ENTERED FOR TAXATION
THIS 15 DAY OF Jan 1980
AUDITORS FEE $ 2.00
AUDITOR

DEPUTY AUDITOR

KEPHART'S ADDITION TO ST. CHARLES, IOWA

PLAT NO. 2

(A Subdivision)

St. Charles, Iowa

D E D I C A T I O N

FILED NO. 1207
BOOK 49 PAGE 429

1980 JAN 15 PM 2:05

MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA
Fee $42.00
Plat $3.00

FOR PLAT SEE TOWN PLAT BOOK 1 - PAGE 248

STATE OF IOWA, Madison County, ss:

We, the undersigned, DALE E. KEPHART and CONNIE K. KEPHART, of the City of St. Charles, Iowa and County of Madison, Iowa, do hereby certify that we are the owners in fee simple of all of the real estate embraced with the limits of the plat of KEPHART'S ADDITION TO ST. CHARLES, IOWA, Plat No. 2, a Subdivision, in St. Charles, Iowa, which plat is hereto attached and by this reference, made a part of this Dedication.

As part of this DEDICATION we expressly dedicate for public use all streets designated in said plat to the City of St. Charles, Iowa.

We, the undersigned, DALE E. KEPHART and CONNIE K. KEPHART, do further hereby certify and declare that said plat was made with our consent and that this Dedication is the free act and deed of the undersigned.

Dale E. Kephart and Connie K. Kephart, husband and wife, hereby release any dower interest either may have in the real estate comprising Kephart's Addition to St. Charles, Iowa.

Dated at Winterset, Iowa, this 9 day of JANUARY, 1980.

Dale E. Kephart

Dale E. Kephart

Connie K. Kephart

Connie K. Kephart

STATE OF IOWA, Madison County, ss:

Be it remembered that on the 9 day of JANUARY, 1980, before me, a Notary Public in and for Madison County, State of Iowa, personally appeared Dale E. Kephart and Connie K. Kephart, husband and wife, to me personally known, who being by me duly sworn, did state that Dale E. Kephart and Connie K. Kephart are the owners in fee simple of the real estate above described embraced within the plat hereto attached; that said plat was made with their consent; that said Dedication was executed by them and they acknowledged the execution of said Dedication to be their voluntary act and deed.

WITNESS my hand and notarial seal the day and year last shown above.

IND. ✓
REC. ✓
PAGE ✓

NOTARIAL SEAL IOWA
CHET R. CHICKERING
30 SEP 80

Chet R. Chickering

Chet R. Chickering
Notary Public in and for the State of Iowa.

SURVEYOR'S CERTIFICATE

for

KEPHART'S ADDITION TO ST. CHARLES, IOWA

Plat No. 2

(A Subdivision)

I, the undersigned, J. M. Hochstetler, do hereby certify that I am a registered Land Surveyor and that the accompanying Plat designated "KEPHART'S ADDITION TO ST. CHARLES, IOWA, PLAT NO. 2," a Subdivision in the County of Madison, State of Iowa, dated the 11th day of November, 1979, is a true and correct plat of a survey made by me concerning a tract of land owned by DALE E. KEPHART and CONNIE K. KEPHART of the City of St. Charles, County of Madison, State of Iowa, described as follows:

DESCRIPTION:
A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER (SE¼) OF THE NORTHEAST QUARTER (NE¼) OF SECTION 23, TOWNSHIP 75NORTH RANGE 26 WEST OF THE 5TH P.M. ST. CHARLES, MADISON COUNTY, IOWA DESCRIBED AS COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER (SE¼) OF THE NORTHEAST QUARTER (NE¼) OF SAID SECTION 23 THENCE S.0°00' ALONG THE EAST LINE OF SAID SE¼ OF THE NE¼ 779.66 FEET TO POINT OF BEGINNING; THENCE N.90°00'W. 1,192.20 FEET TO THE SOUTHEASTERLY RIGHT OF WAY OF THE ABANDONED CHICAGO, BURLINGTON AND QUINCY RAILROAD (ALSO KNOWN AS THE DES MOINES, OSCEOLA AND SOUTHERN RAILROAD); THENCE SOUTHWESTERLY ALONG SAID RIGHT OF WAY 80.17 FEET ALONG A 717.30 FEET RADIUS CURVE CONCAVE SOUTHEASTERLY WITH A 80.08 FEET CHORD BEARING S.19°17'W.; THENCE SOUTHWESTERLY 259.48 FEET ALONG A 1,452.84 FEET RADIUS CURVE CONCAVE SOUTHEASTERLY WITH A 259.14 FEET CHORD BEARING S.10°58'W.; THENCE N.90°00'E. 1,267.94 FEET TO THE EAST LINE OF SAID SE¼ OF THE NE¼; THENCE N.00°00' 330.00 FEET TO POINT OF BEGINNING CONTAINING 9.3775 ACRES AND DIVIDED INTO 26 LOTS NUMBERED 20 THROUGH 45 AND 3 STREETS DESIGNATED LOTS D, E AND F. LOT D IS AN EXTENSION OF CLARK STREET AND IS 66.00 FEET IN WIDTH, LOT E IS DESIGNATED AS CARPENTER STREET AND IS 66.00 FEET IN WIDTH, AND LOT F IS THE WEST HALF OF MORGAN STREET AND IS 33.00 FEET IN WIDTH.

That the location, dimensions and courses of the boundaries of all Lots and Streets are shown on said Plat.

