



Document 2019 1587

Book 2019 Page 1587 Type 06 044 Pages 25
Date 5/31/2019 Time 8:42:43AM
Rec Amt \$127.00 Aud Amt \$5.00

INDX
ANNO
SCAN
CHEK

LISA SMITH, COUNTY RECORDER
MADISON COUNTY IOWA

Type of Document

SUBDIVISION

PREPARER INFORMATION:

Zoning Office for Steve & Carmen Maxwell

Contact: Mark Smith, attorney for developer
515-462-3731

TAXPAYER INFORMATION:

Maxwell, Steve C & Carmen C
3126 230th St
St Charles, IA 50240

RETURN DOCUMENT TO:

Maxwell, Steve C & Carmen C
3126 230th St
St Charles, IA 50240

GRANTOR:

GRANTEE:

LEGAL DESCRIPTION:

The Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼) of Section (9) in Township Seventy-five (75) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, EXCEPT Parcel "A" containing 5.07 acres, as shown in Plat of Survey filed in Book 2004, Page 3351 on July 19, 2004 in the office of the Recorder of Madison County, Iowa, AND EXCEPT Parcel "M" containing 13.74 acres, as shown in Plat of Survey filed in Book 2007, Page 3478 on September 13, 2007 in the Office of the Recorder of Madison County, Iowa

Prepared By: Mark L. Smith, POB 230, Winterset, IA 50273
Return To: Mark L. Smith, POB 230, Winterset, IA 50273

Telephone: 515/462-3731
Telephone: 515/462-3731

**PLAT AND CERTIFICATE
FOR MAXWELL SUBDIVISION,
MADISON COUNTY, IOWA**

I, C. J. Nicholl, Zoning Administrator of Madison County, Iowa, do hereby certify that the plat to which this certificate is attached is a plat of a subdivision known and designated as Maxwell Subdivision, and that the real estate comprising said plat is described as follows:

See Description Attached.

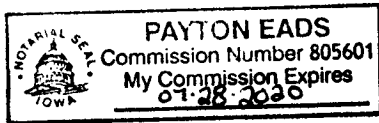
I do further certify that attached hereto are true and correct copies of the following documents which have been submitted in connection with said plat:

1. Dedication of Plat;
2. Attorney's Opinion;
3. Consent of Union State Bank;
4. Certificate from County Treasurer;
5. Resolution of the Board of Supervisors of Madison County, Iowa, approving said plat;
6. Agreement with County Engineer;
7. Ground Water Statement;

8. Madison County Soil and Water Conservation District Land Disturbing Activity Affidavit; and

9. Consent of County Auditor to subdivision name.

all of which are duly certified in accordance with the Madison County Zoning Ordinance.

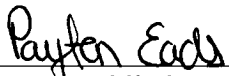




C. J. Nicholl, Zoning Administrator of Madison County, Iowa

STATE OF IOWA, COUNTY OF MADISON

This instrument was acknowledged before me on this 29 day of May, 2019, by C.J. Nicholl.



Notary Public in and for said State of Iowa

The Northwest Quarter ($\frac{1}{4}$) of the Southwest Quarter ($\frac{1}{4}$) of Section Nine (9) in Township Seventy-five (75) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, **EXCEPT** Parcel "A" containing 5.07 acres, as shown in Plat of Survey filed in Book 2004, Page 3351 on July 19, 2004 in the Office of the Recorder of Madison County, Iowa, **AND EXCEPT** Parcel "M" containing 13.74 acres, as shown in Plat of Survey filed in Book 2007, Page 3478 on September 13, 2007 in the Office of the Recorder of Madison County, Iowa.

**DEDICATION OF PLAT
OF
MAXWELL SUBDIVISION**

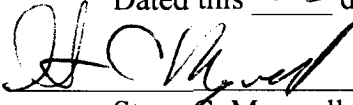
KNOW ALL MEN BY THESE PRESENTS:

That we, Steve C. Maxwell and Carmen C. Maxwell, as Joint Tenants with full rights of survivorship and not as Tenants in Common, do hereby certify that we are the owners and proprietors of the following-described real estate:

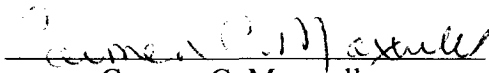
See Description Attached.

