

ENTERED FOR TAXATION
THIS 21 DAY OF Dec. 1989
AUDITORS FEE \$ 500

AUDITOR:
Joan Welch
DEPUTY AUDITOR

PLAT AND CERTIFICATE FOR
A and B HILLSIDE ESTATES
MADISON COUNTY, IOWA

FOR PLAT & SURVEY
SEE FARM PLAT Book 2
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BOOK 126 PAGE 247
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MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA
Fee \$85.00
Trans. \$5.00

Jerry K. Trevillyan, Madison County Zoning Administrator, and Leo N. Forsyth, Zoning Administrator of the City of Winterset, hereby certify that the plat to which this certificate is attached is a plat of a subdivision known and designated as A and B Hillside Estates, which is described as follows:

A tract of land in the Northeast Quarter of the Southeast Quarter of Section 7, Township 75 North, Range 27 West of the 5th Principal Meridian, Madison County, Iowa, more particularly described as follows:

Beginning at the Southwest Corner of the NE 1/4 of the SE 1/4 of Section 7, T75N, R27W of the 5th P. M., Madison County, Iowa; thence, along the West line of said NE 1/4 of the SE 1/4, North 00 degrees 00' 00" 655.89 feet to the Northwest Corner of the S 1/2 of said NE 1/4 of the SE 1/4; thence continuing along said West line, North 00 degrees 00' 00" 208.00 feet; thence South 89 degrees 38' 41" East 417.50 feet; thence South 00 degrees 00' 00" 208.00 feet; thence South 89 degrees 38' 41" East 872.34 feet to the Northeast Corner of the S 1/2 of said NE 1/4 of the SE 1/4; thence South 01 degree 23' 07" West 670.89 feet to the Southeast Corner of said NE 1/4 of the SE 1/4; thence North 88 degrees 58' 26" West 1,273.80 feet to the point of beginning. Said tract of land contains 21.513 Acres.

WE FURTHER CERTIFY that attached hereto are true and correct copies of the following documents which have been submitted in connection with the said plat:

1. Dedication of Plat for A and B Hillside Estates;
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 the County Clerk of the District Court of Madison County, Iowa;
6. Resolution of Madison County Board of Supervisors Approving Final Plat of A and B Hillside Estates;

7. Resolution of the City Council of the City of Winterset approving
Final Plat of A and B Hillside Estates;

8. Restrictive Covenants;

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

Dated this 21st day of December, 1989.

Jerry K. Trevillyan
Jerry K. Trevillyan, Madison County Zoning
Administrator

Leo N. Forsyth
Leo N. Forsyth, Zoning Administrator for the
City of Winterset

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DEDICATION OF PLAT FOR
A and B HILLSIDE ESTATES

KNOW ALL MEN BY THESE PRESENTS:

That we, Betty Ann Shaw and Wesley McClish, both unmarried persons, do hereby certify that we are the sole owners and proprietors of the real property described below; and that the disposition of the said real property, subdivided into A and B Hillside Estates, as shown by the accompanying Plat and Survey Certificate, is with our free consent and in accordance with our desires as owners and proprietors:

A tract of land in the Northeast Quarter of the Southeast Quarter of Section 7, Township 75 North, Range 27 West of the 5th Principal Meridian, Madison County, Iowa, more particularly described as follows:

Beginning at the Southwest Corner of the NE 1/4 of the SE 1/4 of Section 7, T75N, R27W of the 5th P. M., Madison County, Iowa; thence, along the West line of said NE 1/4 of the SE 1/4, North 00 degrees 00' 00" 655.89 feet to the Northwest Corner of the S 1/2 of said NE 1/4 of the SE 1/4; thence continuing along said West line, North 00 degrees 00' 00" 208.00 feet; thence South 89 degrees 38' 41" East 417.50 feet; thence South 00 degrees 00' 00" 208.00 feet; thence South 89 degrees 38' 41" East 872.34 feet to the Northeast Corner of the S 1/2 of said NE 1/4 of the SE 1/4; thence South 01 degree 23' 07" West 670.89 feet to the Southeast Corner of said NE 1/4 of the SE 1/4; thence North 88 degrees 58' 26" West 1,273.80 feet to the point of beginning. Said tract of land contains 21.513 Acres.

IN WITNESS WHEREOF, we have hereunto set our hands this 20th day of October, 1989.

