



Document 2026 2413

Book 2026 Page 2413 Pages 24
Date 8/14/2026 Time 11:02:06AM
Rec Amt \$122.00 Aud Amt \$5.00

BRANDY MACUMBER, COUNTY RECORDER
MADISON COUNTY IOWA

Type of Document

Hog Heaven Subdivision

PREPARER INFORMATION:

Trevor Heimbaugh, 101½ W. Jefferson St., P.O. Box 230, Winterset, IA 50273
Phone: (515)-462-3731, on behalf of David M. Nicholl Revocable Trust

TAXPAYER INFORMATION:

David M. Nicholl Revocable Trust
170 Annapolis Ln.
Rotonda West, FL 33947

RETURN DOCUMENT TO:

David M. Nicholl Revocable Trust
170 Annapolis Ln.
Rotonda West, FL 33947

Or

Jordan, Oliver, Walters & Smith, P.C.
C/O Trevor Heimbaugh
101½ W. Jefferson St., P.O. Box 230
Winterset, IA 50273

LEGAL DESCRIPTION:

Parcel "A" located in the Southwest Fractional Quarter (1/4) of the Northwest Quarter (1/4) of Section Eighteen (18), Township Seventy-five (75) North, Range Twenty-seven (27) West of the 5th P.M, Madison County, Iowa, containing 28.695 acres, as shown in Plat of Survey filed in Book 2, Page 751 on February 3, 1997, in the Office of the Recorder of Madison County, Iowa,

Except Parcel "G" located therein, containing 6.36 acres, as shown in Plat of Survey filed in Book 2019, Page 2216 on July 19, 2019, in the Office of the Recorder of Madison County, Iowa.

**PLAT AND CERTIFICATE
FOR
HOG HEAVEN ESTATES SUBDIVISION**

I, Ryan Hobart, Zoning Administrator of the 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 Hog Heaven Estates Subdivision; and, that the real estate comprising said plat is described as follows:

Parcel "A" located in the Southwest Fractional Quarter (¼) of the Northwest Quarter (¼) of Section Eighteen (18), Township Seventy-five (75) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, containing 28.695 acres, as shown in Plat of Survey filed in Book 2, Page 751 on February 3, 1997, in the Office of the Recorder of Madison County, Iowa, EXCEPT Parcel "G" located therein, containing 6.36 acres, as shown in Plat of Survey filed in Book 2019, Page 2216 on July 19, 2019, in the Office of the Recorder of Madison County, Iowa.

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

- 1) Dedication of Plat of Hog Heaven Estates Subdivision;
- 2) Attorney's Opinion;
- 3) Certificate of Treasurer;
- 4) Auditor's Approval;
- 5) Ground Water Statement;
- 6) Agreement with County Engineer;
- 7) Covenants;
- 8) Land Disturbing Activity;
- 9) Resolution of Board of Supervisors;
- 10) Fence Affidavit;
- 11) Consent by American State Bank;
- 12) RESOLUTION OF CITY OF WINTERSET.

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

Dated this 22nd day of JUNE, 2026.

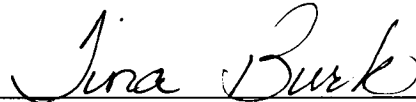


Ryan Hobart, Zoning Administrator

STATE OF IOWA, MADISON COUNTY, ss:

On this 22nd day of June, 2026, before me, the undersigned, a Notary Public in and for the said State, personally appeared, Ryan Hobart, to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.





Notary Public in and for the State of Iowa

**DEDICATION OF PLAT
OF
HOG HEAVEN ESTATES SUBDIVISION**

KNOW ALL MEN BY THESE PRESENT:

That David M. Nicholl, Trustee of the David M. Nicholl Revocable Trust, does hereby
certify that he is the sole owner and proprietor of the following-described real estate:

Parcel "A" located in the Southwest Fractional Quarter (¼) of the Northwest Quarter (¼) of Section Eighteen (18), Township Seventy-five (75) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, containing 28.695 acres, as shown in Plat of Survey filed in Book 2, Page 751 on February 3, 1997, in the Office of the Recorder of Madison County, Iowa, EXCEPT Parcel "G" located therein, containing 6.36 acres, as shown in Plat of Survey filed in Book 2019, Page 2216 on July 19, 2019, in the Office of the Recorder of Madison County, Iowa.

