Town Lot Deed Record, No. 37

Acres-Blackmar Co., Burlington, 81293

Elmer E. Libby & wife & Winterset Building Corp. To The Public

#2796A

Fee $24.50 VET
Plat $3.00 VET

Filed for record the 11 day of September A. D. 1963 at 3:00 o'clock P. M.

Mary E. Welty, Recorder

Plat recorded in Town Plat Book 1, pages 202 & 203

PLAT AND CERTIFICATE FOR HONOR'S ACRES SECOND ADDITION TO WINTERSET, IOWA

STATE OF IOWA, County of Madison, City of Winterset, ss:

We, Wayne Newton and O. D. Simmons, Mayor and City Clerk, respectively, of the City of Winterset, Iowa, located in Madison County, Iowa, do hereby certify that the plat to which this certificate is attached is a plat of an addition to the City of Winterset, Iowa, designated as Honor's Acres Second Addition to Winterset, Iowa, located in the North Half of the North Half of the Southwest Quarter of the Southwest Quarter of Section Thirty-six (36), in Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P. M., Madison County, Iowa, and the land comprising said plat is more specifically described as follows, to wit:

Commencing at a point 9 feet West of the Northeast Corner of the Northwest Quarter (¼) of the Southeast Quarter (¼) of the Southwest Quarter (¼) of Section Thirty-six (36), Township Seventy-six (76) North, Range Twenty-eight (28), West of the 5th P. M., Madison County, Iowa, thence North 89°18' West 1980.07 feet, thence South 0°4' West 328.65 feet, thence South 89°16' East 1314.72 feet, thence South 0°44' West 61.6 feet, thence South 89°16' East 118.8 feet,

thence South 0°00' 5.75 feet, thence South 89°16' East 168.0 feet, thence North 0°00' 69.0 feet, thence South 89°18' East 375.3 feet, thence North 0°00' 327.0 feet to the point of beginning, which plat was filed with the City Clerk of the City of Winterset, Iowa, on August 29, 1963, and was approved by the City Council of the City of Winterset, Iowa, by a resolution passed and adopted by said City Council on August 29, 1963, and approved by the Mayor of said City of Winterset, Iowa, on August 29, 1963, and that a true, correct and complete copy of said resolution is affixed to said plat and is made a part of the certification made by this Certificate, and said Mayor and City Clerk hereby certify said resolution, and that as part of said plat and of this certification is an attached certificate of engineer, executed by Gene R. Hardy, a licensed and registered land surveyor, of Adel, Iowa, dated July 15, 1963, with reference to said plat, which explains said plat, and also dedication of plat, duly signed and acknowledged on July 6, 1963, by Elmer E. Libby and Bessie Libby, husband and wife and Winterset Building Corporation, with reference to said land platted and also an opinion from Webster, Frederick and Jordan, attorneys at law at Winterset, Iowa, showing that the fee title to said platted real estate is in said proprietors, Elmer E. Libby and Bessie Libby, husband and wife, and Winterset Building Corporation, and that the land platted is free from encumbrance, and also a certificate of the Clerk of the District Court of the State of Iowa in and for Madison County, dated July 15, 1963, stating that said real estate platted is free from all judgments, attachments, mechanics' or other liens as appears by the record in her office, and also a certificate of the County Recorder of Madison County, Iowa, dated July 8, 1963, stating that the title in fee to said real estate platted is in such proprietors, to wit: Elmer E. Libby and Bessie Libby, husband and wife, and Winterset Building Corporation, and that it is free from encumbrance, and also a certificate, or certified statement, from the County Treasurer of Madison County, Iowa, dated July 8, 1963, that said real estate platted is free from taxes, and a deed of restrictions executed by Elmer E. Libby and Bessie Libby, husband and wife, and Winterset Building Corporation on July 6, 1963, with reference to said real estate; all of which is duly certified in accordance with the provisions of Chapter 409 of the Code of Iowa and all other provisions of law applicable thereto.

Dated and signed at Winterset, Iowa, in Madison County, Iowa, and sealed with the official seal of the City of Winterset, Iowa, on the 9th day of September, 1963.

(CITY OF WINTERSET SEAL)

Wayne Newton
(Wayne Newton) Mayor
of the City of Winterset, Iowa

O. D. Simmons
(O. D. Simmons) City Clerk
of the City of Winterset, Iowa

STATE OF IOWA, Madison County, ss:

On this 9th day of September, 1963, before me, a Notary Public in and for Madison County, Iowa, personally appeared Wayne Newton and O. D. Simmons, Mayor and City Clerk, respectively, of the City of Winterset, Iowa, a municipal Corporation, who being to me known as the identical persons who signed the above and foregoing instrument, and by me duly sworn, each for himself, did say that they are respectively the Mayor and City Clerk of the City of Winterset Iowa, that the seal affixed to said instrument is the seal of the City of Winterset, Iowa, and that said instrument was by them signed and sealed, and each of them acknowledged the execution of said instrument to be the voluntary act and deed of each of them, as an official certification in accordance with Chapter 409 of the Code of Iowa.

Witness my hand and notarial seal the day and year last above written.

(NOTARIAL SEAL)

Daniel J. Gallery
(Daniel J. Gallery) Notary Public
in and for Madison County, Iowa.

RESOLUTION - Approving Plat of Honor's Acres Second Addition to Winterset, Iowa

WHEREAS, on the 29th day of August, 1963, there was filed in the office of the City Clerk

Acme-Blackmar Co., Burlington, #1393

of the City of Winterset, Iowa, a registered land surveyor's plat of the proposed addition to be platted of real estate within the corporate limits of the City of Winterset, Iowa, owned by Elmer E. Libby and Bessie Libby, husband and wife, and Winterset Building Corporation, to be known as Honor's Acres Second Addition to Winterset, Iowa, which real estate is situated in the North Half of the North Half of the Southwest Quarter of the Southwest Quarter of Section Thirty-six (36), in Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P. M., Madison County, Iowa, and the land comprising said plat is more specifically described as follows, to wit:

> Commencing at a point 9 feet West of the Northeast Corner of the Northwest Quarter (¼) of the Southeast Quarter (¼) of the Southwest Quarter (¼) of Section Thirty-six (36), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M. Madison County, Iowa, thence North 89° 18' West 1980.07 feet, thence South 0° 4' West 328.65 feet, thence South 89° 16' East 1314.72 feet, thence South 0°44' West 61.6 feet, thence South 89° 16' East 118.8 feet, thence South 0° 00' 5.75 feet, thence South 89° 16' East 168.0 feet, thence North 0° 00' 69.0 feet, thence South 89° 18' East 375.3 feet, thence North 0° 00' 327.0 feet to the point of beginning, and,

WHEREAS, there was also filed with said plat, on the 29th day of August, 1963, a correct description of the land involved, and a statement to the effect that the subdivision as its appears on the plat is with the free consent and in accordance with the desire of the proprietors, Elmer E. Libby and Bessie Libby, husband and wife, and Winterset Building Corporation, signed and acknowledged before an officer authorized to take the acknowledgment of deeds, 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 proprietors and that the platted land is free from encumbrance, and a certified statement from the Treasurer of Madison County, Iowa, that said platted land is free from taxes, and from the Clerk of the District Court of Madison County, Iowa, that it is free from all judgments, attachments, mechanic's or other liens as appears by the record in her office, and from the Recorder of Madison County, Iowa, that the title in fee simple to said real estate is in such proprietors, and that it is free from encumbrance, and,

WHEREAS, said plat is accompanied by a certificate of Gene R. Hardy, a licensed and registered land surveyor, of Adel, Iowa, which explains said plat, and,

WHEREAS, there was also filed with said plat, on the 29th day of August, 1963, an instrument entitled "Deed ofRestrictions", executed by said proprietors with reference to said platted land, and,

WHEREAS, said plat has been approved by the City Planning and Zoning Commission of the City of Winterset, Iowa, and,

WHEREAS, this City Council finds that said plat conforms to the provisions of the laws of the State of Iowa, particularly Chapter 409 of the Code of Iowa as applicable thereto, and the ordinances of the City of Winterset, Iowa, and that all provisions of law of the State of Iowa, particularly Chapter 409 of the Code of Iowa applicable thereto, and of the ordinances of the City of Winterset, Iowa, as applicable thereto, have been complied with, and that said instruments and papers and documents presented in connection therewith should be approved by this City Council, and that said addition known as Honor's Acres Second Addition to Winterset, Iowa, should be approved and accepted by the City of Winterset, Iowa, and that the dedication of the portion therein dedicated to the public for use for public street purposes should be accepted by this City Council for and in behalf of the City of Winterset, Iowa, and that all easements provided for the benefit of the public utilities of this City should be accepted.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WINTERSET, IOWA:

That said plat for Honor's Acres Second Addition to Winterset, Iowa, be and the same is hereby approved by the City Council of the City of Winterset, Iowa, for and in behalf of the

City of Winterset, Iowa, and by the City of Winterset, Iowa, acting through its City Council, and that said instruments and papers and documents presented in connection therewith are hereby approved, and that such addition known as Honor's Acres Second Addition to Winterset, Iowa, be and is hereby approved and accepted by this City Council, for and in behalf of the City of Winterset, Iowa, and by the City of Winterset, Iowa, acting through its City Council,

And that the Mayor and City Clerk of the City of Winterset, Iowa, be and are 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 all instruments and papers and documents which should be filed and recorded in connection therewith, and that all things shall be done to carry out the provisions of Section 409.12 of the Code of Iowa of 1962, so far as applicable, and to carry out any other provisions of Chapter 409 of the Code of Iowa applicable thereto, or any other provisions of law or ordinances applicable thereto.

