

**PLAT AND CERTIFICATE  
FOR TOP VIEW ACRES 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 Top View Acres 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. Affidavit concerning fences.

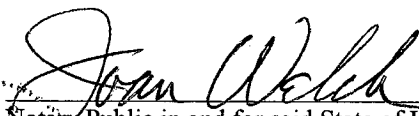
all of which are duly certified in accordance with the Madison County Zoning Ordinance.



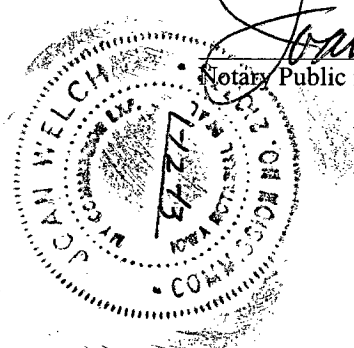
C. J. Nicholl, Zoning Administrator of Madison  
County, Iowa

STATE OF IOWA, COUNTY OF MADISON

This instrument was acknowledged before me on this 15th day of November, 2011 by C.J. Nicholl.



Notary Public in and for said State of Iowa



**DESCRIPTION - TOP VIEW ACRES:**

That part of the Southwest Quarter of the Southeast Quarter of Section 3, Township 75 North, Range 26 West of the 5th P.M., Madison County, Iowa, described as follows;

Beginning at the southeast corner of said Southwest Quarter of the Southeast Quarter; thence an assumed bearing of South 86 degrees 13 minutes 25 seconds West, 338.18 feet along the south line of said Southwest Quarter of the Southeast Quarter; thence North 03 degrees 00 minutes 44 seconds West, 1011.83 feet; thence North 86 degrees 24 minutes 50 seconds East, 379.99 feet to the southeast corner of a tract of land described in a Warranty Deed recorded in Book 137 Page 467, and to the east line of said Southwest Quarter of the Southeast Quarter; thence South 00 degrees 38 minutes 37 seconds East, 1011.99 feet along said east line to the point of beginning, having an area of 8.34 acres including 1.05 acres of Madison County Road Easement.

**CONSENT TO PLATTING  
BY COMMUNITY STATE BANK**

Community 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

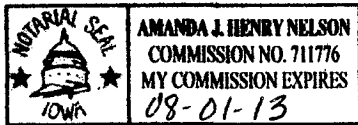
Dated this 18<sup>th</sup> day of October, 2011.

COMMUNITY STATE BANK

By [Signature] J.P.

STATE OF Iowa, COUNTY OF Warren

This instrument was acknowledged before me on this 18 day of October, 2011  
by Steven Warrington as vice President of Community Bank  
aka Community State Bank



Amanda J. Henry Nelson  
Notary Public in and for said State

DESCRIPTION – TOP VIEW ACRES:

That part of the Southwest Quarter of the Southeast Quarter of Section 3, Township 75 North, Range 26 West of the 5th P.M., Madison County, Iowa, described as follows;

Beginning at the southeast corner of said Southwest Quarter of the Southeast Quarter; thence an assumed bearing of South 86 degrees 13 minutes 25 seconds West, 338.18 feet along the south line of said Southwest Quarter of the Southeast Quarter; thence North 03 degrees 00 minutes 44 seconds West, 1011.83 feet; thence North 86 degrees 24 minutes 50 seconds East, 379.99 feet to the southeast corner of a tract of land described in a Warranty Deed recorded in Book 137 Page 467, and to the east line of said Southwest Quarter of the Southeast Quarter; thence South 00 degrees 38 minutes 37 seconds East, 1011.99 feet along said east line to the point of beginning, having an area of 8.34 acres including 1.05 acres of Madison County Road Easement.

**DEDICATION OF PLAT  
OF  
TOP VIEW ACRES SUBDIVISION**

KNOW ALL MEN BY THESE PRESENTS:

That Rick D. Kimmel, does hereby certify that he is the sole owner and proprietor of the following-described real state:

See Attached

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

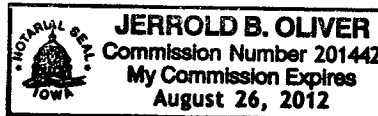
DATED this 13 day of Oct, 2011.

Rick D Kimmel  
Rick D. Kimmel

STATE OF IOWA, COUNTY OF MADISON

This instrument was acknowledged before me on this 13 day of Oct, 2011, by Rick D. Kimmel.