Betty Ann Shaw
Betty Ann Shaw

Wesley McClish
Wesley McClish

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ATTORNEY'S OPINION

A and B HILLSIDE ESTATES

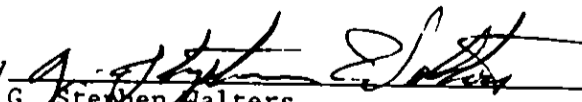
I, G. Stephen Walters, do hereby certify that I am an attorney licensed to practice under the laws of the state of Iowa; that I have examined an abstract of title in two parts purporting to show the chain of title to the real property described below from the root of title to the date of the last continuation, September 27, 1989, at 8:00 A. M.; that, in my opinion, fee title to the real property described below, which is all of the real property included in the above subdivision, is in the names of Betty Ann Shaw, an unmarried person, and Wesley McClish, an unmarried person, as tenants in common; and that, in my opinion, no liens or encumbrances exist against the following described real property:

A tract of land in the Northeast Quarter of the Southeast Quarter of Section 7, Township 75 North, Range 27 West of the 5th Principal Meridian, Madison County, Iowa, more particularly described as follows:

Beginning at the Southwest Corner of the NE 1/4 of the SE 1/4 of Section 7, T75N, R27W of the 5th P. M., Madison County, Iowa; thence, along the West line of said NE 1/4 of the SE 1/4, North 00 degrees 00' 00" 655.89 feet to the Northwest Corner of the S 1/2 of said NE 1/4 of the SE 1/4; thence continuing along said West line, North 00 degrees 00' 00" 208.00 feet; thence South 89 degrees 38' 41" East 417.50 feet; thence South 00 degrees 00' 00" 208.00 feet; thence South 89 degrees 38' 41" East 872.34 feet to the Northeast Corner of the S 1/2 of said NE 1/4 of the SE 1/4; thence South 01 degree 23' 07" West 670.89 feet to the Southeast Corner of said NE 1/4 of the SE 1/4; thence North 88 degrees 58' 26" West 1,273.80 feet to the point of beginning. Said tract of land contains 21.513 Acres.

Dated at Winterset, Iowa, this 20th day of October, 1989.

JORDAN, OLIVER & WALTERS

By 
G. Stephen Walters
Farmers & Merchants State Bank Bldg.
P. O. Box 230
Winterset, Iowa 50273
Telephone: 515-462-3731

RESTRICTIVE COVENANTS

Betty Ann Shaw and Wesley McClish, both unmarried persons, are the fee simple owners and record titleholders of the following described real estate, which real estate is being platted as A and B Hillside Estates:

A tract of land in the Northeast Quarter of the Southeast Quarter of Section 7, Township 75 North, Range 27 West of the 5th Principal Meridian, Madison County, Iowa, more particularly described as follows:

Beginning at the Southwest Corner of the NE 1/4 of the SE 1/4 of Section 7, T75N, R27W of the 5th P. M., Madison County, Iowa; thence, along the West line of said NE 1/4 of the SE 1/4, North 00 degrees 00' 00" 655.89 feet to the Northwest Corner of the S 1/2 of said NE 1/4 of the SE 1/4; thence continuing along said West line, North 00 degrees 00' 00" 208.00 feet; thence South 89 degrees 38' 41" East 417.50 feet; thence South 00 degrees 00' 00" 208.00 feet; thence South 89 degrees 38' 41" East 872.34 feet to the Northeast Corner of the S 1/2 of said NE 1/4 of the SE 1/4; thence South 01 degree 23' 07" West 670.89 feet to the Southeast Corner of said NE 1/4 of the SE 1/4; thence North 88 degrees 58' 26" West 1,273.80 feet to the point of beginning. Said tract of land contains 21.513 Acres.

Betty Ann Shaw and Wesley McClish hereby represent and subject the said real estate to certain restrictive covenants and easements as to the use and occupancy thereof, which are as follows:

1. All lots in this subdivision shall be used only for residential purposes. A horse barn, or barns, shall be permitted on each of the lots to keep horses for personal use. No hog confinement, hog nursery or hog finishing structure, cattle finishing structure, or poultry structure shall be maintained on any of the lots. Before a home is constructed on a lot, it may be used for raising crops and grazing horses, cattle and sheep. After a home is constructed on a lot, it may be used only for agricultural uses that are limited to growing crops and pasturing horses for personal uses.

