centerline of said county road; thence North 00° 53' 40" East 0.90 feet along the centerline of said county road to a point on the North line of the Northeast Quarter of said Section 30; thence North 00° 53' 40" East 220.65 feet along said county road centerline; thence South 86° 46' 20" East 327.00 feet; thence North 07° 49' 28" East 358.88 feet; thence North 08° 34' 56" East 368.90 feet to the Southeast Corner of Parcel "A"; thence North 33° 19' 46" East 250.97 feet along the Southeast line of Parcel "A", to the Southwest Corner of Lot 8; thence North 16° 56' 03" East 352.36 feet along the Easterly line of Parcel "A" to the Southeasterly right-of-way of a county road; thence North 30° 17' 54" West 55.00 feet to the centerline of a paved county road; thence Northeasterly along the centerline of said County Road 171.80 feet along a 1273.24 feet radius curve concave Southeasterly with a 171.67 feet chord bearing North 64° 02' 50" East; thence North 22° 05' 32" West 60.00 feet to the Northeast Corner of Parcel "F"; thence North 83° 19' 43" East 175.00 feet; thence South 06° 40' 17" East 370.00 feet along the east line of Lot 8; thence South 68° 20' 44" West 455.63 feet along the south line of Lot 8; thence South 33° 19' 46" West 250.97 feet along the Southeast line of Parcel "A"; thence North 73° 55' 01" West 292.97 feet along the Southerly line of Parcel "A" to the centerline of a county paved road; thence Northeasterly 110.23 feet along a 1273.24 feet radius curve concave southeasterly with a 110.20 feet chord bearing North 30° 09' 45" East; thence North 51° 11' 28" West 241.49 feet; thence North 00° 53' 40" East 602.13 feet; thence South 05° 25' 58" West 229.18 feet; thence South 02° 04' 32" West 388.02 feet; thence South 55° 10' 18" West 203.08 feet; thence South 00° 53' 40" West 310.00 feet; thence South 89° 11' 24" East 247.75 feet to the centerline of a paved county road; thence Southwesterly 293.62 feet along a 1273.24 feet radius curve concave southeasterly with a 292.97 feet chord bearing South 11° 27' 31" West; thence North 88° 47' 19" West 413.04 feet; thence South 00° 53' 40" West 520.00 feet to the Point of Beginning containing 24.070 acres including 3.804 acres of county road right-of-way.

Security Abstract & Title Co., Inc., Abstracts of Title, Winterset, Madison Co., Iowa

TITLE CERTIFICATE
No. 63988
FOR

Flander & Casper
Att: Len Flander
223 E. Court
Winterset, Iowa 50273

The undersigned hereby certifies that the records of Madison County, Iowa, show the record title to the following described real estate, FROM March 26, 1999 at 8:00 A.M., to-wit;

