

Compared

FOR PLAT SEE
FARM PLAT BOOK 2,
PAGE 125.
Plat Fee \$5.00

PLAT AND CERTIFICATE
FOR PATRICIA ACRES PLAT NO. 1
MADISON COUNTY, IOWA

596
FILED NO. 596
BOOK 124 PAGE 673

1988 SEP 19 AM 10:42

MARY E. WELTY Fee
RECORDER \$145.00
MADISON COUNTY, IOWA

We, Jerry K. Trevillyan, Madison County Zoning Administrator

Honnold, Zoning Administrator of the City of Winterset, do hereby certify that the plat to which this certificate is attached is a plat of a subdivision known and designated as Patricia Acres Plat No. 1, and that the real estate comprising said plat is described as follows:

A parcel of land in the Southeast Quarter (1/4) of Section Thirty-five (35), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., more particularly described as follows: Commencing at the South Quarter (1/4) corner of Section Thirty-five (35), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M.; thence North 90 degrees 00' 00" East along the South line of the Southeast Quarter (1/4) of Section Thirty-five (35) for 270.24 feet; thence North 0 degrees 00' 00" East for 127.86 feet to the Point of Beginning, said point also being on the North right-of-way line of Iowa Highway 92 and 125.00 feet North of centerline; thence North 46 degrees 44' 17" West along said right-of-way line for 63.17 feet to a point on the East right-of-way line of US Highway 169 and 140.00 feet East of centerline; thence North 03 degrees 26' 25" West along said East right-of-way line for 541.19 feet to a point 90.00 feet East of said US Highway 169 centerline; thence South 89 degrees 56' 01" East for 2407.74 feet to a point 33.00 feet west of the East line of the Southeast Quarter (1/4) of said Section Thirty-five (35); thence South 00 degrees 04' 41" East parallel to and 33.00 feet from said East line of the Southeast Quarter (1/4) of Section Thirty-five (35) for 164.33 feet; thence North 88 degrees 50' 38" West for 239.68 feet; thence South 01 degrees 10' 50" East for 223.00 feet; thence South 89 degrees 33' 20" West for 161.22 feet; thence South 00 degrees 00' 00" West for 56.00 feet; thence North 90 degrees 00' 00" West for 208.71 feet; thence South 00 degrees 00' 00" West for 187.98 feet to a point on the North right-of-way line of Iowa Highway 92; thence North 89 degrees 56' 06" West along said North right-of-way line for 224.08 feet; thence North 82 degrees 19' 24" West along said North right-of-way line for 301.98 feet; thence North 87 degrees 29' 23" West along said North right-of-way line for 703.12 feet; thence South 87 degrees 11' 44" West along said North right-of-way line for 499.31 feet to the Point of Beginning. This parcel contains 28.38 acres, and is divided into 12 lots sized and dimensioned as shown on the preliminary plat of Patricia Acres Plat No. 1.

*See Amendment to Platbook
Revised 12-19-88*

We 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 Patricia Acres Plat No. 1;

ENTERED FOR TAXATION
THIS 19 DAY OF Sept 1988
AUDITORS FEE \$ 5.00
Joan Welch
AUDITOR
Berky McDonald
DEPUTY AUDITOR

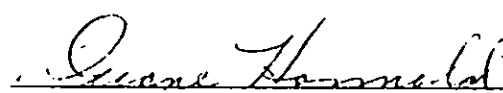
2. Attorney's opinion;
3. Certificate of County Treasurer of Madison County, Iowa;
4. Certificate of County Recorder of Madison County, Iowa;
5. Certificate of Clerk of the District Court of Madison County, Iowa;
6. Resolution of the Madison County Board of Supervisors approving said plat;
7. Resolution of the City Council of the City of Winterset approving said plat;
8. Consent to Platting by United Federal Savings Bank of Iowa;
9. Deed of Restrictions; and
10. Consent to Platting by Farmers and Merchants State Bank of Winterset, Iowa,

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

Dated this 10th day of August, 1988.



Jerry K. Trevillyan, Madison County Zoning
Administrator



Duane Honnold, Zoning Administrator for the
City of Winterset

DEDICATION OF PLAT
OF
PATRICIA ACRES PLAT NO. 1

KNOW ALL MEN BY THESE PRESENTS:

That we, David W. Kuhns and Patricia E. Kuhns, husband and wife, and Mark L. Switzer and Catherine M. Switzer, husband and wife, do hereby certify that we are the sole owners and proprietors of the following-described real estate:

A parcel of land in the Southeast Quarter (1/4) of Section Thirty-five (35), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., more particularly described as follows: Commencing at the South Quarter (1/4) corner of Section Thirty-five (35), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M.; thence North 90 degrees 00' 00" East along the South line of the Southeast Quarter (1/4) of Section Thirty-five (35) for 270.24 feet; thence North 0 degrees 00' 00" East for 127.86 feet to the Point of Beginning, said point also being on the North right-of-way line of Iowa Highway 92 and 125.00 feet North of centerline; thence North 46 degrees 44' 17" West along said right-of-way line for 63.17 feet to a point on the East right-of-way line of US Highway 169 and 140.00 feet East of centerline; thence North 03 degrees 26' 25" West along said East right-of-way line for 541.19 feet to a point 90.00 feet East of said US Highway 169 centerline; thence South 89 degrees 56' 01" East for 2407.74 feet to a point 33.00 feet west of the East line of the Southeast Quarter (1/4) of said Section Thirty-five (35); thence South 00 degrees 04' 41" East parallel to and 33.00 feet from said East line of the Southeast Quarter (1/4) of Section Thirty-five (35) for 164.33 feet; thence North 88 degrees 50' 38" West for 239.68 feet; thence South 01 degrees 10' 50" East for 223.00 feet; thence South 89 degrees 33' 20" West for 161.22 feet; thence South 00 degrees 00' 00" West for 56.00 feet; thence North 90 degrees 00' 00" West for 208.71 feet; thence South 00 degrees 00' 00" West for 187.98 feet to a point on the North right-of-way line of Iowa Highway 92; thence North 89 degrees 56' 06" West along said North right-of-way line for 224.08 feet; thence North 82 degrees 19' 24" West along said North right-of-way line for 301.98 feet; thence North 87 degrees 29' 23" West along said North right-of-way line for 703.12 feet; thence South 87 degrees 11' 44" West along said North right-of-way line for 499.31 feet to the Point of Beginning. This parcel contains 28.38 acres, and is divided into 12 lots sized and dimensioned as shown on the preliminary plat of Patricia Acres Plat No. 1.