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



DESCRIPTION - TOP VIEW ACRES:

That part of the Southwest Quarter of the Southeast Quarter of Section 3, Township 75 North, Range 26 West of the 5th P.M., Madison County, Iowa, described as follows;

Beginning at the southeast corner of said Southwest Quarter of the Southeast Quarter; thence an an assumed bearing of South 86 degrees 13 minutes 25 seconds West, 338.18 feet along the south line of said Southwest Quarter of the Southeast Quarter; thence North 03 degrees 00 minutes 44 seconds West, 1011.83 feet; thence North 86 degrees 24 minutes 50 seconds East, 379.99 feet to the southeast corner of a tract of land described in a Warranty Deed recorded in Book 137 Page 467, and to the east line of said Southwest Quarter of the Southeast Quarter; thence South 00 degrees 38 minutes 37 seconds East, 1011.99 feet along said east line to the point of beginning, having an area of 8.34 acres including 1.05 acres of Madison County Road Easement.

**ATTORNEY'S OPINION FOR FINAL PLAT,  
TOP VIEW ACRES**

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 16, 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, Top View Acres, Madison County, Iowa:

SEE LEGAL DESCRIPTION ATTACHED

In my opinion, merchantable title to the above described property is in the name of Rick D. Kimmel, free and clear of all liens and encumbrances, except the following:

1. Entry No. 47 shows a Deed of Trust from Rick D. Kimmel, a Single Person, to Community State Bank dated November 16, 2006, and filed November 17, 2006, in Book 2006, Page 4805 of the Recorder's Office of Madison County, Iowa.

2. We call to your attention Easements for water pipeline purposes to Warren Water District which are as follows:

A. Entry No. 29 shows an Easement to Warren Water, Inc. dated August 26, 1998, and filed December 15, 1998, in Deed Record 145, Page 520 of the Recorder's Office of Madison County, Iowa, for water pipeline purposes.

B. Entry No. 33 shows an Easement to Warren Water, Inc. dated June 15, 2001, and filed July 13, 2001, in Book 2001, Page 3053 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 RICK D. KIMMEL



DESCRIPTION - TOP VIEW ACRES:

That part of the Southwest Quarter of the Southeast Quarter of Section 3, Township 75 North, Range 26 West of the 5th P.M., Madison County, Iowa, described as follows;

Beginning at the southeast corner of said Southwest Quarter of the Southeast Quarter; thence on an assumed bearing of South 86 degrees 13 minutes 25 seconds West, 338.18 feet along the south line of said Southwest Quarter of the Southeast Quarter; thence North 03 degrees 00 minutes 44 seconds West, 1011.83 feet; thence North 86 degrees 24 minutes 50 seconds East, 379.99 feet to the southeast corner of a tract of land described in a Warranty Deed recorded in Book 137 Page 467, and to the east line of said Southwest Quarter of the Southeast Quarter; thence South 00 degrees 38 minutes 37 seconds East, 1011.99 feet along said east line to the point of beginning, having an area of 8.34 acres including 1.05 acres of Madison County Road Easement.

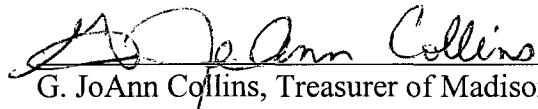
**CERTIFICATE OF THE COUNTY TREASURER  
OF MADISON COUNTY, IOWA**

---

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 25<sup>th</sup> day of October, 2011.

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

**DESCRIPTION -- TOP VIEW ACRES:**

That part of the Southwest Quarter of the Southeast Quarter of Section 3, Township 75 North, Range 26 West of the 5th P.M., Madison County, Iowa, described as follows;

Beginning at the southeast corner of said Southwest Quarter of the Southeast Quarter; thence an assumed bearing of South 86 degrees 13 minutes 25 seconds West, 338.18 feet along the south line of said Southwest Quarter of the Southeast Quarter; thence North 03 degrees 00 minutes 44 seconds West, 1011.83 feet; thence North 86 degrees 24 minutes 50 seconds East, 379.99 feet to the southeast corner of a tract of land described in a Warranty Deed recorded in Book 137 Page 467, and to the east line of said Southwest Quarter of the Southeast Quarter; thence South 00 degrees 38 minutes 37 seconds East, 1011.99 feet along said east line to the point of beginning, having an area of 8.34 acres including 1.05 acres of Madison County Road Easement.