On roll call the members of the City Council voted as follows:

Duane O Lauer	Yes	Eugene W. Madsen	Yes
Cecil A. Letz	Yes	G. R. Glasscock	Yes

Approved by me this 29th day of August, 1963:

/s/ Wayne Newton Mayor
(CITY OF WINTERSET SEAL) of the City of Winterset, Iowa

Attest: /s/ O. D. Simmons City Clerk
of the City of Winterset, Iowa.

PLAT OF HONOR'S ACRES SECOND ADDITION TO WINTERSET, IOWA

ELMER E. LIBBY, BESSIE LIBBY, :
WINTERSET BUILDING CORPORATION :
TO :
THE PUBLIC : DEDICATION OF PLAT

KNOW ALL MEN BY THESE PRESENCE: That we, Elmer E. Libby and Bessie Libby, husband and wife, and Winterset Building Corporation do hereby certify that we are the sole owners and proprietors of the following described real estate, to-wit:

Commencing at a point 9 feet West of the Northeast corner of the Northwest Quarter (¼) of the Southeast Quarter (¼) of the Southwest Quarter (¼) Section Thirty Six (36), Township Seventy Six (76) North, Range Twenty Eight (28) West of the 5th P. M., Madison County, Iowa, thence North 89° 18' West 1980.07 feet, thence South 0° 04' West 328.65 feet, thence South 89° 16' East 1314.72 feet, thence South 0° 44' West 61.6 feet, thence South 89° 16' East 118.8 feet, thence South 0° 00' 5.75 feet, thence South 89° 16' East 168.0 feet, thence North 0° 00' 69.0 feet, thence South 89° 18' East 375.3 feet, thence North 0° 00' 327.0 feet to the point of beginning.

That the disposition of said land as shown by the annexed plat and survey certificate is with our free consent and in accordance with our desire, and we dedicate to the public for use as public streets so much of the above described land as is by said plat set apart and designated as extensions of Washington Street, Tenth Avenue, Eleventh Avenue, and the new street designated as Twelfth Avenue in the City of Winterset, Iowa, and we, Elmer E. Libby and Bessie Libby hereby relinquish our right of dower therein, to-wit:

Commencing at a point 9 feet West of the Northeast corner of the Northwest Quarter (¼) of the Southeast Quarter (¼) of the Southwest Quarter (¼) Section Thirty Six (36), Township Seventy Six (76) North, Range Twenty Eight (28) West of the 5th P.M., Madison County, Iowa, thence South 0° 00' 327.0 feet, thence North 89° 18' West 25 feet, thence North 0° 00' 139.0 feet, thence North 89° 18' West 468.3 feet, thence South 0° 00' 208 feet, thence North 89° 16' West 50 feet, thence North 0° 00' 208 feet, thence North 89° 16' West 673.68 feet, thence South 0° 00' 142.01 feet, thence North 89° 16' West 50 feet, thence North 0° 00' 142.12 feet, thence North 89° 16' West 676.84 feet, thence South 0° 00' 143.65 feet, thence North 89° 16' West 33 feet, thence North 0° 04' East 328.65 feet, thence South 89° 18' East 33 feet, thence South 0° 00' 135 feet, thence South 89° 18' East 676.87 feet, thence North 0° 00' 136.53 feet, thence South 89° 18' East 50 feet, thence South 0° 00' 136.64 feet, thence South 89° 18' East 676.9 feet, thence North 0° 00' 138 feet, thence South 89° 18' East 50 feet, thence South 0° 00' 138 feet, thence South 89° 18' East 468.3 feet, thence Northwesterly

Acme-Blackmar Co., Burlington, 81393

138.93 feet to a point 41 feet West of the starting point, thence South 89° 18' East 41 feet, to the place of beginning.

IN WITNESS WHEREOF we have hereinto set our hands and seal this 6th day of July, 1963.

Elmer E. Libby
Elmer E Libby
Bessie Libby
Bessie Libby

WINTERSET BUILDING CORPORATION
By Herbert T. Reed
Herbert T. Reed

(CORPORATE SEAL)

STATE OF IOWA MADISON COUNTY : SS

On this 6th day of July, 1963, before me the undersigned a Notary Public in and for Madison County, Iowa, personally appeared Elmer E. Libby and Bessie Libby to me known to be the identical persons named and who executed the foregoing instrument and acknowledge that they executed the same as their voluntary act and deed; and also Herbert T. Reed to me personally known who being by me duly sworn did say that he is president of Winterset Building Corporation, that the seal affixed thereto is the seal of said corporation, that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors and the said Herbert T. Reed acknowledged the execution of said instrument to be the voluntary act and deed of said corporation by it and by him voluntarily executed.

(NOTARIAL SEAL)

Lewis H. Jordan Notary Public
in and for Madison County Iowa
Lewis H. Jordan

DEED OF RESTRICTIONS
ELMER E. LIBBY AND BESSIE LIBBY, HUSBAND AND WIFE
AND
WINTERSET BUILDING CORPORATION
TO THE PUBLIC

KNOW ALL MEN BY THESE PRESENTS: That we, Elmer E. Libby and Bessie Libby, husband and wife, and Winterset Building Corporation are now the fee simple owners and record title holders of the following described real estate, to-wit:

Commencing at a point 9 feet west of the Northeast corner of the Northwest Quarter (¼) of the Southeast Quarter (¼) of the Southwest Quarter (¼) Section Thirty Six (36), Township Seventy Six (76) North, Range Twenty Eight (28) West of the 5th P.M., Madison County, Iowa, thence North 89° 18' West 1980.07 feet, thence South 0° 04' West 328.65 feet, thence South 89° 16' East 1314.72 feet, thence South 0° 44' West 61.6 feet, thence South 89° 16' East 118.8 feet, thence South 0° 00' 5.75 feet, thence South 89° 16' East 168.0 feet, thence North 0° 00' 69.0 feet, thence South 89° 18' East 375.3 feet, thence North 0° 00' 327.0 feet to the point of beginning.

which real estate is being platted by the grantors as Honor's Acres Second Addition to Winterset, Iowa.

That said owners do hereby impose and subject said real estate to certain regulations, covenants, restrictions and easements as to the use and occupancy thereof as follows:

(a) All lots described therein shall be known, described and used solely as residential lots and no structure shall be erected on any residential building lot other than one detached single family dwelling not to exceed two stories in height and a one or two car garage.

(b) No building shall be erected on any residential building plot nearer than 25 feet nor farther than 44 feet from the front lot line, nor nearer than 10 feet to any side plot line. The side line restriction shall not apply to a garage located on the rear one fourth of a lot except that on corner lots no structure shall be permitted nearer than 10 feet to the side street line.

(c) No residential lot shall be subdivided into building plots having less than 6500 square feet of area or a width of less than 60 feet each, nor shall any building be erected on any residential building plot having an area of less than 6,500 feet.

(d) No trailer, basement, tent, shack, garage, barn or other out building erected in

the tract shall at any time be used as a residence temporarily or permanently, nor shall any residence of a temporary character be permitted.

(e) No building shall be erected on any building plot unless the design and location is in harmony with existing structures and locations in the tract and does not violate any of these protective covenants. In any case, no residential building shall be erected on any plot having a ground floor square foot area of less than 788 square feet.

(f) Title holders of each lot vacant or improved shall keep his lot or lots free of weeds and debris.

(g) No obnoxious or offensive trade shall be carried on on any plot nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

(h) These covenants are to run with the land and shall be binding on all parties and persons claiming through or under them until June 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.