That the subdivision of the above-described real estate as shown by the final plat of Patricia Acres Plat No. 1 is with the free consent and in

accordance with the owners' desires as owners of said real estate.

Dated this 25 day of July, 1988.

David W. Kuhns
David W. Kuhns

Patricia E. Kuhns
Patricia E. Kuhns

Mark L. Switzer
Mark L. Switzer

Catherine M. Switzer
Catherine M. Switzer

STATE OF IOWA :
 : ss
MADISON COUNTY :

On this 25 day of July, 1988, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared David W. Kuhns and Patricia E. Kuhns, 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.



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

STATE OF IOWA :
 : ss
MADISON COUNTY :

On this 25 day of July, 1988, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Mark L. Switzer and Catherine M. Switzer, 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.



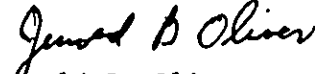
Jerrold B. Oliver
Notary Public in and for the State of Iowa.

Madison County Zoning Administrator
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- b. Visible easements such as overhanging wires or underground drains;
- c. The exact boundaries of the real estate; and
- d. Whether or not there have been any improvements placed on the real estate within the last ninety (90) days. If so, you should ascertain that the costs of labor and materials have been paid. If the costs of labor and materials have not been paid, it is possible a mechanic's lien could be filed.

Respectfully submitted,

WEBSTER, JORDAN, OLIVER & WALTERS

By 
Jerrold B. Oliver

JBO:js

CERTIFICATE OF THE COUNTY TREASURER
OF MADISON COUNTY, IOWA

I, Carita Kelleher, 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 following-described real estate, to-wit:

A parcel of land in the Southeast Quarter (1/4) of Section Thirty-five (35), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., more particularly described as follows: Commencing at the South Quarter (1/4) corner of Section Thirty-five (35), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M.; thence North 90 degrees 00' 00" East along the South line of the Southeast Quarter (1/4) of Section Thirty-five (35) for 270.24 feet; thence North 0 degrees 00' 00" East for 127.86 feet to the Point of Beginning, said point also being on the North right-of-way line of Iowa Highway 92 and 125.00 feet North of centerline; thence North 46 degrees 44' 17" West along said right-of-way line for 63.17 feet to a point on the East right-of-way line of US Highway 169 and 140.00 feet East of centerline; thence North 03 degrees 26' 25" West along said East right-of-way line for 541.19 feet to a point 90.00 feet East of said US Highway 169 centerline; thence South 89 degrees 56' 01" East for 2407.74 feet to a point 33.00 feet west of the East line of the Southeast Quarter (1/4) of said Section Thirty-five (35); thence South 00 degrees 04' 41" East parallel to and 33.00 feet from said East line of the Southeast Quarter (1/4) of Section Thirty-five (35) for 164.33 feet; thence North 88 degrees 50' 38" West for 239.68 feet; thence South 01 degrees 10' 50" East for 223.00 feet; thence South 89 degrees 33' 20" West for 161.22 feet; thence South 00 degrees 00' 00" West for 56.00 feet; thence North 90 degrees 00' 00" West for 208.71 feet; thence South 00 degrees 00' 00" West for 187.98 feet to a point on the North right-of-way line of Iowa Highway 92; thence North 89 degrees 56' 06" West along said North right-of-way line for 224.08 feet; thence North 82 degrees 19' 24" West along said North right-of-way line for 301.98 feet; thence North 87 degrees 29' 23" West along said North right-of-way line for 703.12 feet; thence South 87 degrees 11' 44" West along said North right-of-way line for 499.31 feet to the Point of Beginning. This parcel contains 28.38 acres, and is divided into 12 lots sized and dimensioned as shown on the preliminary plat of Patricia Acres Plat No. 1.

Dated at Winterset, Iowa, this 28 day of June, 1988.



Carita Kelleher
Carita Kelleher, Treasurer of Madison
County, Iowa

Madison County Zoning Administrator
July 13, 1988 - 13-7-882B
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In connection with this examination, we find merchantable title to be in

DAVID W. KUHNS and PATRICIA E. KUHNS,

subject to the following:

1. Entry No. 72 shows a Mortgage from David W. Kuhns and Patricia E. Kuhns, husband and wife, to United Federal Savings Bank of Iowa in the principal amount of \$70,000.00. This Mortgage is recorded in Mortgage Record 149, Page 731 of the Madison County Recorder's office, and is a lien against a portion of the real estate under examination.

2. The abstract shows the following easements and condemnation proceedings:

a. Entry No. 31 shows an easement for highway purposes.

b. Entries No. 34 and 35 show easements granted by former titleholders of the real estate under examination to provide for a permanent easement for tile drains over and across the real estate under examination.

c. Entries No. 42 and 43 show condemnation proceedings by the State of Iowa condemning additional real estate for highway purposes. We call to your attention that the State of Iowa acquired all rights of access to the real estate under examination except one entrance.