That the Subdivision of the above-described real estate, as shown by the Final Plat of Maxwell Subdivision, is with the free consent and in accordance with the owners' desires as owners of said real estate.

Dated this 23 day of January, 2019.



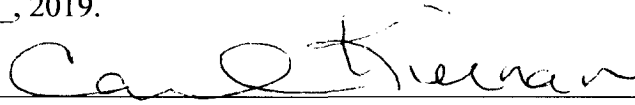
Steve C. Maxwell



Carmen C. Maxwell

STATE OF IOWA, COUNTY OF MADISON: ss

This instrument was acknowledged before me by Steve C. Maxwell and Carmen C. Maxwell on this 23 day of January, 2019.



Notary Public in for the State of Iowa



The Northwest Quarter ($\frac{1}{4}$) of the Southwest Quarter ($\frac{1}{4}$) of Section Nine (9) in Township Seventy-five (75) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, **EXCEPT** Parcel "A" containing 5.07 acres, as shown in Plat of Survey filed in Book 2004, Page 3351 on July 19, 2004 in the Office of the Recorder of Madison County, Iowa, **AND EXCEPT** Parcel "M" containing 13.74 acres, as shown in Plat of Survey filed in Book 2007, Page 3478 on September 13, 2007 in the Office of the Recorder of Madison County, Iowa.

**CONSENT TO PLATTING
UNION STATE BANK**

Union State Bank does consent to the platting and subdivision of the following-described real estate: **See Description Attached,**

in accordance with the ordinances of Madison County, Iowa and the laws of the State of Iowa.

The undersigned holds the following Open End Mortgage on the above real estate:

A. An Open End Mortgage from Steven C. Maxwell and Carmen C. Maxwell, Husband and Wife, to Union State Bank dated December 30, 2013, and filed for record December 31, 2013, in Book 2013, Page 3878 of the Recorder's Office of Madison County, Iowa; and

B. An Open End Mortgage (With Future Advance Clause) from Steven C. Maxwell, Sr., Spouse of Carmen Maxwell; and Carmen Maxwell, Spouse of Steven C. Maxwell, Sr. To Union State Bank dated February 11, 2019, and filed February 12, 2019, in Book 219, Page 508 of the Recorder's Office of Madison County, Iowa.

Dated this 16 day of April, 2019



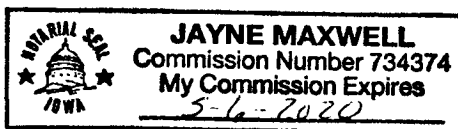
UNION STATE BANK

By Duane Gordon

Title: Vice President

STATE OF IOWA, COUNTY OF MADISON: ss

This instrument was acknowledged before me on this 16 day of April, 2019 by Duane Gordon as Vice President of Union State Bank.



Jayne Maxwell
Notary Public in and for said State

The Northwest Quarter ($\frac{1}{4}$) of the Southwest Quarter ($\frac{1}{4}$) of Section Nine (9) in Township Seventy-five (75) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, **EXCEPT** Parcel "A" containing 5.07 acres, as shown in Plat of Survey filed in Book 2004, Page 3351 on July 19, 2004 in the Office of the Recorder of Madison County, Iowa, **AND EXCEPT** Parcel "M" containing 13.74 acres, as shown in Plat of Survey filed in Book 2007, Page 3478 on September 13, 2007 in the Office of the Recorder of Madison County, Iowa.

LAW OFFICES

JORDAN, OLIVER, WALTERS & SMITH, P.C.

FARMERS & MERCHANTS STATE BANK BUILDING
POST OFFICE BOX 230
WINTERSET, IOWA 50273-0230

TELEPHONE (515)462-3731

FAX (515)462-3734

MARK L. SMITH

JERROLD B. OLIVER
OF COUNSEL

G.STEPHEN WALTERS
OF COUNSEL

LEWIS H. JORDAN
DECEASED

February 14, 2019
14-2-193L

**ATTORNEY'S OPINION FOR FINAL PLAT
MAXWELL SUBDIVISION**

I, Mark L. Smith, an attorney at law licensed to practice under the laws of the State of Iowa, have examined the abstract of title in one (1) part, last certified to February 12 2019 at 2:31 P.M., by Madison County Abstract Company; purporting to show the chain of title to the following-described property, which is the real property contained in Maxwell Subdivision, Madison County, Iowa;