That the distances shown upon said Plat are in feet and decimal parts of a foot. All distances shown on curves are arc distances and all curve lines are arcs of curves with radii as indicated on said Plat.

That the true point of beginning of the tract of real estate comprising said subdivision is described as:

> Commencing at the Northeast Corner of the Southeast Quarter (SE¼) of the Northeast Quarter (NE¼) of said section 23 thence S.0°00' along the east line of said SE¼ of the NE¼ 779.66 feet to point of beginning;

said true point of beginning is in the description hereinabove set forth.

That in making said survey, iron monuments were found, or set by me at each corner of said subdivision.

That said survey consists of one addition titled as follows:

(1) Kephart's Addition to St. Charles, Iowa, Plat No. 2

a subdivision in Madison County, Iowa, containing a total of 26 lots, numbered 20-45.

That said survey was prepared by me or under my direct supervision, and that I am a duly registered Land Surveyor under the Laws of the State of Iowa.

The undersigned further states that the west boundary line of KEPHART'S ADDITION TO ST. CHARLES, IOWA, Plat No. 2, coincides with and is identical with the eastern right-of-way line of the abandoned Chicago, Burlington & Quincy Railroad, formerly the Des Moines, Osceola and Southern Railroad.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 29 day of November, 1979.

J. M. Hochstetler, Iowa Land Surveyor No. 6808

STATE OF IOWA, Madison County, ss:

Subscribed and sworn to before me and in my presence by the said J. M. Hochstetler this 29 day of NOVEMBER, 1979.

CHET R. CHICKERING
30 SEP 80

Chet R. Chickering
Notary Public in and for the State of Iowa.

3

KEPHART'S ADDITION TO ST. CHARLES, IOWA, PLAT NO. 2

(A Subdivision)

CERTIFICATE OF ACCEPTANCE OF PLAT

STATE OF IOWA, Madison County, ss:

I. Raymond D. Tracy, being first duly sworn on oath do hereby depose and state that I am Mayor of the City of St. Charles, Iowa, in Madison County; that the plat attached hereto designated "KEPHART'S ADDITION TO ST. CHARLES, IOWA, PLAT NO. 2," a Subdivision, was on the 14 day of January, 1980, presented to the City Council of the City of St. Charles, Iowa, for examination and approval and that said plat was on the 14 day of January, 1980, examined and approved by said City Council by Resolution, a true copy of which Resolution is attached hereto marked Exhibit "A", and by this reference made a part hereof; and I, as Mayor of the City of St. Charles, Iowa, was directed to certify said examination, consent and approval in order to entitle said plat to be recorded in the office of the recorder of Madison County, Iowa.

Dated at St. Charles, Iowa, this 14 day of January, 1980.

Raymond D. Tracy
Raymond D. Tracy
Mayor of the City of St. Charles,
Madison County, Iowa

ATTEST:

Janet Lea Downs
Janet Lea Downs
City Clerk of the City of St. Charles,
Madison County, Iowa.

Subscribed and sworn to before me and in my presence this 14 day of JANUARY, 1980.

NOTARIAL SEAL IOWA CHET R. CHICKERING 30 SEP 80

Chet R. Chickering
Chet R. Chickering
Notary Public in and for the State of Iowa.

4

DARLING & CHICKERING
ATTORNEYS AT LAW
53 JEFFERSON STREET
WINTERSET, IOWA 50273

GORDON K. DARLING
CHET R. CHICKERING
GORDON K. DARLING, JR.

AREA CODE 515
TELEPHONE
462-2442

DES MOINES AREA
TELEPHONE
996-2536

January 3, 1980

Dale E. Kephart & Connie K. Kephart
St. Charles
Iowa 50240

Dear Mr. and Mrs. Kephart:

I have this day completed examination of Abstract of Title No. 7263 and numerous continuations thereto pertaining to the following described real estate, to-wit:

A parcel of land described as beginning at the Southeast corner of the Northeast Quarter (¼) of Section Twenty-three (23), in Township Seventy-five (75) North, Range Twenty-six (26) West of the 5th P. M., St. Charles, Madison County, Iowa, thence North along the East line of said Northeast Quarter (¼) 534.12 feet to a point 779.66 feet South of the Northeast corner of the Southeast Quarter (¼) of the Northeast Quarter (¼) of said Section Twenty-three (23), thence West 1,192.20 feet to the Southeast fence line of the abandoned Des Moines, Osceola & Southern Railroad, thence Southwesterly along a 717.30 feet radius curve concave Southeasterly 80.17 feet having a 80.08 feet chord bearing South 19° 17' West, thence Southwesterly along a 1,452.84 feet radius curve concave Southeasterly 259.48 feet having a 259.14 feet chord bearing South 10° 58' West, thence South 0° 04' West 311.74 feet to the South line of said Southeast Quarter (¼) of the Northeast Quarter (¼), thence North 85° 09' East 1,272.86 feet to point of beginning, containing 16.8619 acres including 0.4057 acres of road right-of-way,

which abstract has been continued and certified to 13 December 1979 at 8:00 o'clock A.M. by the Security Loan and Abstract Company of Winterset, Iowa.

On the basis of this examination I find merchantable title to be in

DALE E. KEPHART AND CONNIE K. KEPHART,

as tenants in common,

subject to the following:

1. The above described property is subject to several easements of record for the construction and maintenance of a tile drainage line. They are recorded at:

A. Deed Record 31, Page 81
B. Deed Record 37, Page 82
C. Deed Record 37, Page 83

I am unable to determine from the abstract whether the dimensions of the easements listed actually fall within the boundaries of the real estate described above.