(i) 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 June 1, 1973, 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.

(j) 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.

(k) 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 Winterset, Iowa, and its assigns; and a perpetual easement is granted to the Northwestern Bell 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 following described land, to-wit:

The North 5 feet of lots 1 through 27 inclusive;

The South 5 feet of lots 49 through 54 and 28 through 43;

The West 5 feet of lots 45 and 46;

TheEast 5 feet of lot 47

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

Dated at Winterset, Iowa, this 6th day of July, 1963.

Elmer E. Libby
Elmer E. Libby
Bessie Libby
Bessie Libby

WINTERSET BUILDING CORPORATION
By Herbert T. Reed
Herbert T. Reed -

(CORPORATE SEAL)

STATE OF IOWA MADISON COUNTY: ss

On this 6th day of July, 1963, before me, the undersigned, a Notary Public in and for Madison County, Iowa, personally appeared Elmer E. Libby and Bessie Libby 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.

(Notarial Seal)

Lewis H. Jordan Notary Public
in and for Madison County Iowa
Lewis H. Jordan

STATE OF IOWA: MADISON COUNTY: ss

On this 6th day of July, 1963, before me, the undersigned, a Notary Public in and for Madison County, Iowa personally appeared Herbert T. Reed, to me personally known, who, being

Acres-Blackmar Co., Burlington, #1393

by me duly sworn, did say that he is the president of said corporation executing the within and foregoing instrument to which this is attached, that the seal affixed thereto is the seal of said corporation; that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors; and that the said Herbert T. Reed as such officer acknowledged the execution of said instrument to be the voluntary act and deed of said corporation by it and by him voluntarily executed.

(Notarial Seal)

Lewis H. Jordan Notary Public
in and for Madison County, Iowa
Lewis H. Jordan

HONOR'S ACRES SECOND ADDITION TO WINTERSET, IOWA

CERTIFICATE OF ENGINEER

I, Gene R. Hardy, a licensed engineer residing in Adel, Dallas County, Iowa, do hereby certify that at the request of Elmer E. Libby and Bessie Libby and Winterset Building Corporation, I have surveyed and have set iron stakes at the corners of the lots as shown on the attached plat of Honor's Acres Second Addition to Winterset, Iowa; that the distances marked on said plat are correct and are marked in feet; that the location and width of the streets are as shown on said plat; that Honor's Acres Second Addition to Winterset, Iowa comprises real estate located in the Northwest Quarter (¼) of the Southeast Quarter (¼) of the Southwest Quarter (¼) and the North Half (½) of the North Half (½) of the Southwest Quarter (¼) of the Southwest Quarter (¼) all in Section Thirty Six (36), Township Seventy Six (76) North, Range Twenty Eight (28) West of the 5th P. M., Madison County, Iowa, and is more particularly described as follows:

> Commencing at a point 9 feet West of the Northeast corner of the Northwest Quarter (¼) of the Southeast Quarter (¼) of the Southwest Quarter (¼) of Section Thirty Six (36), Township Seventy Six (76) North, Range Twenty Eight (28) West of the 5th P.M., Madison County, Iowa, thence North 89° 18' West 1980.07 feet, thence South 0° 04' West 328.65 feet, thence South 89° 16' East 1314.72 feet, thence South 0° 44' West 61.6 feet, thence South 89° 16' East 118.8 feet, thence South 0° 00' 5.75 feet, thence South 89° 16' East 168.0 feet, thence North 0° 00' 69.0 feet, thence South 89° 18' East 375.3 feet, thence North 0° 00' 327.0 feet to the point of beginning.

That the following described real estate shown in said plat is dedicated to the public use for public streets, to-wit:

> Commencing at a point 9 feet West of the Northeast corner of the Northwest Quarter (¼) of the Southeast Quarter (¼) of the Southwest Quarter (¼) Section Thirty Six (36), Township Seventy Six (76) North, Range Twenty Eight (28) West of the 5th P.M., Madison County, Iowa, thence South 0° 00' 327.0 feet, thence North 89° 18' West 25 feet, thence North 0° 00' 139.0 feet, thence North 89° 18' West 468.3 feet, thence South 0° 00' 208 feet, thence North 89° 16' West 50 feet, thence North 0° 00' 208 feet, thence North 89° 16' West 673.68 feet, thence South 0° 00' 142.01 feet, thence North 89° 16' West 50 feet, thence North 0° 00' 142.12 feet, thence North 89° 16' West 676.84 feet, thence South 0° 00' 143.65 feet, thence North 89° 16' West 33 feet, thence North 0° 04' East 328.65 feet, thence South 89° 18' East 33 feet, thence South 0° 00' 135 feet, thence South 89° 18' East 676.87 feet, thence North 0° 00' 136.53 feet, thence South 89° 18' East 50 feet, thence South 0° 00' 136.64 feet, thence South 89° 18' East 676.9 feet, thence North 0° 00' 138 feet, thence South 89° 18' East 50 feet, thence South 0° 00' 138 feet, thence South 89° 18' East 468.3 feet, thence Northwesterly 138.93 feet to a point 41 feet West of the starting point, thence South 89° 18' East 41 feet, to the place of beginning.

That in addition to the portion of the plat previously described as being dedicated to the public for use as public streets, the remaining area of real estate shown on said plat is subdivided into lots and numbered 1 through 54 as shown on said plat.

That the description of lots is shown as follows:

Lot 1 is 50.9 feet East and West on the North side thereof, 138 feet North and South on the West side thereof, 66.9 feet East and West on the South side thereof and 138.93 feet

North and South on the East side thereof. (Note: the East and West line on the North and South side of said lot bears North 89° 18' West).

Lots 2, 3, 4, 5, 6 and 7 are each 66.9 feet East and West and 138 feet North and South. (Note: the East and West line on the North and South side of said lots bears North 89° 18' West).

Lot 8 is 67.69 feet East and West and 138 feet north and South on East side thereof and 137.87 feet on the West side thereof.

Lot 9 is 67.69 feet East and West and 137.87 feet North and South on the East side thereof and 137.73 feet on the West side thereof.

Lot 10 is 67.69 feet East and West and 137.73 feet North and South on the East side thereof and 137.59 feet on the West side thereof.

Lot 11 is 67.69 feet East and West and 137.59 feet North and South on the East side thereof and 137.46 feet on the West side thereof.

Lot 12 is 67.69 feet East and West and 137.46 feet North and South on the East side thereof and 137.32 feet on the West side thereof.

Lot 13 is 67.69 feet East and West and 137.32 feet North and South on the East side thereof and 137.18 feet on the West side thereof.

Lot 14 is 67.69 feet East and West and 137.18 feet North and South on the East side thereof and 137.05 feet on the West side thereof.

Lot 15 is 67.69 feet East and West and 137.05 feet North and South on the East side thereof and 136.91 feet on the West side thereof.

Lot 16 is 67.69 feet East and West and 136.91 feet North and South on the East side thereof and 136.78 feet on the West side thereof.

Lot 17 is 67.69 feet East and West and 136.78 feet North and South on the East said thereof and 136.64 feet on the West side thereof.

Lot 18 is 67.43 feet East and West and 136.53 feet North and South on the East side thereof and 136.36 feet on the West side thereof.

Lot 19 is 67.43 feet east and west and 136.36 feet north and south on the east side thereof and 136.21 feet on the west side thereof.

Lot 20 is 67.43 feet east and west and 136.21 feet north and south on the east side thereof and 136.06 feet on the west side thereof.

Lot 21 is 67.43 feet east and west and 136.06 feet north and south on the east side thereof and 135.91 feet on the west side thereof.

Lot 22 is 67.43 feet east and west and 135.91 feet north and south on the east side thereof and 135.76 feet on the west side thereof.

Lot 23 is 67.43 feet east and west and 135.76 feet north and south on the east side thereof and 135.61 feet on the west side thereof.

Lot 24 is 67.43 feet east and west and 135.61 feet north and south on the east side thereof and 135.46 feet on the west side thereof.

Lot 25 is 67.43 feet east and west and 135.46 feet north and south on the east side thereof and 135.31 feet on the west side thereof.

Lot 26 is 67.43 feet east and west and 135.31 feet north and south on the east side thereof and 135.16 feet on the west side thereof.

Lot 27 is 70.0 feet east and west and 135.16 feet north and south on the east side thereof and 135.0 feet on the west side thereof. (Note: the East and West line on the North side of said lot bears North 89° 18' West).

Lot 28 is 207 feet east and west and 143.65 feet north and south on the west side thereof and 143.18 feet on the east side thereof.

