



Document 2021 1325

Book 2021 Page 1325 Type 06 013 Pages 14

Date 3/31/2021 Time 2:34:34PM

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INDX
ANNO
SCAN

LISA SMITH, COUNTY RECORDER
MADISON COUNTY IOWA

CHEK

Fence Dispute

Type of Document

PREPARER INFORMATION: (name, address, phone number)

Sheryl Faux 462-3411
2999 HWY 92
WINTERSET IA 50273

TAXPAYER INFORMATION: (name and mailing address)

NA

RETURN DOCUMENT TO: (name and mailing address)

Same as Preparer

GRANTOR: (name)

Mike Forsyth

GRANTEE: (name)

Brian Hildreth

LEGAL DESCRIPTION: (if applicable)

See page: see attached

Document or instrument of associated documents previously recorded:
(if applicable)

NOTICE TO ADJOINING LANDOWNER(S)TO: Brian Hildreth and Jodi Hildreth
Name(s)2957 214th Trail, Winterset, IA 50273
Address

You are hereby notified that a partition line fence between your real estate and that owned by Complainant is in need of erection, maintenance, rebuilding or repair. The legal description of the partition line fence in issue is as follows: Parcel B on Surveyor's sheet.

The nature of the complaint is:

See attached description

FILED NO. 005914

BOOK 2002 PAGE 5914

DEC -4 AM 11:33

REC \$ 5⁰⁰
AUD \$ 1⁰⁰
R.M.F. \$ 1⁰⁰

COMPUTED	☒
RECORDED	☒
COMPARED	☒

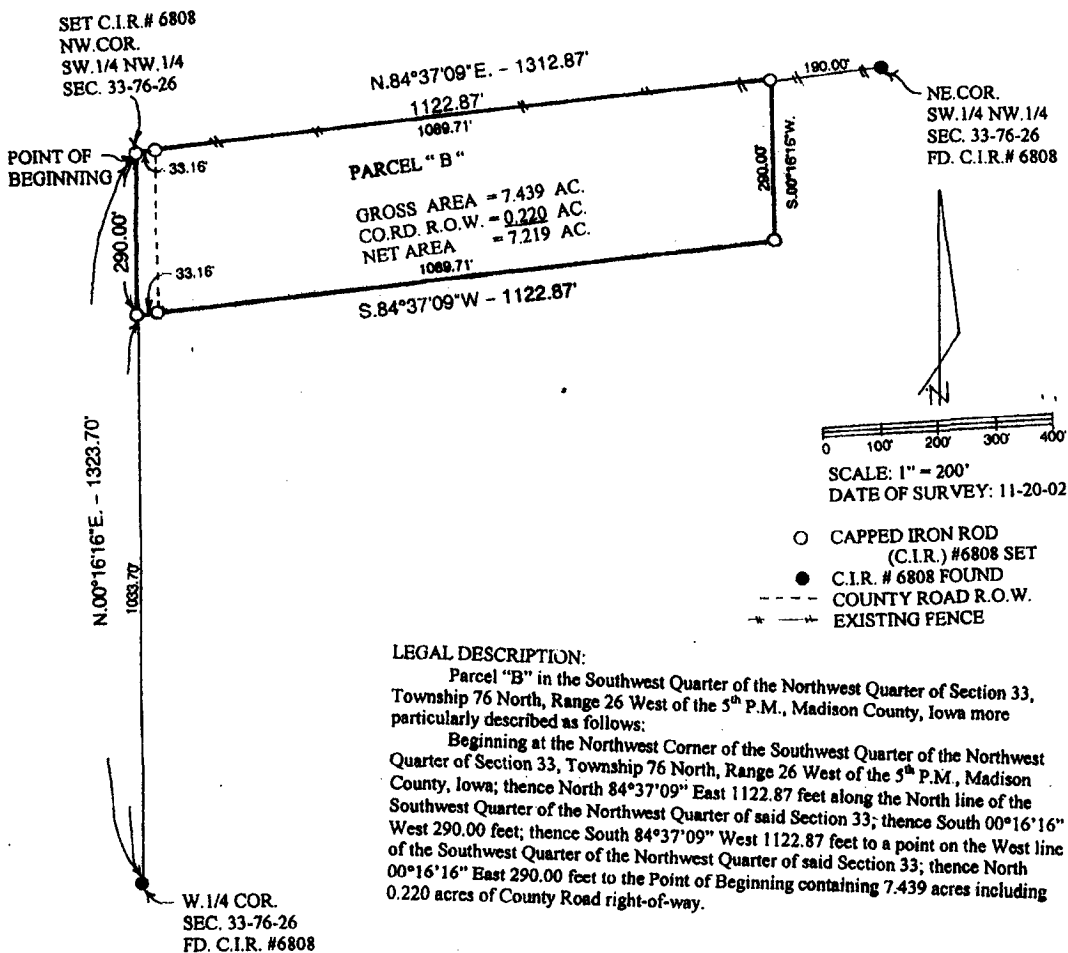
FRANK UTSLER
RECORDER
MADISON COUNTY, IOWA

VANCE & HOCHSTETLER, P.C. CONSULTING ENGINEERS, WINTERSSET, IOWA (515) 462-3995

CHARLES T. VANCE, 110 WEST GREEN ST., WINTERSSET, IOWA 50273

JAMES M HOCHSTETLER, 110 WEST GREEN ST., WINTERSSET, IOWA 50273

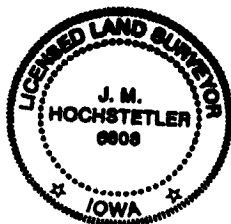
PLAT OF SURVEY IN THE SOUTHWEST QUARTER OF THE NORTHWEST
QUARTER OF SECTION 33, TOWNSHIP 76 NORTH, RANGE 26 WEST OF THE
5TH P.M., MADISON COUNTY, IOWA
OWNED BY MICHAEL D. AND BONNIE C. FORSYTH.



LEGAL DESCRIPTION:

Parcel "B" in the Southwest Quarter of the Northwest Quarter of Section 33, Township 76 North, Range 26 West of the 5th P.M., Madison County, Iowa more particularly described as follows:

Beginning at the Northwest Corner of the Southwest Quarter of the Northwest Quarter of Section 33, Township 76 North, Range 26 West of the 5th P.M., Madison County, Iowa; thence North 84° 37' 09" East 1122.87 feet along the North line of the Southwest Quarter of the Northwest Quarter of said Section 33; thence South 00° 16' 16" West 290.00 feet; thence South 84° 37' 09" West 1122.87 feet to a point on the West line of the Southwest Quarter of the Northwest Quarter of said Section 33; thence North 00° 16' 16" East 290.00 feet to the Point of Beginning containing 7.439 acres including 0.220 acres of County Road right-of-way.



I hereby certify that this land surveying document was prepared 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.

J. M. HOCHSTETLER

License number 6803 Date 12/2/02

My license renewal date is December 31, 2003

Pages or sheets covered by this seal: 1

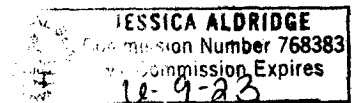
STATE OF IOWA, COUNTY OF Madison, SS.

I, Sheryl Faux, being first duly sworn on oath
depose and state that I am the Township Clerk of Crawford
Township, Madison County, Iowa; that I do hereby certify that
the foregoing Order of Fence Viewers was recorded in the Township book under the date
of 3/28/2021; and that the foregoing Order is a true and correct copy of said Order as
recorded in said Township book.

Sheryl Faux
Township Clerk

Subscribed and sworn to before me by Sheryl Faux this 31 day
of March, 2021.

Jessica Aldridge
Notary Public in and for the State of Iowa



(File one copy in the Township book and file one copy with the County Recorder.
Each party to the Order should also have a copy for his or her records.)

Sign

Form FV-1
Page 2 of 2

You are further notified that this complaint made pursuant to Chapter 113 of the Iowa Code will be turned over to the Township Trustees, Crawford Township of Madison County County, acting as fence viewers, if no action is taken to remedy the problem within thirty (30) days of the mailing of this notice.

