ENTERED FOR TAXATION
THIS 4 DAY OF October 1978
AUDITORS FEE $ 3.00
George F. Thuesen
AUDITOR

DEPUTY AUDITOR

KEPHART'S ADDITION TO ST. CHARLES, IOWA

(A Subdivision)

St. Charles, Iowa

D E D I C A T I O N

711A
FILED NO.
BOOK 48 PAGE 547
1978 OCT -4 AM 10:13
MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA
Fee 42.00
Plat 3.00

TOWN PLAT BOOK 1 - PAGE 243

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 within the limits of the plat of KEPHART'S ADDITION TO ST. CHARLES, IOWA, 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 29 day of SEPTEMBER, 1978.

Dale E. Kephart
Dale E. Kephart

Connie K. Kephart
Connie K. Kephart

STATE OF IOWA, Madison County, ss:

Be it remembered that on the 29 day of SEPTEMBER, 1978, 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.

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

CHET R. CHICKERING
30 SEP 80

2

FOR ADDENDUM TO PLAT SURVEY SEE TOWN DEED RECORD 49 PAGE 289

SURVEYOR'S CERTIFICATE

for

KEPHART'S ADDITION TO ST. CHARLES, IOWA

(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", a Subdivision in the County of Madison, State of Iowa, dated the 21st day of August, 1978, 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:

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 75 NORTH, RANGE 26 WEST OF THE 5TH P.M., ST. CHARLES, MADISON COUNTY, IOWA. DESCRIBED AS COMMENCING AT THE NORTHWEST CORNER OF LOT-4 OF BLOCK 2 OF CLANTON'S ADDITION TO ST. CHARLES, IOWA. THENCE N.90°00'W. 198.0 FEET TO POINT OF BEGINNING ON THE SOUTH LINE OF SYCAMORE STREET AT A POINT 132.0 FEET DUE WEST OF THE WEST LINE OF CLARK STREET: THENCE N.90°00'W. 5.0 FEET; THENCE S.00°00' 4.5 FEET ON THE SOUTH RIGHT-OF-WAY LINE OF THE ABANDONED CHICAGO, BURLINGTON AND QUINCY RAILROAD; THENCE CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE SOUTHWESTERLY 281.1 FEET ALONG A 561.24 FEET RADIUS CURVE CONCAVE SOUTHEASTERLY WITH A 278.2 FEET CHORD BEARING S.75°39'W.: THENCE N.28°42'W. 7.5 FEET: THENCE S.59°59'W. 125.0 FEET: THENCE SOUTHWESTERLY 75.0 FEET ALONG A 754.9 FEET RADIUS CURVE CONCAVE SOUTHEASTERLY WITH A 75.0 FEET CHORD BEARING S.57°08'W.; THENCE N.35°43'W. 5.0 FEET; THENCE SOUTHWESTERLY 398.3 FEET ALONG A 717.3 FEET RADIUS CURVE CONCAVE SOUTHEASTERLY WITH A 394.1 FEET CHORD BEARING S.38°33'W.: THENCE N.99°00'E. 895.2 FEET; THENCE N.00°00' 132.0 FEET TO THE SOUTH LINE OF CLANTON STREET; THENCE N.90°00'W. 66.0 FEET: THENCE N.00°00' 66.0 FEET: THENCE N.90°00'W. 132.0 FEET; THENCE N.00°00' 274.0 FEET TO POINT OF BEGINNING CONTAINING 6.0668 ACRES AND DIVIDED INTO 19 LOTS NUMBERED ONE THROUGH NINETEEN AND THREE STREETS DESIGNATED LOTS A, B, AND C. LOT-A IS DESIGNATED AS WALNUT STREET AND IS 60.0 FEET IN WIDTH. LOT-B IS DESIGNATED AS CLANTON STREET AND IS 66.0 FEET IN WIDTH AND LOT-C IS DESIGNATED AS CLARK STREET AND IS 66.0 FEET WIDE.

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 Northwest corner of Lot 4 of Block 2 of Clanton's Addition to St. Charles, Iowa.

