DEDICATION OF PLAT

OF HOGUE SUBDIVISION

KNOW ALL MEN BY THESE PRESENTS:

That I, Irene Hogue, do hereby certify that I am the sole owner and proprietor of the following-described real estate:

An official plat of the SW¼ of the SE¼ and the North ½ of the SE¼ of the SE¼, all in Section 12, Township 76 North, Range 26 West of the 5th P.M. Madison County, Iowa, subject to easement for a public road along the east side thereof and containing 58.4 acres, more or less.

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

Dated this 19 day of March, 1979.

Irene K. Hogue

STATE OF IOWA)
) SS.
COUNTY OF MADISON)

On this 19 day of March, 1979, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Irene Hogue, to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged that she executed the same as her voluntary act and deed.

CHET R. CHICKERING
30 SEP 80

Chet R. Chickering
Notary Public

ENTERED FOR TAXATION
THIS 5 DAY OF July 1979
AUDITOR'S FEE $ 1.00
George L. Rhodamer
AUDITOR

DEPUTY AUDITOR

FILED NO. 40
BOOK 109 PAGE 141
1979 JUL -5 PM 3:59
MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA
For Plat see Farm Plat Book 1 - 148

Filing Fee $4.00
Plat $3.00

RESTRICTIVE COVENANTS
FOR
HOGUE SUBDIVISION
Madison County, Iowa

THIS DECLARATION, is made by IRENE HOGUE.

WITNESSETH:

That for the mutual benefit of the undersigned present owner and all of the future owners of all of the lots in Hogue Subdivision in Madison County, Iowa, and of future owners of any of said lots, the undersigned does hereby declare and bind herself, her heirs, guarantees, transferees, executors, and legal representatives in the ownership of all of the lots in Hogue Subdivision in Madison County, Iowa, legally described as:

> An Official plat of the SW 1/4 of the SE 1/4 and the North 1/2 of the SE 1/4 of the SE 1/4, all in Section 12, Township 76 North, Range 26 West of the 5th P.M., Madison County, Iowa, subject to easement for a public road along the east side thereof and containing 58.4 acres, more or less.

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. That the above described real estate shall be known, described, and used solely as residential lots with no public or commercial purposes allowed thereon and further no structure shall be erected on any lot other than one single family dwelling not to exceed two stories in height.

2. That no building shall be erected on any lot nearer than fifty (50) feet from the front line.

3. No basement, tent, shack, garage, barn or other outbuildings erected on any lot shall at any time be used for human habitation, either temporarily or permanently.

4. No dwelling shall be permitted on any lot described herein having a ground floor square foot area of less than 1,000 feet in the case of a one story building and less than 1,200 square feet total in the case of a one and a half or two story building.

5. That the title holder of each lot vacant or improved shall keep his lot free of weeds and debris.

6. No mobile home or home composed of mobile home components or modular home of the same or lesser quality as mobile home shall be permitted on any lot.

7. No barn or other outbuildings shall be placed on said lot within one hundred feet of any residence of any adjacent lot.

8. No obnoxious or offensive trade shall be carried on upon any lot nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

9. No owner their leases, assigns or personal representative or other persons, shall keep hogs or swine of any type shall be permitted upon any lot in the subdivision at any time. Other animals are permitted but such animals must be kept within an enclosure.

10. No owner of a lot nor any other person shall obstruct the roadway such as to impede the maintenance or clearing of said roadway or by leaving there upon any vehicle, machinery, or any other property.

11. If any lot owner decides to erect a fence upon his lot, the total cost of the installation of such fence shall be born by said lot owner as well as the cost of all future maintenance of the fence. No adjoining lot owner shall be required to participate in the cost of the erection or maintenance of any fance. Any fence erected shall be the sole property of the lot owner and can be removed by such lot owner at his discretion. Nothing in this paragraph shall be deemed to preclude a fencing agreement between adjoining lot owners for erection and maintenance of a common fence; however, for any such common fence agreement to be enforceable upon future lot owners such fencing agreement must be in writing and filed on record in the Madison County Recorder's Office in order to apprise prospective purchasers of their obligations with respect to such fencing.