Dated this 8th day of January, 2021

Very truly yours,

Michael Forsyth
Bonnie Forsyth
Complainant(s)

2963 214th Trl
Winterset, IA 50273
Address

Acknowledgment of Notice

The undersigned landowner(s) hereby accepts notice of a partition line fence complaint made by Mike Forsyth Complainant(s), this 13th day of January, 2021 at 20:00.

Refer To Sheriff's Notice of
Serving "Partition Line Fence Complaint" Case # 21 Notice of
Respondent(s) Signed by Jodi Hildreth

(Have Acknowledgment of Notice signed by Respondent(s) or send by certified mail, return receipt requested, or give to Sheriff for personal service. Keep duplicate copy with proof of notice and return to Township Clerk.)



BEFORE THE TOWNSHIP TRUSTEES

Crawford TOWNSHIP Madison COUNTY, IOWA

Michael Forsyth and Bonnie Forsyth

Complaining Party

2963 214th Trail

Winterset IA 50273

Address

Brian Hildreth and Jodi Hildreth

Responding Party

2957 214th Trail

Winterset IA 50273

Address

Now comes the above named Complainant(s) and respectfully makes application to the

Crawford Township Trustees, Madison County, pursuant to Chapter 359A, Iowa Code, to act as Fence Viewers to determine a fence controversy with the above named Respondents, and do state to the Trustees as follows:

1. These Complainant(s) own the following described parcel: Approximately 40 acres in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 33, excluding Parcel "B", Township 76 North, Range 26 West of the 5th P.M. Madison County Iowa

2. Adjoining the ownership of these Complainant(s), the Respondent(s) own the following described parcel:

Parcel "B" in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 33, Township 76 North, Range 26 West of the 5th P.M., Madison County Iowa



3. A controversy has developed between the two adjoining owners in the following respects: (Explain inadequacy of fence.) *The boundary fence on the south and east side of Parcel "B" is owned by the Hildreths in its entirety. The condition of that fence is totally inadequate for livestock control from either side.*
Dated this 10 day of March, 2021.

Michael Farsy
Bonnie Lousytko

Complaint(s)

State of Iowa, Madison County, SS.

On this 10 day of March, 2021, before the undersigned, a Notary Public in and for the State of Iowa, personally appeared known to me to be the identical person(s) named in and who executed the within and foregoing instrument, and acknowledged that he/she executed the same as a voluntary act and deed.

B Macumber
Notary Public in and for the State of Iowa



NOTICE

TO: Michael & Bonnie Forsyth
Complaining Party

2963 214th Trail Winterset IA 50273
Address

Brian & Jodi Hildreth
Responding Party

2957 214 Trail Winterset IA 5027
Address

You are hereby notified that the Crawford Township Trustee, Madison County, acting as fence viewers under Chapter 113 of the Iowa Code, will meet to hear the fence viewers' controversy between the above named adjoining landowners on the 37 day of March, 2021, at 2:00 o'clock PM.

You may be present and present any facts you desire for consideration in connection therewith.

The partition fence in dispute is located at: 2957 214 Trail

Parcel B as described on page 77 & 78.

Govern yourselves accordingly.

Sheryl Faux
Township Clerk



ACKNOWLEDGMENT OF SERVICE

The undersigned landowner(s) hereby accepts due, timely and legal service of notice of the above and foregoing Notice of Hearing this 17th day of March, 2021, at 4:00 PM

Michael Foreman

Complaining Parties

ACKNOWLEDGMENT OF SERVICE

The undersigned landowner(s) hereby accepts due, timely and legal service of notice of the above and foregoing Notice of Hearing this 17th day of March, 2021, at 4:00 PM.

Jack L. Hackett

Responding Parties

NOTE: If all interested parties do not sign Acknowledgment of Service, those not signing must be served personally by the Sheriff at least five (5) days prior to date set for hearing.

If notice is to be served on nonresidents, see Section 359A.7 for publication requirements.

(Copy of this Notice to each party acknowledged or with proof of service shall be placed on record with County Recorder.)



NOTICE OF FINDINGS

Crawford TOWNSHIP, Madison COUNTY

Michael & Bonnie Forsyth

Complaining Party

2963 214th Trail
WINTERSET IA 50273

Address

vs.