A parcel of land described as commencing at the North Quarter Corner of Section 30, Township 76 North, Range 27 West of the 5th P.M., Madison County, Iowa; thence South 88° 47' 19" East 243.45 feet along the North line of the Northeast Quarter of said Section 30 to the Point of Beginning; thence South 00° 53' 40" West 750.00 feet; thence South 88° 47' 19" East 416.43 feet to a point on the centerline of a paved county road; thence North 00° 24' 10" East 749.16 feet along the centerline of said county road; thence North 00° 53' 40" East 0.90 feet along the centerline of said county road to a point on the North line of the Northeast Quarter of said Section 30; thence North 00° 53' 40" East 220.65 feet along said county road centerline; thence South 86° 46' 20" East 327.00 feet; thence North 07° 49' 28" East 358.88 feet; thence North 08° 34' 56" East 368.90 feet to the Southeast Corner of Parcel "A"; thence North 33° 19' 46" East 250.97 feet along the Southeast line of Parcel "A", to the Southwest Corner of Lot 8; thence North 16° 56' 03" East 352.36 feet along the Easterly line of Parcel "A" to the Southeasterly right-of-way of a county road; thence North 30° 17' 54" West 55.00 feet to the centerline of a paved county road; thence Northeasterly along the centerline of said County Road 171.80 feet along a 1273.24 feet radius curve concave Southeasterly with a 171.67 feet chord bearing North 64° 02' 50" East; thence North 22° 05' 32" West 60.00 feet to the Northeast Corner of Parcel "F"; thence North 83° 19' 43" East 175.00 feet; thence South 06° 40' 17" East 370.00 feet along the east line of Lot 8; thence South 68° 20' 44" West 455.63 feet along the south line of Lot 8; thence South 33° 19' 46" West 250.97 feet along the Southeast line of Parcel "A"; thence North 73° 55' 01" West 292.97 feet along the Southerly line of Parcel "A" to the centerline of a county paved road; thence Northeasterly 110.23 feet along a 1273.24 feet radius curve concave southeasterly with a 110.20 feet chord bearing North 30° 09' 45" East; thence North 51° 11' 28" West 241.49 feet; thence North 00° 53' 40" East 602.13 feet; thence South 05° 25' 58" West 229.18 feet; thence South 02° 04' 32" West 388.02 feet; thence South 55° 10' 18" West 203.08 feet; thence South 00° 53' 40" West 310.00 feet; thence South 89° 11' 24" East 247.75 feet to the centerline of a paved county road; thence Southwesterly 293.62 feet along a 1273.24 feet radius curve concave southeasterly with a 292.97 feet chord bearing South 11° 27' 31" West; thence North 88° 47' 19" West 413.04 feet; thence South 00° 53' 40" West 520.00 feet to the Point of Beginning containing 24.070 acres including 3.804 acres of county road right-of-way and is divided into 8 lots,

is in Daniel K. Ryner and Lori A. Ryner,

by virtue of and subject to the following, to-wit:

- DEEDS: We find none filed.
- MORTGAGES: We find none filed.
- JUDGMENTS AND LIENS: We find none against Daniel K. Ryner or Lori A. Ryner during the past ten (10) years.
- TAXES: We find no unpaid taxes nor unredeemed tax sales in the fiscal years prior to those payable in the fiscal year beginning July 1, 1998. Taxes payable year are shown as follows: Paid in Full.

Security Abstract & Title Co., Inc., Abstracts of Title, Winterset, Madison Co., Iowa



Security Abstract & Title Co., Inc., Abstracts of Title, Winterset, Madison Co., Iowa

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NOTE: No examination is made and no opinion has been formed as to the legal effect of any instrument or proceeding inspected, and no showing has been made as to easements in relation to said property.

Dated at Winterset, Madison County, Iowa, this 29th day of April, A.D., 1999, at 8:00 A.M.

SECURITY ABSTRACT & TITLE CO., INC.
Abstracters.

By *[Signature]*
President.



5

TREASURER'S CERTIFICATE

STATE OF IOWA)
) SS:
COUNTY OF MADISON)

I, Becky McDonald, Treasurer of Madison County, having examined the records of my office, in accordance with the provisions of Section 354.11 of the Code of Iowa pertaining to real properties as specifically set forth in EXHIBIT A attached hereto and made a part hereof, to be hereinafter designated as :

CATHERINE COURT

do hereby certify that same is free from all certified taxes, special assessments and special rates and charges.

Nor are there any taxes due for Moneys and Credits, Bushels of Grain, Industrial Machinery, Data Processing Equipment, Utilities or Buildings on Leased Land,

Daniel K. Ryner and Lori A. Ryner

who are the record titleholders of said real estate.

Dated at Winterset, Iowa, this 7 day of April, 1999.

BECKY MCDONALD
MADISON COUNTY TREASURER

By Becky McDonald
Treasurer

Subscribed and sworn to before me this 7 day of April, 1999.