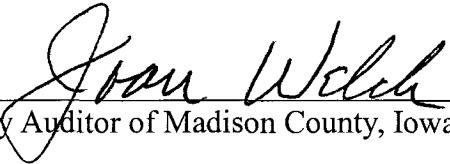
**APPROVAL OF SUBDIVISION PLAT NAME BY  
MADISON COUNTY AUDITOR**

Date 10-14-11

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

Top View Acres

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

DESCRIPTION -- TOP VIEW ACRES:

That part of the Southwest Quarter of the Southeast Quarter of Section 3, Township 75 North, Range 26 West of the 5th P.M., Madison County, Iowa, described as follows;

Beginning at the southeast corner of said Southwest Quarter of the Southeast Quarter; thence an assumed bearing of South 86 degrees 13 minutes 25 seconds West, 338.18 feet along the south line of said Southwest Quarter of the Southeast Quarter; thence North 03 degrees 00 minutes 44 seconds West, 1011.83 feet; thence North 86 degrees 24 minutes 50 seconds East, 379.99 feet to the southeast corner of a tract of land described in a Warranty Deed recorded in Book 137 Page 467, and to the east line of said Southwest Quarter of the Southeast Quarter; thence South 00 degrees 38 minutes 37 seconds East, 1011.99 feet along said east line to the point of beginning, having an area of 8.34 acres including 1.05 acres of Madison County Road Easement.

**RESOLUTION APPROVING FINAL PLAT  
OF TOP VIEW ACRES 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 Top View Acres 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 proprietor, Top View Acres; 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 Top View Acres 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 Top View Acres 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 8 day of November 2011.

Robert Weeks

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

ATTEST

Jean Welch  
Madison County Auditor

DESCRIPTION – TOP VIEW ACRES:

That part of the Southwest Quarter of the Southeast Quarter of Section 3, Township 75 North, Range 26 West of the 5th P.M., Madison County, Iowa, described as follows;

Beginning at the southeast corner of said Southwest Quarter of the Southeast Quarter; thence an assumed bearing of South 86 degrees 13 minutes 25 seconds West, 338.18 feet along the south line of said Southwest Quarter of the Southeast Quarter; thence North 03 degrees 00 minutes 44 seconds West, 1011.83 feet; thence North 86 degrees 24 minutes 50 seconds East, 379.99 feet to the southeast corner of a tract of land described in a Warranty Deed recorded in Book 137 Page 467, and to the east line of said Southwest Quarter of the Southeast Quarter; thence South 00 degrees 38 minutes 37 seconds East, 1011.99 feet along said east line to the point of beginning, having an area of 8.34 acres including 1.05 acres of Madison County Road Easement.



**AGREEMENT**

This Agreement, made and entered into, by and between, the proprietor of Top View Acres and Todd Hagan, Madison County Engineer.

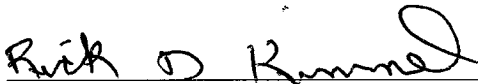
NOW THEREFORE IT IS AGREED AS FOLLOWS:

1. The proprietor of Top View Acres, a Plat of the following described real estate:

See Attached

hereby agree that all private roads located within Top View Acres are private roads and are not being dedicated to Madison County, Iowa. Said proprietor consents and agree sthat such roads shall not be maintained in any manner by Madison County, Iowa, or the Madison County Engineer's Department.

PROPRIETOR OF TOP VIEW ACRES

  
Rick D. Kimmel

  
Todd Hagan, Madison County Engineer 10/18/2011

DESCRIPTION – TOP VIEW ACRES:

That part of the Southwest Quarter of the Southeast Quarter of Section 3, Township 75 North, Range 26 West of the 5th P.M., Madison County, Iowa, described as follows;

Beginning at the southeast corner of said Southwest Quarter of the Southeast Quarter; thence an assumed bearing of South 86 degrees 13 minutes 25 seconds West, 338.18 feet along the south line of said Southwest Quarter of the Southeast Quarter; thence North 03 degrees 00 minutes 44 seconds West, 1011.83 feet; thence North 86 degrees 24 minutes 50 seconds East, 379.99 feet to the southeast corner of a tract of land described in a Warranty Deed recorded in Book 137 Page 467, and to the east line of said Southwest Quarter of the Southeast Quarter; thence South 00 degrees 38 minutes 37 seconds East, 1011.99 feet along said east line to the point of beginning, having an area of 8.34 acres including 1.05 acres of Madison County Road Easement.