12. The cost of maintaining the perimeter fence running in back of each lot or along side of each lot or in back and side of each lot shall be the responsibility of each lot owner.

13. A perpetual easement of ten foot in width along all interior lot lines adjacent to the platted street of the subdivision are expressly granted to all applicable utility companies for all utility installations and maintenance thereof. See subdivision plat.

14. Initial construction and installation of the main road situated within Hogue Subdivision shall be at the expense of the developer, Irene Hogue, and shall be fully completed prior to the time any lots within Hogue Subdivision are sold.

15. At the time any house is constructed or erected upon any lot within the subdivision the lot owner shall cause to be constructed and installed at least one all-weather private driveway connecting the house with the main road of the subdivision.

16. The cost of maintenance and snow removal of said road shall be divided evenly between lot owners, numbers two through fifteen, excluding lot number one.

17. Water system shall be the responsibility of each lot owner to provide his own water at his own expense to his own lot. Each lot owner shall maintain his own water system and the cost of repair or replacement of the same shall be his sole responsibility.

The foregoing stipulations, restrictions and conditions are imposed for the benefit of each and every parcel of land as described herein and shall constitute covenants running with the land, and the vendor, its successors and assigns and any other persons owning any portion of the real estate described above may prosecute by proceedings at law or in equity, to prevent or remedy the violation of such restrictions or covenants and secure regress for damages on account of such violations, but such restrictions and conditions shall remain in force only as provided above.

Dated at Winterset, Iowa, this 26 day of June 1979.

Irene Hogue

Irene Hogue

On this 26 day of June 1979, before me, the undersigned, a Notary Public in and for Madison County, Iowa, personally appeared Irene Hogue to me known to be the identical person named in and who executed the foregoing instrument and acknowledged that she executed the same as her voluntary act and deed.

Ida L. Silverthorn

Deputy Clerk

~~Notary Public~~ in and for the State of Iowa

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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 "HOGUE SUBDIVISION TO MADISON COUNTY, IOWA", in Madison County, Iowa, which plat is attached hereto.

Dated at Winterset, Iowa, this 26 day of April, 1979.

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 "HOGUE SUBDIVISION TO MADISON COUNTY, IOWA", in Madison County, Iowa, which plat is hereto attached, is vested in IRENE K. HOGUE, and that the same is free from encumbrances as appears from the records in my office except for two mortgages recorded at:

A. Mortgage Record 126, Page 726
B. Mortgage Record 127, Page 661

Dated at Winterset, Iowa, this 26 day of April, 1979.

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 "HOGUE SUBDIVISION TO MADISON COUNTY, IOWA", a Subdivision in Madison County, 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 27th day of April, 1979.

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

April 26, 1979

Mrs. Irene Hogue
R. R. #2
Norwalk, Iowa 50211

Dear Mrs. Hogue:

I have this day completed the examination of Abstract of Title No. 32304 and numerous continuations thereto pertaining to the following described real estate, to-wit:

> The Southwest Fractional Quarter (¼) of the Southeast Fractional Quarter (¼) and the North Half (½) of the Southeast Fractional Quarter (¼) of the Southeast Fractional Quarter (¼) of Section Twelve (12), in Township Seventy-six (76) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa,

which abstract has been certified and continued to 24 April, 1979, at eight 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 the above described real estate to be in

IRENE K. HOGUE

subject to the following:

1. The above described real estate is subject to two mortgages of record executed by Allan J. Hogue and Irene K. Hogue, husband and wife:

A. In favor of Marion County Savings & Loan Association, dated 6 September, 1977, Recorded 7 September, 1977, at Mortgage Record 126, Page 726.

B. In favor of South Des Moines National Bank, dated 14 October, 1977, Recorded 30 January, 1978, at Mortgage Record 127, Page 661.

2. A portion of the above described real estate located in the extreme eastern portion thereof is subject to an easement granted to Madison County, Iowa, dated 11 August 1966, Recorded 13 August 1966, at Deed Record 94, Page 68. This easement was given to Madison County for road purposes and for use as a public highway.