2. The real estate described above is subject to a City Ordinance enacted by the City of St. Charles, Iowa, filed at Miscellaneous Records 26, Page 572, which establishes the entire corporate limits of the Town of St. Charles as a restricted residence district.

3. The above described real estate is subject to a comprehensive zoning ordinance enacted by Madison County, Iowa. Maps accompanying said ordinance depict the real estate above as agricultural land comprehensively zoned for residential purposes.

4. All real estate tax upon the above described property is shown paid in full.

Yours truly,

DARLING & CHICKERING

Chet R. Chickering

CRC:ke

KEPHART'S ADDITION TO ST. CHARLES, IOWA, PLAT NO. 2

(A Subdivision)

EXHIBIT "A"

R E S O L U T I O N

WHEREAS, there has been presented to the City Council of the City of St. Charles, Iowa, plat of a tract of land located in the Southeast Quarter (¼) of the Northeast Quarter (¼) of Section 23, Township 75 North, Range 26 West of the 5th P.M., Madison County, Iowa, more particularly described as follows:

DESCRIPTION:
A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER (SE¼) OF THE NORTHEAST QUARTER (NE¼) OF SECTION 23, TOWNSHIP 75NORTH RANGE 26 WEST OF THE 5TH P.M. ST. CHARLES, MADISON COUNTY, IOWA DESCRIBED AS COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER (SE¼) OF THE NORTHEAST QUARTER (NE¼) OF SAID SECTION 23 THENCE S.0°00' ALONG THE EAST LINE OF SAID SE¼ OF THE NE¼ 779.66 FEET TO POINT OF BEGINNING; THENCE N.90°00'W. 1,192.20 FEET TO THE SOUTHEASTERLY RIGHT OF WAY OF THE ABANDONED CHICAGO, BURLINGTON AND QUINCY RAILROAD (ALSO KNOWN AS THE DES MOINES, OSCEOLA AND SOUTHERN RAILROAD); THENCE SOUTHWESTERLY ALONG SAID RIGHT OF WAY 80.17 FEET ALONG A 717.30 FEET RADIUS CURVE CONCAVE SOUTHEASTERLY WITH A 80.08 FEET CHORD BEARING S.19°17'W.; THENCE SOUTHWESTERLY 259.48 FEET ALONG A 1,452.84 FEET RADIUS CURVE CONCAVE SOUTHEASTERLY WITH A 259.14 FEET CHORD BEARING S.10°58'W.; THENCE N.90°00'E. 1,267.94 FEET TO THE EAST LINE OF SAID SE¼ OF THE NE¼; THENCE N.00°00' 330.00 FEET TO POINT OF BEGINNING CONTAINING 9.3775 ACRES AND DIVIDED INTO 26 LOTS NUMBERED 20 THROUGH 45 AND 3 STREETS DESIGNATED LOTS D, E AND F. LOT D IS AN EXTENSION OF CLARK STREET AND IS 66.00 FEET IN WIDTH, LOT E IS DESIGNATED AS CARPENTER STREET AND IS 66.00 FEET IN WIDTH, AND LOT F IS THE WEST HALF OF MORGAN STREET AND IS 33.00 FEET IN WIDTH.

which plat lays out and subdivides the above described real estate into one addition titled as: KEPHART'S ADDITION TO ST. CHARLES, IOWA, PLAT NO. 2, consisting of a total of 26 lots:

WHEREAS, said plat has been examined by the Zoning Commission of the City of St. Charles, Iowa, and a report made thereon which has been previously presented to the City Council of St. Charles, Iowa; and at the meeting of said Zoning Commission held in St. Charles, Iowa on 9 October 1978, a voting member of said Zoning Commission made the following motion in part:

> "I move that we recommend to the City Council of the City of St. Charles, Iowa, the approval of KEPHART'S ADDITION TO ST. CHARLES, IOWA, PLAT NO. 2, A Subdivision."

The motion was seconded and approved.

WHEREAS, the City Council of the City of St. Charles, Iowa, in and for Madison County, Iowa, finds that said plat is conducive to an orderly development within the City of St. Charles, Iowa, not in conflict and does not interfere with the right of way of any extensions of the City of St. Charles, Iowa, road systems as now established and is in keeping and in harmony with the comprehensive plan of zoning as now in force and effect within the City of St. Charles, Iowa; and

WHEREAS, it is the opinion of the City Council of the City of St. Charles, Iowa, that the plat should be approved as is by law provided.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of St. Charles, Iowa:

That the plat named and designated KEPHART'S ADDITION TO ST: CHARLES, IOWA,PLAT NO. 2, a Subdivision in the City of St. Charles, Madison County, Iowa, be, and the same is, hereby approved and accepted by the City Council of the City of St. Charles, Iowa, located within Madison County, Iowa, and the mayor of the City of St. Charles, Iowa, be, and he is, hereby authorized and directed to certify the consent, approval and acceptance of the same by the City Council of the City of St. Charles, Iowa, in order that said plat may be recorded in the office of the Recorder of Madison County, Iowa, among the real estate records of said County.

BE IT FURTHER RESOLVED, By the CITY COUNCIL of the City of St. Charles, Iowa, that the roads and streets designated on said plat are hereby accepted by the City of St. Charles, Iowa, and Maintenance thereof shall henceforward be the obligation of the City of St. Charles, Iowa

PASSED, APPROVED AND ADOPTED this 14 day of January, 1980.