Catherine Anne Weltha
Notary Public in and for the State of Iowa



A parcel of land described as commencing at the North Quarter Corner of Section 30, Township 76 North, Range 27 West of the 5th P.M., Madison County, Iowa; thence South 88° 47' 19" East 243.45 feet along the North line of the Northeast Quarter of said Section 30 to the Point of Beginning; thence South 00° 53' 40" West 750.00 feet; thence South 88° 47' 19" East 416.43 feet to a point on the centerline of a paved county road; thence North 00° 24' 10" East 749.16 feet along the centerline of said county road; thence North 00° 53' 40" East 0.90 feet along the centerline of said county road to a point on the North line of the Northeast Quarter of said Section 30; thence North 00° 53' 40" East 220.65 feet along said county road centerline; thence South 86° 46' 20" East 327.00 feet; thence North 07° 49' 28" East 358.88 feet; thence North 08° 34' 56" East 368.90 feet to the Southeast Corner of Parcel "A"; thence North 33° 19' 46" East 250.97 feet along the Southeast line of Parcel "A", to the Southwest Corner of Lot 8; thence North 16° 56' 03" East 352.36 feet along the Easterly line of Parcel "A" to the Southeasterly right-of-way of a county road; thence North 30° 17' 54" West 55.00 feet to the centerline of a paved county road; thence Northeasterly along the centerline of said County Road 171.80 feet along a 1273.24 feet radius curve concave Southeasterly with a 171.67 feet chord bearing North 64° 02' 50" East; thence North 22° 05' 32" West 60.00 feet to the Northeast Corner of Parcel "F"; thence North 83° 19' 43" East 175.00 feet; thence South 06° 40' 17" East 370.00 feet along the east line of Lot 8; thence South 68° 20' 44" West 455.63 feet along the south line of Lot 8; thence South 33° 19' 46" West 250.97 feet along the Southeast line of Parcel "A"; thence North 73° 55' 01" West 292.97 feet along the Southerly line of Parcel "A" to the centerline of a county paved road; thence Northeasterly 110.23 feet along a 1273.24 feet radius curve concave southeasterly with a 110.20 feet chord bearing North 30° 09' 45" East; thence North 51° 11' 28" West 241.49 feet; thence North 00° 53' 40" East 602.13 feet; thence South 05° 25' 58" West 229.18 feet; thence South 02° 04' 32" West 388.02 feet; thence South 55° 10' 18" West 203.08 feet; thence South 00° 53' 40" West 310.00 feet; thence South 89° 11' 24" East 247.75 feet to the centerline of a paved county road; thence Southwesterly 293.62 feet along a 1273.24 feet radius curve concave southeasterly with a 292.97 feet chord bearing South 11° 27' 31" West; thence North 88° 47' 19" West 413.04 feet; thence South 00° 53' 40" West 520.00 feet to the Point of Beginning containing 24.070 acres including 3.804 acres of county road right-of-way.

7

CLERK OF COURT'S CERTIFICATE

STATE OF IOWA)
) SS:
COUNTY OF MADISON)

I, Janice Weeks, do hereby certify that I am the duly appointed and acting Clerk of the Iowa District Court for Madison County; that I have examined the records in my office, and that the real estate described in EXHIBIT A attached hereto and by this reference incorporated herein and made a part hereof is free and clear of all judgements, attachments, mechanic's liens and other liens.

Dated at Winterset, Iowa, this 6 day of April, 1999.

JANICE WEEKS
CLERK OF THE IOWA DISTRICT
FOR MADISON COUNTY

By *[Signature]*
Clerk

Subscribed and sworn to before me this 6th day of April, 1999.