Lot 29 is 67.12 feet east and west and 143.18 feet north and south on the west side thereof

Acres-Blackmar Co., Burlington, #1393

and 142.02 feet on the east side thereof.

Lot 30 is 67.12 feet east and west and 142.02 feet north and south on the west side thereof and 142.87 feet on the east side thereof.

Lot 31 is 67.12 feet east and west and 142.87 feet north and south on the west side thereof and 142.72 feet on the east side thereof.

Lot 32 is 67.12 feet east and west and 142.72 feet north and South on the west side thereof and 142.57 feet on the east side thereof.

Lot 33 is 67.12 feet east and west and 142.57 feet north and south on the west side thereof and 142.42 feet on the east side thereof.

Lot 34 is 67.12 feet east and west and 142.42 feet north and south on the west side thereof and 142.27 feet on the east side thereof.

Lot 35 is 67.12 feet east and west and 142.27 feet north and south on the west side thereof and 142.12 feet on the east side thereof.

Lot 36 is 69.36 feet east and west and 142.01 feet north and south on the west side thereof and 141.86 feet on the east side thereof.

Lot 37 is 69.36 feet east and west and 141.86 feet north and south on the west side thereof and 141.71 feet on the east side thereof.

Lot 38 is 69.36 feet east and west and 141.71 feet north and south on the west side thereof and 141.55 feet on the east side thereof.

Lot 39 is 69.36 feet east and west and 141.55 feet north and south on the west side thereof and 141.39 feet on the east side thereof.

Lot 40 is 69.36 feet east and west and 141.39 feet north and south on the west side thereof and 141.23 feet on the east side thereof.

Lot 41 is 69.36 feet east and west and 141.23 feet north and south on the west side thereof and 141.07 feet on the east side thereof.

Lot 42 is 69.36 feet east and west and 141.07 feet north and south on the west side thereof and 140.91 feet on the east side thereof.

Lot 43 is 69.36 feet east and west and 140.91 feet north and south on the west side thereof and 140.75 feet on the east side thereof. (Note: the east and west line on the south side of said lots bear south 89- 16' east.)

Lots 44, 45 and 46 are each 118.8 feet east and west and 67.45 feet north and south. (Note: The east and west line on the north and south side of said lots bears south 89° 16' east.)

Lot 47 is 118 feet east and west and 69 feet north and south. (Note: the east and west line on the south side of said lot bears south 89° 16' east, the north side of said lot bears south 89° 18' east).

Lots 48 through 54 are each 66.9 feet east and west and 139 feet north and south. (Note: the east and west line on the north and south side of said lots bears south 89° 18' east.

Gene R. Hardy
Gene R. Hardy

Subscribed and sworn to before me by Gene R. Hardy this 15th day of July, 1963.

(NOTARIAL SEAL)

Lewis H. Jordan Notary Public
in and for Madison County, Iowa.
Lewis H. Jordan

ABSTRACT OF TITLE --- ATTORNEYS OPINION

July 8, 1963

City Council of Winterset
Winterset, Iowa

Gentlemen:

We have this day examined an abstract of title purporting to show the chain of title to the following described real estate, to-wit:

The North Half (½) of the North Half (½) of the Southwest Quarter (¼) of the Southwest Quarter (¼) of Section Thirty-six (36), in Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P. M., Madison County, Iowa,

from the United States Government to date of last continuation, thereto, to-wit: July 3, 1963 at 8 o'clock A. M.

In connection with this examination, it is our opinion that this constitutes a complete abstract of title to the above described real estate and that said abstract shows merchantable fee simple title in said real estate to be in ELMER E. LIBBY, BESSIE LIBBY AND WINTERSET BUILDING CORPORATION as of date of last continuation thereof and shows said real estate to be free of all encumbrances.

We have also examined a separate abstract of title purporting to show the chain of title to the following described real estate to-wit:

The Northwest Quarter (¼) of the Southeast Quarter (¼) of the Southwest Quarter (¼) of Section Thirty-Six (36), in Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P. M., Madison County, Iowa, excepting therefrom a tract described as follows: Commencing at a point 327.4 feet south of the Northeast corner thereof, thence South 329 feet, thence North, 89° 20' West, 661.3 feet, thence North 0° 03' West, 265.75 feet, thence South 89° 18' East, 118.8 feet, thence South 5.75 feet, thence South 89° 18' East, 168 feet, thence North 69 feet, thence South 89° 18' East, 375 feet to the place of beginning

from the United States Government to date of last continuation thereof, to-wit: July 3, 1963, at 8 o'clock A M.

In connection with such examination it is our opinion that this constitutes a complete abstract of title to the above described real estate and that said abstract shows merchantable fee simple title in said real estate to be in WINTERSET BUILDING CORPORATION as of date of last continuation thereof and shows said real estate to be free of all encumbrances.

Respectfully submitted,
WEBSTER, FREDERICK & JORDAN
By Lewis H. Jordan
Lewis H. Jordan

LHJ:mh

CERTIFICATE OF COUNTY TREASURER OF MADISON COUNTY, IOWA

I, Laura Garnett, 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 there are no unpaid taxes against the following described real estate, to-wit:

Commencing at a point 9 feet West of the Northeast corner of the Northwest Quarter (¼) of the Southeast Quarter (¼) of the Southwest Quarter (¼) of Section Thirty Six (36), Township Seventy Six (76) North, Range Twenty Eight (28) West of the 5th P.M., Madison County, Iowa, thence North 89° 18' West 1980.07 feet, thence South 0° 04' West 328.65 feet, thence South 89° 16' East 1314.72 feet, thence South 0° 44' West 61.6 feet, thence South 89° 16' East 118.8 feet, thence South 0° 00' 5.75 feet, thence South 89° 16' East 168.0 feet, thence North 0° 00' 69.0 feet, thence South 89° 18' East 375.3 feet, thence North 0° 00' 327.0 feet to the point of beginning.

Dated at Winterset, Iowa, this 8th day of July, 1963.

Laura Garnett
Laura Garnett, Treasurer of
Madison County, Iowa

CERTIFICATE OF THE CLERK OF THE DISTRICT COURT OF MADISON COUNTY, IOWA

I, Marguerite Morrissey, hereby certify that I am the duly elected and acting Clerk of the District Court of Madison County, Iowa; that I have examined the records in my office and that the following described real estate, to-wit:

Acres-Blackmar Co., Burlington. 81293

Commencing at a point 9 feet West of the Northeast corner of the Northwest Quarter (¼) of the Southeast Quarter (¼) of the Southwest Quarter (¼) of Section Thirty-Six (36), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa, thence North 89° 18' West 1980.07 feet, thence South 0° 04' West 328.65 feet, thence South 89° 16' East 1314.72 feet, thence South 0° 44' West 61.6 feet, thence South 89° 16' East 118.8 feet, thence South 0° 00' 5.75 feet, thence South 89° 16' East 168.0 feet, thence North 0° 00' 69.0 feet, thence South 89° 18' East 375.3 feet, thence North 0° 00' 327.0 feet to the point of beginning.

is free from all judgments, attachments, mechanics' or other liens.

Dated at Winterset, Iowa, this 15 day of July, 1963.

(DISTRICT COURT SEAL)

Marguerite Morrissey
Marguerite Morrissey, Clerk of the District Court of Madison County, Iowa.

CERTIFICATE OF THE COUNTY RECORDER OF MADISON COUNTY, IOWA

I, Mary E. Welty, hereby certify that I am the duly elected and acting Recorder of Madison County, Iowa; that Elmer E. Libby and Bessie Libby, husband and wife, and Winterset Building Corporation are now the fee simple owners and record title holders of the following described real estate, to-wit:

Commencing at a point 9 feet West of the Northeast corner of the Northwest Quarter (¼) of the Southeast Quarter (¼) of the Southwest Quarter (¼) of Section Thirty Six (36), Township Seventy Six (76) North, Range Twenty Eight (28) West of the 5th P.M., Madison County, Iowa, thence North 89° 18' West 1980.07 feet, thence South 0° 04' West 328.65 feet, thence South 89° 16' East 1314.72 feet, thence South 0° 44' West 61.6 feet, thence South 89° 16' East 118.8 feet, thence South 0° 00' 5.75 feet, thence South 89° 16' East 168.0 feet, thence North 0° 00' 69.0 feet, thence South 89° 18' East 375.3 feet, thence North 0° 00' 327.0 feet to the point of beginning.

Dated at Winterset, Iowa, this 8 day of July, 1963.