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,

a subdivision in Madison County, Iowa, containing a total of 19 lots.

3

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.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 21 day of SEPTEMBER, 1978.

J. M. Hochstetler

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 21 day of SEPTEMBER, 1978.

Chet R. Chickering

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

I hereby certify that this plan, specification, plat, map, survey or report was made by me or under my direct personal supervision and that I am a duly registered Professional Engineer and Land Surveyor under the laws of the State of Iowa.

Signed J. M. Hochstetler Date 9/21 19 78

J. M. HOCHSTETLER, P.E., L.S. Iowa Reg. No. 6808

IOWA CHET R. CHICKERING 30 SEP 80

KEPHART'S ADDITION TO ST. CHARLES, IOWA

(A Subdivision)

CERTIFICATE OF ADOPTION OF RESOLUTION

STATE OF IOWA, Madison County, ss:

I, Lloyd E. Benedict , 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 2 day of October, 1978, 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	ABSTAIN
Connie K. Kephart			X
Frances McKinney	X		
Larry Chase	X		
Gary Gesamman	X		
Ted Morris			X

Signed at St. Charles, Iowa, this 2 day of October, 1978.

Lloyd E Benedict
Mayor of the City of St. Charles, Madison County, Iowa.

ATTEST:

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

Subscribed and sworn to before me and in my presence this 2 day of OCTOBER, 1978.

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

NOTARIAL SEAL IOWA
CHET R. CHICKERING
30 Sep 80

5

KEPHART'S ADDITION TO ST. CHARLES, IOWA

(A Subdivision)

EXHIBIT "A"

RESOLUTION

WHEREAS, there has been presented to the City Council of the City of St. Charles, Iowa, a 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:

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 75 NORTH, RANGE 26 WEST OF THE 5TH P.M., ST. CHARLES, MADISON COUNTY, IOWA. DESCRIBED AS COMMENCING AT THE NORTHWEST CORNER OF LOT-4 OF BLOCK 2 OF CLANTON'S ADDITION TO ST. CHARLES, IOWA. THENCE N.90°00'W. 198.0 FEET TO POINT OF BEGINNING ON THE SOUTH LINE OF SYCAMORE STREET AT A POINT 132.0 FEET DUE WEST OF THE WEST LINE OF CLARK STREET: THENCE N.90°00'W. 5.0 FEET; THENCE S.00°00' 4.5 FEET ON THE SOUTH RIGHT-OF-WAY LINE OF THE ABANDONED CHICAGO, BURLINGTON AND QUINCY RAILROAD; THENCE CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE SOUTHWESTERLY 281.1 FEET ALONG A 561.24 FEET RADIUS CURVE CONCAVE SOUTHEASTERLY WITH A 278.2 FEET CHORD BEARING S.75°39'W.; THENCE N.28°42'W. 7.5 FEET: THENCE S.59°59'W. 125.0 FEET; THENCE SOUTHWESTERLY 75.0 FEET ALONG A 754.9 FEET RADIUS CURVE CONCAVE SOUTHEASTERLY WITH A 75.0 FEET CHORD BEARING S.57°08'W.; THENCE N.35°43'W. 5.0 FEET; THENCE SOUTHWESTERLY 398.3 FEET ALONG A 717.3 FEET RADIUS CURVE CONCAVE SOUTHEASTERLY WITH A 394.1 FEET CHORD BEARING S.38°33'W.; THENCE N.90°00'E. 895.2 FEET; THENCE N.00°00' 132.0 FEET TO THE SOUTH LINE OF CLANTON STREET; THENCE N.90°00'W. 66.0 FEET: THENCE N.00°00' 66.0 FEET: THENCE N.90°00'W. 132.0 FEET: THENCE N.00°00' 274.0 FEET TO POINT OF BEGINNING CONTAINING 6.0668 ACRES AND DIVIDED INTO 19 LOTS NUMBERED ONE THROUGH NINETEEN AND THREE STREETS DESIGNATED LOTS A, B, AND C. LOT-A IS DESIGNATED AS WALNUT STREET AND IS 60.0 FEET IN WIDTH. LOT-B IS DESIGNATED AS CLANTON STREET AND IS 66.0 FEET IN WIDTH AND LOT-C IS DESIGNATED AS CLARK STREET AND IS 66.0 FEET WIDE.

which plat lays out and subdivides the above described real estate into one addition titled as: KEPHART'S ADDITION TO ST. CHARLES, IOWA, consisting of a total of 19 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 April 11, 1977, 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, 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, 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 2 day of October, 1978.