[Signature]
Notary Public in and for the State of Iowa



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8

**DECLARATIONS
OF
COVENANTS, CONDITIONS, AND RESTRICTIONS
FOR
CATHERINE COURT**

THIS DECLARATION, made on the date hereinafter set forth by Daniel K. Ryner and Lori A. Ryner (a/k/a Lori Ann Ryner) of Madison County, Iowa, hereinafter referred to as "Declarant", **WITNESSETH:**

WHEREAS, Declarant is the owner of certain property situated in Madison County, Iowa, which is more particularly described as:

All Lots in CATHERINE COURT, (hereinafter referred to as the "properties");
and,

WHEREAS, Daniel K. Ryner and Lori A. Ryner are the titleholders to all the building lots therein located;

NOW THEREFORE: The undersigned creates the following restrictive covenants effective and binding on all lots in said plat.

ARTICLE I - PURPOSE

Declarant desires to create upon the properties a residential community. In order to preserve the natural setting and beauty of the properties, to establish and preserve a harmonious and esthetically pleasing design for the properties, and to protect and promote the value of the properties, any and all improvements located therein or thereon shall be subject to the restrictions set forth herein. Every grantee of any interest in the properties, by acceptance of a deed or other conveyance of such interest, agrees to be bound by the provisions herein.

ARTICLE II - DEFINITIONS

- A. "CATHERINE COURT" shall mean and refer to the real property located in the residential subdivision described above.
- B. "Declarant" shall mean and refer to Daniel K. Ryner and Lori A. Ryner.
- C. "Lot" shall mean and refer to one or more tracts of land which is described and shown upon the recorded plat of CATHERINE COURT and which is available for the construction of a single family residence.

- D. "Building Plot" shall mean and refer to one or more platted lots, or one platted lot and portions of adjacent platted lots in CATHERINE COURT.
- E. "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of the fee simple title to any lot or building plot which is a part of CATHERINE COURT. Declarant retains the right to be the owner of any lot that remains unsold.

ARTICLE III- GENERAL RESTRICTIONS

- A. All setbacks will be in accordance with the Madison County regulations and building setbacks as shown on the recorded plat.
- B. Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat of CATHERINE COURT. The owner or occupant of the building plot shall, at his or her expense, keep and preserve that portion of the easement within his or her property at all times in good repair and condition and shall neither erect or permit erection of any building or structure of any kind nor permit any growth of any kind within said easement which might interfere in any way with the use and patrolling of any of the utility services and drainage courses located in the easement.
- C. Drainage of storm and surface waters in the plat will be by open surface water drainage courses in true keeping with the rural nature of the zoning classification. Each owner will be responsible for accepting any upstream drainage, including drainage from streets and street culverts, and passing the water to the downstream side. The owner shall not divert drainage from its natural course to another lot without the express written consent of the other owner. Each lot owner shall, at his own cost and expense, maintain and keep any surface or storm water drainage way or course located on, over and across the lot free of weeds and debris and in good repair.
- D. No building or structure of a temporary character and no trailer, tent, basement, shack, garbage or outbuilding shall be used at any time as a residential dwelling on any lot, either temporarily or permanently.
- E. The owner or person in possession of each lot, whether vacant or improved, shall keep the same mowed and free of debris. Each owner agrees that after written notice given by certified mail to such owner or person in possession by the Declarant or any property within 500 feet of such lot such weeds and/or such debris shall be removed within fifteen

- (15) days, failing which the Declarant or the property owner giving such notice may enter upon the property to cut or cause to be cut such weeds, remove or cause to be removed such debris, and shall have a right of action against the owner of such lot for the collection of the costs thereof.
- F. Each owner shall be responsible for the repair, maintenance and replacement of utility services and lines serving his or her lot.
- G. All valid laws, zoning ordinances, and regulations of all governmental bodies having jurisdictions shall be observed. The responsibility of meeting the requirements of governmental bodies, which require maintenance modification or repair of property, shall be the same as the responsibility for the maintenance or the repair of the property concerned.
- H. No lot shall be subdivided, partitioned, replatted, or in any way divided so as to create more than one parcel of real estate for the purpose of constructing and maintaining a house thereon.
- I. No signs of any kind shall be displayed to the public view on any lot, except signs of not more than six (6) square feet advertising property for sale or rent or signs used by a builder to advertise the property during construction.