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

3. The owner of each lot, vacant or improved, shall keep his lot free of weeds and debris.

4. A perpetual easement for a private access drive and utility purposes, with the right to construct, maintain, and remove electric light lines, telephone lines, poles, wires, conduits, water pipelines, drain tile, sewer tile and other necessary installations is hereby granted to all lot owners with the right of ingress and egress by, through and over the area designated on the plat as a 50-foot access and utility easement.

5. Betty Ann Shaw and Wesley McClish shall initially pay for and provide A and B Hillside Estates with the original construction of the drive on the access and utility easement. Thereafter, the owners of the lots shall pay for the cost of maintenance and repair of the private drive, and snow removal for the said drive, with owners of each lot on which a residence has been constructed paying one-fourth (1/4) of the cost of such maintenance, repair and snow removal. The owners of a majority of the lots on which residences have been constructed, may decide at any time as to the need for and cost of any maintenance, repair or snow removal and the decision of the majority of these lot owners shall be binding on all of the owners of lots one through four.

6. If any lot owner decides to erect a fence on his lot, the total cost of installation of such fence shall be borne by that lot owner as well as all future maintenance of the fence. No adjoining lot owner shall be required to participate in the cost or maintenance of any fence. Any fence shall be the sole property of the lot owner and can be removed by the lot owner at his discretion. Nothing in this paragraph shall be deemed to preclude a fencing

agreement between owners of adjoining lots for the erection and maintenance of common fences. However, for such fence agreements to be enforceable against future lot owners, they must be in writing and recorded in the office of the Madison County Recorder in order to apprise future purchasers of their obligation with respect to such fencing.

7. With respect to fences between property in A and B Hillside Estates and adjoining properties, it shall be the sole obligation of the owner of each lot in A and B Hillside Estates to pay the entire cost of the fence between that lot owner's lot and property outside of A & B Hillside Estates. This obligation shall run with the land and be binding on all future lot owners.

8. No animals shall be kept or maintained on any of the lots in A and B Hillside Estates after a home is constructed on that lot, except ordinary household pets kept for personal purposes and horses kept for personal uses.

9. These covenants run with the land and are binding on all parties or persons claiming through or under them until January 1, 2020, at which time the covenants shall be automatically extended for successive periods of 10 years, unless by a vote of the owners of the majority 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 agree in writing to any such additional covenants.

10. If any person violates, or attempts to violate any of the covenants, conditions or restrictions contained herein, it shall be lawful for any owner of any lot or lots in this subdivision to institute proceedings at law or in equity to prevent or enjoin him from such violations, or to recover damages for such violations.

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11. Invalidation of any one of these covenants shall not affect any of the other provisions.

Dated October 20, 1989.

Betty Ann Shaw
Betty Ann Shaw

Wesley McClish
Wesley McClish

STATE OF IOWA)

ss

MADISON COUNTY)

On this 20th day of October, 1989, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Betty Ann Shaw and Wesley McClish, 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.



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

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CERTIFICATE OF COUNTY TREASURER
OF MADISON COUNTY, IOWA

A and B HILLSIDE ESTATES

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 the following described real property is free from any unpaid taxes:

A tract of land in the Northeast Quarter of the Southeast Quarter of Section 7, Township 75 North, Range 27 West of the 5th Principal Meridian, Madison County, Iowa, more particularly described as follows:

Beginning at the Southwest Corner of the NE 1/4 of the SE 1/4 of Section 7, T75N, R27W of the 5th P. M., Madison County, Iowa; thence, along the West line of said NE 1/4 of the SE 1/4, North 00 degrees 00' 00" 655.89 feet to the Northwest Corner of the S 1/2 of said NE 1/4 of the SE 1/4; thence continuing along said West line, North 00 degrees 00' 00" 208.00 feet; thence South 89 degrees 38' 41" East 417.50 feet; thence South 00 degrees 00' 00" 208.00 feet; thence South 89 degrees 38' 41" East 872.34 feet to the Northeast Corner of the S 1/2 of said NE 1/4 of the SE 1/4; thence South 01 degree 23' 07" West 670.89 feet to the Southeast Corner of said NE 1/4 of the SE 1/4; thence North 88 degrees 58' 26" West 1,273.80 feet to the point of beginning. Said tract of land contains 21.513 Acres.