Brian & Jodi Hildreth

Responding Party

2957 214th Trail
WINTERSET IA 50273

Address

Now on this 27th day of MARCH, 2021, a controversy having arisen between the parties named above, adjoining landowners, as to the erection and maintenance of a partition fence, it comes on for hearing before Crawford Township Trustees, Madison County, State of Iowa, acting as fence viewers upon the request of one of the landowners, pursuant to Chapter 359A of the Code.

The Trustees, after providing all parties in interest with due notice or accepting waiver of same, after inspection of the property and fences and being fully advised in the premises, FINDS: Refer to Note

Brian Hildreth will continue to build a 5 wire fence on the property line and accept responsibility of maintenance for it, with the exception of the West end which has never been fenced. If & when a fence is put there, the cost will be shared $\frac{1}{2} + \frac{1}{2}$ between the 2 parties.

Page
Page



That the complaining party is the owner of the following described real estate, to-wit: (Insert full legal description.)

and *APPROX. 40 Acres in the SW of the NW 1/4 of Section 33 Crawford Twp, excluding "Parcel B" Township 76 North Range 26 West of the 5th PM Madison Co.*

That the responding party is the owner of the following described real estate, to-wit: (Insert full legal description).

and *"Parcel B" in the SW 1/4 of the NW 1/4 of Section 33 Township 76 North Range 26 West of the 5th PM. Madison Co.*

That there is a partition fence between said tract of real estate which should be maintained and repaired according to Iowa law.

and

That the Trustees further find that the parties should build, repair and/or maintain their respective portions of said partition fence as is hereinafter ordered.

IT IS THEREFORE HEREBY ORDERED AND ADJUDGED by the Trustees of said Township as follows, to-wit: *Refer To hand written 2 pages*

1. That the complaining party, his/her grantees and successors in interest shall erect and/or maintain that part of the said partition fence described as follows, to-wit:

2. That the responding party, his/her grantees and successors in interest shall erect and/or maintain that part of the said partition fence described as follows, to-wit:

3. That said partition fence shall be a "lawful" fence.

4. (Insert other legal requirements to be made of one or both parties including date when work is to be completed.) *May 5, 2021*

5. That the costs of this proceeding to be paid on entry of this Order shall be borne as follows:

Recording Fees \$ _____ Copy Fees \$ _____

Trustee Fees \$ _____ Clerk Fees \$ _____

Complaining party shall pay \$ _____; Responding party shall pay \$ _____.



Findings

March 28
2021

Decisions:

The respondent, Brian Hildreth, assumed the role of Care-taker of the fence when he started fencing it for his horses several years ago.

The fence should be extended to the road, so no problems will come up in the future.

It was indicated among us, that since no fence had ever been to the road, that if the complainer, Mike Forsyth, wants a fence there now, that he should share the cost $\frac{1}{2}$ & $\frac{1}{2}$ with responder, Brian Hildreth.

The Wood fence section that is the now should be replaced with steel post & wire, as is the rest of the fence.

If you are going with a wood board fence, it needs to be 3 boards, not less than 6 inches wide & $\frac{3}{4}$ inches thick, fastened to good substantial post not more than 8 feet apart.

Findings

March 28
2021

Decisions:

The respondent, Brian Hildreth, assumed the role of Care-taker of the fence when he started fencing it for his horses several years ago.

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If you are going with a wood board fence, it needs to be 3 boards, not less than 6 inches wide & $\frac{3}{4}$ inches thick, fastened to good substantial post not more than 8 feet apart.

IN WITNESS WHEREOF, we have hereunto signed our names as Trustees
of Crawford Township, Madison County, State of Iowa.
Dated at Viewing Site, Crawford Iowa, this 27th day of March, 2021.
TWSP

TOWNSHIP TRUSTEES ACTING AS FENCE VIEWERS

[Signature]

TRUSTEE

[Signature]

TRUSTEE

[Signature]

TRUSTEE

(At least two Trustees must sign.)

Attest:

[Signature]

Township Clerk

APPEALS MAY BE MADE BY FILING A **NOTICE OF APPEAL** WITH THE **CLERK OF DISTRICT COURT**
WITHIN **20 DAYS** AFTER THE DATE OF THIS DECISION.