ARTICLE IV - USE RESTRICTIONS

- A. No mobile home or manufactured home, as defined in the Code of Iowa, shall be placed upon or erected on any lot.
- B. No house, outbuilding, or any other structure shall be constructed, altered or maintained on any lot unless it has a driveway running from a street to the home which must be of a sufficient area to park at least two (2) automobiles entirely off the street. All driveways shall be constructed of concrete, bituminous surfacing, or three-quarter (3/4) inch limestone gravel.
- C. All houses, or outbuildings, or improvements of any kind must be completed within twelve (12) months of the commencement date of the construction.
- D. Any dog run, tool shed, trash receptacle, or other outside structure of like nature shall be properly screened by reasonable shrubbery or decorative fence or both so that it is not visible from the street or from any other lot.

- E. All L. P. tanks placed upon any lot shall be buried underground, placed in a position or screened in such a fashion so as not to be visible from the roadway.
- F. No towers shall be constructed on any lot; however, antenna and satellite dishes are permissible, provided that the same are screened in such a fashion so as not to be visible from the roadway.
- G. Notwithstanding the provisions of this subsection to the contrary, guest houses may be permitted in outbuildings, provided, no guest house shall be used for permanent living quarters, nor shall any guest house be allowed on a lot which does not have a house erected thereon.
- H. There is no common or public sewer system available for use within CATHERINE COURT, and it shall be the responsibility of the owners of each respective lot in CATHERINE COURT to provide a septic tank or other private sewage disposal system for use in connection with each home constructed on such lot.

ARTICLE V - FENCES

- A. Upon Declarant's transfer of any lot, except lots 1 and 2, to any other person or entity, Declarant shall construct and install a "tight fence", as such is defined in the Code of Iowa, upon the boundary of the lot transferred and any adjoining property either within or without the real estate located in CATHERINE COURT which is used by Declarant for farming or farming purposes.
- B. After construction of such fence,
 - the owner of Lot 1 shall own and be responsible for the repair, maintenance and/or reconstruction of the fence on the west and north boundaries of Lot 1;
 - the owner of Lot 2 shall own and be responsible for the repair, maintenance and/or reconstruction of the fence on the west boundary of Lot 2;
 - the owner of Lot 3 shall own and be responsible for the repair, maintenance and/or reconstruction of the fence on the west boundary of Lot 3;

the owner of Lot 4 shall own and be responsible for the repair, maintenance and/or reconstruction of the fence on the west boundary of Lot 4;

the owner of Lot 5 shall own and be responsible for the repair, maintenance and/or reconstruction of the fence on the west and south boundaries of Lot 5;

the owner of Lot 6 shall own and be responsible for the repair, maintenance and/or reconstruction of the fence on the east boundary of Lot 6;

the owner of Lot 7 shall own and be responsible for the repair, maintenance and/or reconstruction of the fence on the east boundary of Lot 7; and,

the owner of Lot 8 shall own and be responsible for the repair, maintenance and/or reconstruction of the fence on the east and south boundaries of Lot 8.

- C. Nothing herein shall be construed so as to prohibit or prevent Declarant from removing any fence which Declarant has constructed or erected, except those which are owned by a lot owner after construction upon the discontinuance of the use of the real estate adjoining any lot for farming or farming purposes.

ARTICLE VI - ANIMALS AND PETS

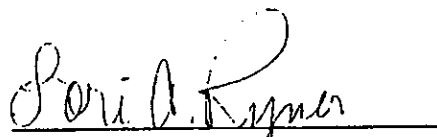
- A. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot except that dogs, cats, and other common household pets may be kept so long as they are not kept, bred or maintained for commercial purposes. In no event, however, shall more than two (2) dogs be maintained on any one building plot at any one time. Dogs must be tied or fenced in a dog run. Domestic animals may be permitted, if allowed within the zoning restrictions of Madison County.
- B. Each lot shall be maintained, and each owner thereof shall take such measures as may be reasonably necessary so as to not allow noxious and offensive odors, waste, effluents, pests, and pestilence from leaving the boundaries of such lot.