Lloyd E. Benedict

Lloyd E. Benedict, 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.

7

KEPHART'S ADDITION TO ST. CHARLES, IOWA

(A Subdivision)

CERTIFICATE OF ACCEPTANCE OF PLAT

STATE OF IOWA, Madison County, ss:

I, Lloyd E. Benedict, 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," a Subdivision, was on the 2 day of October, 1978, presented to the City Council of the City of St. Charles, Iowa, for examination and approval and that said plat was on the 2 day of October, 1978, 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 2 day of October, 1978.

Lloyd E Benedict

Lloyd E. Benedict, 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 2 day of OCTOBER, 1978.

Chet R. Chickering

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

CHET R. CHICKERING
30 Sep 80

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, 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 2 day of October, 1978.

Lloyd E. Benedict

Lloyd E. Benedict, 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.

9

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", a Subdivision, in the City of St. Charles, Madison County, Iowa, which plat is attached hereto.

Dated at Winterset, Iowa, this 2nd day of Oct. 1978, 1978.

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", 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 2nd day of October, 1978.

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", 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 2nd day of October, 1978.

Margaret Wheeler

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

(SEAL)

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

September 30, 1978

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

Dear Mr. & 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 tract of land located in the Southeast Quarter (¼) 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., Madison County, Iowa, described as commencing at the Northwest corner of Lot Four (4) of Block Two (2) of Clanton's Addition to St. Charles, Iowa, thence West 198 feet to the point of beginning on the South line of Sycamore Street at a point 132 feet due West of the West line of Clark Street, thence West 5 feet, thence South 4.5 feet on the South right-of-way line of the abandoned Chicago, Burlington and Quincy Railroad, thence continuing along said South right-of-way line Southwesterly 281.1 feet along a 561.24 feet radius curve concave Southeasterly with a 278.2 feet chord bearing South 75° 39' West, thence North 28° 42' West 7.5 feet, thence South 59° 59' West 125 feet, thence Southwesterly 75 feet along a 754.9 feet radius curve concave Southeasterly with a 75 feet chord bearing South 57° 08' West, thence North 35° 43' West 5 feet, thence Southwesterly 398.3 feet along a 717.3 feet radius curve concave Southeasterly with a 394.1 feet chord bearing South 38° 33' West, thence East 895.2 feet, thence North 132 feet to the South line of Clanton Street, thence West 66 feet, thence North 66 feet, thence West 132 feet, thence North 274 feet to the point of beginning, containing 6.0668 acres,

which abstract has been continued and certified 26 Sep 1978 at eight o'clock A.M. by the Security Loan & 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 absract 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

By

CRC:sm

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 One (1) through Nineteen (19) located in KEPHART'S ADDITION TO ST. CHARLES, IOWA, 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.

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 29 day of SEPTEMBER, 1978.

Dale E. Kephart
Dale E. Kephart

Connie K. Kephart
Connie K. Kephart, Affiant

Subscribed in my presence and sworn to (or affirmed) before me by the said affiants this 29 day of SEPTEMBER, 1978.

Chet R. Chickering

CHET R. CHICKERING
30 SEP 80

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

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

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 29 day of SEPTEMBER, 1978, 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 4 day of October, 1978.

Mary E. Welty
Recorder.

Authority: Tesdell v. Hanes
248 Iowa 43 (1957)
82 NW(2d) 119.

12

RESTRICTIVE COVENANTS

FOR

KEPHART'S ADDITION TO ST. CHARLES, IOWA

(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 (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 (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 residential purposes, conventional guest houses, 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 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. A duplex presently exists on lot 11 and said lot shall not be subject to the requirement for a garage set forth in paragraph 10, nor shall Lot 11 be subject to the provisions of Paragraph 1.