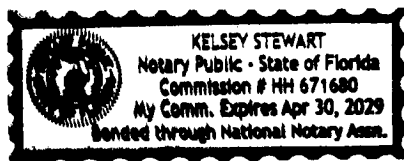
That the subdivision of the above described real estate, as shown by the Final Plat of Hog
Heaven Estates Subdivision is with the free consent and in accordance with the owners' desires
as owners of said real estate.

Dated this 4th day of February, 2026.


David M. Nicholl, Trustee of the David
M. Nicholl Revocable Trust

STATE OF FLORIDA COUNTY OF Charlotte

This instrument was acknowledged before me on this 4th day of February,
2026, by David M. Nicholl, Trustee of the David M. Nicholl Revocable Trust.




Notary Public in and for said State of
Florida

**ATTORNEY'S OPINION FOR FINAL PLAT
HOG HEAVEN ESTATES SUBDIVISION
MADISON COUNTY, IOWA**

I, Trevor Heimbaugh, 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 December 9, 2025, at 8:00 A.M., by Madison County Abstract Co., purporting to show the chain of title to the following described real estate, which is the real property contained in Final Plat, Hog Heaven Estates Subdivision, Madison County, Iowa.

Parcel "A" located in the Southwest Fractional Quarter (¼) of the Northwest Quarter (¼) of Section Eighteen (18), Township Seventy-five (75) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, containing 28.695 acres, as shown in Plat of Survey filed in Book 2, Page 751 on February 3, 1997, in the Office of the Recorder of Madison County, Iowa, EXCEPT Parcel "G" located therein, containing 6.36 acres, as shown in Plat of Survey filed in Book 2019, Page 2216 on July 19, 2019, in the Office of the Recorder of Madison County, Iowa.

In my opinion, merchantable title to the above-described property is in the name of the David M. Nicholl, Trustee of the David M. Nicholl Revocable Trust, free and clear of all liens and encumbrances, except:

1. Entry No. 90 shows an Open-End Real Estate Mortgage from David M. Nicholl, Trustee of the David M. Nicholl Revocable Trust to American State Bank dated September 28, 2017, and filed October 3, 2017, in Book 2017, Page 3116 of the Recorder's Office of Madison County, Iowa to secure credit in the amount of \$100,000.00. This Mortgage is a first lien against the real estate under examination, subject to paragraph 2 hereof.

2. Entry No. 98 shows a Mortgage from David M. Nicholl, Trustee of the David M. Nicholl Revocable Trust to American State Bank dated December 4, 2018, and filed December 20, 2018, in Book 2018, Page 4167 of the Recorder's Office of Madison County, Iowa to secure credit in the amount of \$89,000.

Entry No. 108 shows a Modification of Open-End Mortgage dated July 5, 2019, and filed July 23, 2019, in Book 2019, Page 2256 of the Recorder's Office of Madison County, Iowa, which secures credit in the amount of \$125,000.

This Mortgage, as modified, is a second lien against the real estate under examination, subject to paragraph 2 hereof.

2. The following Easements are shown of record:

A. Entry No. 9 shows an Easement granted to Madison County, Iowa for road

purposes and for use as a public highway dated July 26, 1962, and filed July 26, 1962, in Deed Record 91, Page 595 of the Office of the Recorder of Madison County, Iowa.

B. Entry No. 59 shows a Right of Way Easement granted to Southwestern Federated Power Cooperative dated August 3, 1959, and filed August 14, 1959, in Deed Record 89, Page 483 of the Office of the Recorder of Madison County, Iowa for an electric transmission line and all necessary appurtenances thereto.