- C. The provisions of this article may be enforced by either the Declarant or by other owners. In the event that an owner fails to maintain fences located on his or her property or fails to comply with the other restrictions of this article, the Declarant or any other owner shall have the right to perform such action and assess thereof to the owner on whose behalf the Declarant or owner perform such actions.

ARTICLE VII - MISCELLANEOUS

- A. The covenants, restrictions and provisions of this instrument shall be deemed covenants running with the land, and shall remain in full force and effect until December 31, 2019, at which time said covenants, restrictions and provisions shall automatically be extended for successive periods of ten (10) years each. However, at any time, such covenants, restrictions and provisions may be amended, modified, changed or canceled, in whole or in part, upon written agreement signed by the owner or owners of seventy-five percent (75%) of the lots hereby restricted.
- B. If any party shall violate or attempt to violate any of the covenants, conditions or restrictions contained herein, it shall be lawful for Declarant, or any owners owning building plots in CATHERINE COURT, entitled to the protection provided herein, to prosecute proceedings in law or in equity against the person or persons violating or attempting to violate any such covenants, conditions or restrictions, and to either prevent him or them from doing or recovering damages for such violations.
- C. Invalidation of any one of these covenants by judgment or court order shall in no way affect any other of the provisions, which shall remain in full force and effect.
- D. Words and phrases herein, including acknowledgments hereof, shall be construed as in the singular or plural number and as masculine, feminine or neuter gender, according to context.
- E. Failure of the Declarant or an owner to enforce any covenant, condition or restriction herein, shall not constitute a waiver of the right to enforce the same thereafter.


Daniel K. Ryner


Lori A. Ryner

STATE OF IOWA)
)SS:
COUNTY OF MADISON)

On this 16th day of February, 1999, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Daniel K. Ryner and Lori A. Ryner known to me 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.



Leonard M. Flander

Leonard M. Flander
Notary Public in and for the State of Iowa

9

RESOLUTION APPROVING FINAL PLAT

OF

CATHERINE COURT

WHEREAS, there was filed in the office of the Madison County Acting Zoning Administrator a registered Land Surveyor's plat of a proposed subdivision known as Catherine Court; and

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

A parcel of land described as commencing at the North Quarter Corner of Section 30, Township 76 North, Range 27 West of the 5th P.M., Madison County, Iowa; thence South 88° 47' 19" East 243.45 feet along the North line of the Northeast Quarter of said Section 30 to the Point of Beginning; thence South 00° 53' 40" West 750.00 feet; thence South 88° 47' 19" East 416.43 feet to a point on the centerline of a paved county road; thence North 00° 24' 10" East 749.16 feet along the centerline of said county road; thence North 00° 53' 40" East 0.90 feet along the centerline of said county road to a point on the North line of the Northeast Quarter of said Section 30; thence North 00° 53' 40" East 220.65 feet along said county road centerline; thence South 86° 46' 20" East 327.00 feet; thence North 07° 49' 28" East 353.88 feet; thence North 08° 34' 56" East 368.90 feet to the Southeast Corner of Parcel "A"; thence North 33° 19' 46" East 250.97 feet along the Southeast line of Parcel "A", to the Southwest Corner of Lot 8; thence North 16° 56' 03" East 352.36 feet along the Easterly line of Parcel "A" to the Southeasterly right-of-way of a county road; thence North 30° 17' 54" West 55.00 feet to the centerline of a paved county road; thence Northeasterly along the centerline of said County Road 171.80 feet along a 1273.24 feet radius curve concave Southeasterly with a 171.67 feet chord bearing North 64° 02' 50" East; thence North 22° 05' 32" West 60.00 feet to the Northeast Corner of Parcel "F"; thence North 83° 19' 43" East 175.00 feet; thence South 06° 40' 17" East 370.00 feet along the east line of Lot 8; thence South 68° 20' 44" West 455.63 feet along the south line of Lot 8; thence South 33° 19' 46" West 250.97 feet along the Southeast line of Parcel "A"; thence North 73° 55' 01" West 292.97 feet along the Southerly line of Parcel "A" to the centerline of a county paved road; thence Northeasterly 110.23 feet along a 1273.24 feet radius curve concave southeasterly with a 110.20 feet chord bearing North 30° 09' 45" East; thence North 51° 11' 28" West 241.49 feet; thence North 00° 53' 40" East 602.13 feet; thence South 05° 25' 58" West 229.18 feet; thence South 02° 04' 32" West 388.02 feet; thence South 55° 10' 18" West 203.08 feet; thence South 00° 53' 40" West 310.00 feet; thence South 89° 11' 24" East 247.75 feet to the centerline of a paved county road; thence Southwesterly 293.62 feet along a 1273.24 feet radius curve concave southeasterly with a 292.97 feet chord bearing South 11° 27' 31" West; thence North 83° 47' 19" West 413.04 feet; thence South 00° 53' 40" West 520.00 feet to the Point of Beginning containing 24.070 acres including 3.804 acres of county road right-of-way.