3. Entries No. 38 and 47 show the Zoning Ordinance of Madison County, Iowa. Entry No. 48 shows the Subdivision Ordinance of the City of Winterset. These ordinances may to some extent limit the use of the real estate under examination.

4. Entry No. 33 shows the formation of a corporation known as The Bluff Road Cooperative Association for the purpose of constructing and maintaining a waterline along Iowa Highway No. 92. It is our understanding that the City of Winterset has acquired this waterline.

5. Taxes payable during the twelve-month fiscal year beginning July 1, 1987, are shown as paid in full.

6. According to law, you are required to take notice of any conditions on the premises which could be ascertained by reasonable inspection of the same. Some of these matters not ordinarily shown in an abstract include the following:

a. The rights of any person in possession of the premises or any part thereof;

LAW OFFICES
WEBSTER, JORDAN, OLIVER & WALTERS
FARMERS' & MERCHANTS' STATE BANK BLDG.
P.O. BOX 230
WINTERSSET, IOWA 50273-0230

SHIRLEY A. WEBSTER
LEWIS M. JORDAN
JERROLD B. OLIVER
G. STEPHEN WALTERS

AREA CODE 515
TELEPHONE 462-3731

July 13, 1988

13-7-882B

Madison County Zoning Administrator
Madison County Courthouse
Winterset, Iowa 50273

Dear Sir:

We have examined the abstract of title in one part purporting to show the chain of title to the following-described real estate:

The South Forty-three (43) acres of the Southeast Quarter (1/4) of Section Thirty-five (35) in Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., except a tract described as follows: Beginning at a point 270 feet West and 60 feet North of the Southeast Corner thereof, thence North 264.71 feet, thence West 160 feet, thence South 56 feet, thence West 208.71 feet, thence South 208.71 feet, thence East 368.71 feet to point of beginning, and also except a parcel of land described as commencing at the Southeast corner of said Section Thirty-five (35), thence North 0 degrees 07' 48" West 60 feet along the East line of said Section Thirty-five (35) to the point of beginning, thence West 264.68 feet along the North right of way line of old Iowa Highway No. 92 to a property line fence recorded as being 270 feet West of the East line of said Section Thirty-five (35), thence North 01 degrees 03' 34" West 489 feet, thence South 88 degrees 57' 57" East 272.68 feet to said East line, thence South 0 degrees 07' 48" East 484 feet to point of beginning, containing 3 acres, subject to permanent easement for tile drains.

The abstract was last certified to date of last continuation, to-wit: May 26, 1988, at 8:00 A.M.

CERTIFICATE OF THE COUNTY RECORDER
OF MADISON COUNTY, IOWA

I, Mary E. Welty, do hereby certify that I am the duly elected and acting Recorder of Madison County, Iowa; that David W. Kuhns and Patricia E. Kuhns, husband and wife, and Mark L. Switzer and Catherine M. Switzer, husband and wife, are the fee simple owners and record titleholders of the following-described real estate, to-wit:

A parcel of land in the Southeast Quarter (1/4) of Section Thirty-five (35), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., more particularly described as follows: Commencing at the South Quarter (1/4) corner of Section Thirty-five (35), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M.; thence North 90 degrees 00' 00" East along the South line of the Southeast Quarter (1/4) of Section Thirty-five (35) for 270.24 feet; thence North 0 degrees 00' 00" East for 127.86 feet to the Point of Beginning, said point also being on the North right-of-way line of Iowa Highway 92 and 125.00 feet North of centerline; thence North 46 degrees 44' 17" West along said right-of-way line for 63.17 feet to a point on the East right-of-way line of US Highway 169 and 140.00 feet East of centerline; thence North 03 degrees 26' 25" West along said East right-of-way line for 541.19 feet to a point 90.00 feet East of said US Highway 169 centerline; thence South 89 degrees 56' 01" East for 2407.74 feet to a point 33.00 feet west of the East line of the Southeast Quarter (1/4) of said Section Thirty-five (35); thence South 00 degrees 04' 41" East parallel to and 33.00 feet from said East line of the Southeast Quarter (1/4) of Section Thirty-five (35) for 164.33 feet; thence North 88 degrees 50' 38" West for 239.68 feet; thence South 01 degrees 10' 50" East for 223.00 feet; thence South 89 degrees 33' 20" West for 161.22 feet; thence South 00 degrees 00' 00" West for 56.00 feet; thence North 90 degrees 00' 00" West for 208.71 feet; thence South 00 degrees 00' 00" West for 187.98 feet to a point on the North right-of-way line of Iowa Highway 92; thence North 89 degrees 56' 06" West along said North right-of-way line for 224.08 feet; thence North 82 degrees 19' 24" West along said North right-of-way line for 301.98 feet; thence North 87 degrees 29' 23" West along said North right-of-way line for 703.12 feet; thence South 87 degrees 11' 44" West along said North right-of-way line for 499.31 feet to the Point of Beginning. This parcel contains 28.38 acres, and is divided into 12 lots sized and dimensioned as shown on the preliminary plat of Patricia Acres Plat No. 1,

and that said real estate is free and clear of all liens and encumbrances, except for a mortgage held by United Federal Savings Bank of Iowa against a

10

portion of said real estate, and a mortgage against a portion of said real estate held by Farmers & Merchants State Bank of Winterset, Iowa.

Dated at Winterset, Iowa, this 12 day of JULY, 1988.

