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LISA SMITH, COUNTY RECORDER

MADISON COUNTY IOWA

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**COVENANT AND AGREEMENT TO
HOLD PROPERTY AS ONE PARCEL**

Recorder's Cover Sheet

Preparer Information: (name, address and phone number)

Michael W. O'Malley, 317 6th Avenue, Suite 300, Des Moines, IA 50309 (515) 243-8157

Taxpayer Information: (name and complete address)

Mr. and Mrs. Timothy L. Kadlec, 1720 Merriam Court, Winterset, IA 50273

Return Document To: (name and complete address)

✓ Michael W. O'Malley, 317 6th Avenue, Suite 300, Des Moines, IA 50309

Grantors:

Timothy L. Kadlec

Lu Ann Palmer Kadlec

Grantees:

Timothy L. Kadlec

Lu Ann Palmer Kadlec

Legal Description:

Document or instrument number of previously recorded documents:

COVENANT AND AGREEMENT TO HOLD PROPERTY AS ONE PARCEL

The undersigned hereby certify that Timothy L. Kadlec and Lu Ann Palmer Kadlec, Husband and Wife, (hereafter Owner) is the owner of real property in Madison County, Iowa, that is legally described as follows:

Lots Four (4) and Five (5) of Hillcrest Subdivision, in the East Half (1/2) of the Northeast Quarter (1/4) of Section 10, Township Twenty-Six (26), Range Twenty-Seven (27) West of the 5th P.M., Madison County, Iowa,

as recorded with the Madison County Recorder on October 5, 2015 in Book 2015 at Page 2911.

The Owner agrees and covenants with the Madison County, Iowa that the above legally described properties shall be held hereafter as one (1) parcel and no portion at any time in the future shall be sold separately or held by the record title holder for any purpose other than as a single rural estate subdivision lot.

The Covenant and Agreement is executed for the purpose of creating, establishing and declaring a single building lot on this property and a single rural estates subdivision lot of record as thereby and hereafter regulated by the Madison County Zoning Ordinance as that Code may now or hereafter provide.

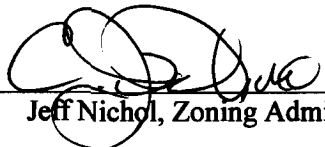
The Owner acknowledges and agrees under the Declaration of Covenants, Conditions and Restrictions for Hillcrest Subdivision, as amended, (hereinafter the Declaration) for the purpose of any current or future Common Expense Allocation and Special Assessments as provided in the Declaration that the single lot as herein created shall be responsible for and pay a double assessment for these purposes only. The Owners acknowledge and agree this Agreement is not intended to avoid any liability for such Association expenses by the establishment of one (1) rural estate subdivision lot of record.

The Hillcrest Owners' Association Inc. (hereinafter the Association) executed this Agreement only insofar as this Agreement may affect the Declaration.

This Covenant and Agreement shall run with all of the above-described land and shall be binding upon the Owner, and future owners, encumbrances, their successors, heirs and assignees, and shall continue in effect until released by the authority of Madison County, Iowa upon written submittal of request, applicable fees and evidence that this Covenant and Agreement is no longer required by law.

Dated at Winterset, Iowa on the 14th day of July, 2017.

MADISON COUNTY, IOWA

By: 
Jeff Nichol, Zoning Administrator

By: 
Timothy L. Kadlec, Owner

By: 
LuAnn Palmer Kadlec

HILLCREST OWNERS' ASSOCIATION, INC

By: David R. MERRIAM President

STATE OF IOWA)
)SS
COUNTY OF MADISON)

Signed and sworn to (or affirmed) before me on July 14th, 2017 by Timothy L. Kadlec and David R. Merriam for Kadlec.

[Signature]
Notary Public in and for the State of Iowa

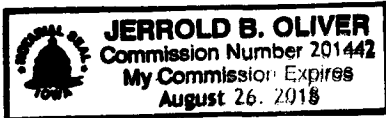
STATE OF IOWA)
)SS
COUNTY OF POLK)

This instrument was acknowledged before me on ~~August~~ July 14th, 2017 by Jeff Nichol as the Zoning Administrator for Madison County.

[Signature]
Notary Public in and for the State of Iowa

STATE OF IOWA)
)SS
COUNTY OF MADISON)

On this 5 day of ~~August~~ July, 2017 before me the undersigned, a Notary Public in and for said county and state, personally appeared David R. MERRIAM, who being by me and duly sworn, did state that he is the President of Hillcrest Owners' Association, Inc. a corporation named in the foregoing instrument; and that said instrument was signed on behalf of said company by authority of its Board of Directors; and the said David R. MERRIAM as such officer, acknowledges the execution of said instrument to be the voluntary act and deed of said company, by it and by them voluntarily executed.



[Signature]
Notary Public in and for the State of Iowa