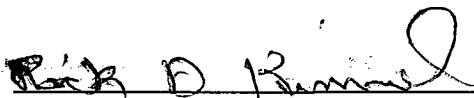
**AFFIDAVIT**

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

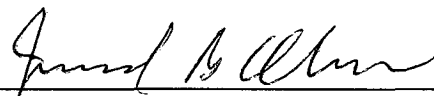
I, Rick D. Kimmel, being first duly sworn on oath state that this Affidavit concerns the following described real estate:

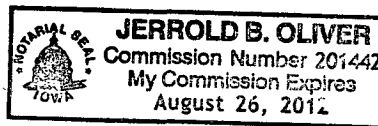
See Attached

I further state that I am the owner of said real estate and know of my own personal knowledge that a lawful fence is constructed on all boundaries of the above described real estate.

  
Rick D. Kimmel

Subscribed and sworn to before me on this 14, day of Nov, 2011.

  
Notary Public in and for the State of Iowa

 **JERROLD B. OLIVER**  
Commission Number 201442  
My Commission Expires  
August 26, 2012

**DESCRIPTION - TOP VIEW ACRES:**

That part of the Southwest Quarter of the Southeast Quarter of Section 3, Township 75 North, Range 26 West of the 5th P.M., Madison County, Iowa, described as follows;

Beginning at the southeast corner of said Southwest Quarter of the Southeast Quarter; thence on an assumed bearing of South 86 degrees 13 minutes 25 seconds West, 338.18 feet along the south line of said Southwest Quarter of the Southeast Quarter; thence North 03 degrees 00 minutes 44 seconds West, 1011.83 feet; thence North 86 degrees 24 minutes 50 seconds East, 379.99 feet to the southeast corner of a tract of land described in a Warranty Deed recorded in Book 137 Page 467, and to the east line of said Southwest Quarter of the Southeast Quarter; thence South 00 degrees 38 minutes 37 seconds East, 1011.99 feet along said east line to the point of beginning, having an area of 8.34 acres including 1.05 acres of Madison County Road Easement.

**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, I, Rick D. Kimmel, being first duly sworn on oath, do solemnly swear to affirm that:

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

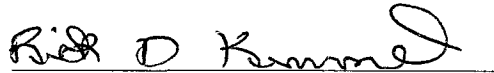
See Attached

As owner or occupant 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.

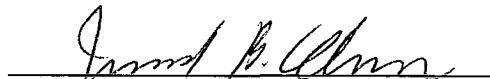
I am aware that loss limit regulations prohibit sediment from leaving the site in excess of 5 tons per acre per year. The land disturbing activities described above will be conducted in a manner that will insure compliance with the soil loss limit regulations.

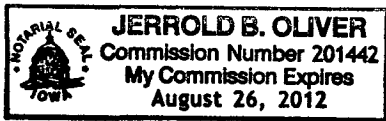
I assume responsibility for all land disturbing activities conducted on this property by us or other people entities we represent. This authority covers only the land and land disturbing activity described above .

I am the owners of the land, and have full authority to enter into this agreement.

  
Rick D. Kimmel

Subscribed and sworn to before me on this 13 day of Oct, 2011.

  
Notary Public in and for the State of Iowa



DESCRIPTION - TOP VIEW ACRES:

That part of the Southwest Quarter of the Southeast Quarter of Section 3, Township 75 North, Range 26 West of the 5th P.M., Madison County, Iowa, described as follows;

Beginning at the southeast corner of said Southwest Quarter of the Southeast Quarter; thence an assumed bearing of South 86 degrees 13 minutes 25 seconds West, 338.18 feet along the south line of said Southwest Quarter of the Southeast Quarter; thence North 03 degrees 00 minutes 44 seconds West, 1011.83 feet; thence North 86 degrees 24 minutes 50 seconds East, 379.99 feet to the southeast corner of a tract of land described in a Warranty Deed recorded in Book 137 Page 467, and to the east line of said Southwest Quarter of the Southeast Quarter; thence South 00 degrees 38 minutes 37 seconds East, 1011.99 feet along said east line to the point of beginning, having an area of 8.34 acres including 1.05 acres of Madison County Road Easement.