See Attached Legal

In my opinion, merchantable title to the above-described property is in the name of the proprietors:

**STEVE C. MAXWELL AND CARMEN C. MAXWELL,
as Joint Tenants with Full Rights of Survivorship and Not as Tenants in Common,**

subject to the following:

1. Entry No. 104 shows an Open- End Mortgage (With Future Advance Clause) from Steven C. Maxwell and Carmen C. Maxwell, husband and wife, to Union State Bank dated December 30, 2013, and filed December 31, 2013, in Book 213, Page 3878 of the Recorder's Office of Madison County, Iowa to secure indebtedness in the amount of \$183,712.73. This Mortgage is a first lien against the real estate under examination.

2. Entry No. 119 shows an Open End Mortgage (With Future Advance Clause) from Steven C. Maxwell, Sr., Spouse of Carmen Maxwell; and Carmen Maxwell, Spouse of Steven C. Maxwell, Sr. To Union State Bank dated February 11, 2019, and filed February 12, 2019, in Book 2019, Page 508 of the Recorder's Office of Madison County, Iowa, to secure credit in the amount of \$200,000.00. This Mortgage is a second lien against the real estate under examination.

3. Entry No. 113 shows a Surface Discharging Wastewater Treatment System Agreement acknowledged November 16, 2018, and filed January 7, 2019, in Book 2019, Page 177 of the Recorder's Office of Madison County, Iowa between Carmen Maxwell and the Madison County, Board of Health. This Agreement requires the property owner to file Chapter 69 requirements for the wastewater treatment and disposal system including a maintenance contact with a manufacture-certified technician being maintained at all times. You should familiarize yourself with this agreement as it will to some extent limit the use of the real estate under examination.

4. The following Easements are shown of record:

A. Entry No. 77 shows an Easement granted to Warren Water, Inc., its successors and assigns, dated March 6, 1998, and filed May 22, 1998, in Deed Record 140, Page 240 of the Recorder's Office of Madison County, Iowa for a water line and all necessary appurtenances thereto.

B. Entry No. 95 shows an Electric Line Right-of-Way Easement (Underground) granted to Farmers Electric Cooperative, Inc. dated and filed September 6, 2007, in Book 2007, Page 3417 of the Recorder's Office of Madison County, Iowa.

C. Entry No. 96 shows an Electric Line Right-of-Way Easement (Overhead) granted to Farmers Electric Cooperative, Inc. dated and filed September 6, 2007, in Book 2007, Page 3418 of the Recorder's Office of Madison County, Iowa.

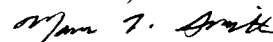
D. Entry No. 111 shows an Electric Line Right-of-Way Easement (Underground) granted to Farmers Electric Cooperative, Inc. dated and filed October 29, 2018, in Book 2018, Page 3491 of the Recorder's Office of Madison County, Iowa.

E. Entry No. 112 shows an Electric Line Right-of-Way Easement (Underground) granted to Farmers Electric Cooperative, Inc. dated October 29, 2018, and filed November 6, 2018, in Book 2018, Page 3599 of the Recorder's Office of Madison County, Iowa.

You should familiarize yourself with these Easements as they may to some extent limit the use of the real estate under examination.

Respectfully submitted,

JORDAN, OLIVER & WALTERS, P.C.



By: Mark L. Smith, Title Guaranty #10074

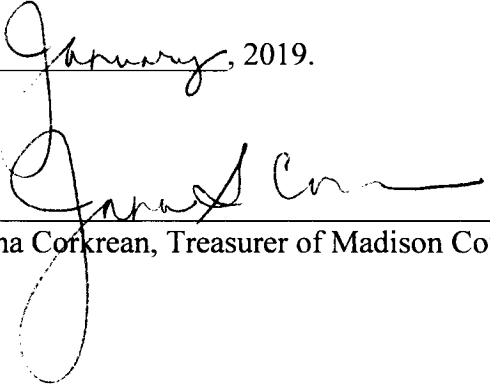
The Northwest Quarter ($\frac{1}{4}$) of the Southwest Quarter ($\frac{1}{4}$) of Section Nine (9) in Township Seventy-five (75) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, **EXCEPT** Parcel "A" containing 5.07 acres, as shown in Plat of Survey filed in Book 2004, Page 3351 on July 19, 2004 in the Office of the Recorder of Madison County, Iowa, **AND EXCEPT** Parcel "M" containing 13.74 acres, as shown in Plat of Survey filed in Book 2007, Page 3478 on September 13, 2007 in the Office of the Recorder of Madison County, Iowa.