Dated at Winterset, Iowa, this 20th day of October, 1989.

Carita Kelleher
Carita Kelleher, Treasurer of Madison County,
Iowa.

CERTIFICATE OF THE COUNTY RECORDER
OF MADISON COUNTY, IOWA

A and B HILLSIDE ESTATES

I, Mary E. Welty, hereby certify that I am the duly elected and acting Recorder of Madison County, Iowa; that Betty Ann Shaw and Wesley McClish, both unmarried persons, are now the fee simple owners and record titleholders to the following described real property, and that the said real property is free from any mortgage or encumbrance, as shown by the records in my office:

A tract of land in the Northeast Quarter of the Southeast Quarter of Section 7, Township 75 North, Range 27 West of the 5th Principal Meridian, Madison County, Iowa, more particularly described as follows:

Beginning at the Southwest Corner of the NE 1/4 of the SE 1/4 of Section 7, T75N, R27W of the 5th P. M., Madison County, Iowa; thence, along the West line of said NE 1/4 of the SE 1/4, North 00 degrees 00' 00" 655.89 feet to the Northwest Corner of the S 1/2 of said NE 1/4 of the SE 1/4; thence continuing along said West line, North 00 degrees 00' 00" 208.00 feet; thence South 89 degrees 38' 41" East 417.50 feet; thence South 00 degrees 00' 00" 208.00 feet; thence South 89 degrees 38' 41" East 872.34 feet to the Northeast Corner of the S 1/2 of said NE 1/4 of the SE 1/4; thence South 01 degree 23' 07" West 670.89 feet to the Southeast Corner of said NE 1/4 of the SE 1/4; thence North 88 degrees 58' 26" West 1,273.80 feet to the point of beginning. Said tract of land contains 21.513 Acres.

Dated at Winterset, Iowa, this 24TH day of October, 1989.


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

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

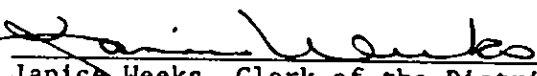
I, Janice Weeks, hereby certify that I am the duly acting County Clerk of the District Court of Madison County, Iowa; that I have examined the records in my office; and that the following described real property, which is included in the above subdivision, is free from all judgments, attachments, mechanic's liens, or other liens of record:

A tract of land in the Northeast Quarter of the Southeast Quarter of Section 7, Township 75 North, Range 27 West of the 5th Principal Meridian, Madison County, Iowa, more particularly described as follows:

Beginning at the Southwest Corner of the NE 1/4 of the SE 1/4 of Section 7, T75N, R27W of the 5th P. M., Madison County, Iowa; thence, along the West line of said NE 1/4 of the SE 1/4, North 00 degrees 00' 00" 655.89 feet to the Northwest Corner of the S 1/2 of said NE 1/4 of the SE 1/4; thence continuing along said West line, North 00 degrees 00' 00" 208.00 feet; thence South 89 degrees 38' 41" East 417.50 feet; thence South 00 degrees 00' 00" 208.00 feet; thence South 89 degrees 38' 41" East 872.34 feet to the Northeast Corner of the S 1/2 of said NE 1/4 of the SE 1/4; thence South 01 degree 23' 07" West 670.89 feet to the Southeast Corner of said NE 1/4 of the SE 1/4; thence North 88 degrees 58' 26" West 1,273.80 feet to the point of beginning. Said tract of land contains 21.513 Acres.

Dated at Winterset, Iowa, this 20th day of October, 1989.




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

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RESOLUTION APPROVING FINAL PLAT
OF
A and B HILLSIDE ESTATES
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 A and B Hillside Estates, which covered the following described real property:

A tract of land in the Northeast Quarter of the Southeast Quarter of Section 7, Township 75 North, Range 27 West of the 5th Principal Meridian, Madison County, Iowa, more particularly described as follows:

Beginning at the Southwest Corner of the NE 1/4 of the SE 1/4 of Section 7, T75N, R27W of the 5th P. M., Madison County, Iowa; thence, along the West line of said NE 1/4 of the SE 1/4, North 00 degrees 00' 00" 655.89 feet to the Northwest Corner of the S 1/2 of said NE 1/4 of the SE 1/4; thence continuing along said West line, North 00 degrees 00' 00" 208.00 feet; thence South 89 degrees 38' 41" East 417.50 feet; thence South 00 degrees 00' 00" 208.00 feet; thence South 89 degrees 38' 41" East 872.34 feet to the Northeast Corner of the S 1/2 of said NE 1/4 of the SE 1/4; thence South 01 degree 23' 07" West 670.89 feet to the Southeast Corner of said NE 1/4 of the SE 1/4; thence North 88 degrees 58' 26" West 1,273.80 feet to the point of beginning. Said tract of land contains 21.513 Acres;

WHEREAS, a plat was properly filed with dedication of plat by the owners, and accompanying abstract of title, a Certificate of County Treasurer, a Certificate of County Recorder, a Certificate of County Clerk of Court, an Attorney's Opinion and Restrictive Covenants;

WHEREAS, the said subdivision and the plat have been approved by the Madison County Zoning Administrator, 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, finds that the said platting conforms to the provisions of the Madison County Zoning Ordinance,

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and that the plat, papers, and documents presented therewith should be approved by the Board of Supervisors of Madison County, Iowa:

1. That the platting of the A and B Hillside Estates subdivision be, and is, hereby approved.

2. That the Madison County Zoning Administrator be and is hereby directed to certify this Resolution which shall be affixed to the said plat to the County Recorder of Madison County, Iowa, and to attend to the filing and recording of the plat, papers and documents, pursuant to law.

Dated at Winterset, Iowa, this 8th day of December, 1989.

Philip A. ...
Chairman of the Madison County Board of Supervisors.

ATTEST:

Max ...
Madison County Board of Supervisors

Tom ...
Madison County Auditor.

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RESOLUTION 89-108
 RESOLUTION APPROVING FINAL PLAT
 OF
 A and B HILLSIDE ESTATES
 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 A and B Hillside Estates, which covered the following described real property:

A tract of land in the Northeast Quarter of the Southeast Quarter of Section 7, Township 75 North, Range 27 West of the 5th Principal Meridian, Madison County, Iowa, more particularly described as follows:

Beginning at the Southwest Corner of the NE 1/4 of the SE 1/4 of Section 7, T75N, R27W of the 5th P. M., Madison County, Iowa; thence, along the West line of said NE 1/4 of the SE 1/4, North 00 degrees 00' 00" 655.89 feet to the Northwest Corner of the S 1/2 of said NE 1/4 of the SE 1/4; thence continuing along said West line, North 00 degrees 00' 00" 208.00 feet; thence South 89 degrees 38' 41" East 417.50 feet; thence South 00 degrees 00' 00" 208.00 feet; thence South 89 degrees 38' 41" East 872.34 feet to the Northeast Corner of the S 1/2 of said NE 1/4 of the SE 1/4; thence South 01 degree 23' 07" West 670.89 feet to the Southeast Corner of said NE 1/4 of the SE 1/4; thence North 88 degrees 58' 26" West 1,273.80 feet to the point of beginning. Said tract of land contains 21.513 Acres;

WHEREAS, a plat was properly filed with dedication of plat by the owners, and accompanying abstract of title, a Certificate of County Treasurer, a Certificate of County Recorder, a Certificate of County Clerk of Court, an Attorney's Opinion and Restrictive Covenants;

WHEREAS, the said subdivision and the plat have been approved by the Madison County Zoning Administrator, 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 the said plat conforms to the provisions of the Zoning Ordinance and the Subdivision

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Ordinance of the City of Winterset, except that there is no public dedication of the private drive in the said subdivision, and no installation of any improvements, and that the platting papers and documents presented therewith 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:

1. That the platting of A and B Hillside Estates be, and is hereby, approved.

2. That the Zoning Administrator of the City of Winterset be, and is hereby, directed to certify this resolution which shall be affixed to the said plat to the County Recorder of Madison County, Iowa, and to attend to the filing and recording of the plat papers and documents which should be recorded in connection therewith.

Dated at Winterset, Iowa, on this 20th day of November, 1989.

