



Book 2024 Page 3126

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Daneen Schindler, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

**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 W. Christensen
Address: 1950 Scenic View, Dubuque, IA 52001

TRANSFeree:

Name: BTH Properties, LLC
Address: 25971 208th Ave., Delhi, IA 52223

Address of Property Transferred: 20867 262nd St. (Plus Lots), Delhi, Iowa 52004

Legal Description of Property: (Attach if necessary)

SEE ATTACHED LEGAL DESCRIPTION

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.

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:

There is a semi-private water well located in the NW corner of Lot 2 of Lot
15 of Lot 123 that currently serves 7 residences.

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

Signature:

Joseph W. Chesterson
(Transferor)

Telephone No.:

563 590 9332

LEGAL DESCRIPTIONS

WARRANTY DEED - ATTACHMENT

PARCEL 1 – 26008 210TH AVE, DELHI, IA 52223

PARCEL Y OF LOT 125 OF CLAIR-VIEW ACRES, SECTION TWENTY-THREE (23), TOWNSHIP EIGHTY-EIGHT NORTH (T88N), RANGE FIVE WEST (R5W) OF THE FIFTH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA, TOGETHER WITH AND SUBJECT TO ALL RIGHTS AND EASEMENTS OF RECORD. PER PLAT RECORDED IN BOOK 2008 PAGE 99.

PARCEL D OF LOT 1 OF THE SUB OF LOT 1 OF LOT 15 OF LOT 123 OF CLAIR-VIEW ACRES, SECTION TWENTY-SIX (26), TOWNSHIP EIGHTY-EIGHT NORTH, RANGE FIVE WEST (R5W) OF THE FIFTH PRINCIPAL MERIDIAN, DELAWARE COUNTY, IOWA, ACCORDING TO PLAT RECORDED IN BOOK 8 PLATS, PAGE 162.

PARCEL 2 – 26042 210TH AVE, DELHI, IA 52223

LOT SEVEN (7) OF THE SUBDIVISION OF LOT ONE HUNDRED TWENTY THREE (123) IN "CLAIR-VIEW ACRES AT DELHI, IOWA"; ALSO LOT SEVEN (7) OF THE SUBDIVISION OF LOT FIFTEEN (15) OF LOT ONE HUNDRED TWENTY THREE (123) OF "CLAIR-VIEW ACRES AT DELHI, IOWA", *BOTH IN SECTION TWENTY THREE (23) AND TWENTY SIX (26) IN MILO TOWNSHIP, DELAWARE COUNTY, IOWA, ACCORDING TO THE RECORDED PLAT THEREOF.

ALSO INCLUDED IS THE 1972 MALIBU MOBILE HOME VIN# 12501091.

**NOW KNOWN AS LOT 2 OF THE SUBDIVISION OF LOT 1 OF LOT 15 OF LOT 123 OF CLAIR VIEW ACRES AT DELHI, IA PER PLAT RECORDED IN BK 5 PLATS PAGE 69.*

PARCEL 3: 20867 262ND ST/26008 210TH AVE

LOT FOURTEEN (14) OF THE SUBDIVISION OF LOT ONE HUNDRED TWENTY THREE (123) IN "CLAIR-VIEW ACRES IN DELHI, IOWA"; ALSO LOT TWO (2) OF THE SUBDIVISION OF LOT FIFTEEN (15) OF LOW ONE HUNDRED TWENTY-THREE (123) OF "CLAIR VIEW ACRES AT DELHI, IOWA", BOTH IN SECITONS TWENTY THREE (23) AND TWENTY SLX (26) IN MILO TOWNSHIP, DELAWARE COUNTY, IOWA, ACCORDING TO THE RECORDED PLATS THEREOF; ATTACHED TO PROPERTY IS 1991 ROLOHONE-WEST W MOBILE HOM, VIN: R063563



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

542-0064 250230707420
250230714600
250230714400

This agreement is entered into this 7th day of October, 20 24 by and
between the Delaware County Board of Health and Brian Hughes

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 26042 210th Ave
20867 262nd St Delhi, Iowa is subject to the inspection,
and the buyer Brian Hughes 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 1st day of July, 20 25

Dated the 7th day of October, 20 24.
Brian Hughes
BUYER

Alex Linderwell
COUNTY BOARD OF HEALTH or
AUTHORIZED REPRESENTATIVE

This instrument was acknowledged before me on October 7, 20 24
by Brian Hughes - Alex Linderwell
Brittany Ries
Notary Public





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BUYER

Alex Linderwell
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by Brian Hughes - Alex Linderwell
Brittany Ries
Notary Public