3. All current real estate taxes are shown paid in full.

Very truly yours,

DARLING & CHICKERING

By
CRD:ke

MARION COUNTY
SAVINGS & LOAN ASSOCIATION

106 E. MAIN STREET – P.O. BOX 558
KNOXVILLE, IOWA 50138
TELEPHONE 515-842-5941

MEMBER FSLIC
FEDERAL HOME LOAN BANK SYSTEM
EQUAL HOUSING LENDER

February 16, 1979

Chet R. Chickering
Darling & Chickering
Attorneys at Law
53 Jefferson Street
Winterset, Iowa 50273

Dear Mr. Chickering:

Re: Allan and Irene Hogue

Enclosed is the abstract requested on the above-mentioned property. As of today we have mailed a check to the Treasurer in Madison County to take care of the taxes as you requested.

Our agreement with Allan was that we would issue partial releases on each lot as it was sold if 75% of the sale price was applied toward the principal of the loan.

If you have any questions concerning this, please feel free to contact me.

Yours truly,

MARION COUNTY SAVINGS AND LOAN ASSOCIATION

Eugene Turner
Vice President

ET: jk
Enclosure

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

February 14, 1979
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Marion County Savings & Loan Association
% Eugene Turner
Knoxville, Iowa 50138

Re: Allan and Irene Hogue

Dear Mr. Turner:

Irene Hogue was in my office this afternoon for the purpose of obtaining a Title Opinion on some real estate that is being sub-divided. Mrs. Hogue indicated that you were aware of the impending platting and sub-division. In order to write a Title Opinion I will need to have you provide me with the Abstract to the real estate owned by Mrs. Hogue. Accordingly I am requesting that you forward said abstract to me as soon as possible.

With regard to the Title Opinion that I will write it would be most helpful if all real estate tax currently payable is shown paid of record. If you have not yet done so it would be most helpful if you were to pay the current real estate tax owing so that when the abstract is continued for examination all real estate tax is shown paid in full.

Mrs. Hogue further indicated that you were agreeable to providing her with partial releases for each sub-divided lot in return for one-half of the purchase price received for said lot. Presumably you would apply the amount received for each lot first toward interest owing on the Hogue mortgage and then to the outstanding principal. It would be next to impossible for Mrs. Hogue to sell any of the platted lots unless she were able to obtain these partial mortgage releases from you. If you are in agreement with the situation I have just described and are willing to provide a partial release for each lot sold in return for one-half of the sale price please so indicate by letter to me when you forward the abstract.

Yours truly,

DARLING & CHICKERING

CRC:cb
cc: Irene K. Hogue

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6 SATISFACTION PIECE (For Corporation)

KNOW ALL MEN BY THESE PRESENTS:

Please return to: P.O. Box 2630
Des Moines, Iowa 50315

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That South Des Moines National Bank of the County of Polk and State of Iowa does hereby acknowledge that a certain mortgage, bearing the date of the 14th day of October, A.D. 19 77, made and executed by Allan J. Hogue and Irene K. Hogue, husband and wife to South Des Moines National Bank on the following described Real Estate in Madison County, State of Iowa, to-wit: The Southwest Fractional Quarter (¼) and the North Half (½) of the Southeast Fractional Quarter (¼) of the Southeast Fractional Quarter (¼) of Section Twelve (12) in Township Seventy-six (76) North, Range Twenty-six (26) West of the 5th P.M. Madison County, Iowa.

And Recorded in the records in the office of the Recorder of Deeds of the County of Madison State of Iowa in Book 127 Page 667 on the 30th day of January, A.D. 19 78 at 10:57 o'clock A. M. is redeemed, paid off, satisfied and discharged in full. Dated this 1st day of May A.D. 19 79

SOUTH DES MOINES NATIONAL BANK

By: James G. Friesz
James G. Friesz, Vice President

By: Maren D. Enslow
Maren D. Enslow, Mortgage Loan Officer

Corporate Certificate of Acknowledgment

State of Iowa
County of Polk

On this 1st day of May A.D. 19 79 before me Linda J. Garwick A Notary Public in and for Polk County, State of Iowa, personally appeared James G. Friesz and Maren D. Enslow to me personally known, who being by me severally duly sworn did severally say that the said James G. Friesz is Vice President and the said Maren D. Enslow is Mortgage Loan Officer of South Des Moines National Bank a corporation duly organized and existing; that the seal affixed to said instrument is the seal of said corporation. That the said instrument was signed, sealed and executed in behalf of said corporation by authority of its board of directors, and the said James G. Friesz and Maren D. Enslow acknowledged the said instrument and the execution thereof to be the voluntary act and deed of said Corporation by each of them voluntarily executed.