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, Daniel K. and Lori A. Ryner; and

WHEREAS, said plat was accompanied by an Attorney's Opinion stating that Security Abstract & Title Co., certifies the abstract. Merchantable title to said premises is now held by Daniel K. and Lori A. Ryner and not subject to mortgage; 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

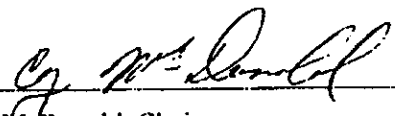
WHEREAS, said subdivision and plat have been approved by the Madison County Acting Zoning Administrator and the Madison County Zoning Commission; and

WHEREAS, the Board of Supervisors of Madison County, Iowa find that said plat, known as Catherine Court, 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 Catherine Court 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 04 day of May, 1999, in Winterset, Iowa.



Cy McDonald, Chairman
Madison County Board of Supervisors

ATTEST:



Joan Welch, Madison County Auditor

**RESOLUTION APPROVING FINAL PLAT
OF
CATHERINE COURT**

**A SUBDIVISION LOCATED IN
SECTIONS NINETEEN (19) AND THIRTY (30),
TOWNSHIP SEVENTY-SIX (76) NORTH, RANGE TWENTY-SEVEN (27) WEST
OF THE 5TH P. M., MADISON COUNTY, IOWA**

WHEREAS, there was filed in the Office of the Zoning Administrator of the City of Winterset, a registered land surveyor's plat of a proposed subdivision located in Sections Nineteen (19) and Thirty (30), Township Seventy-six (76) North, Range Twenty-seven (27) West of the 5th P. M., Madison County, Iowa, known as **Catherine Court** and which is located within two (2) miles of the City Limits of the City of Winterset, Madison County, Iowa; and,

WHEREAS, the real estate comprising said Plat is described in EXHIBIT "A" attached hereto and made a part hereof; and,

WHEREAS, there was also filed with said Plat true and correct copies of all documents filed with the Zoning Administrator of Madison County, Iowa, including (1) 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 desires of the proprietors, Daniel K. Ryner and Lori A. Ryner; (2) an opinion from an attorney-at-law showing that fee simple title is in said proprietors' names and that the platted land is free from encumbrances; and (3) a certified statement from the Treasurer of Madison County, Iowa, that said platted land is free from taxes; and,

WHEREAS, the said Plat and Subdivision were approved by the Board of Supervisors of Madison County, Iowa on the 4th day of May, 1999; and,

WHEREAS, the City Council of the City of Winterset, Iowa, finds that said Plat conforms to the provisions of the Zoning Ordinance of the City of Winterset; that the plat, papers and documents presented therewith should be approved by the City Council; and that said Plat, known as **Catherine Court**, a subdivision located in Sections Nineteen (19) and Thirty (30), Township Seventy-six (76) North, Range Twenty-seven (27) West of the 5th P. M., Madison County, Iowa and within two (2) miles of the City Limits of the City of Winterset, Madison County, Iowa, should be approved by the City Council of the City of Winterset, Iowa.

