



**PLAT AND CERTIFICATE  
FOR B & K SUBDIVISION,  
MADISON COUNTY, IOWA**

I, C. J. Nicholl, Zoning Administrator of Madison County, Iowa, do hereby certify that the plat to which this certificate is attached is a plat of a subdivision known and designated as B & K Subdivision, and that the real estate comprising said plat is described as follows:

SEE ATTACHED

I 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. Attorney's Opinion;
2. Lenders Consent to Plat;
3. Consent to Plat;
4. Certificate from County Treasurer;
5. Resolution of the Board of Supervisors of Madison County, Iowa, approving said plat;
6. Agreement with County Engineer; and
7. Ground Water Statement;
8. Madison County Soil and Water Conservation District Land Disturbing Activity Affidavit;
9. Consent of County Auditor to subdivision name;
10. Consent - City of Patterson, Iowa.

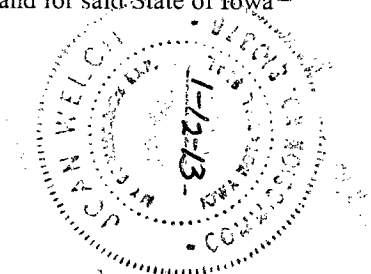
all of which are duly certified in accordance with the Madison County Zoning Ordinance.

C. J. Nicholl, Zoning Administrator of Madison County, Iowa

STATE OF IOWA, COUNTY OF MADISON

This instrument was acknowledged before me on this 1 day of September, 2011, by C.J. Nicholl.

Notary Public in and for said State of Iowa



LEGAL DESCRIPTION

Lot 3 of Ryan's West Subdivision recorded in Book 2001, Page 1844A, Madison County Recorder's office, Madison County, Iowa, located in the Northwest Quarter of the Northeast Quarter and the Northeast Quarter of the Northeast Quarter of Section 25, Township 76 North, Range 27 West of the Fifth Principal Meridian, Madison County, Iowa, described as follows:

Commencing at the northeast corner of the Northwest Quarter of the Northeast Quarter of said Section 25;  
thence on an assumed bearing of South 89 degrees 53 minutes 20 seconds West along the northerly line of said Ryan's West Subdivision and the northerly line of the Northwest Quarter of the Northeast Quarter of said Section 25 a distance of 491.61 feet to the northeast corner of said Lot 3 and the point of beginning;  
thence South 44 degrees 53 minutes 04 seconds East along the northeasterly line of said Lot 3 a distance of 754.45 feet to easterly line of said Lot 3;  
thence South 00 degrees 11 minutes 43 seconds East along said easterly line 279.52 feet to the southeast corner of said Lot 3 and the northerly line of Iowa Highway Number 92, recorded in Book 133, Page 764, Madison County Recorder's office, Madison County, Iowa;  
thence South 87 degrees 30 minutes 34 seconds West along said northerly line and the southerly line of said Lot 3 a distance of 779.90 feet;  
thence North 63 degrees 13 minutes 00 seconds West along said northerly line and said southerly line of Lot 3 a distance of 224.69 feet;  
thence South 87 degrees 11 minutes 10 seconds West along said northerly line and said southerly line of Lot 3 a distance of 290.62 feet to the southwest corner of said Lot 3;  
thence North 01 degrees 32 minutes 45 seconds West along the westerly line of said Lot 3 a distance of 759.77 feet to the northwest corner of said Lot 3 and the northerly line of said Ryan's West Subdivision and the northerly line of the Northwest Quarter of the Northeast Quarter of said Section 25;  
thence North 89 degrees 53 minutes 20 seconds East along said northerly lines 757.19 feet to the northeast corner of said Lot 3 and the point of beginning.

Said tract contains 20.44 acres.

**DEDICATION OF PLAT  
OF  
B AND K SUBDIVISION**

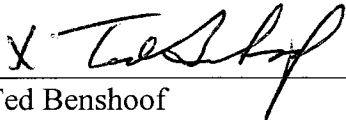
KNOW ALL MEN BY THESE PRESENTS:

That Ted Benshoof and Sharon Benshoof, husband and wife, do hereby certify that they are the sole owners and proprietors of the following-described real state:

See Attached

That the subdivision of the above-described real estate as shown by the final plat of B and K Subdivision is with the free consent and in accordance with the owners' desire as owners of said real estate.

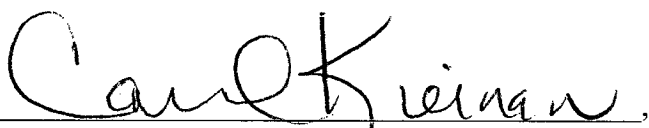
DATED this 12 day of August, 2011.