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.

13

9. Perpetual easements of 15 feet in width along all exterior lot lines not adjacent to a platted road of the subdivision and 7-1/2 feet in width in each lot along all lines separating each lot in this addition from each other lot are reserved for the purpose of conveying to a governmental body or utility company for a sewer or other utility installation or maintenance thereof. See subdivision plat.

10. In order that each 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, breezeways, 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 dwelling on each 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 July 1, 1988, 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 July 1, 1988, 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 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.

14

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 29 day of SEPTEMBER, 1978.

Dale E. Kephart

Dale E. Kephart

Connie K. Kephart

Connie K. Kephart

STATE OF IOWA)
) SS
MADISON COUNTY)

On this 29 day of SEPTEMBER, 1978, 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

NOTARIAL SEAL IOWA
CHET R. CHICKERING
30 Sep 80

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

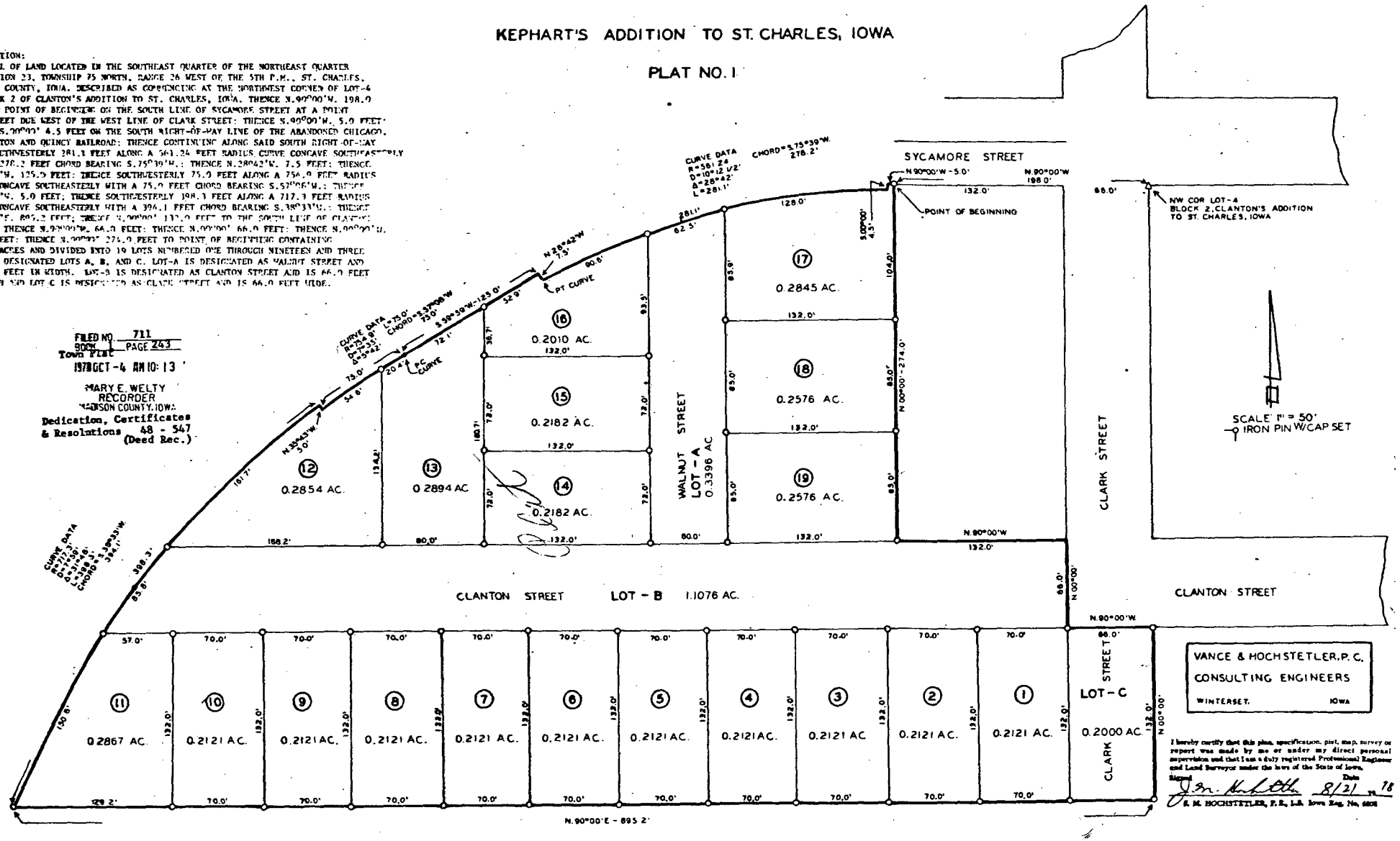
562

KEPHART'S ADDITION TO ST. CHARLES, IOWA

PLAT NO. 1

DESCRIPTION:
A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 75 NORTH, RANGE 26 WEST OF THE 5TH P.M., ST. CHARLES, MADISON COUNTY, IOWA, DESCRIBED AS COMMENCING AT THE NORTHWEST CORNER OF LOT-4 OF BLOCK 2 OF CLANTON'S ADDITION TO ST. CHARLES, IOWA; THENCE N.90°00'W. 198.0 FEET TO POINT OF BEGINNING ON THE SOUTH LINE OF SYCAMORE STREET AT A POINT 132.0 FEET DUE WEST OF THE WEST LINE OF CLARK STREET; THENCE