WITNESS my official signature and seal of office at Des Moines, Iowa, the day and year last above written.

Linda J. Garwick
Notary Public in and for said County and State.

My Commission expires Sept. 30, 1981

FILED NO. 2110
BOOK 131 PAGE 350
1979 MAY -1 PM 12:27
MARY E. WELTY
RECORDER
MADISON COUNTY, IOWA

Fee 3.00 paid

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The Madison County Zoning Commission hereby recommends to the Madison County Board of Supervisors that Hogue Subdivision Plat comprising of real estate described as follows:

> An official plat of the SW¼ of the SE¼ and the North ½ of the SE¼ of the SE¼, all in Section 12, Township 76 North, Range 26 West of the 5th P.M. Madison County, Iowa, subject to easement for a public road along the east side thereof and containing 58.4 acres, more or less.

be approved by said Board of Supervisors by resolution which shall be filed with the Madison County Recorder of Madison County, Iowa, along with all pertinent papers, documents and certificates concerning said plat of the Hogue Subdivision Plat.

Dated this 21 day of June, 1979.

Mark Hollingsworth
Chairman of the Madison County
Zoning Commission

RESOLUTION APPROVING FINAL PLAT

OF THE HOGUE SUBDIVISION PLAT

WHEREAS, there was filed in the office of the Madison County Zoning Administrator a registered Land Surveyor's plat of proposed subdivision known as Hogue Subdivision Plat; and

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

> An official plat of the SW¼ of the SE¼ and the North ½ of the SE¼ of the SE¼, all in Section 12, Township 76 North, Range 26 West of the 5th P.M. Madison County, Iowa, subject to easement for a public road along the East side thereof and containing 58.4 acres, more or less.

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 in accordance with the desire of the proprietor, Irene K. Hogue; and

WHEREAS, said plat was accompanied by a complete abstract of title and an opinion from an attorney at law showing that the fee title is in said proprietor and that the platted land is free from emcumbrance, and a certified statement from the Treasurer of Madison County, Iowa, that said platted land is free from all judgements, attachments, mechanis's or other liens, and from the Recorder of Madison County, Iowa, the title in fee is in said proprietors and that it is free from emcumbrance; and

WHEREAS, said subdivision and plat have been approved by the Madison County Zoning Administrator and the Madison County Zoning Commission; and

WHEREAS, the Board of Supervisors of Madison County, Iowa, find that said plat conforms to the provisions of the Madison County Zoning Ordianance, and that the plat, papers and documents presented therewith should be approved by the Board of Supervisors and that said plat, known to be Hogue Subdivison Plat should be approved by the Board of Supervisors of Madison County, Iowa.

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

1. That said plat known as Hogue Subdivison Plat prepared in connection with said plat and subdivision are hereby approved.
2. The Madison County Zoning Administrator 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 this 2 day of July, 1979, in Winterset, Iowa.

Phillip Corkrean, Chairman
Madison County Board of Supervisors

ATTEST:

George Abrahams, Madison County Auditor

PLAT AND CERTIFICATE

FOR HOGUE SUBDIVISION PLAT

I, Jerry K. Trevillyan, Madison County Zoning Administrator, do hereby certify that the plat to which this certificate is attached is a plat of a subdivision known and designated as Hogue Subdivision Plat and that the real estate comprising said plat is described as follows:

> An official plat of the SW¼ of the SE¼ and the North ½ of the SE¼ of the SE¼, all in Section 12, Township 76 North, Range 26 West of the 5th P.M. Madison County, Iowa, subject to easement for a public road along the East side thereof and containing 58.4 acres, more or less.