CERTIFICATE OF THE COUNTY TREASURER OF MADISON COUNTY, IOWA

I, Jana Corkrean, do 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 that there are no unpaid taxes forming a lien against the following-described real estate:

See Legal Description Attached.

DATED at Winterset, Iowa, this 25 day of January, 2019.



Jana Corkrean, Treasurer of Madison County, Iowa

The Northwest Quarter ($\frac{1}{4}$) of the Southwest Quarter ($\frac{1}{4}$) of Section Nine (9) in Township Seventy-five (75) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, **EXCEPT** Parcel "A" containing 5.07 acres, as shown in Plat of Survey filed in Book 2004, Page 3351 on July 19, 2004 in the Office of the Recorder of Madison County, Iowa, **AND EXCEPT** Parcel "M" containing 13.74 acres, as shown in Plat of Survey filed in Book 2007, Page 3478 on September 13, 2007 in the Office of the Recorder of Madison County, Iowa.

CERTIFICATE OF AUDITOR

Pursuant to Iowa Code requirements, the following proposed subdivision name:

Maxwell Subdivision, Madison County, Iowa,

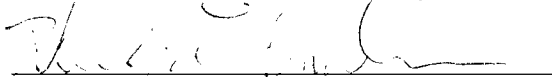
For property located at:

See Description Attached;

and owned by: Steve C. Maxwell and Carmen C. Maxwell, as Joint Tenants with full rights of survivorship and not as Tenants in Common.

Has been approved on the 24th day of January, 2019.

By the Auditor, Madison County, Iowa.



Heidi Burhans, Auditor

The Northwest Quarter ($\frac{1}{4}$) of the Southwest Quarter ($\frac{1}{4}$) of Section Nine (9) in Township Seventy-five (75) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, **EXCEPT** Parcel "A" containing 5.07 acres, as shown in Plat of Survey filed in Book 2004, Page 3351 on July 19, 2004 in the Office of the Recorder of Madison County, Iowa, **AND EXCEPT** Parcel "M" containing 13.74 acres, as shown in Plat of Survey filed in Book 2007, Page 3478 on September 13, 2007 in the Office of the Recorder of Madison County, Iowa.

AGREEMENT

This Agreement, made and entered into, by and between, the proprietors of Maxwell Subdivision, and the Madison County Engineer.

NOW THEREFORE IT IS AGREED AS FOLLOWS:

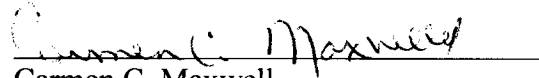
1. The proprietors of Maxwell Subdivision, a Plat of the following described real estate:

See Description Attached,

hereby agree that all private roads located within Maxwell Subdivision are private roads and are not being dedicated to Madison County, Iowa. Said proprietors consent and agree that such roads shall not be maintained in any manner by Madison County, Iowa, or the Madison County Engineer's Department.

PROPRIETORS OF MAXWELL SUBDIVISION


Steve C. Maxwell

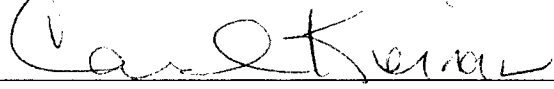

Carmen C. Maxwell


Todd Hagan, Madison County Engineer 1-25-2019

The Northwest Quarter (¼) of the Southwest Quarter (¼) of Section Nine (9) in Township Seventy-five (75) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, **EXCEPT** Parcel "A" containing 5.07 acres, as shown in Plat of Survey filed in Book 2004, Page 3351 on July 19, 2004 in the Office of the Recorder of Madison County, Iowa, **AND EXCEPT** Parcel "M" containing 13.74 acres, as shown in Plat of Survey filed in Book 2007, Page 3478 on September 13, 2007 in the Office of the Recorder of Madison County, Iowa.