Raymond D. Tracy

Raymond D. Tracy, Mayor of the City of St. Charles, Madison County, Iowa.

ATTEST:

Janet Lea Downs

Janet Lea Downs, City Clerk of the City of St. Charles, Madison County, Iowa.

KEPHART'S ADDITION TO ST. CHARLES, IOWA, PLAT NO. 2

(A Subdivision)

CERTIFICATE OF ADOPTION OF RESOLUTION

STATE OF IOWA, Madison County, ss:

I, Raymond D. Tracy, being first duly sworn on oath do hereby depose and state that I am Mayor of the City of St. Charles, Iowa, in Madison County, Iowa, and that as such on the 14 day of January, 1980, there was submitted to the City of St. Charles, Iowa, the attached Resolution marked Exhibit "A" and that a role call vote was taken by the City Council of St. Charles, Iowa, which vote was as follows:

City Council	AYE	NAY	ABSENT ~~ABSTAIN~~
Clyde Fickes			X
Frances McKinney	X		
David Nelson	X		
David Frey	X		
Christine M. Benedict	X		

Signed at St. Charles, Iowa, this 14 day of January, 1980.

Raymond D. Tracy
Raymond D. Tracy, Mayor of the City of St. Charles, Madison County, Iowa.

ATTEST:

Janet Lea Downs
Janet Lea Downs
Clerk, St. Charles, Iowa.

Subscribed and sworn to before me and in my presence this 14 day of JANUARY, 1980.

Chet R. Chickering
Chet R. Chickering
Notary Public in and for the State of Iowa.

CHET R. CHICKERING
30 SEP 80

MADISON COUNTY TREASURER'S CERTIFICATE

I, the undersigned, Esther Frank, do hereby certify that I am the County Treasurer of Madison County, State of Iowa, and I do further certify that there are no unpaid taxes or unredeemed tax sales against any of the land embraced in the plat of "KEPHART'S ADDITION TO ST. CHARLES, IOWA, PLAT NO. 2," a Subdivision, in the City of St. Charles, Madison County, Iowa, which plat is attached hereto.

Dated at Winterset, Iowa, this 9th day of January, 1980.

Esther Frank

Esther Frank, Treasurer of Madison County, Iowa.

(SEAL)

MADISON COUNTY RECORDER'S CERTIFICATE

I, the undersigned, Mary E. Welty, do hereby certify that I am the County Recorder of the County of Madison, State of Iowa, and I do further certify that the title in fee simple of the land embraced in the plat of "KEPHART'S ADDITION TO ST. CHARLES, IOWA, PLAT NO. 2," a Subdivision in the City of St. Charles, Iowa, which plat is hereto attached, is vested in DALE E. KEPHART and CONNIE K. KEPHART, and that the same is free from emcumbrances as appears from the records in my office.

Dated at Winterset, Iowa, this 9 day of January, 1980.

Mary E. Welty

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

(SEAL)

CLERK OF THE MADISON COUNTY DISTRICT COURT'S CERTIFICATE

I, the undersigned, Margaret Wheeler, do hereby certify that I am the Clerk of the District Court of the State of Iowa, in and for Madison County, and I do further certify that the land embraced within the plat of "KEPHART'S ADDITION TO ST. CHARLES, IOWA, PLAT NO. 2," a Subdivision located within the City Limits of St. Charles, Iowa, which plat is attached hereto is free from all judgments, attachments, mechanic's or other liens as appears from the records in my office.

Dated at Winterset, Iowa, this 9th day of January, 1980.

Margaret Wheeler

Margaret Wheeler, Clerk of the District Court of the State of Iowa in and for Madison County.

(SEAL)

8

RESTRICTIVE COVENANTS

FOR

KEPHART'S ADDITION TO ST. CHARLES, IOWA, PLAT NO. 2

(A Subdivision)

THIS DECLARATION, is made by DALE E. KEPHART AND CONNIE K. KEPHART.

WITNESSETH:

That for the mutual benefit of the undersigned present owners and all of the future owners of all of the lots in KEPHART'S ADDITION TO ST. CHARLES, IOWA PLAT NO. 2 (a Subdivision) in St. Charles, Madison County, Iowa, and of future owners of any of said lots, the undersigned do hereby declare and bind themselves, their heirs, guarantees, transferees, executors, and legal representatives in the ownership of all of the lots in KEPHART'S ADDITION TO ST. CHARLES, IOWA PLAT NO. 2 (a Subdivision) which lies in:

> The Southeast Quarter (¼) of the Northeast Quarter (¼) of Section Twenty-three (23), Township 75 North, Range Twenty-six (26) West of the 5th P.M., St. Charles, Madison County, Iowa.

to the following protective covenants and that they shall run with the land and shall be binding upon all owners thereof so long as said covenants remain in force and effect, to-wit:

1. All lots shall be used exclusively for single-family or two family residential purposes, conventional guest houses, a child's houses, residential garages, hobby facilities or other similar structures and no other uses shall be permitted. No trailer, Mobile Home, basement, tent, garage, or other similar structure shall be used as a temporary or permanent residence, nor shall any residence of a temporary nature be permitted. Likewise no more than one residence or duplex per lot shall be permitted. No structure shall be moved onto any lot within the addition.

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

3. No noxious or offensive activity shall be carried on on any lot which activity is a nuisance to the neighborhood.

4. No debris, junk or unsightly accumulation of materials shall be allowed to remain on the premises of any lot.

5. Duplexes are expressly permitted on all lots. Lot 24 shall be exempt from the requirement for a garage set forth in paragraph 10.