  
\_\_\_\_\_  
Ted Benshoof

  
\_\_\_\_\_  
Sharon Benshoof

STATE OF IOWA, COUNTY OF MADISON

This instrument was acknowledged before me on this 12 day of August, 2011, by Ted Benshoof and Sharon Benshoof.

  
\_\_\_\_\_  
Notary Public in and for said State of Iowa



LEGAL DESCRIPTION

Lot 3 of Ryan's West Subdivision recorded in Book 2001, Page 1844A, Madison County Recorder's office, Madison County, Iowa, located in the Northwest Quarter of the Northeast Quarter and the Northeast Quarter of the Northeast Quarter of Section 25, Township 76 North, Range 27 West of the Fifth Principal Meridian, Madison County, Iowa, described as follows:

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thence on an assumed bearing of South 89 degrees 53 minutes 20 seconds West along the northerly line of said Ryan's West Subdivision and the northerly line of the Northwest Quarter of the Northeast Quarter of said Section 25 a distance of 491.61 feet to the northeast corner of said Lot 3 and the point of beginning;  
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thence North 01 degrees 32 minutes 45 seconds West along the westerly line of said Lot 3 a distance of 759.77 feet to the northwest corner of said Lot 3 and the northerly line of said Ryan's West Subdivision and the northerly line of the Northwest Quarter of the Northeast Quarter of said Section 25;  
thence North 89 degrees 53 minutes 20 seconds East along said northerly lines 757.19 feet to the northeast corner of said Lot 3 and the point of beginning.

Said tract contains 20.44 acres.

**CONSENT TO PLATTING  
BY FARMERS & MERCHANTS STATE BANK**

Farmers & Merchants State Bank does consent to the platting and subdivision of the following-described real estate:

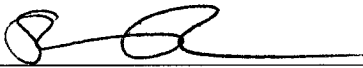
See Attached

in accordance with the ordinances of Madison County, Iowa, and the laws of the State of Iowa.

The undersigned holds a mortgage against said real estate dated

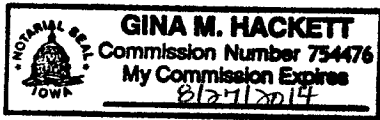
Dated this 8<sup>th</sup> day of August, 2011.


Farmers & Merchants State Bank

By 

STATE OF IOWA, COUNTY OF MADISON

This instrument was acknowledged before me on this 8<sup>th</sup> day of August, 2011, by Shane Pashek as President of Farmers & Merchants State Bank.



  
Notary Public in and for said State

LEGAL DESCRIPTION

Lot 3 of Ryan's West Subdivision recorded in Book 2001, Page 1844A, Madison County Recorder's office, Madison County, Iowa, located in the Northwest Quarter of the Northeast Quarter and the Northeast Quarter of the Northeast Quarter of Section 25, Township 76 North, Range 27 West of the Fifth Principal Meridian, Madison County, Iowa, described as follows:

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thence North 89 degrees 53 minutes 20 seconds East along said northerly lines 757.19 feet to the northeast corner of said Lot 3 and the point of beginning.

Said tract contains 20.44 acres.

**ATTORNEY'S OPINION FOR FINAL PLAT,  
B & K SUBDIVISION**

I, Jerrold B. Oliver, an attorney at law licensed to practice under the laws of the State of Iowa, have examined the abstract of title in one (1) part, last certified to August 5, 2011, at 8:00 a.m., by Madison County Abstract Co., purporting to show the chain of title to the following described real estate, which is the real property contained in Final Plat, B & K Subdivision, Madison County, Iowa:

SEE LEGAL DESCRIPTION ATTACHED

In my opinion, merchantable title to the above described property is in the names of Ted Benshoof, free and clear of all liens and encumbrances, except the following:

1. Entry No. 51 shows an Open-End Mortgage from Ted Benshoof and Sharon Benshoof, Husband and Wife, to Farmers & Merchants State Bank in the principal amount of \$137,500.00 dated and filed April 10, 2007, in Book 2007, Page 1452 of the Recorder's Office of Madison County, Iowa.

We call to your attention the following easements which appear in the abstract:

1. Entry No. 10 shows an Easement to Madison County, Iowa, for road purposes dated December 4, 1922, and filed September 23, 1927, in Deed Record 66, Page 218 of the Recorder's Office of Madison County, Iowa.

2. Entry No. 24 shows an Easement to Madison County, Iowa, for road purposes dated January 10, 1995, and filed January 23, 1995, in Deed Record 133, Page 760 of the Recorder's Office of Madison County, Iowa.