N.90°00'W. 5.0 FEET; THENCE S.00°00' 4.5 FEET ON THE SOUTH RIGHT-OF-WAY LINE OF THE ABANDONED CHICAGO, BURLINGTON AND QUINCY RAILROAD; THENCE CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE SOUTHWESTERLY 281.3 FEET ALONG A 561.24 FEET RADIUS CURVE CONCAVE SOUTHEASTERLY WITH A 278.2 FEET CHORD BEARING S.75°39'W.; THENCE N.28°42'W. 7.5 FEET; THENCE S.59°59'W. 125.9 FEET; THENCE SOUTHWESTERLY 75.0 FEET ALONG A 756.9 FEET RADIUS CURVE CONCAVE SOUTHEASTERLY WITH A 75.0 FEET CHORD BEARING S.53°06'W.; THENCE S.35°43'W. 5.0 FEET; THENCE SOUTHWESTERLY 398.3 FEET ALONG A 717.3 FEET RADIUS CURVE CONCAVE SOUTHEASTERLY WITH A 396.1 FEET CHORD BEARING S.38°33'W.; THENCE S.[illegible]°E. 805.2 FEET; THENCE N.90°00' 132.0 FEET TO THE SOUTH LINE OF CLANTON STREET; THENCE N.90°00'W. 66.0 FEET; THENCE N.00°00' 66.0 FEET; THENCE N.00°00'E. 132.0 FEET; THENCE N.00°00' 274.0 FEET TO POINT OF BEGINNING CONTAINING 6.0668 ACRES AND DIVIDED INTO 19 LOTS NUMBERED ONE THROUGH NINETEEN AND THREE STREETS DESIGNATED LOTS A, B, AND C. LOT-A IS DESIGNATED AS WALNUT STREET AND IS 69.9 FEET IN WIDTH. LOT-B IS DESIGNATED AS CLANTON STREET AND IS 66.0 FEET IN WIDTH AND LOT-C IS DESIGNATED AS CLARK STREET AND IS 66.0 FEET WIDE.

FILED NO. 711
BOOK Town Plat PAGE 243
1978 OCT -4 AM 10: 13
MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA
Dedication, Certificates & Resolutions 48 - 547 (Deed Rec.)



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

I hereby certify that this plan, specification, plat, map, survey or report was made by me or under my direct personal supervision and that I am a duly registered Professional Engineer and Land Surveyor under the laws of the State of Iowa.

Signed J. M. Hochstetler Date 8/21 19 78

J. M. HOCHSTETLER, P.E., L.S. Iowa Reg. No. 6608