Mary E. Welty
Mary E. Welty, Recorder of Madison County, Iowa



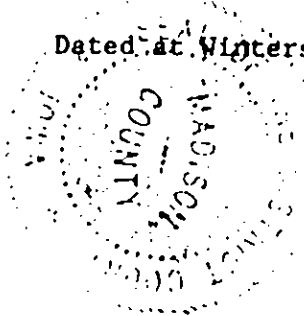
CERTIFICATE OF THE CLERK OF THE DISTRICT COURT
OF MADISON COUNTY, IOWA

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:

A parcel of land in the Southeast Quarter (1/4) of Section Thirty-five (35), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., more particularly described as follows: Commencing at the South Quarter (1/4) corner of Section Thirty-five (35), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M.; thence North 90 degrees 00' 00" East along the South line of the Southeast Quarter (1/4) of Section Thirty-five (35) for 270.24 feet; thence North 0 degrees 00' 00" East for 127.86 feet to the Point of Beginning, said point also being on the North right-of-way line of Iowa Highway 92 and 125.00 feet North of centerline; thence North 46 degrees 44' 17" West along said right-of-way line for 63.17 feet to a point on the East right-of-way line of US Highway 169 and 140.00 feet East of centerline; thence North 03 degrees 26' 25" West along said East right-of-way line for 541.19 feet to a point 90.00 feet East of said US Highway 169 centerline; thence South 89 degrees 56' 01" East for 2407.74 feet to a point 33.00 feet west of the East line of the Southeast Quarter (1/4) of said Section Thirty-five (35); thence South 00 degrees 04' 41" East parallel to and 33.00 feet from said East line of the Southeast Quarter (1/4) of Section Thirty-five (35) for 164.33 feet; thence North 88 degrees 50' 38" West for 239.68 feet; thence South 01 degrees 10' 50" East for 223.00 feet; thence South 89 degrees 33' 20" West for 161.22 feet; thence South 00 degrees 00' 00" West for 56.00 feet; thence North 90 degrees 00' 00" West for 208.71 feet; thence South 00 degrees 00' 00" West for 187.98 feet to a point on the North right-of-way line of Iowa Highway 92; thence North 89 degrees 56' 06" West along said North right-of-way line for 224.08 feet; thence North 82 degrees 19' 24" West along said North right-of-way line for 301.98 feet; thence North 87 degrees 29' 23" West along said North right-of-way line for 703.12 feet; thence South 87 degrees 11' 44" West along said North right-of-way line for 499.31 feet to the Point of Beginning. This parcel contains 28.38 acres, and is divided into 12 lots sized and dimensioned as shown on the preliminary plat of Patricia Acres Plat No. 1,

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

Dated at Winterset, Iowa, this 28th day of June, 1988.



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

RESOLUTION APPROVING FINAL PLAT
OF PATRICIA ACRES PLAT NO. 1
MADISON COUNTY, IOWA

WHEREAS, there was filed in the offices of the Madison County Zoning Administrator and the Zoning Administrator of the City of Winterset a registered land surveyor's plat of a proposed subdivision known as Patricia Acres Plat No. 1; and

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

A parcel of land in the Southeast Quarter (1/4) of Section Thirty-five (35), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., more particularly described as follows: Commencing at the South Quarter (1/4) corner of Section Thirty-five (35), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M.; thence North 90 degrees 00' 00" East along the South line of the Southeast Quarter (1/4) of Section Thirty-five (35) for 270.24 feet; thence North 0 degrees 00' 00" East for 127.86 feet to the Point of Beginning, said point also being on the North right-of-way line of Iowa Highway 92 and 125.00 feet North of centerline; thence North 46 degrees 44' 17" West along said right-of-way line for 63.17 feet to a point on the East right-of-way line of US Highway 169 and 140.00 feet East of centerline; thence North 03 degrees 26' 25" West along said East right-of-way line for 541.19 feet to a point 90.00 feet East of said US Highway 169 centerline; thence South 89 degrees 56' 01" East for 2407.74 feet to a point 33.00 feet west of the East line of the Southeast Quarter (1/4) of said Section Thirty-five (35); thence South 00 degrees 04' 41" East parallel to and 33.00 feet from said East line of the Southeast Quarter (1/4) of Section Thirty-five (35) for 164.33 feet; thence North 88 degrees 50' 38" West for 239.68 feet; thence South 01 degrees 10' 50" East for 223.00 feet; thence South 89 degrees 33' 20" West for 161.22 feet; thence South 00 degrees 00' 00" West for 56.00 feet; thence North 90 degrees 00' 00" West for 208.71 feet; thence South 00 degrees 00' 00" West for 187.98 feet to a point on the North right-of-way line of Iowa Highway 92; thence North 89 degrees 56' 06" West along said North right-of-way line for 224.08 feet; thence North 82 degrees 19' 24" West along said North right-of-way line for 301.98 feet; thence North 87 degrees 29' 23" West along said North right-of-way line for 703.12 feet; thence South 87 degrees 11' 44" West along said North right-of-way line for 499.31 feet to the Point of Beginning. This parcel contains 28.38 acres, and is divided into 12 lots sized and dimensioned as shown on the preliminary plat of Patricia Acres Plat No. 1; and

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, David W. Kuhns and Patricia E. Kuhns, husband and wife, and Mark L.

Switzer and Catherine M. Switzer, husband and wife; 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, except for a mortgage to United Federal Savings Bank of Iowa against a portion of said real estate, and certified statements from the Treasurer of Madison County, Iowa, that said platted land is free from taxes, and the Clerk of the District Court of Madison County, Iowa, that said land is free from all judgments, attachments, mechanic's or other liens, and the Recorder of Madison County, Iowa, that title in fee simple is in said proprietors, and that it is free from encumbrance except for the mortgage to United Federal Savings Bank of Iowa against a portion of said real estate; and

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

WHEREAS, the Board of Supervisors of Madison County, Iowa, find that said plat conforms to the provisions of the Madison County Zoning Ordinance, and that the plat, papers and documents presented therewith should be approved by the Board of Supervisors, and that said plat, known as Patricia Acres Plat No. 1, should be approved by the Board of Supervisors of Madison County, Iowa.