3. Entry No. 11 shows Condemnation proceedings by the State of Iowa dated August 11, 1931, in the Recorder's Office of Madison County, Iowa, in which real estate was condemned for road purposes.

4. Entry No. 12 shows an Easement to the State of Iowa which is not dated but which is filed January 21, 1933, in Deed Record 70, Page 284 of the Recorder's Office of Madison County, Iowa.

5. Entry No. 25 shows an Easement to the State of Iowa dated January 10, 1995, and filed January 23, 1995, in Deed Record 133, Page 764 of the Recorder's Office of Madison County, Iowa.

6. Entry No. 16 shows an Easement to Northwestern Bell Telephone Company dated July 16, 1962, and filed October 8, 1962, in Deed Record 91, Page 638 of the Recorder's Office of Madison County, Iowa.

7. Entry No. 17 shows an Easement to Northwestern Bell Telephone Company dated March 1, 1963, and filed March 4, 1963, in Deed Record 93, Page 54 of the Recorder's Office of Madison County, Iowa.

8. Entry No. 21 shows an Easement Northwestern Bell Telephone Company dated December 21, 1979, and filed February 4, 1980, in deed Record 112, Page 771 of the Recorder's Office of Madison County, Iowa.

9. Entry No. 22 shows an Easement to Northwestern Bell Telephone Company dated January 7, 1980, and filed February 4, 1980, Deed Record 112, Page 772 of the Recorder's Office of Madison County, Iowa.

10. Entry No. 26 shows an Easement to Warren Water, Inc. dated April 20, 1998, and filed June 24, 1998, in Deed Record 140, Page 303 of the Recorder's Office of Madison County,



Iowa.

11. Entry No. 27 shows an Easement to Warren Water, Inc. dated September 5, 2000, and filed September 18, 2000, in Deed Record 144, Page 7 of the Recorder's Office of Madison County, Iowa.

12. Entry No. 42 shows an Easement to Warren Water, Inc. dated April 29, 1998, and filed January 26, 2006, in Book 2006, Page 369 of the Recorder's Office of Madison County, Iowa.

Respectfully submitted,

JORDAN, OLIVER & WALTERS, P.C.

By  \_\_\_\_\_

Jerrold B. Oliver

Farmers & Merchants Bank Bldg.

P.O. Box 230

Winterset, Iowa 50273

Telephone: (515) 462-3731

ATTORNEYS FOR TED BENSHOOF AND  
SHARON BENSHOOF

LEGAL DESCRIPTION

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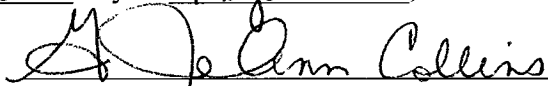
**CERTIFICATE OF THE COUNTY TREASURER  
OF MADISON COUNTY, IOWA**

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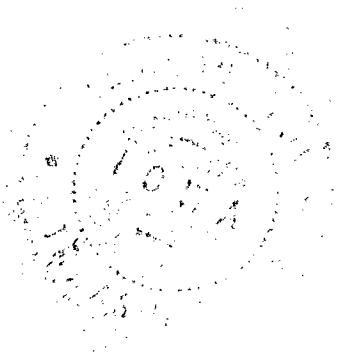
I, G. JoAnn Collins, do hereby certify that I am the duly elected and acting Treasurer of Madison County, Iowa; that I have examined the records in my office, and that there are no unpaid taxes forming a lien against the following-described real estate, to-wit:

See Attached

DATED at Winterset, Iowa, this 8<sup>th</sup> day of August, 2011.

  
\_\_\_\_\_  
G. JoAnn Collins, Treasurer of Madison County,  
Iowa

Note: 2011/2012 payable year  
Taxes have not yet been certified  
to this office.



LEGAL DESCRIPTION

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thence North 89 degrees 53 minutes 20 seconds East along said northerly lines 757.19 feet to the northeast corner of said Lot 3 and the point of beginning.

Said tract contains 20.44 acres.

**APPROVAL OF SUBDIVISION PLAT NAME BY  
MADISON COUNTY AUDITOR**

Date 8-17-11

The Madison County Auditor's Office has reviewed the Final Plat of:

B & K Subdivison

Pursuant to Iowa Code 3454.6(2) and 354.11(6), we approve the subdivision name or title and have no objections to this subdivision plat being recorded.

  
\_\_\_\_\_  
County Auditor of Madison County, Iowa

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Said tract contains 20.44 acres.

