

Recorded: 7/25/2023 at 8:14:40.0 AM
County Recording Fee: \$0.00
Iowa E-Filing Fee: \$0.00
Combined Fee: \$0.00
Revenue Tax:
Delaware County, Iowa
Daneen Schindler RECORDER
BK: 2023 PG: 1729

**REAL ESTATE TRANSFER - GROUNDWATER HAZARD STATEMENT
TO BE COMPLETED BY TRANSFEROR**

If the transaction is exempt from filing a declaration of value pursuant to Iowa Code 428A.1(2), **STOP HERE**. Pursuant to Iowa Code section 558.69(1), when no declaration of value is submitted during a transaction, you are not required to submit a groundwater hazard statement or include the statutory language in Iowa Code section 558.69(8A). Please consult your realtor or legal counsel for further advice, including on whether a declaration of value is required. The Department provides this information for statutory reference only.

Instructions for this document can be found at:

<https://www.iowadnr.gov/Portals/idnr/uploads/forms/5420960%20Instructions.pdf>

Attachment 1, if required, can be found at: <https://www.iowadnr.gov/Portals/idnr/uploads/forms/5420960a.pdf>

TRANSFEROR:

Name: Joseph H. Schmidt and Mary B. Schmidt
Address: 1695 195th Street, Manchester, IA 52057

TRANSFeree:

Name: Doug Ray McAtee and Tricia Lynn McAtee
Address: 19743 Skahill Road, Cascade, IA 52033

Address of Property Transferred:

1695 195th Street, Manchester, Iowa 52057

Legal Description of Property: (Attach if necessary)

That part of the Southeast Quarter (SE1/4) of the Northeast Quarter (NE1/4) of Section Nineteen (19), Township Eighty Nine (89) North, Range Five (5), West of the Fifth Principal Meridian described as commencing at a point on the East line of said Southeast Quarter (SE1/4) of the Northeast Quarter (NE1/4) that is six hundred twenty one and sixty five one-hundredths (621.65) feet South of the Northeast corner of said quarter-quarter, thence North 53° 57' West three hundred twenty two and forty five one-hundredths (322.45) feet, thence South 35° 23' West three hundred twenty eight and forty nine one-hundredths (328.49) feet, thence South 54° 37' East along the North line of the Independence and McCounts Road five hundred fifty and fifty six one-hundredths (550.56) feet to the East line of said Southeast Quarter (SE1/4) of the Northeast Quarter (NE1/4), thence North three hundred seventy one and fifty two one-hundredths (371.52) feet to the point of beginning.

1. Wells (check one)

- No Condition - There are no known wells situated on this property.
 Condition Present - There is a well or wells situated on this property. The type(s), location(s) and legal status are stated below or set forth on an attached separate sheet, as necessary.

functional well located approximately 10' north of the house

2. Solid Waste Disposal (check one)

- No Condition - There is no known solid waste disposal site on this property.
- Condition Present - There is a solid waste disposal site on this property and information related thereto is provided in Attachment #1, attached to this document.

3. Hazardous Wastes (check one)

- No Condition - There is no known hazardous waste on this property.
- Condition Present - There is hazardous waste on this property and information related thereto is provided in Attachment #1, attached to this document.

4. Underground Storage Tanks (check one)

- No Condition - There are no known underground storage tanks on this property. (Note exclusions such as small farm and residential motor fuel tanks, most heating oil tanks, cisterns and septic tanks, in instructions.)
- Condition Present - There is an underground storage tank on this property. The type(s), size(s) and any known substance(s) contained are listed below or on an attached separate sheet, as necessary.

5. Private Burial Site (check one)

- No Condition - There are no known private burial sites on this property.
- Condition Present - There is a private burial site on this property. The location(s) of the site(s) and known identifying information of the decedent(s) is stated below or on an attached separate sheet, as necessary.

6. Private Sewage Disposal System (check one)

- No Condition - All buildings on this property are served by a public or semi-public sewage disposal system.
- No Condition - This transaction does not involve the transfer of any building which has or is required by law to have a sewage disposal system.
- Condition Present - There is a building served by private sewage disposal system on this property or a building without any lawful sewage disposal system. A certified inspector's report is attached which documents the condition of the private sewage disposal system and whether any modifications are required to conform to standards adopted by the Department of Natural Resources. A certified inspection report must be accompanied by this form when recording.
- Condition Present - There is a building served by private sewage disposal system on this property. Weather or other temporary physical conditions prevent the certified inspection of the private sewage disposal system from being conducted. The buyer has executed a binding acknowledgment with the county board of health to conduct a certified inspection of the private sewage disposal system at the earliest practicable time and to be responsible for any required modifications to the private sewage disposal system as identified by the certified inspection. A copy of the binding acknowledgment is attached to this form.
- Condition Present - There is a building served by private sewage disposal system on this property. The system is failing to ensure effective wastewater treatment or is otherwise improperly functioning, and the buyer has executed a binding acknowledgment with the county board of health to install a new private sewage disposal system on this property within an agreed upon time period. A copy of the binding acknowledgment is provided with this form.
- Condition Present - There is a building served by private sewage disposal system on this property. The building to which the sewage disposal system is connected will be demolished without being occupied. The buyer has executed a binding acknowledgment with the county board of health to demolish the building within an agreed upon time period. A copy of the binding acknowledgment is provided with this form. [Exemption #7]
- Condition Present - There is a building served by private sewage disposal system on this property. This property is exempt from the private sewage disposal inspection requirements pursuant to the following Exemption [Note: for exemption #7 use prior check box]:

- Condition Present - There is a building served by private sewage disposal system on this property. The private sewage disposal system has been installed within the past two years pursuant to permit number:

Review the following two directions carefully:

- A. If you selected a box stating “No Condition” for every numbered section above, **STOP HERE**. Do not submit this form. Instead, pursuant to Iowa Code section 558.69(8A), you must include the following language on the first page of the recorded deed, instrument, or other writing:

“There is no known private burial site, well, solid waste disposal site, underground storage tank, hazardous waste, or private sewage disposal system on the property as described in Iowa Code section 558.69, and therefore the transaction is exempt from the requirement to submit a groundwater hazard statement.”