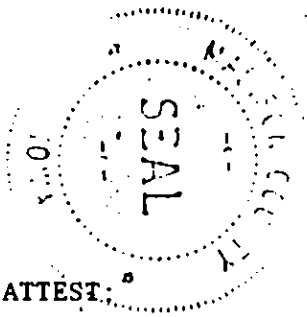
NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Madison County, Iowa:

1. That said plat, known as Patricia Acres Plat No. 1, prepared in connection with said plat and subdivision is hereby approved.

2. The 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 at Winterset, Iowa, this 12th day of August, 1988.



Dary Kierman
Chairman of the Madison County, Iowa,
Board of Supervisors

ATTEST:

Jean Welch
Madison County Auditor by B.L.

RESOLUTION 88-67
RESOLUTION APPROVING FINAL PLAT
OF PATRICIA ACRES PLAT NO. 1
MADISON COUNTY, IOWA

WHEREAS, there was filed in the offices of the Madison County Zoning Administrator and the Zoning Administrator of the City of Winterset a registered land surveyor's plat of a proposed subdivision known as Patricia Acres Plat No. 1; and

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

A parcel of land in the Southeast Quarter (1/4) of Section Thirty-five (35), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., more particularly described as follows: Commencing at the South Quarter (1/4) corner of Section Thirty-five (35), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M.; thence North 90 degrees 00' 00" East along the South line of the Southeast Quarter (1/4) of Section Thirty-five (35) for 270.24 feet; thence North 0 degrees 00' 00" East for 127.86 feet to the Point of Beginning, said point also being on the North right-of-way line of Iowa Highway 92 and 125.00 feet North of centerline; thence North 46 degrees 44' 17" West along said right-of-way line for 63.17 feet to a point on the East right-of-way line of US Highway 169 and 140.00 feet East of centerline; thence North 03 degrees 26' 25" West along said East right-of-way line for 541.19 feet to a point 90.00 feet East of said US Highway 169 centerline; thence South 89 degrees 56' 01" East for 2407.74 feet to a point 33.00 feet west of the East line of the Southeast Quarter (1/4) of said Section Thirty-five (35); thence South 00 degrees 04' 41" East parallel to and 33.00 feet from said East line of the Southeast Quarter (1/4) of Section Thirty-five (35) for 164.33 feet; thence North 88 degrees 50' 38" West for 239.68 feet; thence South 01 degrees 10' 50" East for 223.00 feet; thence South 89 degrees 33' 20" West for 161.22 feet; thence South 00 degrees 00' 00" West for 56.00 feet; thence North 90 degrees 00' 00" West for 208.71 feet; thence South 00 degrees 00' 00" West for 187.98 feet to a point on the North right-of-way line of Iowa Highway 92; thence North 89 degrees 56' 06" West along said North right-of-way line for 224.08 feet; thence North 82 degrees 19' 24" West along said North right-of-way line for 301.98 feet; thence North 87 degrees 29' 23" West along said North right-of-way line for 703.12 feet; thence South 87 degrees 11' 44" West along said North right-of-way line for 499.31 feet to the Point of Beginning. This parcel contains 28.38 acres, and is divided into 12 lots sized and dimensioned as shown on the preliminary plat of Patricia Acres Plat No. 1; and

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, David W. Kuhns and Patricia E. Kuhns, husband and wife, and Mark L.

Switzer and Catherine M. Switzer, husband and wife; 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, except for a mortgage to United Federal Savings Bank of Iowa against a portion of said real estate, and certified statements from the Treasurer of Madison County, Iowa, that said platted land is free from taxes, and the Clerk of the District Court of Madison County, Iowa, that said land is free from all judgments, attachments, mechanic's or other liens, and the Recorder of Madison County, Iowa, that title in fee simple is in said proprietors, and that it is free from encumbrance except for the mortgage to United Federal Savings Bank of Iowa against a portion of said real estate; and

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

WHEREAS, the City Council of the City of Winterset, Iowa, finds that said plat conforms to the provisions of the Zoning Ordinance and Subdivision Ordinance of the City of Winterset, except that there is no public dedication of the private roads in said subdivision, nor is there any installation of improvements except water main, and that the plat, papers and documents presented therewith should be approved by the City Council, and that said plat, known as Patricia Acres Plat No. 1, should be approved by the City Council of Winterset, Iowa.

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

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1. That said plat, known as Patricia Acres Plat No. 1, prepared in connection with said plat and subdivision is hereby approved.

2. The Zoning Administrator of the City of Winterset 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 1st day of August, 1988.



Robert W. Howell
Robert W. Howell, Mayor of the City of
Winterset, Iowa

ATTEST:

Mark [Signature]
Winterset City Administrator

CONSENT TO PLATTINGBY UNITED FEDERAL SAVINGS BANK OF IOWA

United Federal Savings Bank of Iowa does hereby consent to the platting and subdivision of the following-described real estate:

A parcel of land in the Southeast Quarter (1/4) of Section Thirty-five (35), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., more particularly described as follows: Commencing at the South Quarter (1/4) corner of Section Thirty-five (35), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M.; thence North 90 degrees 00' 00" East along the South line of the Southeast Quarter (1/4) of Section Thirty-five (35) for 270.24 feet; thence North 0 degrees 00' 00" East for 127.86 feet to the Point of Beginning, said point also being on the North right-of-way line of Iowa Highway 92 and 125.00 feet North of centerline; thence North 46 degrees 44' 17" West along said right-of-way line for 63.17 feet to a point on the East right-of-way line of US Highway 169 and 140.00 feet East of centerline; thence North 03 degrees 26' 25" West along said East right-of-way line for 541.19 feet to a point 90.00 feet East of said US Highway 169 centerline; thence South 89 degrees 56' 01" East for 2407.74 feet to a point 33.00 feet west of the East line of the Southeast Quarter (1/4) of said Section Thirty-five (35); thence South 00 degrees 04' 41" East parallel to and 33.00 feet from said East line of the Southeast Quarter (1/4) of Section Thirty-five (35) for 164.33 feet; thence North 88 degrees 50' 38" West for 239.68 feet; thence South 01 degrees 10' 50" East for 223.00 feet; thence South 89 degrees 33' 20" West for 161.22 feet; thence South 00 degrees 00' 00" West for 56.00 feet; thence North 90 degrees 00' 00" West for 208.71 feet; thence South 00 degrees 00' 00" West for 187.98 feet to a point on the North right-of-way line of Iowa Highway 92; thence North 89 degrees 56' 06" West along said North right-of-way line for 224.08 feet; thence North 82 degrees 19' 24" West along said North right-of-way line for 301.98 feet; thence North 87 degrees 29' 23" West along said North right-of-way line for 703.12 feet; thence South 87 degrees 11' 44" West along said North right-of-way line for 499.31 feet to the Point of Beginning. This parcel contains 28.38 acres, and is divided into 12 lots sized and dimensioned as shown on the preliminary plat of Patricia Acres Plat No. 1,

in accordance with ordinances of Madison County, Iowa, the City of Winterset, Iowa, and the State of Iowa. The undersigned holds a mortgage against a portion of the real estate included within said plat and subdivision, and

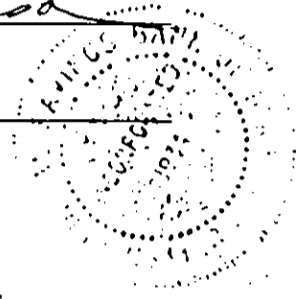
executes this Consent in accordance with Section 409.9 of the Code of Iowa.

Dated: May 31, 1988.

UNITED FEDERAL SAVINGS BANK OF IOWA

By [Signature]

By _____



STATE OF IOWA :
POLK : ss
~~MAHON~~ COUNTY :

On this 31st day of May, 1988, before me, the undersigned, a Notary Public in and for the said County and State, personally appeared Mark R. Johnson and _____, to me personally known, who, being by me duly sworn, did say that they are the Vice-President and _____, respectively, of said corporation executing the within and foregoing instrument; that the seal affixed thereto is the seal of said corporation; that said instrument was signed on behalf of said corporation by authority of its Board of Directors; and that the said Mark R. Johnson and _____, as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.



[Signature]
Notary Public in and for the State of Iowa
Lesa M. Clanin 9/23/88

*See Amendment
Filed Dec 12, 1988
10-19-88*

DEED OF RESTRICTIONS

PATRICIA ACRES PLAT NO. 1
MADISON COUNTY, IOWA

We, David W. Kuhns and Patricia E. Kuhns, husband and wife, and Mark L. Switzer and Catherine M. Switzer, husband and wife, are now the fee simple owners and record titleholders of the following-described real estate:

A parcel of land in the Southeast Quarter (1/4) of Section Thirty-five (35), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., more particularly described as follows: Commencing at the South Quarter (1/4) corner of Section Thirty-five (35), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M.; thence North 90 degrees 00' 00" East along the South line of the Southeast Quarter (1/4) of Section Thirty-five (35) for 270.24 feet; thence North 0 degrees 00' 00" East for 127.86 feet to the Point of Beginning, said point also being on the North right-of-way line of Iowa Highway 92 and 125.00 feet North of centerline; thence North 46 degrees 44' 17" West along said right-of-way line for 63.17 feet to a point on the East right-of-way line of US Highway 169 and 140.00 feet East of centerline; thence North 03 degrees 26' 25" West along said East right-of-way line for 541.19 feet to a point 90.00 feet East of said US Highway 169 centerline; thence South 89 degrees 56' 01" East for 2407.74 feet to a point 33.00 feet west of the East line of the Southeast Quarter (1/4) of said Section Thirty-five (35); thence South 00 degrees 04' 41" East parallel to and 33.00 feet from said East line of the Southeast Quarter (1/4) of Section Thirty-five (35) for 164.33 feet; thence North 88 degrees 50' 38" West for 239.68 feet; thence South 01 degrees 10' 50" East for 223.00 feet; thence South 89 degrees 33' 20" West for 161.22 feet; thence South 00 degrees 00' 00" West for 56.00 feet; thence North 90 degrees 00' 00" West for 208.71 feet; thence South 00 degrees 00' 00" West for 187.98 feet to a point on the North right-of-way line of Iowa Highway 92; thence North 89 degrees 56' 06" West along said North right-of-way line for 224.08 feet; thence North 82 degrees 19' 24" West along said North right-of-way line for 301.98 feet; thence North 87 degrees 29' 23" West along said North right-of-way line for 703.12 feet; thence South 87 degrees 11' 44" West along said North right-of-way line for 499.31 feet to the Point of Beginning. This parcel contains 28.38 acres, and is divided into 12 lots sized and dimensioned as shown on the preliminary plat of Patricia Acres Plat No. 1,

which real estate is being platted as Patricia Acres 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:

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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 1500 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 1000 square feet in area. On lots 1 and 2 accessory buildings larger than 1,500 square feet shall be permitted. Lots 1 and 2 may also be used for the business of Kuhns Trucking, Inc., or any other lawful business which may be owned and operated directly or indirectly by David W. Kuhns or Patricia E. Kuhns, their heirs, successors or assigns. A horse barn or barns shall be permitted on lots 1 and 2. No mobile homes, earth homes or modular homes shall be erected or placed on any of the lots in said Patricia Acres Plat No. 1, except that a burm home shall be permitted. 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 Patricia Acres Plat No. 1.