COMPARED

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

Town Lot Deed Record, No. 37

Acres-Blackmar Co., Burlington, $1293

Elmer E. Libby & wife
& Winterset Building Corp.
To
The Public

#2796A

Fee $24.50
Plat $3.00

Filed for record the 11 day of September A. D. 1963 at 3:00 o'clock P. M.

Mary E. Welty, Recorder

Plat recorded in Town Plat Book 1, pages 202 & 203

PLAT AND CERTIFICATE FOR HONOR'S ACRES SECOND ADDITION TO WINTERSET, IOWA

STATE OF IOWA, County of Madison, City of Winterset, ss:

We, Wayne Newton and O. D. Simmons, Mayor and City Clerk, respectively, of the City of Winterset, Iowa, located in Madison County, Iowa, do hereby certify that the plat to which this certificate is attached is a plat of an addition to the City of Winterset, Iowa, designated as Honor's Acres Second Addition to Winterset, Iowa, located in the North Half of the North Half of the Southwest Quarter of the Southwest Quarter of Section Thirty-six (36), in Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P. M., Madison County, Iowa, and the land comprising said plat is more specifically described as follows, to wit:

Commencing at a point 9 feet West of the Northeast Corner of the Northwest Quarter (¼) of the Southeast Quarter (¼) of the Southwest Quarter (¼) of Section Thirty-six (36), Township Seventy-six (76) North, Range Twenty-eight (28), West of the 5th P. M., Madison County, Iowa, thence North 89°18' West 1980.07 feet, thence South 0°4' West 328.65 feet, thence South 89°16' East 1314.72 feet, thence South 0°44' West 61.6 feet, thence South 89°16' East 118.8 feet,

thence South 0°00' 5.75 feet, thence South 89°16' East 168.0 feet, thence North 0°00' 69.0 feet, thence South 89°18' East 375.3 feet, thence North 0°00' 327.0 feet to the point of beginning, which plat was filed with the City Clerk of the City of Winterset, Iowa, on August 29, 1963, and was approved by the City Council of the City of Winterset, Iowa, by a resolution passed and adopted by said City Council on August 29, 1963, and approved by the Mayor of said City of Winterset, Iowa, on August 29, 1963, and that a true, correct and complete copy of said resolution is affixed to said plat and is made a part of the certification made by this Certificate, and said Mayor and City Clerk hereby certify said resolution, and that as part of said plat and of this certification is an attached certificate of engineer, executed by Gene R. Hardy, a licensed and registered land surveyor, of Adel, Iowa, dated July 15, 1963, with reference to said plat, which explains said plat, and also dedication of plat, duly signed and acknowledged on July 6, 1963, by Elmer E. Libby and Bessie Libby, husband and wife and Winterset Building Corporation, with reference to said land platted and also an opinion from Webster, Frederick and Jordan, attorneys at law at Winterset, Iowa, showing that the fee title to said platted real estate is in said proprietors, Elmer E. Libby and Bessie Libby, husband and wife, and Winterset Building Corporation, and that the land platted is free from encumbrance, and also a certificate of the Clerk of the District Court of the State of Iowa in and for Madison County, dated July 15, 1963, stating that said real estate platted is free from all judgments, attachments, mechanics' or other liens as appears by the record in her office, and also a certificate of the County Recorder of Madison County, Iowa, dated July 8, 1963, stating that the title in fee to said real estate platted is in such proprietors, to wit: Elmer E. Libby and Bessie Libby, husband and wife, and Winterset Building Corporation, and that it is free from encumbrance, and also a certificate, or certified statement, from the County Treasurer of Madison County, Iowa, dated July 8, 1963, that said real estate platted is free from taxes, and a deed of restrictions executed by Elmer E. Libby and Bessie Libby, husband and wife, and Winterset Building Corporation on July 6, 1963, with reference to said real estate; all of which is duly certified in accordance with the provisions of Chapter 409 of the Code of Iowa and all other provisions of law applicable thereto.

Dated and signed at Winterset, Iowa, in Madison County, Iowa, and sealed with the official seal of the City of Winterset, Iowa, on the 9th day of September, 1963.

(CITY OF WINTERSET SEAL)

Wayne Newton
(Wayne Newton) Mayor
of the City of Winterset, Iowa

O. D. Simmons
(O. D. Simmons) City Clerk
of the City of Winterset, Iowa

STATE OF IOWA, Madison County, ss:

On this 9th day of September, 1963, before me, a Notary Public in and for Madison County, Iowa, personally appeared Wayne Newton and O. D. Simmons, Mayor and City Clerk, respectively, of the City of Winterset, Iowa, a municipal Corporation, who being to me known as the identical persons who signed the above and foregoing instrument, and by me duly sworn, each for himself, did say that they are respectively the Mayor and City Clerk of the City of Winterset Iowa, that the seal affixed to said instrument is the seal of the City of Winterset, Iowa, and that said instrument was by them signed and sealed, and each of them acknowledged the execution of said instrument to be the voluntary act and deed of each of them, as an official certification in accordance with Chapter 409 of the Code of Iowa.

Witness my hand and notarial seal the day and year last above written.

(NOTARIAL SEAL)

Daniel J. Gallery
(Daniel J. Gallery) Notary Public
in and for Madison County, Iowa.

RESOLUTION - Approving Plat of Honor's Acres Second Addition to Winterset, Iowa

WHEREAS, on the 29th day of August, 1963, there was filed in the office of the City Clerk

Acme-Blackmer Co., Burlington, #1393

of the City of Winterset, Iowa, a registered land surveyor's plat of the proposed addition to be platted of real estate within the corporate limits of the City of Winterset, Iowa, owned by Elmer E. Libby and Bessie Libby, husband and wife, and Winterset Building Corporation, to be known as Honor's Acres Second Addition to Winterset, Iowa, which real estate is situated in the North Half of the North Half of the Southwest Quarter of the Southwest Quarter of Section Thirty-six (36), in Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P. M., Madison County, Iowa, and the land comprising said plat is more specifically described as follows, to wit:

> Commencing at a point 9 feet West of the Northeast Corner of the Northwest Quarter (¼) of the Southeast Quarter (¼) of the Southwest Quarter (¼) of Section Thirty-six (36), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M. Madison County, Iowa, thence North 89° 18' West 1980.07 feet, thence South 0° 4' West 328.65 feet, thence South 89° 16' East 1314.72 feet, thence South 0°44' West 61.6 feet, thence South 89° 16' East 118.8 feet, thence South 0° 00' 5.75 feet, thence South 89° 16' East 168.0 feet, thence North 0° 00' 69.0 feet, thence South 89° 18' East 375.3 feet, thence North 0° 00' 327.0 feet to the point of beginning, and,

WHEREAS, there was also filed with said plat, on the 29th day of August, 1963, a correct description of the land involved, and a statement to the effect that the subdivision as its appears on the plat is with the free consent and in accordance with the desire of the proprietors, Elmer E. Libby and Bessie Libby, husband and wife, and Winterset Building Corporation, signed and acknowledged before an officer authorized to take the acknowledgment of deeds, 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 proprietors and that the platted land is free from encumbrance, and a certified statement from the Treasurer of Madison County, Iowa, that said platted land is free from taxes, and from the Clerk of the District Court of Madison County, Iowa, that it is free from all judgments, attachments, mechanic's or other liens as appears by the record in her office, and from the Recorder of Madison County, Iowa, that the title in fee simple to said real estate is in such proprietors, and that it is free from encumbrance, and,

WHEREAS, said plat is accompanied by a certificate of Gene R. Hardy, a licensed and registered land surveyor, of Adel, Iowa, which explains said plat, and,

WHEREAS, there was also filed with said plat, on the 29th day of August, 1963, an instrument entitled "Deed ofRestrictions", executed by said proprietors with reference to said platted land, and,

WHEREAS, said plat has been approved by the City Planning and Zoning Commission of the City of Winterset, Iowa, and,

WHEREAS, this City Council finds that said plat conforms to the provisions of the laws of the State of Iowa, particularly Chapter 409 of the Code of Iowa as applicable thereto, and the ordinances of the City of Winterset, Iowa, and that all provisions of law of the State of Iowa, particularly Chapter 409 of the Code of Iowa applicable thereto, and of the ordinances of the City of Winterset, Iowa, as applicable thereto, have been complied with, and that said instruments and papers and documents presented in connection therewith should be approved by this City Council, and that said addition known as Honor's Acres Second Addition to Winterset, Iowa, should be approved and accepted by the City of Winterset, Iowa, and that the dedication of the portion therein dedicated to the public for use for public street purposes should be accepted by this City Council for and in behalf of the City of Winterset, Iowa, and that all easements provided for the benefit of the public utilities of this City should be accepted.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WINTERSET, IOWA:

That said plat for Honor's Acres Second Addition to Winterset, Iowa, be and the same is hereby approved by the City Council of the City of Winterset, Iowa, for and in behalf of the

City of Winterset, Iowa, and by the City of Winterset, Iowa, acting through its City Council, and that said instruments and papers and documents presented in connection therewith are hereby approved, and that such addition known as Honor's Acres Second Addition to Winterset, Iowa, be and is hereby approved and accepted by this City Council, for and in behalf of the City of Winterset, Iowa, and by the City of Winterset, Iowa, acting through its City Council,

And that the Mayor and City Clerk of the City of Winterset, Iowa, be and are 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 all instruments and papers and documents which should be filed and recorded in connection therewith, and that all things shall be done to carry out the provisions of Section 409.12 of the Code of Iowa of 1962, so far as applicable, and to carry out any other provisions of Chapter 409 of the Code of Iowa applicable thereto, or any other provisions of law or ordinances applicable thereto.