STATE OF IOWA, COUNTY OF MADISON:

This instrument was acknowledged before me by Steve C. Maxwell and Carmen C. Maxwell on this 18 day of April, 2019.



Notary Public in for the State of Iowa



The Northwest Quarter ($\frac{1}{4}$) of the Southwest Quarter ($\frac{1}{4}$) of Section Nine (9) in Township Seventy-five (75) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, **EXCEPT** Parcel "A" containing 5.07 acres, as shown in Plat of Survey filed in Book 2004, Page 3351 on July 19, 2004 in the Office of the Recorder of Madison County, Iowa, **AND EXCEPT** Parcel "M" containing 13.74 acres, as shown in Plat of Survey filed in Book 2007, Page 3478 on September 13, 2007 in the Office of the Recorder of Madison County, Iowa.

**ZO-RESOLUTION-052819B
APPROVING FINAL PLAT
MAXWELL SUBDIVISION,
MADISON COUNTY, IOWA**

WHEREAS, there was filed in the Office of the Zoning Administrator of Madison County, Iowa, a registered land surveyor's plat of a proposed subdivision known as Maxwell Subdivision; and

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

The Northwest Quarter (NW ¼) of the Southwest Quarter (SW ¼) of Section (9) in Township Seventy-five (75) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, EXCEPT Parcel "A" containing 5.07 acres, as shown in Plat of Survey filed in Book 2004, Page 3351 on July 19, 2004 in the office of the Recorder of Madison County, Iowa, AND EXCEPT Parcel "M" containing 13.74 acres, as shown in Plat of Survey filed in Book 2007, Page 3478 on September 13, 2007 in the Office of the Recorder of Madison County, Iowa

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 and in accordance with the desire of the proprietors, Steve C. Maxwell and Carmen C. Maxwell, as Joint Tenants with full rights of survivorship and not as Tenants in Common; and

WHEREAS, said plat was accompanied by a complete abstract of title and an opinion from an attorney at law showing that title in fee simple is in said proprietors and that the platted land is free from encumbrance, except as noted therein, and a Certified statement from the Treasurer of Madison County, Iowa, that said platted land is free from taxes.

WHEREAS, the Board of Supervisors, Madison County, Iowa, finds that said plat conforms to the provisions of the Zoning Ordinance of Madison County, Iowa, and that the plat, papers and documents presented therewith should be approved by the Board of Supervisors, and that said plat, known as Maxwell Subdivision should be approved by the Board of Supervisors, Madison County, Iowa.

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

Iowa:


1. That said plat, known as Maxwell Subdivision prepared in connection with said plat and subdivision is hereby approved.

2. The Zoning Administrator of Madison County, Iowa, 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.

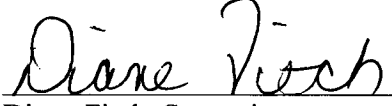
DATED at Winterset, Iowa, this 28th day of May, 2019




Aaron Price, Chairman Aye Nay



Phillip Clifton, Supervisor Aye Nay



Diane Fitch, Supervisor Aye Nay

Attest: 
Shelley Kaster
Madison County Auditor

The Northwest Quarter ($\frac{1}{4}$) of the Southwest Quarter ($\frac{1}{4}$) of Section Nine (9) in Township Seventy-five (75) North, Range Twenty-six (26) West of the 5th P.M., Madison County, Iowa, **EXCEPT** Parcel "A" containing 5.07 acres, as shown in Plat of Survey filed in Book 2004, Page 3351 on July 19, 2004 in the Office of the Recorder of Madison County, Iowa, **AND EXCEPT** Parcel "M" containing 13.74 acres, as shown in Plat of Survey filed in Book 2007, Page 3478 on September 13, 2007 in the Office of the Recorder of Madison County, Iowa.