6. No animals or livestock shall be permitted on any lot or part thereof except for household pets (dogs or cats) and said pets shall be kept on a leash when not in an enclosure.

7. No road shall be permitted through any lot connecting the platted addition's streets with any outlying area not a part of the subdivision.

8. Each lot owner shall keep mowed and trimmed the property on which a residence has been built. No lot or portion thereof shall be used for cultivation of farm crops.

9. Perpetual easements of 15 feet in width along all interior lot lines adjacent to the platted road of the subdivision designated as Carpenter Street and 7½ feet in width in each lot along all lot lines separating each lot in this addition from each other lot or from the street designated as Clark Street are reserved for the purpose of conveying to a governmental body or utility company for a sewer or other utility installation including maintenance thereof.

10A. In order that each single-family dwelling and structure built within the addition be in harmony and compatible with other dwellings and structures therein, and with the location, terrain, and quality objectives of and for the subdivision, the following architectural requirements shall be followed:

(A) Minimum floor areas for dwellings shall be: (1) Dwellings of one (1) story only shall be built to a size of at least 1,100 feet of floor area, all of which must be at or above grade level. (2) Dwellings with one (1) or more stories shall have at least 1,100 square feet of floor space on the first level which is partially or entirely at or above grade. (3) Dwellings with two (2) or more stories all beginning at or above finished grade level shall have at least 900 square feet on one level and with a combined floor area for all such stories of at least 1,200 square feet.

(NOTE:) All floor areas refer to the level provided as living accommodations, exclusive of garages, breeze-ways, attics, or utility basements. Measurements shall be taken to the outside of the finished walls. A utility basement shall be defined as an area not used for living purposes but solely for furnace, laundry equipment, storage, or related utility uses.

A garage not less than 15' x 20' and enclosed on all four (4) sides shall be constructed at the same time as the single-family dwelling on each lot.

10B. In order that each duplex dwelling and structure built within the addition be in harmony and compatible with other dwellings and structures therein, and with the location, terrain, and quality of objectives of and for the subdivision, the following architectural requirements shall be followed:

(A) Minimum floor area for all duplex buildings shall be 1,800 square feet.

(B) A lot owner erecting a duplex upon such lot shall erect garage facilities in accordance with one of the following:

(1) two garages (one for each residence of the duplex) not less that 15' x 20' each and enclosed on all four sides shall be constructed at the same time as the duplex dwelling on the lot.

(2) a double garage not less than 24' x 24' and enclosed on all four sides shall be constructed at the same time as the duplex dwelling on the lot.

11. These covenants are to run with the land and shall be binding on all parties and persons claiming through or under them until 1 January 1990, 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 lots, it is agreed to change the said covenants in whole or in part.

12. If the parties hereto, or any of them, or their heirs or assigns shall violate or attempt to violate any of the covenants or restrictions herein before 1 January 1990, it shall be lawful for any other person or persons owning any other lots in said development or subdivision to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenant or restriction and either to prevent him or them from so doing or to recover damages or other dues for such violation. These rights are also automatically extended for successive periods of 10 years.

13. Invalidation of any one of these covenants by judgment or Court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

14. A perpetual easement for utility and drainage purposes with the right to construct, maintain and remove electric light lines, poles, wires, conduits, water pipe lines, drain tile, sewer tile and other necessary installations is granted to the City of St. Charles, Iowa, and its assigns. The dimensions of said Easement are those dimensions stated in paragraph 9.

15. A Perpetual Easement is granted to the Interstate 35 Telephone Company, and its assigns, for the purpose of enabling it to construct, maintain and remove telephone lines, poles, wires, conduits and other necessary installations; said easements including the right of ingress and egress, by, through, over and in the land described in the easement stated in paragraph 9 above. The physical dimensions of this easement to the telephone company shall coincide exactly with the physical dimensions of the easement described in paragraph 9.

16. It is understood that the foregoing covenants and easements shall run with the land above described.

Dated at Winterset, Iowa, this 9 day of JANUARY, 1980.

Dale E. Kephart

Dale E. Kephart

Connie K. Kephart

Connie K. Kephart

STATE OF IOWA)
) SS
MADISON COUNTY)

ON THIS 9 day of JANUARY, 1980, before me, the undersigned, a Notary Public in and for Madison County, Iowa, personally appeared Dale E. Kephart and Connie K. Kephart to me known to be the identical persons named in and who executed the foregoing instrument and acknowledge that they executed the same as their voluntary act and deed.

Chet R. Chickering

Chet R. Chickering
Notary Public in and for the State of Iowa.

CHET R. CHICKERING
30 SEP 80

IOWA STATE BAR ASSOCIATION
Official Form No. 27A. (Short Form)(Trade-Mark Registered, State of Iowa, 1957)

FOR THE LEGAL EFFECT OF THE USE OF THIS FORM, CONSULT YOUR LAWYER

AFFIDAVIT OF POSSESSION

TO WHOM IT MAY CONCERN:

STATE OF IOWA
MADISON COUNTY } ss.

The undersigned first being duly sworn (or affirmed) upon oath deposes and states:

That DALE E. KEPHART and CONNIE K. KEPHART, husband and wife

are now the record titleholders of the following described real estate to-wit:

Lots Twenty (20) through Forty-five (45) located in KEPHART'S ADDITION TO ST. CHARLES, IOWA, Plat No. 2, a Subdivision located in the Southeast Quarter (¼) of the Northeast Quarter (¼) of Section Twenty-three (23), Township 75 North, Range Twenty-six (26) West of the 5th P.M., St. Charles, Madison County, Iowa.