**DEED OF RESTRICTIONS**  
**MADISON COUNTY, IOWA**

We, Michael Peter Ryan and Gloria J. Ryan, husband and wife, and Elizabeth Jane Ryan, single, are now the fee simple owners and record titleholders of the following-described real estate:

A Parcel located in the North Half of the Northeast Quarter of Section 25, Township 76 North, Range 27 West of the 5th P.M., Madison County, Iowa, more particularly described as follows: Beginning at the Northwest corner of the Northeast Quarter of the Northeast Quarter of Section 25, Township 76 North, Range 27 West of the 5th P.M., Madison County, Iowa; thence South 89°40'03" East, 1299.33 feet along an existing fenceline which is the North line of the Northeast Quarter of the Northeast Quarter of said Section 25 to a point on the West Right-of-Way line of an existing County Road; thence South 0°00'00" West, 73.85 feet along said road R.O.W. line; thence South 4°40'48" West, 670.81 feet along said road R.O.W. line to a point on the North R.O.W. line of Iowa Highway No. 92; thence South 88°41'34" West, 97.52 feet along said Highway R.O.W. line; thence South 87°31'08" West, 486.96 feet along said Highway R.O.W. line; thence North 77°13'18" West, 171.12 feet along said Highway R.O.W. line; thence South 87°41'16" West, 134.99 feet along said Highway R.O.W. line; thence South 56°30'44" West, 999.98 feet along said Highway R.O.W. line; thence North 63°11'55" West, 224.67 feet along said Highway R.O.W. line; thence South 87°09'17" West, 290.77 feet along said Highway R.O.W. line; thence North 1°33'08" West, 759.85 feet to a point on the North line of the Northwest Quarter of the Northeast Quarter of said Section 25; thence North 89°53'14" East, 1248.97 feet along an existing fenceline which is the North line of the Northwest Quarter of the Northeast Quarter of said Section 25 to the Point of Beginning. Said Parcel is split into 3 lots, and contains 45.299 acres.

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:

1. All Parcels shall be used only for single-family residential purposes. No structure shall be erected on any Parcel 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. No mobile homes shall be erected or placed on any of said Parcels. Modular homes and manufactured homes shall be permitted to be erected or placed on any of said Parcels. For the
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purpose of this Deed of Restrictions the following definitions shall apply:

- a. *"Mobile home"* means any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons.
- b. *"Modular home"* means a factory-built structure which is manufactured to be used as a place of human habitation, is constructed to comply with the Iowa state building code for modular factory-built structures, and must display the seal issued by the state building code commissioner.
- c. *"Manufactured home"* means a factory-built structure used as a place for human habitation, but which is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles.

No hog confinement, nursery or finishing structure, cattle finishing structure, poultry laying or raising houses shall be erected on any of the above described Parcels.

2. The requirements contained in the Madison County Zoning Ordinance as to lot area, width and yard requirements shall apply to all Parcels. A setback of fifty from all streets, roads, and private drives shall apply.
  3. Said Parcels described above may be further subdivided in compliance with the Subdivision Ordinance and Zoning Ordinance of Madison County, Iowa.
  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.
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5. No building shall be erected on any Parcel 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 Parcel, vacant or improved, shall keep his Parcel or Parcels 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, 2021, 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 Parcels, it is agreed to delete and said covenants in whole or in part. No new or additional covenants shall be added unless all of the owners of said Parcels 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 Parcel or Parcels to institute proceedings in law or in equity against the person or persons violation 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. If any Parcel owner decides to erect a fence upon his Parcel, the total cost of installation of such fence shall be borne by said Parcel owner as well as the cost of all future maintenance of the fence. No adjoining Parcel 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 Parcel owner and can be removed by such Parcel owner at his discretion. Nothing in this

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paragraph shall be deemed to preclude a fencing agreement between adjoining Parcel owners for erection and maintenance of a common fence; however, for any such common fence agreement to be enforceable upon future Parcel 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.

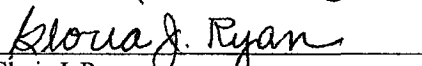
11. With respect to exterior partition fences it shall be the responsibility and obligation of each Parcel owner to maintain a lawful partition fence separating his Parcel from adjoining unplatted real estate.

12. There is no common sewage system available for use within said Parcels, and it shall be the responsibility of each of the owners of the respective Parcels to provide a septic system for use with the residence constructed upon each Parcel.

13. No animals shall be kept or maintained on any of the Parcels except ordinary household pets, provided that no more than five horses may be maintained on any tract containing 10 acres or more, and no more than two horses may be maintained on any tract containing less than 10 acres. Ducks and geese shall be permitted on any tract upon which a pond is located or later constructed.

Dated this 6 day of February, 2001.