On roll call the members of the City Council voted as follows:

Duane O Lauer	Yes	Eugene W. Madsen	Yes
Cecil A. Letz	Yes	G. R. Glasscock	Yes

Approved by me this 29th day of August, 1963:

/s/ Wayne Newton Mayor
(CITY OF WINTERSET SEAL) of the City of Winterset, Iowa

Attest: /s/ O. D. Simmons City Clerk
of the City of Winterset, Iowa.

PLAT OF HONOR'S ACRES SECOND ADDITION TO WINTERSET, IOWA

ELMER E. LIBBY, BESSIE LIBBY, :
WINTERSET BUILDING CORPORATION :
TO :
THE PUBLIC : DEDICATION OF PLAT

KNOW ALL MEN BY THESE PRESENCE: That we, Elmer E. Libby and Bessie Libby, husband and wife, and Winterset Building Corporation do hereby certify that we are the sole owners and proprietors of the following described real estate, to-wit:

Commencing at a point 9 feet West of the Northeast corner of the Northwest Quarter (¼) of the Southeast Quarter (¼) of the Southwest Quarter (¼) Section Thirty Six (36), Township Seventy Six (76) North, Range Twenty Eight (28) West of the 5th P. M., Madison County, Iowa, thence North 89° 18' West 1980.07 feet, thence South 0° 04' West 328.65 feet, thence South 89° 16' East 1314.72 feet, thence South 0° 44' West 61.6 feet, thence South 89° 16' East 118.8 feet, thence South 0° 00' 5.75 feet, thence South 89° 16' East 168.0 feet, thence North 0° 00' 69.0 feet, thence South 89° 18' East 375.3 feet, thence North 0° 00' 327.0 feet to the point of beginning.

That the disposition of said land as shown by the annexed plat and survey certificate is with our free consent and in accordance with our desire, and we dedicate to the public for use as public streets so much of the above described land as is by said plat set apart and designated as extensions of Washington Street, Tenth Avenue, Eleventh Avenue, and the new street designated as Twelfth Avenue in the City of Winterset, Iowa, and we, Elmer E. Libby and Bessie Libby hereby relinquish our right of dower therein, to-wit:

Commencing at a point 9 feet West of the Northeast corner of the Northwest Quarter (¼) of the Southeast Quarter (¼) of the Southwest Quarter (¼) Section Thirty Six (36), Township Seventy Six (76) North, Range Twenty Eight (28) West of the 5th P.M., Madison County, Iowa, thence South 0° 00' 327.0 feet, thence North 89° 18' West 25 feet, thence North 0° 00' 139.0 feet, thence North 89° 18' West 468.3 feet, thence South 0° 00' 208 feet, thence North 89° 16' West 50 feet, thence North 0° 00' 208 feet, thence North 89° 16' West 673.68 feet, thence South 0° 00' 142.01 feet, thence North 89° 16' West 50 feet, thence North 0° 00' 142.12 feet, thence North 89° 16' West 676.84 feet, thence South 0° 00' 143.65 feet, thence North 89° 16' West 33 feet, thence North 0° 04' East 328.65 feet, thence South 89° 18' East 33 feet, thence South 0° 00' 135 feet, thence South 89° 18' East 676.87 feet, thence North 0° 00' 136.53 feet, thence South 89° 18' East 50 feet, thence South 0° 00' 136.64 feet, thence South 89° 18' East 676.9 feet, thence North 0° 00' 138 feet, thence South 89° 18' East 50 feet, thence South 0° 00' 138 feet, thence South 89° 18' East 468.3 feet, thence Northwesterly

Acres-Blackmar Co., Burlington, #1293

138.93 feet to a point 41 feet West of the starting point, thence South 89° 18' East 41 feet, to the place of beginning.

IN WITNESS WHEREOF we have hereinto set our hands and seal this 6th day of July, 1963.

Elmer E. Libby
Elmer E Libby
Bessie Libby
Bessie Libby

WINTERSET BUILDING CORPORATION
By Herbert T. Reed
Herbert T. Reed

(CORPORATE SEAL)

STATE OF IOWA MADISON COUNTY : SS

On this 6th day of July, 1963, before me the undersigned a Notary Public in and for Madison County, Iowa, personally appeared Elmer E. Libby and Bessie Libby to me known to be the identical persons named and who executed the foregoing instrument and acknowledge that they executed the same as their voluntary act and deed; and also Herbert T. Reed to me personally known who being by me duly sworn did say that he is president of Winterset Building Corporation, that the seal affixed thereto is the seal of said corporation, that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors and the said Herbert T. Reed acknowledged the execution of said instrument to be the voluntary act and deed of said corporation by it and by him voluntarily executed.

(NOTARIAL SEAL)

Lewis H. Jordan Notary Public
in and for Madison County Iowa
Lewis H. Jordan

DEED OF RESTRICTIONS
ELMER E. LIBBY AND BESSIE LIBBY, HUSBAND AND WIFE
AND
WINTERSET BUILDING CORPORATION
TO THE PUBLIC

KNOW ALL MEN BY THESE PRESENTS: That we, Elmer E. Libby and Bessie Libby, husband and wife, and Winterset Building Corporation are now the fee simple owners and record title holders of the following described real estate, to-wit:

Commencing at a point 9 feet west of the Northeast corner of the Northwest Quarter (¼) of the Southeast Quarter (¼) of the Southwest Quarter (¼) Section Thirty Six (36), Township Seventy Six (76) North, Range Twenty Eight (28) West of the 5th P.M., Madison County, Iowa, thence North 89° 18' West 1980.07 feet, thence South 0° 04' West 328.65 feet, thence South 89° 16' East 1314.72 feet, thence South 0° 44' West 61.6 feet, thence South 89° 16' East 118.8 feet, thence South 0° 00' 5.75 feet, thence South 89° 16' East 168.0 feet, thence North 0° 00' 69.0 feet, thence South 89° 18' East 375.3 feet, thence North 0° 00' 327.0 feet to the point of beginning.

which real estate is being platted by the grantors as Honor's Acres Second Addition to Winterset, Iowa.

That said owners do hereby impose and subject said real estate to certain regulations, covenants, restrictions and easements as to the use and occupancy thereof as follows:

(a) All lots described therein shall be known, described and used solely as residential lots and no structure shall be erected on any residential building lot other than one detached single family dwelling not to exceed two stories in height and a one or two car garage.

(b) No building shall be erected on any residential building plot nearer than 25 feet nor farther than 44 feet from the front lot line, nor nearer than 10 feet to any side plot line. The side line restriction shall not apply to a garage located on the rear one fourth of a lot except that on corner lots no structure shall be permitted nearer than 10 feet to the side street line.

(c) No residential lot shall be subdivided into building plots having less than 6500 square feet of area or a width of less than 60 feet each, nor shall any building be erected on any residential building plot having an area of less than 6,500 feet.

(d) No trailer, basement, tent, shack, garage, barn or other out building erected in

the tract shall at any time be used as a residence temporarily or permanently, nor shall any residence of a temporary character be permitted.

(e) No building shall be erected on any building plot unless the design and location is in harmony with existing structures and locations in the tract and does not violate any of these protective covenants. In any case, no residential building shall be erected on any plot having a ground floor square foot area of less than 788 square feet.

(f) Title holders of each lot vacant or improved shall keep his lot or lots free of weeds and debris.

(g) No obnoxious or offensive trade shall be carried on on any plot nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

(h) These covenants are to run with the land and shall be binding on all parties and persons claiming through or under them until June 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.