Book 2011 Page 3069 Type 06 044 Pages 23  
Date 11/15/2011 Time 4:11 PM  
Rec Amt \$117.00 Aud Amt \$5.00

INDX  
ANNO  
SCAN

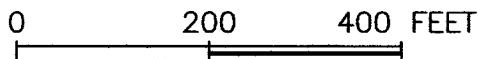
LISA SMITH, COUNTY RECORDER  
MADISON COUNTY IOWA

CHEK

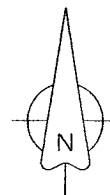
DANIELS LAND SURVEYING, 22598 18TH AVE, NEW VIRGINIA, IA 50210 515-577-2583

# TOP VIEW ACRES - FINAL PLAT

SW 1/4 OF THE SE 1/4, SEC. 3, T 75N, R 26W  
MADISON COUNTY, IOWA



NE COR., SW 1/4,  
SE 1/4 COR., SEC. 3  
1/2" yellow plastic  
capped rebar, #5041



### DESCRIPTION - TOP VIEW ACRES:

That part of the Southwest Quarter of the Southeast Quarter of Section 3, Township 75 North, Range 26 West of the 5th P.M., Madison County, Iowa, described as follows:

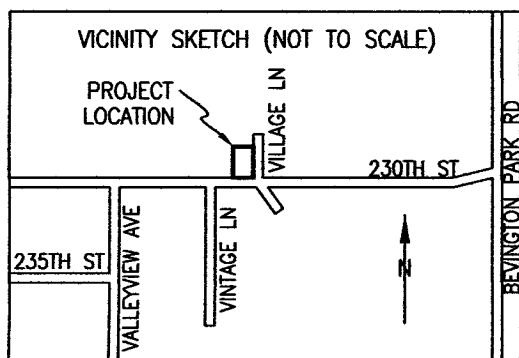
Beginning at the southeast corner of said Southwest Quarter of the Southeast Quarter; thence an assumed bearing of South 86 degrees 13 minutes 25 seconds West, 338.18 feet along the south line of said Southwest Quarter of the Southeast Quarter; thence North 03 degrees 00 minutes 44 seconds West, 1011.83 feet; thence North 86 degrees 24 minutes 50 seconds East, 379.99 feet to the southeast corner of a tract of land described in a Warranty Deed recorded in Book 137 Page 467, and to the east line of said Southwest Quarter of the Southeast Quarter; thence South 00 degrees 38 minutes 37 seconds East, 1011.99 feet along said east line to the point of beginning, having an area of 8.34 acres including 1.05 acres of Madison County Road Easement.

### ADJACENT LAND OWNERS:

- A - Joseph D. Bequette & Julia R. Eaton
- B - Rick D. Kimmel
- C - Billie B & Bonnie J McKibben
- D - Arleen Williamson
- E - Paul Williamson

Current Zoning Classification - Ag

Septic - Private System  
Water - Rural Water



S 1/4 COR., SEC. 3  
1/2" yellow plastic  
capped rebar, #5041

S 86°13'25" W 965.19'

230TH STREET (80')

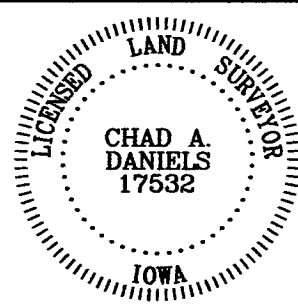
SE COR., SW 1/4,  
SE 1/4 COR., SEC. 3  
1/2" yellow plastic  
capped rebar, #5041

BASIS OF BEARINGS IS GPS NORTH

- ( ) - Recorded Distance/Bearing
- County Road Easement
- Section line
- Setback line (distance)

### Monuments

- ▲ - Found section corner
- - Set 1/2" red plastic capped rebar, #17532
- - Found 1/2" yellow plastic capped rebar, #5041



I hereby certify that this surveying document was prepared by me 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 *Chad A. Daniels* 10/30/2011  
Chad A. Daniels Date

Iowa License No. 17532  
My license renewal date is 12-31-2012  
Page No.'s covered by this seal: 1

SUBDIVIDER AND OWNER: Rick D Kimmel, 3145 230th Street, St. Charles, IA 50240

PROJ. NO. 295

DATE OF SURVEY: 10/26/2011

PAGE 1 of 1