  
Michael P. Ryan

  
Gloria J. Ryan

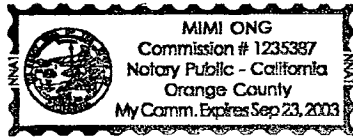
  
Elizabeth Ryan

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STATE OF California :

Orange COUNTY :  
:ss

On this 6<sup>th</sup> day of Feb., 2001, before me, the undersigned, a Notary Public in and for the State of California, personally appeared Michael Peter Ryan and Gloria J. Ryan, 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.



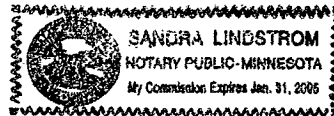
Mimi Ong  
Notary Public in and for said State

STATE OF Minnesota

Ramsey COUNTY :  
:ss

On this 15 day of February, 2001, before me, the undersigned, a Notary Public in and for the State of Minnesota, personally appeared Elizabeth Jane Ryan, to me known to be the identical person named in and who executed the within and foregoing instrument and acknowledged that she executed the same as her voluntary act and deed.

Sandra Lindstrom  
Notary Public in and for said State



**RESOLUTION APPROVING FINAL PLAT  
OF B AND K SUBDIVISION  
MADISON COUNTY, IOWA**

WHEREAS, there was filed in the Office of the Zoning Administrator of Madison County, Iowa, a registered land surveyor's plat of a proposed subdivision known as B and K Subdivision; and

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

See Attached

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, Ted Benshoof and Sharon Benshoof; 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, and Certified statement from the Treasurer of Madison County, Iowa, that said platted land is free from taxes.

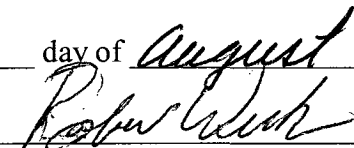
WHEREAS, the Board of Supervisors, Madison County, Iowa, finds that said plat conforms to the provisions of the Zoning Ordinance of Madison County, Iowa, and that the plat, papers and documents presented therewith should be approved by the Board of Supervisors, and that said plat, known as B and K Subdivision should be approved by the Board of Supervisors, Madison County, Iowa.

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

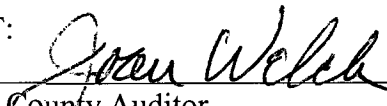
1. That said plat, known as B and K Subdivision prepared in connection with said plat and subdivision is hereby approved.

2. The Zoning Administrator of Madison County, 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 30 day of August, 2011.

  
\_\_\_\_\_  
Robert Weeks, Chairman, Board of Supervisors,  
Madison County, Iowa

ATTEST:

  
\_\_\_\_\_  
Madison County Auditor

LEGAL DESCRIPTION

Lot 3 of Ryan's West Subdivision recorded in Book 2001, Page 1844A, Madison County Recorder's office, Madison County, Iowa, located in the Northwest Quarter of the Northeast Quarter and the Northeast Quarter of the Northeast Quarter of Section 25, Township 76 North, Range 27 West of the Fifth Principal Meridian, Madison County, Iowa, described as follows:

Commencing at the northeast corner of the Northwest Quarter of the Northeast Quarter of said Section 25;  
thence on an assumed bearing of South 89 degrees 53 minutes 20 seconds West along the northerly line of said Ryan's West Subdivision and the northerly line of the Northwest Quarter of the Northeast Quarter of said Section 25 a distance of 491.61 feet to the northeast corner of said Lot 3 and the point of beginning;  
thence South 44 degrees 53 minutes 04 seconds East along the northeasterly line of said Lot 3 a distance of 754.45 feet to easterly line of said Lot 3;  
thence South 00 degrees 11 minutes 43 seconds East along said easterly line 279.52 feet to the southeast corner of said Lot 3 and the northerly line of Iowa Highway Number 92, recorded in Book 133, Page 764, Madison County Recorder's office, Madison County, Iowa;  
thence South 87 degrees 30 minutes 34 seconds West along said northerly line and the southerly line of said Lot 3 a distance of 779.90 feet;  
thence North 63 degrees 13 minutes 00 seconds West along said northerly line and said southerly line of Lot 3 a distance of 224.69 feet;  
thence South 87 degrees 11 minutes 10 seconds West along said northerly line and said southerly line of Lot 3 a distance of 290.62 feet to the southwest corner of said Lot 3;  
thence North 01 degrees 32 minutes 45 seconds West along the westerly line of said Lot 3 a distance of 759.77 feet to the northwest corner of said Lot 3 and the northerly line of said Ryan's West Subdivision and the northerly line of the Northwest Quarter of the Northeast Quarter of said Section 25;  
thence North 89 degrees 53 minutes 20 seconds East along said northerly lines 757.19 feet to the northeast corner of said Lot 3 and the point of beginning.