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INDX
ANNO
SCAN

LISA SMITH, COUNTY RECORDER
MADISON COUNTY IOWA

CHEK

MAXWELL SUBDIVISION FINAL PLAT

SURVEY LEGEND

- () - Recorded Distance/Bearing
- — — — 33' Road Easement
- · — · — Section line
- * * — Fence line

Monuments

- ▲ - Found section corner
- - Set 1/2" red plastic capped rebar, #17532
- - Found 1/2" RCR #17532
- - Found 1/2" OCR #13427

- ☒ - Proposed Driveway

INDEX LEGEND

LOCATION: W 1/2 OF SW 1/4 OF SECTION 9
T 75N, R 26W, MADISON COUNTY, IOWA

OWNER: STEVE C & CARMEN C MAXWELL
3126 230TH ST., ST CHARLES IA 50240

SURVEY FOR: STEVE C & CARMEN C MAXWELL
3126 230TH ST., ST CHARLES IA 50240

PREPARED BY CHAD A. DANIELS
DANIELS LAND SURVEYING, 22598 18TH AVE, NEW VIRGINIA IA 50210
RETURN TO: 515-577-2583

BASIS OF BEARINGS IS IA RCS ZONE 8

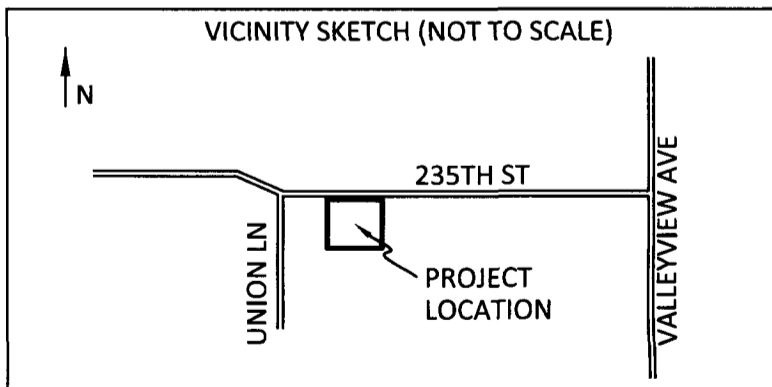
DESCRIPTION - MAXWELL SUBDIVISION:

The Northwest Quarter of the Southwest Quarter of Section 9, Township 75 North, Range 26 West of the 5th P.M., Madison County, Iowa, EXCEPT, Parcel A recorded in Book 2004 Page 3351, AND EXCEPT, Parcel M, recorded in Book 2007 Page 3478.

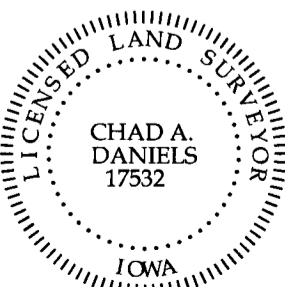
DESCRIPTION - INGRESS/EGRESS EASEMENT FOR LOT THREE:

The North 40 feet of the West 1000 feet of the Southwest Quarter of the Southwest Quarter of Section 9, Township 75 North, Range 26 West of the 5th P.M., Madison County, Iowa.