Entry No. 78 shows a Conveyance and Assignment of this Easement to Central Iowa Power Cooperative dated October 4, 1968, and filed November 25, 1968, in Deed Record 100, Page 7 of the Office of the Recorder of Madison County, Iowa.

C. Entry No. 60 shows a Right of Way Agreement between the United States of America, acting through the Farmers Home Administration, to Central Iowa Power Cooperative dated November 23, 1988, and filed December 5, 1988, in Deed Record 121, Page 393 of the Office of the Recorder of Madison County, Iowa for an electric transmission line and all necessary appurtenances thereto.

D. Entry No. 61 shows a Grant of Permanent Conservation Easement from the Farmers Home Administration to Madison County Conservation Board dated November 20, 1989, and filed December 18, 1989, in Deed Record 121, Page 712 of the Office of the Recorder of Madison County, Iowa. It states that this Conservation Easement is to conserve and protect the wildlife habitat, flood plains, forest and areas of scenic value. This Agreement is quite extensive and should be reviewed carefully. At Entry No. 68 a lawsuit was filed by the Madison County Conservation Board vs. Gregory McDonald in Equity No. CV030196 in the Iowa District Court for Madison County for violations of the Permanent Conservation Easement, however, there are no further proceedings shown in the abstract other than the Petition and the Answer. You may wish to familiarize yourself with this lawsuit as well.

E. Entry No. 67 shows an Easement granted to Warren Water, Inc. dated April 7, 1998, and filed May 22, 1998, in Deed Record 140, Page 196 of the Office of the Recorder of Madison County, Iowa for a water line and all necessary appurtenances thereto.

F. Entry No. 120 shows an Easement Agreement from Ross Davis Nicholl to David M. Nicholl Revocable Trust, for ingress and egress, dated June 26, 2020, filed July 15, 2020, in Book 2020, Page 2501 in the Office of the Recorder of Madison County, Iowa.

Respectfully submitted,

JORDAN, OLIVER & WALTERS, P.C.

A handwritten signature in black ink, appearing to read "Trevor Heimbaugh", written in a cursive style.

Trevor Heimbaugh, Title Guaranty No.
11187

CERTIFICATE OF THE COUNTY TREASURER OF MADISON COUNTY, IOWA

I, Kylee Barber, 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, to-wit:

HOG HEAVEN ESTATES SUBDIVISION

Parcel "A" located in the Southwest Fractional Quarter (¼) of the Northwest Quarter (¼) of Section Eighteen (18), Township Seventy-five (75) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, containing 28.695 acres, as shown in Plat of Survey filed in Book 2, Page 751 on February 3, 1997, in the Office of the Recorder of Madison County, Iowa, EXCEPT Parcel "G" located therein, containing 6.36 acres, as shown in Plat of Survey filed in Book 2019, Page 2216 on July 19, 2019, in the Office of the Recorder of Madison County, Iowa.

Owned by: David M. Nicholl, Trustee of the David M. Nicholl Revocable Trust.

DATED at Winterset, Iowa, this 17th day of April, 2026.

K Barber
Kylee Barber, Treasurer of Madison County, Iowa

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

HOG HEAVEN ESTATES SUBDIVISION

For property located at:

Parcel "A" located in the Southwest Fractional Quarter (¼) of the Northwest Quarter (¼) of Section Eighteen (18), Township Seventy-five (75) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, containing 28.695 acres, as shown in Plat of Survey filed in Book 2, Page 751 on February 3, 1997, in the Office of the Recorder of Madison County, Iowa, EXCEPT Parcel "G" located therein, containing 6.36 acres, as shown in Plat of Survey filed in Book 2019, Page 2216 on July 19, 2019, in the Office of the Recorder of Madison County, Iowa.

And owned by: David M. Nicholl, Trustee of the David M. Nicholl Revocable Trust

Has been approved on the 2 day of March, 2026.

Auditor, Madison County, Iowa.

By Michele Brant
Michele Brant, Auditor

AGREEMENT

This Agreement made and entered into, by and between, the proprietors of Hog Heaven Estates Subdivision and Mike Hackett, Madison County Engineer.