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. Dedication of plat of Hogue Subdivision Plat.
2. Attorney's Opinion
3. Certificate of County Treasurer of Madison County, Iowa.
4. Certificate of Recorder of Madison County, Iowa.
5. Certificate of the Clerk of District Court of Madison County, Iowa.
6. Resolution of the Madison County Board of Supervisors approving said plat.

All of which is duly certified in accordance with the Madison County Subdivision Ordinance.

Dated this 5th day of July, 1979.

Jerry K. Trevillyan
Madison County
Zoning Aministrator

STATE OF IOWA :
: ss
MADISON COUNTY:

On this 5 day of July, 1979, before me, the undersigned, a Nortary Public in and for the State of Iowa, personally appeared, Jerry K. Trevillyan, Madison County Zoning Administrator, to me known to be the identical person named in and who executed the foregoing instrument, and acknowledge that he executed the same as his voluntary act and deed.

STATE OF IOWA MADISON COUNTY IOWA

Ila L. Silverthorn, Deputy
Clerk in and for the State of Iowa.

DATE: July 5, 1979

Abstract No. 45133, prepared for Irene K. Hogue, is hereby presented to Mary E. Welty, Madison County Recorder, in compliance with chapter 409, Section 409.9 of the Code of Iowa in regard to platting of property hereafter known as Hogue Subdivision Section 12, T76N R26W, Madison County, Iowa.

RECEIVED BY: Mary E. Welty
Mary E. Welty
Madison County Recorder

DATE: July 5, 1979

Abstract No. 45133, prepared for Irene K. Hogue, is hereby returned to Irene K. Hogue, owner of property located in Section 12, T76N R26W, Madison County, Iowa, known hereafter as Hogue Subdivision.

RECEIVED BY: Irene K. Hogue
Irene K. Hogue

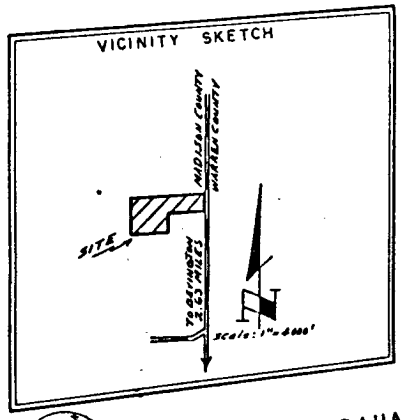
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FINAL PLAT

HOGUE SUBDIVISION

IRENE HOGUE
R.R. #2
NORWALK, IOWA
(OWNER AND DEVELOPER)

VICINITY SKETCH



LEGAL DESCRIPTION

THE SW 1/4 OF THE SE 1/4 AND THE NORTH 1/2 OF THE SE 1/4 OF THE SE 1/4, ALL IN SECTION 12, TOWNSHIP 76 NORTH, RANGE 26 WEST OF THE 5TH P.M., MADISON COUNTY, IOWA, SUBJECT TO ROAD EASEMENT ALONG THE EAST SIDE THEREOF AND CONTAINING 58.4 ACRES, MORE OR LESS.

Δ — INDICATES IRON PINS SET AT 1/4 & 1/4 SECTION CORNERS.
o — INDICATES IRON PINS W/CAPS TO BE SET BY JANUARY 1, 1980.
I. P. — INDICATES IRON PIN.

NOTE:
WATER SUPPLY BY INDIVIDUAL WELLS.
SEWAGE DISPOSAL BY SEPTIC TANKS.
ZONING CLASSIFICATION... A - 1

JOHN R. BARKER
REGISTERED
5143
IOWA
LAND SURVEYOR

I hereby certify that this plat is a true and correct representation of the lands surveyed, and also I hereby certify that this plat, map, survey or report was made by me or under my direct personal supervision and that I am a duly registered Land Surveyor under the laws of the State of Iowa.

Signed: John R. Barker Date: MAY. 4...1979...

JOHN R. BARKER, L.S. Iowa Reg. No. 5143
602 S. 3RD ST. INDIANOLA, IOWA

FINAL PLAT HOGUE SUBDIVISION		
SCALE: 1" = 200'	APPROVED BY:	DRAWN BY J. R. B. G. D. J.
DATE: 5-4-79		REVISED 5-14-79
		DRAWING NUMBER