That said DALE E. KEPHART and CONNIE K. KEPHART, husband and wife are now in complete actual and sole possession of all of said real estate except as may be herein stated. That this affidavit is made from the personal knowledge of the undersigned who is familiar with said real esaate, its titleholders and its parties in possession; and is for the purpose of confirming title to the above described real estate under the provisions of Section 614.17, Code of Iowa, and other statutes relative thereto.

The undersigned further state that the west boundary line of KEPHART'S ADDITION TO ST. CHARLES, IOWA, Plat No. 2, coincides with and is identical with the eastern right-of-way line of the abandoned Chicago, Burlington & Quincy Railroad, formerly the Des Moines, Osceola and Southern Railroad.

Words and phrases herein, including jurat and marginal entry hereof, shall be construed as in the singular or plural number, and as masculine, feminine or neuter gender, according to the context.

Dated this 9 day of JANUARY, 1980

Dale E. Kephart

Connie K. Kephart, Affiant

Subscribed in my presence and sworn to (or affirmed) before me by the said affiant this 9 day of JANUARY, 1980.

CHET R. CHICKERING 30 SEP 80

Chet R. Chickering, Notary Public in and for the State of Iowa

POWER OF ATTORNEY

The undersigned, owner in possession of said property as above stated, hereby directs that this affidavit be filed of record and hereby appoints the County Recorder of the County wherein said land is situated as the authorized attorney in fact to file same.

If the Power of Attorney is granted by a Corporation attach corporate acknowledgment (Official Form No. 12).

Dale E. Kephart, Connie K. Kephart, Owner in Possession

STATE OF IOWA, Madison COUNTY, ss:

On this 9 day of JANUARY, 1980, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Dale E. Kephart and Connie K. Kephart, to me known to be the identical person named in and who executed the within and foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.

CHET R. CHICKERING 30 SEP 80

Chet R. Chickering, Notary Public in and for the State of Iowa

The use of the Power of Attorney with acknowledgment is optional and may be omitted if the affidavit is filed by the owner in possession as named in the affidavit.

MARGINAL ENTRY

STATE OF IOWA, COUNTY OF Madison, ss:

The undersigned Recorder in and for said County in the State aforesaid, hereby certifies that the foregoing affidavit was filed in the said Recorder's Office by the owner in possession as named in said affidavit or by his attorney in fact as shown by the records; and duly recorded and entered on the records thereon on the 14 day of January, 1980.

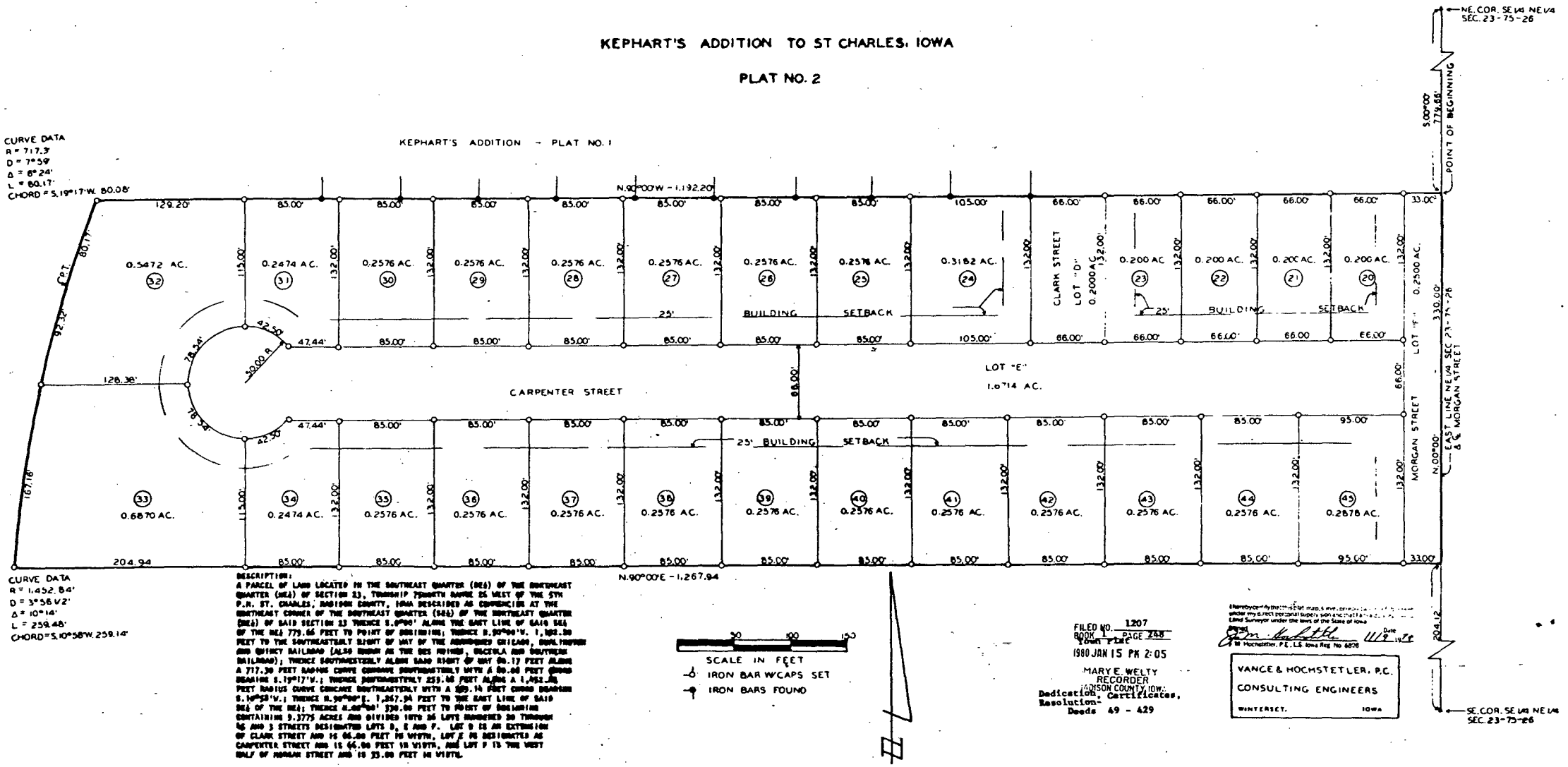
Mary E. Welty
Recorder.

