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LISA SMITH, COUNTY RECORDER  
MADISON COUNTY IOWA

Prepared by David L. Dorff, Ass't Att'y Gen., Iowa Dep't of Justice, State Capitol Complex, Des Moines, Iowa  
50319, 515-281-5351; Return to: MADISON SWCD, PO Box 267 Winterset IA 50892

**IOWA FINANCIAL INCENTIVE PROGRAM FOR SOIL EROSION CONTROL** Form IP-4 (Rev 10/06)  
**MAINTENANCE/PERFORMANCE AGREEMENT**  
Iowa Department of Agriculture & Land Stewardship **FARMS Agreement No #8786**  
Division of Soil Conservation

MADISON SWCD County Soil and Water Conservation District  
This AGREEMENT is made and entered into this day of June 16, 2009, by and between the MADISON SWCD  
County Soil and Water Conservation District, herein called DISTRICT, and PAUL CAIN, herein called RECIPIENT.  
WITNESSETH:

DISTRICT and RECIPIENT hereby agree that this covenant is executed to satisfy the requirements of Iowa Code  
Section 161A.7(16) and should be interpreted in a manner that promotes the policies of Chapter 161A of the Iowa  
Code. Section 161A.7(16) requires this covenant as a condition for receiving DISTRICT financial incentive  
assistance and provides that the owner, present or future, of the property herein described is personally liable  
through this AGREEMENT if the soil and water conservation practice herein named is not maintained or is  
removed, altered or modified while this AGREEMENT is effective.

The RECIPIENT hereby acknowledges the receipt of FARMS Agreement No. #8786 in the amount of \$6,101.36 as  
reimbursement for partially or completely financing the herein named soil and water conservation practice on Qtr.  
NE1/4NE1/4NE1/4ANDSE1/4NE1/4 Sec. 32 Township Walnut Tier T74N Range R27W County Madison,  
in the State of Iowa. NW1/4NW1/4NW1/4ANDSW1/4NW1/4NW1/4 IN SECTION 33 OF T74NR27W OF THE 5<sup>TH</sup> P.M.  
in Madison County in the state of Iowa.

RECIPIENT hereby agrees that no action shall be taken by the RECIPIENT or his/her agents or successors to  
remove, alter or modify any soil and water conservation practice herein named for 20 years from the date of the  
AGREEMENT unless prior written authorization is obtained from the District and incorporated into this  
AGREEMENT.

RECIPIENT hereby agrees that if any unauthorized removal, alteration or modification of the soil and water  
conservation practices herein named occurs during the term of this AGREEMENT, RECIPIENT will repair or  
reconstruct the practices to their original as-built design specifications at RECIPIENT'S own expense. In lieu of  
repairing or reconstructing the practices, DISTRICT, at the sole discretion, may allow RECIPIENT or RECIPIENT'S  
successors to refund to the Iowa Division of Soil Conservation the entire amount of the financial incentive payment  
received by RECIPIENT.

DISTRICT and RECIPIENT hereby agree that if RECIPIENT makes a refund of all money received under this  
AGREEMENT to the DIVISION that the AGREEMENT is cancelled and that no costs of cancellation shall be  
charged to either party.

RECIPIENT hereby agrees to notify any prospective purchaser of the property herein described of the landowner's  
obligations created by this AGREEMENT and Section 161A.7(16) of the Iowa Code and Section 27-10.31 of the  
Iowa Administrative Code before legal or equitable title to any portion of this property is transferred.

**COVERAGE OF THIS AGREEMENT:**

DISTRICT and RECIPIENT agree that the soil and water conservation practice(s) detailed in the following  
description and on the attached sketch (hereby made part of this AGREEMENT) were partially or completely  
installed with DISTRICT funds and is covered by this AGREEMENT.

RECIPIENT hereby agrees the maintenance agreement will begin on June 16, 2009

Practice Terraces  
David Dorff  
Signature of SWCD Chairperson

Amount Installed 2.619 Feet

Signature of Owner, agent or POA  
Paul C. Cain  
Signature of Recipient PAUL CAIN

State of Iowa  
County of Madison

This instrument was acknowledged before me on 6-11-09 by Paul Cain  
(date) (name(s) of person(s))

Diane Fitch (signature of notarial officer)

State Secretary Title (and Rank)

Distribution: APPLICANT, SWCD, DSC