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

1. The said Plat, known as Catherine Court, which is a subdivision located in Sections Nineteen (19) and Thirty (30), Township Seventy-six (76) North, Range Twenty-seven (27) West of the 5th P. M., Madison County, Iowa and within two (2) miles of the City Limits of the City of Winterset, Madison County, Iowa, and all papers and documents prepared in connection with said Plat and subdivision is hereby approved.

2. The Zoning Administrator of the City of Winterset, 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 17th day of May, 1999.



Mayor of the City of Winterset, Iowa

ATTEST:



Clerk of the City of Winterset, Iowa

A parcel of land described as commencing at the North Quarter Corner of Section 30, Township 76 North, Range 27 West of the 5th P.M., Madison County, Iowa; thence South 88° 47' 19" East 243.45 feet along the North line of the Northeast Quarter of said Section 30 to the Point of Beginning; thence South 00° 53' 40" West 750.00 feet; thence South 88° 47' 19" East 416.43 feet to a point on the centerline of a paved county road; thence North 00° 24' 10" East 749.16 feet along the centerline of said county road; thence North 00° 53' 40" East 0.90 feet along the centerline of said county road to a point on the North line of the Northeast Quarter of said Section 30; thence North 00° 53' 40" East 220.65 feet along said county road centerline; thence South 86° 46' 20" East 327.00 feet; thence North 07° 49' 28" East 358.88 feet; thence North 08° 34' 56" East 368.90 feet to the Southeast Corner of Parcel "A"; thence North 33° 19' 46" East 250.97 feet along the Southeast line of Parcel "A", to the Southwest Corner of Lot 8; thence North 16° 56' 03" East 352.36 feet along the Easterly line of Parcel "A" to the Southeasterly right-of-way of a county road; thence North 30° 17' 54" West 55.00 feet to the centerline of a paved county road; thence Northeasterly along the centerline of said County Road 171.80 feet along a 1273.24 feet radius curve concave Southeasterly with a 171.67 feet chord bearing North 64° 02' 50" East; thence North 22° 05' 32" West 60.00 feet to the Northeast Corner of Parcel "F"; thence North 83° 19' 43" East 175.00 feet; thence South 06° 40' 17" East 370.00 feet along the east line of Lot 8; thence South 68° 20' 44" West 455.63 feet along the south line of Lot 8; thence South 33° 19' 46" West 250.97 feet along the Southeast line of Parcel "A"; thence North 73° 55' 01" West 292.97 feet along the Southerly line of Parcel "A" to the centerline of a county paved road; thence Northeasterly 110.23 feet along a 1273.24 feet radius curve concave southeasterly with a 110.20 feet chord bearing North 30° 09' 45" East; thence North 51° 11' 28" West 241.49 feet; thence North 00° 53' 40" East 602.13 feet; thence South 05° 25' 58" West 229.18 feet; thence South 02° 04' 32" West 388.02 feet; thence South 55° 10' 18" West 203.08 feet; thence South 00° 53' 40" West 310.00 feet; thence South 89° 11' 24" East 247.75 feet to the centerline of a paved county road; thence Southwesterly 293.62 feet along a 1273.24 feet radius curve concave southeasterly with a 292.97 feet chord bearing South 11° 27' 31" West; thence North 88° 47' 19" West 413.04 feet; thence South 00° 53' 40" West 520.00 feet to the Point of Beginning containing 24.070 acres including 3.804 acres of county road right-of-way.

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