Please consult your realtor or legal counsel for further advice on this exemption. By law, the owner of the property is responsible for the accuracy of this statement, and the Department provides this information for statutory reference only.

- B. If you checked any box stating “Condition Present” for any of the numbered sections above, continue below. You must complete this form, including providing all required information, and you must submit this form to the county recorder’s office with declaration of value.

Information required by statements checked above should be provided here or on separate sheets attached hereto:

I HEREBY DECLARE THAT I HAVE REVIEWED THE INSTRUCTIONS FOR THIS FORM AND THAT THE INFORMATION STATED ABOVE IS TRUE AND CORRECT.

Signature: Joseph A. Schmidt Telephone No.: 563-920-4456



IOWA DEPARTMENT of NATURAL RESOURCES
TIME OF TRANSFER INSPECTION WAIVER
BINDING AGREEMENT for FUTURE INSTALLATION

542-0064

140190002600

This agreement is entered into this 21st day of July, 2023 by and

between the Deldware County Board of Health and ~~Doug McAtee~~
Joseph H. Schmidt

It is understood that Iowa Code 455B.172(11) requires an inspection of the private sewage disposal system on all properties not specifically exempted in Iowa at the time of transfer.

The property located at 1695 195th St Manchester, Iowa is subject to the inspection, and the buyer Doug McAtee understands there is not an adequate private sewage disposal system serving this property.

It is hereby agreed that the time of transfer inspection will not be required and the buyer agrees that a code compliant private sewage disposal system or connection to a public sewer shall be installed to serve the property and shall be completed no later than 21st day of July, 2024

Dated the 21st day of July, 2023.
[Signature]
BUYER

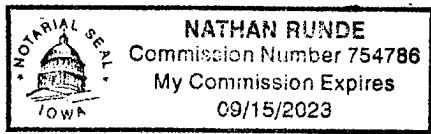
[Signature]
COUNTY BOARD OF HEALTH or
AUTHORIZED REPRESENTATIVE

This instrument was acknowledged before me on July 21, 2023
by Brittany Rie

Notary Public



This instrument was acknowledged before me on July 24, 2023
by Doug McAtee



By *Nathan Runde*

Notary Public

Agreement

Joseph H. Schmidt and Mary B. Schmidt, hereinafter "Seller" and Doug Ray McAtee and Tricia Lynn McAtee, hereinafter "Buyer" in consideration of their mutual promises and performances herein agree as follows:

1. The parties have agreed to the sale/purchase of 1695 195th St., Manchester, IA 52057 legally described as follows:

That part of the Southeast Quarter (SE1/4) of the Northeast Quarter (NE1/4) of Section Nineteen (19), Township Eighty Nine (89) North, Range Five (5), West of the Fifth Principal Meridian described as commencing at a point on the East line of said Southeast Quarter (SE1/4) of the Northeast Quarter (NE1/4) that is six hundred twenty one and sixty five one-hundredths (621.65) feet South of the Northeast corner of said quarter-quarter, thence North 53° 57' West three hundred twenty two and forty five one-hundredths (322.45) feet, thence South 35° 23' West three hundred twenty eight and forty nine one-hundredths (328.49) feet, thence South 54° 37' East along the North line of the Independence and McCounts Road five hundred fifty and fifty six one-hundredths (550.56) feet to the East line of said Southeast Quarter (SE1/4) of the Northeast Quarter (NE1/4), thence North three hundred seventy one and fifty two one-hundredths (371.52) feet to the point of beginning.

2. Installation of a new septic system is required by the Delaware County Water and Sanitation Department.

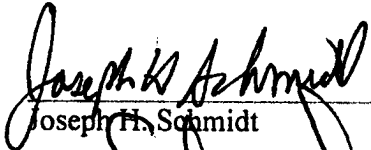
3. A new septic system cannot be installed prior to the scheduled closing date.

4. The parties wish to close the transaction as scheduled with the understanding the buyer will sign an agreement with Delaware County to install a new septic system within an agreed upon time and the seller will pay for said installation. Installation is currently scheduled for on or about August 1, 2023

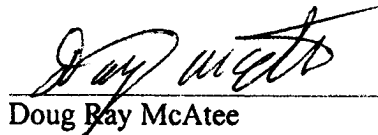
5. The parties have agreed Oasis Well & Pump will install the new septic system and it will be the base system the parties have reviewed.

6. Seller shall promptly pay the invoice for installation at which point Seller will be released from any further obligation.

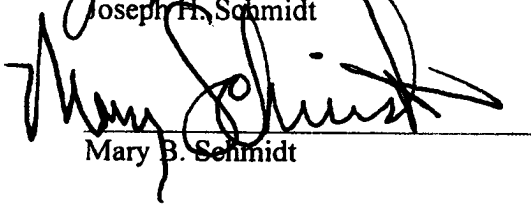
Dated this 24th day of July, 2023



Joseph H. Schmidt



Doug Ray McAtee



Mary B. Schmidt



Tricia Lynn McAtee