(i) 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 June 1, 1973, 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.

(j) 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.

(k) 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 Winterset, Iowa, and its assigns; and a perpetual easement is granted to the Northwestern Bell 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 following described land, to-wit:

The North 5 feet of lots 1 through 27 inclusive;

The South 5 feet of lots 49 through 54 and 28 through 43;

The West 5 feet of lots 45 and 46;

TheEast 5 feet of lot 47

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

Dated at Winterset, Iowa, this 6th day of July, 1963.

Elmer E. Libby
Elmer E. Libby
Bessie Libby
Bessie Libby

WINTERSET BUILDING CORPORATION
By Herbert T. Reed
Herbert T. Reed -

(CORPORATE SEAL)

STATE OF IOWA MADISON COUNTY: ss

On this 6th day of July, 1963, before me, the undersigned, a Notary Public in and for Madison County, Iowa, personally appeared Elmer E. Libby and Bessie Libby 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.

(Notarial Seal)

Lewis H. Jordan Notary Public
in and for Madison County Iowa
Lewis H. Jordan

STATE OF IOWA: MADISON COUNTY: ss

On this 6th day of July, 1963, before me, the undersigned, a Notary Public in and for Madison County, Iowa personally appeared Herbert T. Reed, to me personally known, who, being

Acme-Blackmar Co., Burlington, #1393

by me duly sworn, did say that he is the president of said corporation executing the within and foregoing instrument to which this is attached, that the seal affixed thereto is the seal of said corporation; that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors; and that the said Herbert T. Reed as such officer acknowledged the execution of said instrument to be the voluntary act and deed of said corporation by it and by him voluntarily executed.

(Notarial Seal)

Lewis H. Jordan Notary Public
in and for Madison County, Iowa
Lewis H. Jordan

HONOR'S ACRES SECOND ADDITION TO WINTERSET, IOWA

CERTIFICATE OF ENGINEER

I, Gene R. Hardy, a licensed engineer residing in Adel, Dallas County, Iowa, do hereby certify that at the request of Elmer E. Libby and Bessie Libby and Winterset Building Corporation, I have surveyed and have set iron stakes at the corners of the lots as shown on the attached plat of Honor's Acres Second Addition to Winterset, Iowa; that the distances marked on said plat are correct and are marked in feet; that the location and width of the streets are as shown on said plat; that Honor's Acres Second Addition to Winterset, Iowa comprises real estate located in the Northwest Quarter (¼) of the Southeast Quarter (¼) of the Southwest Quarter (¼) and the North Half (½) of the North Half (½) of the Southwest Quarter (¼) of the Southwest Quarter (¼) all in Section Thirty Six (36), Township Seventy Six (76) North, Range Twenty Eight (28) West of the 5th P. M., Madison County, Iowa, and is more particularly described as follows:

> Commencing at a point 9 feet West of the Northeast corner of the Northwest Quarter (¼) of the Southeast Quarter (¼) of the Southwest Quarter (¼) of Section Thirty Six (36), Township Seventy Six (76) North, Range Twenty Eight (28) West of the 5th P.M., Madison County, Iowa, thence North 89° 18' West 1980.07 feet, thence South 0° 04' West 328.65 feet, thence South 89° 16' East 1314.72 feet, thence South 0° 44' West 61.6 feet, thence South 89° 16' East 118.8 feet, thence South 0° 00' 5.75 feet, thence South 89° 16' East 168.0 feet, thence North 0° 00' 69.0 feet, thence South 89° 18' East 375.3 feet, thence North 0° 00' 327.0 feet to the point of beginning.

That the following described real estate shown in said plat is dedicated to the public use for public streets, to-wit:

> Commencing at a point 9 feet West of the Northeast corner of the Northwest Quarter (¼) of the Southeast Quarter (¼) of the Southwest Quarter (¼) Section Thirty Six (36), Township Seventy Six (76) North, Range Twenty Eight (28) West of the 5th P.M., Madison County, Iowa, thence South 0° 00' 327.0 feet, thence North 89° 18' West 25 feet, thence North 0° 00' 139.0 feet, thence North 89° 18' West 468.3 feet, thence South 0° 00' 208 feet, thence North 89° 16' West 50 feet, thence North 0° 00' 208 feet, thence North 89° 16' West 673.68 feet, thence South 0° 00' 142.01 feet, thence North 89° 16' West 50 feet, thence North 0° 00' 142.12 feet, thence North 89° 16' West 676.84 feet, thence South 0° 00' 143.65 feet, thence North 89° 16' West 33 feet, thence North 0° 04' East 328.65 feet, thence South 89° 18' East 33 feet, thence South 0° 00' 135 feet, thence South 89° 18' East 676.87 feet, thence North 0° 00' 136.53 feet, thence South 89° 18' East 50 feet, thence South 0° 00' 136.64 feet, thence South 89° 18' East 676.9 feet, thence North 0° 00' 138 feet, thence South 89° 18' East 50 feet, thence South 0° 00' 138 feet, thence South 89° 18' East 468.3 feet, thence Northwesterly 138.93 feet to a point 41 feet West of the starting point, thence South 89° 18' East 41 feet, to the place of beginning.

That in addition to the portion of the plat previously described as being dedicated to the public for use as public streets, the remaining area of real estate shown on said plat is subdivided into lots and numbered 1 through 54 as shown on said plat.

That the description of lots is shown as follows:

Lot 1 is 50.9 feet East and West on the North side thereof, 138 feet North and South on the West side thereof, 66.9 feet East and West on the South side thereof and 138.93 feet

North and South on the East side thereof. (Note: the East and West line on the North and South side of said lot bears North 89° 18' West).

Lots 2, 3, 4, 5, 6 and 7 are each 66.9 feet East and West and 138 feet North and South. (Note: the East and West line on the North and South side of said lots bears North 89° 18' West).

Lot 8 is 67.69 feet East and West and 138 feet north and South on East side thereof and 137.87 feet on the West side thereof.

Lot 9 is 67.69 feet East and West and 137.87 feet North and South on the East side thereof and 137.73 feet on the West side thereof.

Lot 10 is 67.69 feet East and West and 137.73 feet North and South on the East side thereof and 137.59 feet on the West side thereof.

Lot 11 is 67.69 feet East and West and 137.59 feet North and South on the East side thereof and 137.46 feet on the West side thereof.

Lot 12 is 67.69 feet East and West and 137.46 feet North and South on the East side thereof and 137.32 feet on the West side thereof.

Lot 13 is 67.69 feet East and West and 137.32 feet North and South on the East side thereof and 137.18 feet on the West side thereof.

Lot 14 is 67.69 feet East and West and 137.18 feet North and South on the East side thereof and 137.05 feet on the West side thereof.

Lot 15 is 67.69 feet East and West and 137.05 feet North and South on the East side thereof and 136.91 feet on the West side thereof.

Lot 16 is 67.69 feet East and West and 136.91 feet North and South on the East side thereof and 136.78 feet on the West side thereof.

Lot 17 is 67.69 feet East and West and 136.78 feet North and South on the East said thereof and 136.64 feet on the West side thereof.

Lot 18 is 67.43 feet East and West and 136.53 feet North and South on the East side thereof and 136.36 feet on the West side thereof.

Lot 19 is 67.43 feet east and west and 136.36 feet north and south on the east side thereof and 136.21 feet on the west side thereof.

Lot 20 is 67.43 feet east and west and 136.21 feet north and south on the east side thereof and 136.06 feet on the west side thereof.

Lot 21 is 67.43 feet east and west and 136.06 feet north and south on the east side thereof and 135.91 feet on the west side thereof.

Lot 22 is 67.43 feet east and west and 135.91 feet north and south on the east side thereof and 135.76 feet on the west side thereof.

Lot 23 is 67.43 feet east and west and 135.76 feet north and south on the east side thereof and 135.61 feet on the west side thereof.

Lot 24 is 67.43 feet east and west and 135.61 feet north and south on the east side thereof and 135.46 feet on the west side thereof.

Lot 25 is 67.43 feet east and west and 135.46 feet north and south on the east side thereof and 135.31 feet on the west side thereof.

Lot 26 is 67.43 feet east and west and 135.31 feet north and south on the east side thereof and 135.16 feet on the west side thereof.

Lot 27 is 70.0 feet east and west and 135.16 feet north and south on the east side thereof and 135.0 feet on the west side thereof. (Note: the East and West line on the North side of said lot bears North 89° 18' West).

Lot 28 is 207 feet east and west and 143.65 feet north and south on the west side thereof and 143.18 feet on the east side thereof.