Said tract contains 20.44 acres.

**AGREEMENT**

This Agreement, made and entered into, by and between, the proprietors of B and K Subdivision and Todd Hagan, Madison County Engineer.

NOW THEREFORE IT IS AGREED AS FOLLOWS:

1. The proprietors of B and K Subdivision, a Plat of the following described real estate:

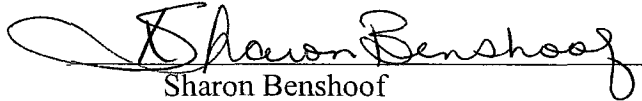
See Legal Description Attached

hereby agree that all private roads located within B and K Subdivision are private roads and are not being dedicated to Madison County, Iowa. Said proprietors consent and agree that such roads shall not be maintained in any manner by Madison County, Iowa, or the Madison County Engineer's Department.

PROPRIETORS OF B and K Subdivision

X 

Ted Benshoof



Sharon Benshoof

\_\_\_\_\_  
Todd Hagan, Madison County Engineer

**MAILED**

**AUG 08 2011**

### LEGAL DESCRIPTION

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NOW THEREFORE IT IS AGREED AS FOLLOWS:

1. The proprietors of B & K Subdivision, a Plat of the following described real estate:

See Legal Description Attached

hereby agree that all private roads located within B & K Subdivision are private roads and are not being dedicated to Madison County, Iowa. Said proprietors consent and agree that such roads shall not be maintained in any manner by Madison County, Iowa, or the Madison County Engineer's Department.

PROPRIETORS OF B & K Subdivision

\_\_\_\_\_  
Ted Benshoof

\_\_\_\_\_  
Sharon Benshoof

  
\_\_\_\_\_  
Todd Hagan, Madison County Engineer 8/9/2011

LEGAL DESCRIPTION

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thence North 01 degrees 32 minutes 45 seconds West along the westerly line of said Lot 3 a distance of 759.77 feet to the northwest corner of said Lot 3 and the northerly line of said Ryan's West Subdivision and the northerly line of the Northwest Quarter of the Northeast Quarter of said Section 25;  
thence North 89 degrees 53 minutes 20 seconds East along said northerly lines 757.19 feet to the northeast corner of said Lot 3 and the point of beginning.

Said tract contains 20.44 acres.

**LAND DISTURBING ACTIVITIES  
AFFIDAVIT**

**STATE OF IOWA**           :  
                                          :  
                                          :  
**MADISON COUNTY**       :

Pursuant to section 161 A.64, Code of Iowa in consideration for permission to engage in a land disturbing activity as defined in that statute, and recognizing that the agency authorized by that statute to receive and file this affidavit will rely on the statements we make herein, we, Ted Benshoof and Sharon Benshoof, being first duly sworn on oath, do solemnly swear to affirm that:

We do not plan to engage in land disturbing activities upon the following described real estate:

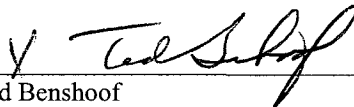
See Legal Description Attached

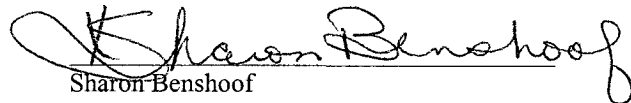
As owners or occupants of the land described above, we are aware that we must establish and maintain soil conservation practices as necessary to meet the soil loss limits established by the Madison County Soil and Water Conservation District, pursuant to sections 161A.43, and 161A.44, Code of Iowa.

We are aware that loss limit regulations prohibit sediment from leaving the site in excess of 5 tons per acre per year. The land disturbing activities described above will be conducted in a manner that will insure compliance with the soil loss limit regulations.


We assume responsibility for all land disturbing activities conducted on this property by us or other people entities we represent. This authority covers only the land and land disturbing activity described above .

We are the owners of the land, and have full authority to enter into this agreement.

  
\_\_\_\_\_  
Ted Benshoof

  
\_\_\_\_\_  
Sharon Benshoof

Subscribed and sworn to before me on this 2 day of August, 2011.

  
\_\_\_\_\_  
Notary Public in and for the State of Iowa



LEGAL DESCRIPTION

Lot 3 of Ryan's West Subdivision recorded in Book 2001, Page 1844A, Madison County Recorder's office, Madison County, Iowa, located in the Northwest Quarter of the Northeast Quarter and the Northeast Quarter of the Northeast Quarter of Section 25, Township 76 North, Range 27 West of the Fifth Principal Meridian, Madison County, Iowa, described as follows:

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thence North 89 degrees 53 minutes 20 seconds East along said northerly lines 757.19 feet to the northeast corner of said Lot 3 and the point of beginning.