Authority: Tesdell v. Hanes
248 Iowa 43 (1957)
82 NW(2d) 110.

Please type or print names under signatures as per Code Section 335.2

KEPHART'S ADDITION TO ST CHARLES, IOWA

PLAT NO. 2



CURVE DATA
R = 1,452.84'
D = 3°58'42"
Δ = 10°14'
L = 259.48'
CHORD = S. 10°58'W. 259.14'

DESCRIPTION:
A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER (SE¼) OF THE SOUTHWEST QUARTER (SW¼) OF SECTION 23, TOWNSHIP TWENTY FOUR NORTH, RANGE 25 WEST OF THE 5TH P.M. ST. CHARLES, MADISON COUNTY, IOWA DESCRIBED AS COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER (SW¼) OF THE SOUTHEAST QUARTER (SE¼) OF THE SOUTHEAST QUARTER (SE¼) OF SAID SECTION 23 THENCE S.0°00' ALONG THE EAST LINE OF SAID SE¼ OF THE SE¼ 779.65 FEET TO POINT OF BEGINNING; THENCE N.90°00'W. 1,192.20 FEET TO THE SOUTHEASTERLY RIGHT OF WAY OF THE ABANDONED CHICAGO, BURLINGTON AND QUINCY RAILROAD (ALSO KNOWN AS THE DES MOINES, OSCEOLA AND SOUTHERN RAILROAD); THENCE SOUTHWESTERLY ALONG SAID RIGHT OF WAY ON A 717.30 FEET RADIUS CURVE CONCAVE SOUTHEASTERLY WITH A 80.08 FEET CHORD BEARING S.19°17'W.; THENCE SOUTHEASTERLY 259.48 FEET ALONG A 1,452.84 FEET RADIUS CURVE CONCAVE SOUTHWESTERLY WITH A 259.14 FEET CHORD BEARING S.10°58'W.; THENCE N.90°00'E. 1,267.94 FEET TO THE EAST LINE OF SAID SE¼ OF THE SE¼; THENCE N.0°00' 330.00 FEET TO POINT OF BEGINNING CONTAINING 9.3775 ACRES AND DIVIDED INTO 26 LOTS NUMBERED 20 THROUGH 45 AND 3 STREETS DESIGNATED LOTS D, E AND F. LOT D IS AN EXTENSION OF CLARK STREET AND IS 66.00 FEET IN WIDTH, LOT E IS DESIGNATED AS CARPENTER STREET AND IS 66.00 FEET IN WIDTH, AND LOT F IS THE WEST HALF OF MORGAN STREET AND IS 33.00 FEET IN WIDTH.

FILED NO. 1207
BOOK L PAGE 268
Town Plat
1980 JAN 15 PM 2:05
MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA
Dedication, Certificates, Resolution-Deeds 49 - 429

I hereby certify that this land survey plat was prepared 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