Robert W. Howell

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

ATTEST:

Mark Mitchell

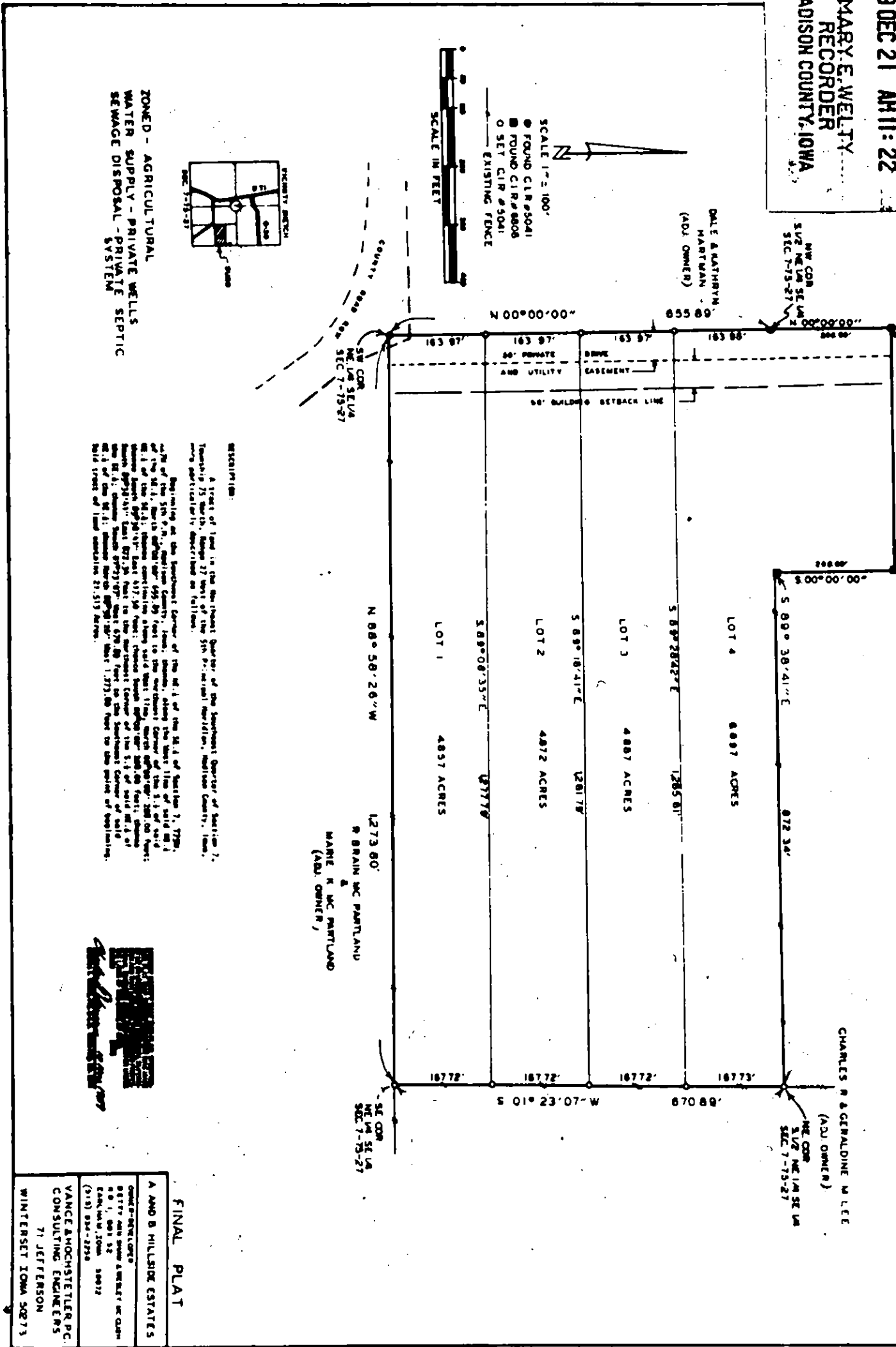
Winterset City Administrator.

**MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA**

89 DEC 21 AM 11: 22

**FILED NO. 1299
PLAT
FARM 2 PAGE 174
BOOK 2 PAGE 174**

A AND B HILLSIDE ESTATES
A SUBDIVISION OF THE S 1/2 OF THE NE 1/4 OF THE SE 1/4 OF SECTION 7, T75N, R27W OF THE 5TH P.M., MADISON COUNTY, IOWA



FINAL PLAT
A AND B HILLSIDE ESTATES
 PREPARED BY
VANCE & HOCHSTETLER P.C.
 CONSULTING ENGINEERS
 71 JEFFERSON
 WINTERSSET IOWA 50273