2. Except as previously modified by the Madison County Board of Adjustment, 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.

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, 2008, 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 the 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 Patricia Acres 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 and public utility easement.

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Developers David W. Kuhns and Patricia E. Kuhns shall pay for and provide the initial construction of the private drive. Thereafter, the owners of Lots 3 through 7, inclusive, and Lots 9 through 12, inclusive, of Patricia Acres 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 1/9 of the costs of such maintenance, repair and snow removal costs. A majority of the lot owners of Lots 3 through 7 and Lots 9 through 12 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 3 through 7 and Lots 9 through 12 of said Patricia Acres Plat No. 1.

11. A perpetual easement 20 feet in width over and across the North 20 feet of Lots 1, 2, 3, 4, 5, 6, 7 and 8 is hereby granted to all applicable utilities and utility companies for all utility installations and the necessary maintenance and repair thereof.

12. A perpetual easement over and across the East 10 feet of Lot 3, over and across the West 10 feet of Lot 4, over and across the East 10 feet of Lot 6, and over and across the West 10 feet of Lot 7 is hereby granted to all applicable utilities and utility companies for all utility installations and the necessary maintenance and repair thereof.

13. 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.

14. 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.

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

16. It is contemplated by the developers that one or more ponds will be constructed in the said Plat No. 1. The owners of all lots in Patricia Acres Plat No. 1, together with their guests, shall have access from the private road to the ponds to be constructed and any existing ponds for recreational purposes, and have use of the easement for walkway referred to below. The owners of any lots surrounding a pond shall be responsible for the repair, upkeep and maintenance of any pond, with each lot owner paying his pro rata share of such maintenance, repair and upkeep. Such pro rata share shall be determined by fraction, the numerator of which is one and the denominator of which is the total number of lots bordering that particular pond.

A perpetual easement for access to the pond to be constructed on portions of Lots 2, 3 and 12 is hereby granted to all 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 walkway over and across Lots 11 and 12.

After construction of the pond or ponds to be built in Patricia Acres Plat No. 1, the owners of all lots in the said Plat No. 1 do hereby release and discharge David W. Kuhns and Patricia E. Kuhns from all liability whatsoever arising out of any claim, cause of action or demand concerning the construction of the ponds or dams in the said Plat No. 1. They further release David W. Kuhns and Patricia E. Kuhns from all liability arising out of any claim, cause of action or demand concerning their use and the use of any member of their family, guests, licensees or invitees of said pond or ponds.

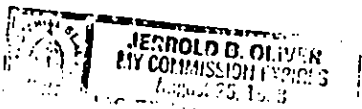
17. No animals shall be kept or maintained on any of the lots in Patricia Acres Plat No. 1 except ordinary household pets, except horses shall be permitted on Lots 1 and 2.

Dated: ~~May~~ ^{July} 25, 1988.

David W. Kuhns
David W. Kuhns
Patricia E. Kuhns
Patricia E. Kuhns
Mark L. Switzer
Mark L. Switzer
Catherine M. Switzer
Catherine M. Switzer

STATE OF IOWA :
 : ss
MADISON COUNTY :

On this 25 day of ~~May~~ ^{July}, 1988, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared David W. Kuhns and Patricia E. Kuhns, 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.



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

STATE OF IOWA :
: ss
MADISON COUNTY :

On this 25 day of ~~May~~ ^{July} 1988, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Mark L. Switzer and Catherine M. Switzer, 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.



Jerrold B. Olson
Notary Public in and for the State of Iowa

CONSENT TO PLATTING

BY FARMERS AND MERCHANTS STATE BANK

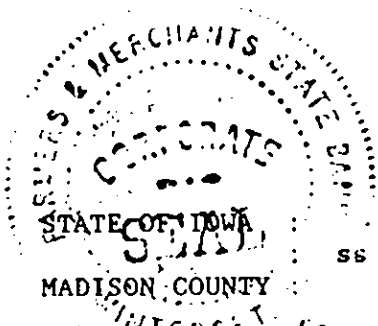
Farmers and Merchants State Bank of Winterset, Iowa, does hereby consent to the platting and subdivision of the following-described real estate:

A parcel of land in the Southeast Quarter (1/4) of Section Thirty-five (35), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., more particularly described as follows: Commencing at the South Quarter (1/4) corner of Section Thirty-five (35), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M.; thence North 90 degrees 00' 00" East along the South line of the Southeast Quarter (1/4) of Section Thirty-five (35) for 270.24 feet; thence North 0 degrees 00' 00" East for 127.86 feet to the Point of Beginning, said point also being on the North right-of-way line of Iowa Highway 92 and 125.00 feet North of centerline; thence North 46 degrees 44' 17" West along said right-of-way line for 63.17 feet to a point on the East right-of-way line of US Highway 169 and 140.00 feet East of centerline; thence North 03 degrees 26' 25" West along said East right-of-way line for 541.19 feet to a point 90.00 feet East of said US Highway 169 centerline; thence South 89 degrees 56' 01" East for 2407.74 feet to a point 33.00 feet west of the East line of the Southeast Quarter (1/4) of said Section Thirty-five (35); thence South 00 degrees 04' 41" East parallel to and 33.00 feet from said East line of the Southeast Quarter (1/4) of Section Thirty-five (35) for 164.33 feet; thence North 88 degrees 50' 38" West for 239.68 feet; thence South 01 degrees 10' 50" East for 223.00 feet; thence South 89 degrees 33' 20" West for 161.22 feet; thence South 00 degrees 00' 00" West for 56.00 feet; thence North 90 degrees 00' 00" West for 208.71 feet; thence South 00 degrees 00' 00" West for 187.98 feet to a point on the North right-of-way line of Iowa Highway 92; thence North 89 degrees 56' 06" West along said North right-of-way line for 224.08 feet; thence North 82 degrees 19' 24" West along said North right-of-way line for 301.98 feet; thence North 87 degrees 29' 23" West along said North right-of-way line for 703.12 feet; thence South 87 degrees 11' 44" West along said North right-of-way line for 499.31 feet to the Point of Beginning. This parcel contains 28.38 acres, and is divided into 12 lots sized and dimensioned as shown on the preliminary plat of Patricia Acres Plat No. 1,