Lot 29 is 67.12 feet east and west and 143.18 feet north and south on the west side thereof

Acres-Blackmar Co., Burlington, #1393

and 142.02 feet on the east side thereof.

Lot 30 is 67.12 feet east and west and 142.02 feet north and south on the west side thereof and 142.87 feet on the east side thereof.

Lot 31 is 67.12 feet east and west and 142.87 feet north and south on the west side thereof and 142.72 feet on the east side thereof.

Lot 32 is 67.12 feet east and west and 142.72 feet north and South on the west side thereof and 142.57 feet on the east side thereof.

Lot 33 is 67.12 feet east and west and 142.57 feet north and south on the west side thereof and 142.42 feet on the east side thereof.

Lot 34 is 67.12 feet east and west and 142.42 feet north and south on the west side thereof and 142.27 feet on the east side thereof.

Lot 35 is 67.12 feet east and west and 142.27 feet north and south on the west side thereof and 142.12 feet on the east side thereof.

Lot 36 is 69.36 feet east and west and 142.01 feet north and south on the west side thereof and 141.86 feet on the east side thereof.

Lot 37 is 69.36 feet east and west and 141.86 feet north and south on the west side thereof and 141.71 feet on the east side thereof.

Lot 38 is 69.36 feet east and west and 141.71 feet north and south on the west side thereof and 141.55 feet on the east side thereof.

Lot 39 is 69.36 feet east and west and 141.55 feet north and south on the west side thereof and 141.39 feet on the east side thereof.

Lot 40 is 69.36 feet east and west and 141.39 feet north and south on the west side thereof and 141.23 feet on the east side thereof.

Lot 41 is 69.36 feet east and west and 141.23 feet north and south on the west side thereof and 141.07 feet on the east side thereof.

Lot 42 is 69.36 feet east and west and 141.07 feet north and south on the west side thereof and 140.91 feet on the east side thereof.

Lot 43 is 69.36 feet east and west and 140.91 feet north and south on the west side thereof and 140.75 feet on the east side thereof. (Note: the east and west line on the south side of said lots bear south 89- 16' east.)

Lots 44, 45 and 46 are each 118.8 feet east and west and 67.45 feet north and south. (Note: The east and west line on the north and south side of said lots bears south 89° 16' east.)

Lot 47 is 118 feet east and west and 69 feet north and south. (Note: the east and west line on the south side of said lot bears south 89° 16' east, the north side of said lot bears south 89° 18' east).

Lots 48 through 54 are each 66.9 feet east and west and 139 feet north and south. (Note: the east and west line on the north and south side of said lots bears south 89° 18' east.

Gene R. Hardy
Gene R. Hardy

Subscribed and sworn to before me by Gene R. Hardy this 15th day of July, 1963.

(NOTARIAL SEAL)

Lewis H. Jordan Notary Public
in and for Madison County, Iowa.
Lewis H. Jordan

ABSTRACT OF TITLE --- ATTORNEYS OPINION

July 8, 1963

City Council of Winterset
Winterset, Iowa

Gentlemen:

We have this day examined an abstract of title purporting to show the chain of title to the following described real estate, to-wit:

The North Half (½) of the North Half (½) of the Southwest Quarter (¼) of the Southwest Quarter (¼) of Section Thirty-six (36), in Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P. M., Madison County, Iowa,

from the United States Government to date of last continuation, thereto, to-wit: July 3, 1963 at 8 o'clock A. M.

In connection with this examination, it is our opinion that this constitutes a complete abstract of title to the above described real estate and that said abstract shows merchantable fee simple title in said real estate to be in ELMER E. LIBBY, BESSIE LIBBY AND WINTERSET BUILDING CORPORATION as of date of last continuation thereof and shows said real estate to be free of all encumbrances.

We have also examined a separate abstract of title purporting to show the chain of title to the following described real estate to-wit:

The Northwest Quarter (¼) of the Southeast Quarter (¼) of the Southwest Quarter (¼) of Section Thirty-Six (36), in Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P. M., Madison County, Iowa, excepting therefrom a tract described as follows: Commencing at a point 327.4 feet south of the Northeast corner thereof, thence South 329 feet, thence North, 89° 20' West, 661.3 feet, thence North 0° 03' West, 265.75 feet, thence South 89° 18' East, 118.8 feet, thence South 5.75 feet, thence South 89° 18' East, 168 feet, thence North 69 feet, thence South 89° 18' East, 375 feet to the place of beginning

from the United States Government to date of last continuation thereof, to-wit: July 3, 1963, at 8 o'clock A M.

In connection with such examination it is our opinion that this constitutes a complete abstract of title to the above described real estate and that said abstract shows merchantable fee simple title in said real estate to be in WINTERSET BUILDING CORPORATION as of date of last continuation thereof and shows said real estate to be free of all encumbrances.

Respectfully submitted,
WEBSTER, FREDERICK & JORDAN
By Lewis H. Jordan
Lewis H. Jordan

LHJ:mh

CERTIFICATE OF COUNTY TREASURER OF MADISON COUNTY, IOWA

I, Laura Garnett, 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 there are no unpaid taxes against the following described real estate, to-wit:

Commencing at a point 9 feet West of the Northeast corner of the Northwest Quarter (¼) of the Southeast Quarter (¼) of the Southwest Quarter (¼) of Section Thirty Six (36), Township Seventy Six (76) North, Range Twenty Eight (28) West of the 5th P.M., Madison County, Iowa, thence North 89° 18' West 1980.07 feet, thence South 0° 04' West 328.65 feet, thence South 89° 16' East 1314.72 feet, thence South 0° 44' West 61.6 feet, thence South 89° 16' East 118.8 feet, thence South 0° 00' 5.75 feet, thence South 89° 16' East 168.0 feet, thence North 0° 00' 69.0 feet, thence South 89° 18' East 375.3 feet, thence North 0° 00' 327.0 feet to the point of beginning.

Dated at Winterset, Iowa, this 8th day of July, 1963.

Laura Garnett
Laura Garnett, Treasurer of
Madison County, Iowa

CERTIFICATE OF THE CLERK OF THE DISTRICT COURT OF MADISON COUNTY, IOWA

I, Marguerite Morrissey, hereby certify that I am the duly elected and acting Clerk of the District Court of Madison County, Iowa; that I have examined the records in my office and that the following described real estate, to-wit:

Acres-Blackmar Co., Burlington. 81293

Commencing at a point 9 feet West of the Northeast corner of the Northwest Quarter (¼) of the Southeast Quarter (¼) of the Southwest Quarter (¼) of Section Thirty-Six (36), Township Seventy-six (76) North, Range Twenty-eight (28) West of the 5th P.M., Madison County, Iowa, thence North 89° 18' West 1980.07 feet, thence South 0° 04' West 328.65 feet, thence South 89° 16' East 1314.72 feet, thence South 0° 44' West 61.6 feet, thence South 89° 16' East 118.8 feet, thence South 0° 00' 5.75 feet, thence South 89° 16' East 168.0 feet, thence North 0° 00' 69.0 feet, thence South 89° 18' East 375.3 feet, thence North 0° 00' 327.0 feet to the point of beginning.

is free from all judgments, attachments, mechanics' or other liens.

Dated at Winterset, Iowa, this 15 day of July, 1963.

(DISTRICT COURT SEAL)

Marguerite Morrissey
Marguerite Morrissey, Clerk of the District Court of Madison County, Iowa.

CERTIFICATE OF THE COUNTY RECORDER OF MADISON COUNTY, IOWA

I, Mary E. Welty, hereby certify that I am the duly elected and acting Recorder of Madison County, Iowa; that Elmer E. Libby and Bessie Libby, husband and wife, and Winterset Building Corporation are now the fee simple owners and record title holders of the following described real estate, to-wit:

Commencing at a point 9 feet West of the Northeast corner of the Northwest Quarter (¼) of the Southeast Quarter (¼) of the Southwest Quarter (¼) of Section Thirty Six (36), Township Seventy Six (76) North, Range Twenty Eight (28) West of the 5th P.M., Madison County, Iowa, thence North 89° 18' West 1980.07 feet, thence South 0° 04' West 328.65 feet, thence South 89° 16' East 1314.72 feet, thence South 0° 44' West 61.6 feet, thence South 89° 16' East 118.8 feet, thence South 0° 00' 5.75 feet, thence South 89° 16' East 168.0 feet, thence North 0° 00' 69.0 feet, thence South 89° 18' East 375.3 feet, thence North 0° 00' 327.0 feet to the point of beginning.

Dated at Winterset, Iowa, this 8 day of July, 1963.

COMPARED

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