Said tract contains 20.44 acres.

**CONSENT TO PLAT AND SUBDIVISION  
AND WAIVER**

The City of Paterson, Iowa hereby consents to the Subdivision of the following-described real estate:

**Lot Three (3) of Ryan's West Subdivision, Madison County,  
Iowa,**

into Lots One (1) and Two (2) pursuant to the Subdivision Plat prepared by Michael James Hackett to be known as B & K Subdivision.

The City of Patterson hereby waives any further right to review said subdivision proceedings and hereby consents to the approval of said Subdivision by Madison County, Iowa.

CITY OF PATTERSON, IOWA

By

  
MAYOR



LISA SMITH, COUNTY RECORDER  
MADISON COUNTY IOWA

HACKETT SURVEYING, Prepared By: Michael James Hackett, 712 North 9th Ave., Winterset, Ia. 50273, Tel. (515) 462-1106

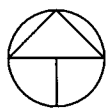
### FINAL PLAT

## B & K SUBDIVISION

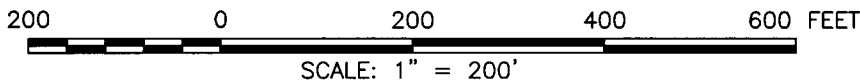
### Lot 3, Ryan's West Subdivision,

### NW 1/4 of the NE 1/4, and the NE 1/4 of the NE 1/4, SEC. 25, T-76N, R-27W

### MADISON COUNTY, IOWA



NORTH

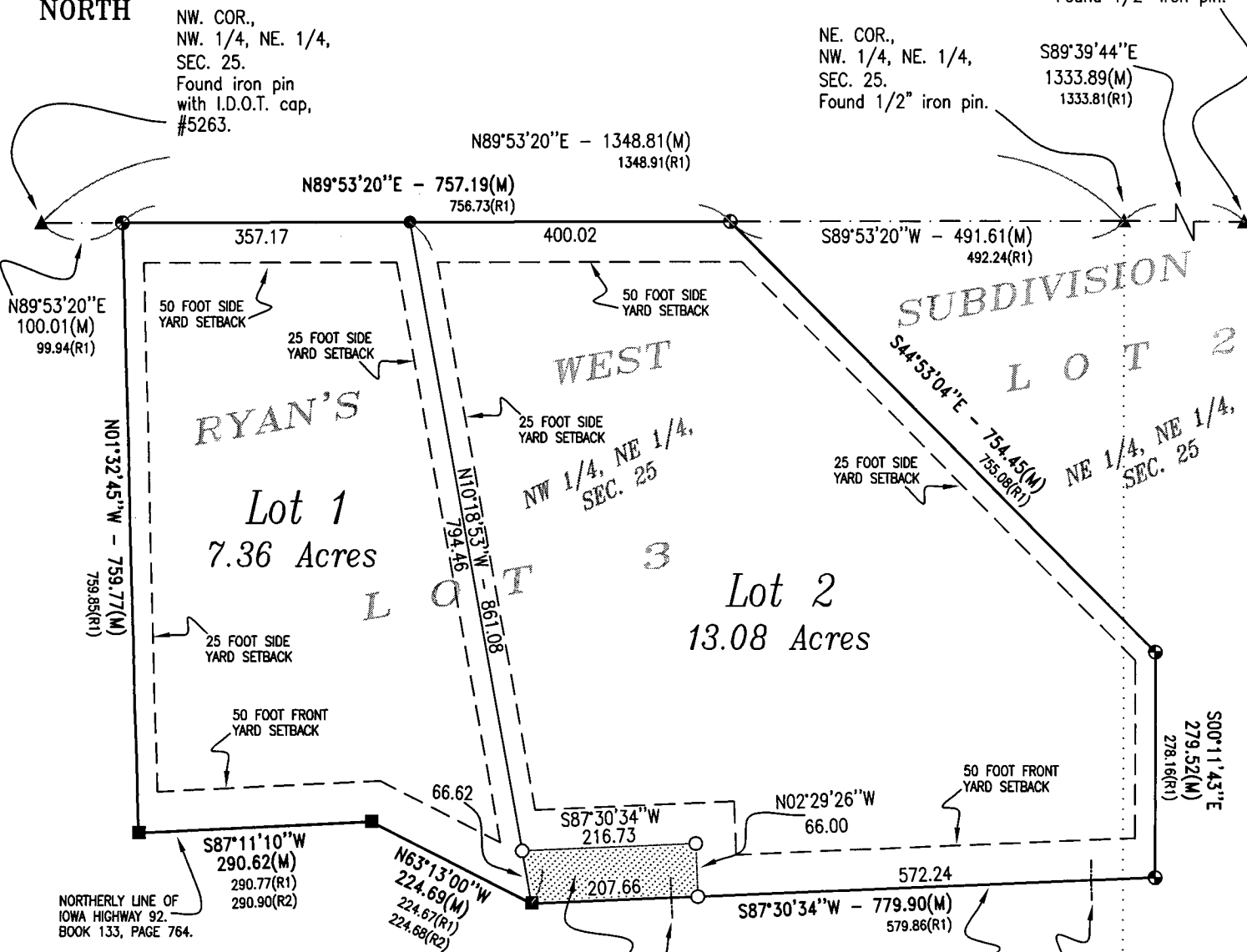


NE. COR.,  
NE. 1/4, NE. 1/4,  
SEC. 25.  
Found 1/2" iron pin.

NE. COR.,  
NW. 1/4, NE. 1/4,  
SEC. 25.  
Found 1/2" iron pin.

S89°39'44"E  
1333.89(M)  
1333.81(R1)

NW. COR.,  
NW. 1/4, NE. 1/4,  
SEC. 25.  
Found iron pin  
with I.D.O.T. cap,  
#5263.



#### LINE LEGEND

- SUBDIVISION BOUNDARY LINE
- LOT LINE
- - - SECTION LINE
- ..... APPROXIMATE SECTION LINE
- - - - - BUILDING SETBACK LINE
- - - - - INGRESS AND EGRESS LINE
- \* \* \* \* \* EXISTING FENCE

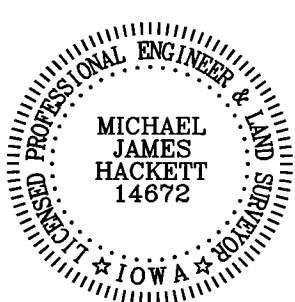
#### NOTES

ZONED: AGRICULTURAL  
 UTILITIES:  
 WATER: WARREN RURAL WATER  