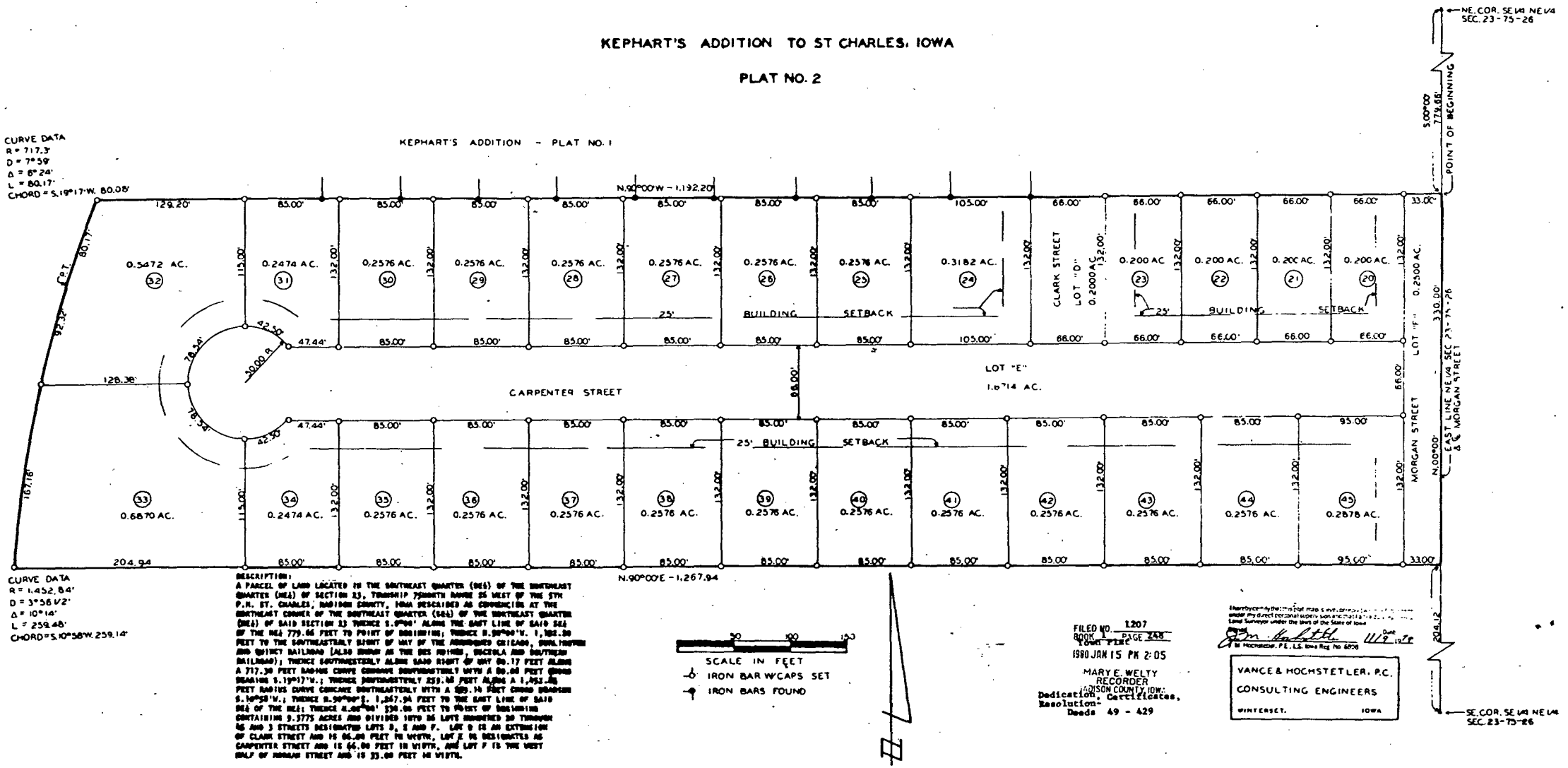
Date 11-9-79

Ron Hochstetler, P.E., L.S. Iowa Reg. No. 6878

VANCE & HOCHSTETLER, P.C.
CONSULTING ENGINEERS
WINTERSET, IOWA

KEPHART'S ADDITION TO ST CHARLES, IOWA

PLAT NO. 2



CURVE DATA
R = 1,452.84'
D = 3°56 1/2'
Δ = 10°14'
L = 259.48'
CHORD = S.10°58'W. 259.14'

DESCRIPTION:
A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER (SE¼) OF THE SOUTHEAST QUARTER (SE¼) OF SECTION 23, TOWNSHIP 75 NORTH RANGE 26 WEST OF THE 5TH P.M. ST. CHARLES, MADISON COUNTY, IOWA DESCRIBED AS COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER (SE¼) OF THE SOUTHEAST QUARTER (SE¼) OF SAID SECTION 23 THENCE S.0°00' ALONG THE EAST LINE OF SAID SE¼ OF THE SE¼ 779.66 FEET TO POINT OF BEGINNING; THENCE N.90°00'W. 1,192.20 FEET TO THE SOUTHEASTERLY RIGHT OF WAY OF THE ATCHISON TOPEKA AND SANTA FE RAILROAD (ALSO KNOWN AS THE DES MOINES, OSCEOLA AND SOUTHERN RAILROAD); THENCE SOUTHWESTERLY ALONG SAID RIGHT OF WAY 80.17 FEET ALONG A 717.30 FEET RADIUS CURVE CONCAVE SOUTHEASTERLY WITH A 80.08 FEET CHORD BEARING S.19°17'W.; THENCE SOUTHWESTERLY 259.48 FEET ALONG A 1,452.84 FEET RADIUS CURVE CONCAVE SOUTHEASTERLY WITH A 259.14 FEET CHORD BEARING S.10°58'W.; THENCE S.90°00'E. 1,267.94 FEET TO THE EAST LINE OF SAID SE¼ OF THE SE¼; THENCE N.0°00' 330.00 FEET TO POINT OF BEGINNING CONTAINING 9.3775 ACRES AND DIVIDED INTO 26 LOTS NUMBERED 20 THROUGH 45 AND 3 STREETS DESIGNATED LOTS D, E AND F. LOT D IS AN EXTENSION OF CLARK STREET AND IS 66.00 FEET IN WIDTH, LOT E IS DESIGNATED AS CARPENTER STREET AND IS 66.00 FEET IN WIDTH, AND LOT F IS THE WEST HALF OF MORGAN STREET AND IS 33.00 FEET IN WIDTH.

FILED NO. 1207
BOOK L PAGE 248
1980 JAN 15 PM 2:05
MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA
Dedication, Certificates, Resolution-
Deeds 49 - 429

I hereby certify that this plat was prepared under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa
Jon Hochstetler 11/9 1979
Jon Hochstetler, P.E., L.S. Iowa Reg. No. 6858

VANCE & HOCHSTETLER, P.C.
CONSULTING ENGINEERS
WINTERSET, IOWA