SEPTIC - PRIVATE SYSTEMS
WATER - RURAL WATER
ZONING CLASSIFICATION - A



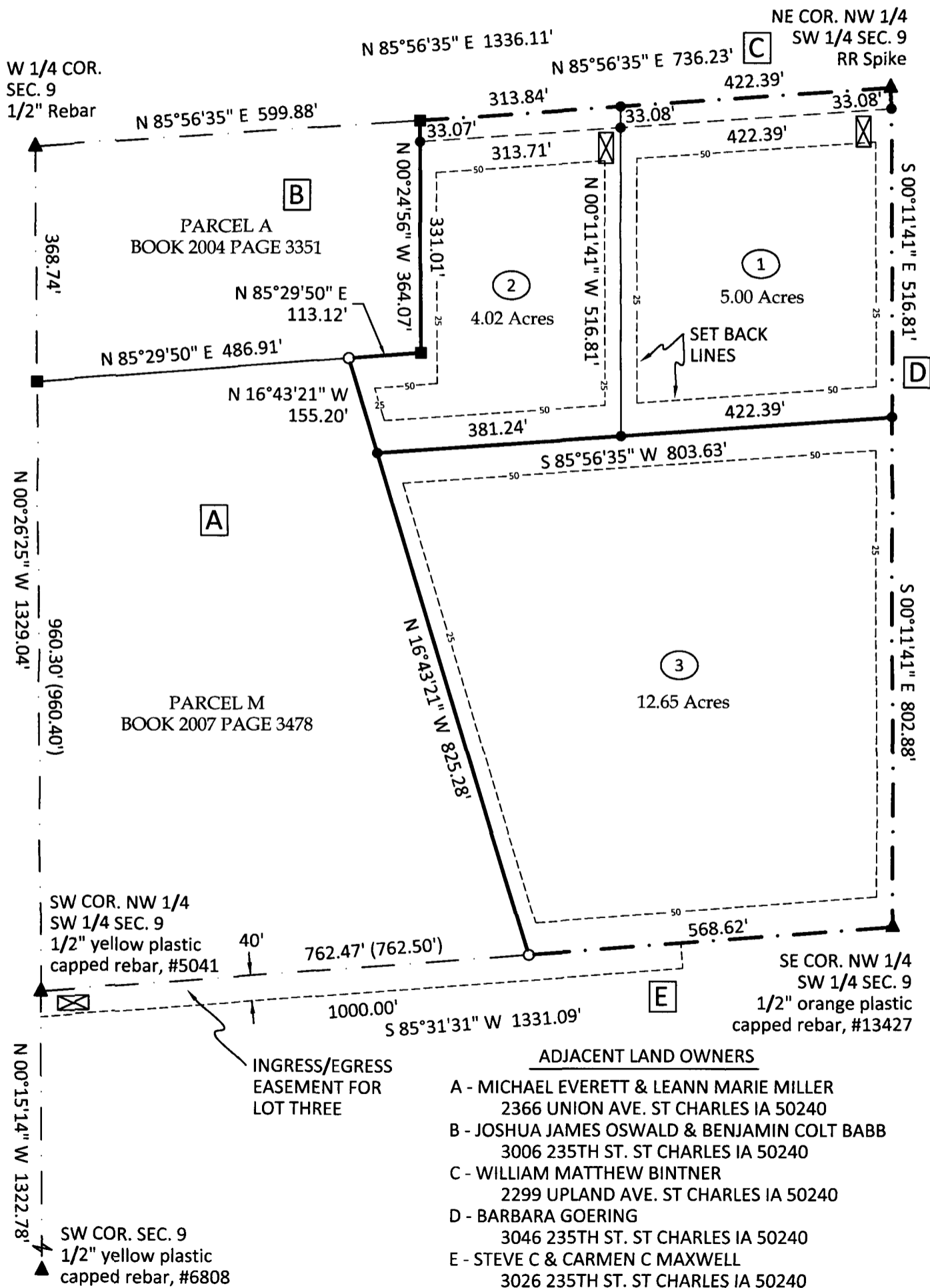
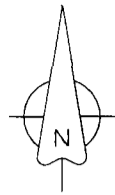
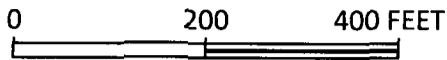
TRACT:	AREA BY TRACT:		
	NET (AC):	R.O.W. (AC):	TOTAL (AC):
LOT 1	4.68	0.32	5.00
LOT 2	3.78	0.24	4.02
LOT 3	12.65	0.00	12.65
TOTAL	21.11	0.56	21.67



I hereby certify that this surveying document was prepared by me and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

Signed *Chad A. Daniels* 4/25/19
Chad A. Daniels Date

Iowa License No. 17532
My license renewal date is 12-31-2020
Page No.'s covered by this seal: 1 and 2



ADJACENT LAND OWNERS

- A - MICHAEL EVERETT & LEANN MARIE MILLER
2366 UNION AVE. ST CHARLES IA 50240
- B - JOSHUA JAMES OSWALD & BENJAMIN COLT BABB
3006 235TH ST. ST CHARLES IA 50240
- C - WILLIAM MATTHEW BINTNER
2299 UPLAND AVE. ST CHARLES IA 50240
- D - BARBARA GOERING
3046 235TH ST. ST CHARLES IA 50240
- E - STEVE C & CARMEN C MAXWELL
3026 235TH ST. ST CHARLES IA 50240