 SEWAGE DISPOSAL: INDIVIDUAL SYSTEMS  
 ELECTRICITY: MID AMERICAN ENERGY

MEASURED: (M), IF DIFFERENT THAN RECORDED  
 RECORDED: (R1) = BOOK 2001, PAGE 1844A  
 RECORDED: (R2) = BOOK 133, PAGE 764.

#### MONUMENTS

- ▲ - section corner; set or found (pipe, stone, etc.).
- - set 5/8" x 18" rebar with red plastic cap, PLS #14672.
- ⊙ - found 1/2" rebar with yellow plastic cap, #6808.
- - no monument found or set.
- - found iron pin with I.D.O.T. cap, no number.



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Iowa.

Signed *Michael James Hackett* Date 8-10-2011  
 Michael James Hackett Iowa Lic. No. 14672  
 My license renewal date is 12/31/2012.  
 Pages covered by this seal: 1 and 2.

SURVEY FOR: ROBERT H. & KELLI L. BENSHOOF, 710 W. SOUTH STREET, WINTERSSET, IA 50273

OWNER: TED BENSHOOF, 1931 QUAIL RIDGE AVE., WINTERSSET, IA 50273

8-30-11

APPROVED

**B & K SUBDIVISION**  
**Lot 3, Ryan's West Subdivision,**  
**NW 1/4 of the NE 1/4, and the NE 1/4 of the NE 1/4, SEC. 25, T-76N, R-27W**  
**MADISON COUNTY, IOWA**

LEGAL DESCRIPTION

Lot 3 of Ryan's West Subdivision recorded in Book 2001, Page 1844A, Madison County Recorder's office, Madison County, Iowa, located in the Northwest Quarter of the Northeast Quarter and the Northeast Quarter of the Northeast Quarter of Section 25, Township 76 North, Range 27 West of the Fifth Principal Meridian, Madison County, Iowa, described as follows:

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Said tract contains 20.44 acres.

LOT 1

NW 1/4, NE 1/4, SEC. 25 = 7.36 ACRES

TOTAL ACRES OF LOT 1 = 7.36 ACRES

LOT 2

NW 1/4, NE 1/4, SEC. 25 = 13.05 ACRES

NE 1/4, NE 1/4, SEC. 25 = 0.03 ACRES

TOTAL ACRES OF LOT 2 = 13.08 ACRES