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LISA SMITH, COUNTY RECORDER
MADISON COUNTY IOWA

**REAL ESTATE TRANSFER - GROUNDWATER HAZARD STATEMENT
TO BE COMPLETED BY TRANSFEROR**

TRANSFEROR:

Name William and Sylvia Van Werden Trust, Lawrence P. Van Werden and Dorothy J. Van
Werden, James E. Van Werden and Susan L. Van Werden, Gretchen Otto and Nelson Otto

Address 1025 S. 14th Street, Adel, Iowa 50003
Number and Street or RR City, Town or P.O. State Zip

TRANSFeree:

Name Kindra Zaun

Address _____
Number and Street or RR City, Town or P.O. State Zip

Address of Property Transferred:
2391 Osage Trail, Winterset, Iowa 50273
Number and Street or RR City, Town or P.O. State Zip

Legal Description of Property: (Attach if necessary)

1. Wells (check one)

There are no known wells situated on this property.

There is a well or wells situated on this property. The type(s), location(s) and legal status are stated below or set forth on an attached separate sheet, as necessary.

2. Solid Waste Disposal (check one)

There is no known solid waste disposal site on this property.

There is a solid waste disposal site on this property and information related thereto is provided in Attachment #1, attached to this document.

3. Hazardous Wastes (check one)

There is no known hazardous waste on this property.

There is hazardous waste on this property and information related thereto is provided in Attachment #1, attached to this document.

4. Underground Storage Tanks (check one)

There are no known underground storage tanks on this property. (Note exclusions such as small farm and residential motor fuel tanks, most heating oil tanks, cisterns and septic tanks, in instructions.)

There is an underground storage tank on this property. The type(s), size(s) and any known substance(s) contained are listed below or on an attached separate sheet, as necessary.

5. Private Burial Site (check one)

There are no known private burial sites on this property.

There is a private burial site on this property. The location(s) of the site(s) and known identifying information of the decedent(s) is stated below or on an attached separate sheet, as necessary.

6. Private Sewage Disposal System (check one)

All buildings on this property are served by a public or semi-public sewage disposal system.

This transaction does not involve the transfer of any building.

There is a building served by private sewage disposal system on this property or a building without any lawful sewage disposal system. A certified inspector's report is attached which documents the condition of the private sewage disposal system and whether any modifications are required to conform to standards adopted by the Department of Natural Resources. A certified inspection report must be accompanied by this form when recording.

There is a building served by private sewage disposal system on this property. Weather or other temporary physical conditions prevent the certified inspection of the private sewage disposal system from being conducted. The buyer has executed a binding acknowledgment with the county board of health to conduct a certified inspection of the private sewage disposal system at the earliest practicable time and to be responsible for any required modifications to the private sewage disposal system as identified by the certified inspection. A copy of the binding acknowledgment is attached to this form.

There is a building served by private sewage disposal system on this property. The buyer has executed a binding acknowledgment with the county board of health to install a new private sewage disposal system on this property within an agreed upon time period. A copy of the binding acknowledgment is provided with this form.

There is a building served by private sewage disposal system on this property. The building to which the sewage disposal system is connected will be demolished without being occupied. The buyer has executed a binding acknowledgment with the county board of health to demolish the building within an agreed upon time period. A copy of the binding acknowledgment is provided with this form.

[Exemption #9]


This property is exempt from the private sewage disposal inspection requirements pursuant to the following exemption [Note: for exemption #9 use prior check box]: _____.

The private sewage disposal system has been installed within the past two years pursuant to permit number _____.

Information required by statements checked above should be provided here or on separate sheets attached hereto:

The well on the property is 100 feet northwest of the northwest corner of the house on the subject property. The well is not currently being used, but it is not abandoned.

I HEREBY DECLARE THAT I HAVE REVIEWED THE INSTRUCTIONS FOR THIS FORM AND THAT THE INFORMATION STATED ABOVE IS TRUE AND CORRECT.

Signature: 
(Transferor or Agent)

Telephone No.: (515) 993-4545

EXHIBIT "A"

Legal Description:

Parcel "D" in the Northeast Quarter of the Northeast Quarter of Section 17, Township 76 North, Range 27 West of the 5th P.M., Madison County, Iowa more particularly described as follows:

Commencing at the Northeast Corner of Section 17, Township 76 North, Range 27 West of the 5th P.M., Madison County, Iowa thence South 01°01'41" West 516.61 feet along the East line of the Northeast Quarter of said Section 17 to the Point of Beginning; thence continuing South 01°01'41" West 363.42 feet along said East line; thence North 89°27'38" West 356.48 feet; thence North 00°05'06" East 376.48 feet to a point on the South line of existing Parcel "C"; thence North 87°30'18" West 31.92 feet along a line of existing Parcel "C"; thence South 01°32'02" East 16.55 feet along a line of existing Parcel "C"; thence North 89°46'19" West 330.09 feet along a line of existing Parcel "C" to the Point of Beginning containing 3.00 acres including 0.27 acres of County Road right-of-way.

Easement Legal Description:

Sellers, their heirs and assigns, reserve a 12.50 foot wide ingress/egress easement which is on Parcel "D" the North line of the retained easement is described hereinafter. Sellers grant to Buyers a 12.50 foot wide ingress/egress easement of which 12.50 feet is on the adjacent property described as Parcel "C". The granting of said easement and retention of said easement covers land that is contiguous and rectangular in shape.

A 25.00 foot wide ingress/egress easement of which 12.50 feet is on Parcel "C" and 12.50 feet is on Parcel "D". The centerline of the easement is described as follows:

Commencing at the Northeast Corner of Section 17, Township 76 North, Range 27 West of the 5th P.M.; thence South 01°01'41" West 516.61 feet along the East line of the Northeast Quarter of said Section 17 to the Southeast Corner of Parcel "C" which is the Northeast Corner of Parcel "D" which is the Easement Point of Beginning; thence North 89°46'19" West 250.09 feet along the South line of Parcel "C" which is the North line of Parcel "D" to the end of the easement.

There shall be no buildings, plants, structures or obstruction placed on said easement which would impede travel over said easement. Granting that easement to Buyers shall run with Buyer's land, reservations by Sellers of the easement shall run with the owner of Parcel "C".

FENCE AGREEMENT

Sellers have, or shall fence the non-county road right-of-way perimeter and the non-ingress/egress easement on the North, West and South of said property. Thereafter said fence shall be owned by and maintained by Buyers, their heirs and assigns.

EXHIBIT C

**TIME OF TRANSFER INSPECTION WAIVER
BINDING ACKNOWLEDGEMENT for FUTURE INSTALLATION**

This agreement is entered into this 29th day of August, 2011 by and between Madison County Board of Health and Kindra Zaun.

WHEREAS, it is understood the Iowa Administrative Code 567-69 requires an inspection of the private sewage disposal system on all property located in Iowa at the time of transfer.

WHEREAS, the property located at 2391 Osage Trail is subject to the inspection, and the buyer Kindra Zaun understands there is not a private sewage disposal system serving this property.

NOW THEREFORE, it is hereby agreed that the time of transfer inspection will not be required and agrees that the necessary private sewage disposal system to serve the property shall be installed and completed no later than the 1st day of November, 2011.

Dated the 29th day of August, 2011.

PROPERTY BUYER

Kindra Zaun

MADISON COUNTY
BOARD OF HEALTH OR
AUTHORIZED REPRESENTATIVE

Elton A. Root
Elton A. Root, Environmental Health

This instrument was acknowledged before me on August 29, 2011 by

Larry D. Watts
Notary Public

