

Recorded: 8/31/2023 at 10:51:52.0 AM
County Recording Fee: \$62.00
Iowa E-Filing Fee: \$4.16
Combined Fee: \$66.16
Revenue Tax: \$0.00
Delaware County, Iowa
Daneen Schindler RECORDER
BK: 2023 PG: 2123

Prepared by Travis J. Schroeder, Simmons Perrine Moyer Bergman PLC
and return to: 115 Third Street SE - Suite 1200, Cedar Rapids, Iowa 52401 (319) 366-7641

SPACE ABOVE THIS LINE FOR RECORDER

Address Tax Statements: Hilby Land & Cattle, LLC: 1276 255th Street, Manchester, IA 52057

SPECIAL WARRANTY DEED

For the consideration of one dollar and other valuable consideration, **RICKY J. HILBY** also known as Rick Hilby and **RONI L. HILBY**, husband and wife, do hereby convey to **HILBY LAND & CATTLE, LLC**, an Iowa limited liability company, the following described real estate in Delaware County, Iowa:

See Exhibit "A" attached hereto and incorporated herein by reference (pages 3-4),

together with and subject to easements, covenants, conditions and restrictions of record and subject to the life estate retained by Mary Ann Hilby by virtue of the Warranty Deed recorded in Book 2004 at Page 1848 and by the Affidavit Terminating Life Estate recorded in Book 2021 at Page 628, all of the records of the Delaware County, Iowa, Recorder.

Grantors hereby assigns to Grantee all of grantors' right, title and interest as Vendees pursuant to the Real Estate Contract dated September 11, 2008 and recorded on September 11, 2008 in Book 2008 at Page 2853 and the Real Estate Contract dated September 11, 2008 and recorded on September 11, 2008 in Book 2008 at Page 2854, all of the records of the Delaware County, Iowa, Recorder.

Grantors do hereby covenant with grantee and successors in interest to warrant and defend the real estate against the lawful claims of all persons claiming by, through or under them, except as may be above stated. Each of the undersigned hereby relinquishes all rights of dower, homestead and distributive share in and to the real estate.

This deed represents a transfer of real estate for no actual consideration between a family limited liability company and its members in connection with the organization of the limited liability company and is therefore exempt from transfer tax pursuant to Iowa Code Section 428A.2(15).

The following paragraph is incorporated into this deed only if initialed by the undersigned grantor(s) and shall be deemed stricken from this deed if not so initialed:


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.

RH RH

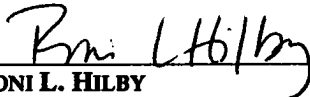
This deed was prepared at the request of the grantors, without the benefit of a title search and information concerning these properties was furnished by grantors. The preparer of this deed assumes no liability whatsoever either for the accuracy of the legal description or status of the legal title to the property.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

Dated: August 24, 2023



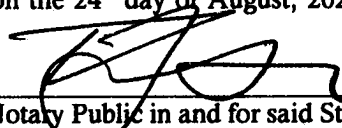
RICKY J. HILBY



RONI L. HILBY

STATE OF IOWA, COUNTY OF LINN, ss:

This instrument was acknowledged before me on the 24th day of August, 2023, by **RICKY J. HILBY** and **RONI L. HILBY**, husband and wife.



Notary Public in and for said State
My Commission Expires: August 25, 2024

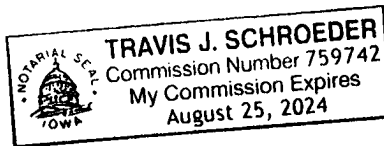


EXHIBIT "A"
LEGAL DESCRIPTION

The East ½ of the SW ¼ of Section 27, Township 88 North, Range 6 West of the 5th P.M., Delaware County, Iowa, subject to highways;

AND

The West ½ of the SW ¼ of Section 27, Township 88 North, Range 6 West of the 5th P.M., Delaware County, Iowa, subject to highways;

AND

The West ½ of the NE ¼ of Section 21, Township 88 North, Range 6 West of the 5th P.M., Delaware County, Iowa, subject to highways;

AND

The South ½ of the SE ¼ of Section 21, Township 88 North, Range 6 West of the 5th P.M., Delaware County, Iowa;

AND

The North ½ of the NE ¼ and the SE ¼ of the NE ¼ of Section 28, Township 88 North, Range 6 West of the 5th P.M., Delaware County, Iowa, EXCEPT Parcel B in the SE ¼ of the NE ¼ of said Section 28 according to the plat recorded in Book 2004, Page 1057 of the records of the Delaware County, Iowa, Recorder, subject to highways;

AND

The East ½ of the NE ¼ of Section 29, Township 88 North, Range 6 West of the 5th P.M., Delaware County, Iowa;

AND

The SW ¼ of Section 18, Township 88 North, Range 6 West of the 5th P.M., Delaware County, Iowa;

AND

Parcel 2014-28, part of the NE ¼ SE ¼ and part of the NW ¼ SE ¼; Section 17, Township 88 North, Range 6 West of the 5th P.M., Delaware County, Iowa according to the plat recorded in Book 2014, Page 1047 of the records of the Delaware County Recorder;

AND

The South one-half (S½) of the Southwest Quarter (SW¼) of Section Thirty Five (35), Township Eighty Nine (89) North, Range Six (6), West of the Fifth P.M. except that part described as commencing at a point eight hundred seventy five (875.0) feet South of the Northeast corner of the Southeast Quarter (SE¼) of the Southwest Quarter (SW¼), and running thence South four hundred forty one and sixth-tenths (441.6) feet to the Southeast corner of said Southeast Quarter (SE¼) of the Southwest Quarter (SW¼), thence West four hundred forty (440.0) feet, thence North four hundred thirty eight and seven-tenths (438.7) feet, thence East four hundred forty and one-tenth (440.1) feet to the point of beginning; also except that part described as commencing at the Northeast corner of the Southeast Quarter (SE ¼) of the Southwest Quarter (SW¼) of said Section Thirty Five (35), thence West thirty three (33.0) feet to the point of beginning, thence South 89° 34' West two hundred thirty five (235.0) feet, thence South 52° 14' West seventy six and one-tenth (76.1) feet, thence South two hundred fifty three and eight-tenths (253.8) feet, thence North 89° 34' East two hundred ninety five and two-tenths (295.2) feet to the West right of way line of unnamed primary highway (formerly U.S. Highway No. 20), thence North along said West line three hundred (300.0) feet to the point of beginning.

The East line of the Southwest Quarter (SW $\frac{1}{4}$) of said Section Thirty-Five (35) is assumed to bear due North and South; also except the East two hundred sixty (260) feet of the West one thousand eight hundred twenty six (1826) feet of the North two hundred (200) feet of the South two hundred thirty three (233) feet of the South one-half (S $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of said Section Thirty Five (35), and also except all of Knipp's First Subdivision of the South one-half (S $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section Thirty Five (35), Township Eighty Nine (89) North, Range Six (6), West of the 5th P.M., according to plat recorded in Book 3 Plats, Page 57, and EXCEPT: Parcel 2020-07 in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 35, according to the plat recorded in Book 2020, Page 374 of the records of the Delaware County, Iowa, Recorder;

AND

The South $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 34, Township 88 North, Range 6 West of the 5th P.M., Delaware County, Iowa.