in accordance with ordinances of Madison County, Iowa, the City of Winterset, Iowa, and the State of Iowa. The undersigned holds a mortgage against a portion of the real estate included within said plat and subdivision, and

executes this Consent in accordance with Section 409.9 of the Code of Iowa.

Dated: July 12, 1988.

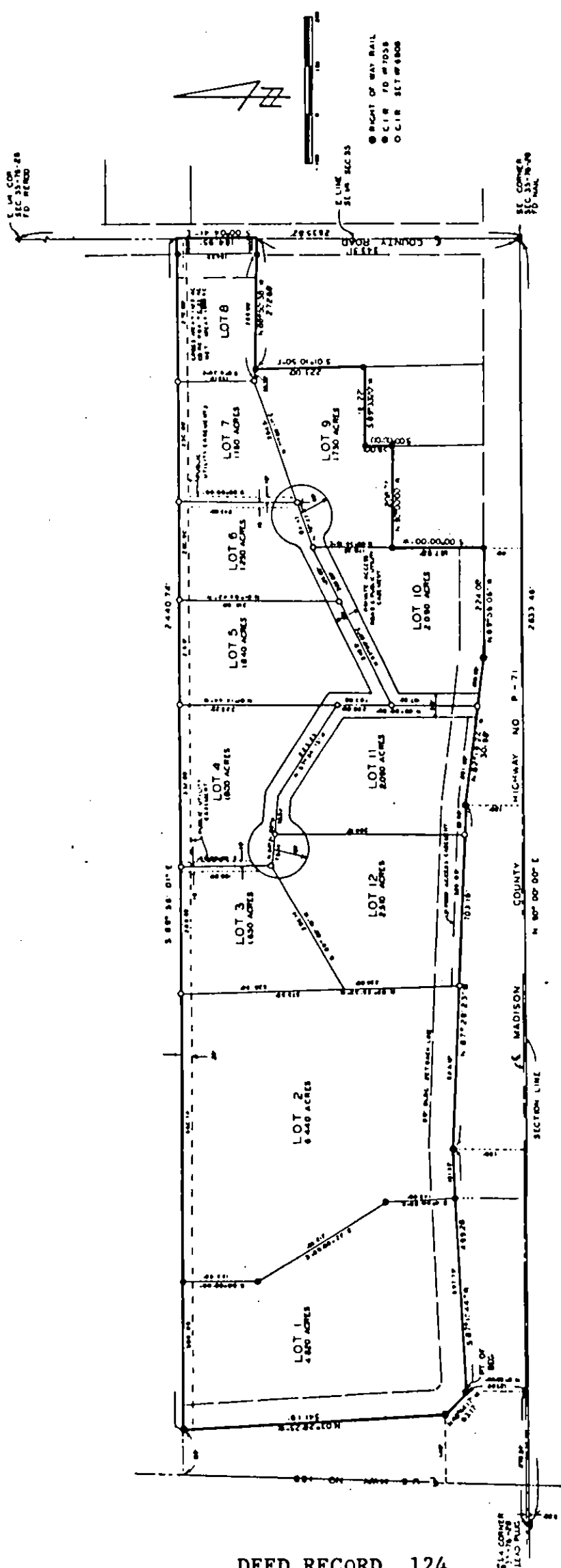


FARMERS AND MERCHANTS STATE BANK
By David M. Nicholl
David M. Nicholl, Executive Vice-President

On this 12 day of July, 1988, before me, the undersigned, a Notary Public in and for the said County and State, personally appeared David M. Nicholl, to me personally known, who, being by me duly sworn, did say that he is the Executive Vice-President of said corporation executing the within and foregoing instrument; that the seal affixed thereto is the seal of said corporation; that said instrument was signed on behalf of said corporation by authority of its Board of Directors; and that the said David M. Nicholl, as such officer, acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by him voluntarily executed.

Jerrold D. Oliver
Notary Public in and for the State of Iowa.





I HEREBY CERTIFY THAT THIS PLAN ACCORDS
 TO THE PLAT FILED SURVEY GREENE COUNTY
 FIVE (5) OR MORE PERSONS SUPERVISOR
 AND THAT I AM A DULY REGISTERED
 PROFESSIONAL ENGINEER AND LAND SURVEYOR
 UNDER THE LAWS OF THE STATE OF IOWA
 9/11/88

FILED NO 596
 BOOK 2 PAGE 125
 1988 SEP 19 AM 10:42
 MARY E WELTY
 RECORDER
 WINNESHAM, IOWA
 fee \$5.00

FINAL PLAT
PATRICIA ACRES
PLAT NO. 1
MARGARET WELTY, INC.
CONSULTING ENGINEERS
71 JEFFERSON
WINTERSSET, IOWA 50073