NOW THEREFORE IT IS AGREED AS FOLLOWS:

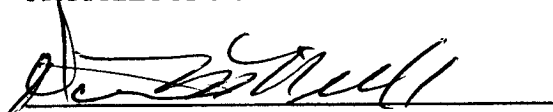
1. The proprietors of Hog Heaven Estates, a Plat of the following described real estate:

Parcel "A" located in the Southwest Fractional Quarter (¼) of the Northwest Quarter (¼) of Section Eighteen (18), Township Seventy-five (75) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, containing 28.695 acres, as shown in Plat of Survey filed in Book 2, Page 751 on February 3, 1997, in the Office of the Recorder of Madison County, Iowa, EXCEPT Parcel "G" located therein, containing 6.36 acres, as shown in Plat of Survey filed in Book 2019, Page 2216 on July 19, 2019, in the Office of the Recorder of Madison County, Iowa.

hereby agree that all private roads located within Hog Heaven Estates 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.

Date: 2-4-2026, 2026.

PROPRIETORS OF HOG HEAVEN ESTATES


David M. Nicholl


Mike Hackett, Madison County Engineer

Prepared By

Return to: Trevor J. Heimbaugh, PO Box 230, Winterset, IA 50273; (515) 462-3731

**DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS**

THIS DECLARATION is made on the date set forth below by **David M. Nicholl**, hereinafter referred to as **Declarant**;

WITNESSETH:

WHEREAS, Declarant is the owner of certain real estate in Madison County, Iowa: Hog Heaven Estates:

Parcel "A" located in the Southwest Fractional Quarter (¼) of the Northwest Quarter (¼) of Section Eighteen (18), Township Seventy-five (75) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, containing 28.695 acres, as shown in Plat of Survey filed in Book 2, Page 751 on February 3, 1997, in the Office of the Recorder of Madison County, Iowa, EXCEPT Parcel "G" located therein, containing 6.36 acres, as shown in Plat of Survey filed in Book 2019, Page 2216 on July 19, 2019, in the Office of the Recorder of Madison County, Iowa.

NOW THEREFORE, Declarants hereby declare that all properties within the above described real estate shall be held, sold and conveyed subject to the following conditions, covenants and restrictions which are for the purpose of protecting the value and desirability of, and which shall run with the real property and be binding on all parties having any right, title or interest in the described properties or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof.

**ARTICLE I
Definitions**

Section 1.

“Owner” shall mean and refer to the record owner, whether one or more persons or entities, of a fee simple title to any parcel which is a part of the property, except that a vendee in possession under a recorded contract of sale of any parcel shall be considered the owner rather than the contract seller being the owner. Those having an interest merely as security for the performance of an obligation shall not be considered an owner.

Section 2.

“Properties” shall mean and refer to that certain real property hereinbefore described.

Section 3.

“Parcels” shall mean and refer to the numbered Parcels as shown upon the plat described as Hog Heaven Estates, a subdivision in Madison County, Iowa.

**ARTICLE II
Use Restrictions.**

Section 1. **Subjection of the Property to Certain Provisions.**

The ownership, use, occupation and enjoyment of each parcel shall be subject to the Use Restrictions provided in this Article.

Section 2. **Use of Properties.**

- (a) All parcels in said plat shall be used only for single-family residential purposes. No structure shall be erected on any parcel except a residential dwelling structure of at least 1,200 sq. ft., no more than one (1) outbuilding and garages. No mobile homes or manufactured homes shall be erected or placed on any of the parcels unless they are at least 1,200 sq. ft.
- (b) No more than two (2) head of livestock animals.
- (c) The requirements contained in the Madison County Zoning Ordinance as to parcel area, width and yard requirements shall apply to all parcels within the subdivision.
- (d) No parcel in the plat shall be further subdivided, except that a parcel may be divided and sold to or with adjoining parcels to increase their size.
- (e) No trailer, tent, shack, garage, recreational vehicle (RV), barn or other accessory building in the tract shall at any time be used as a residence permanently. Owners can live temporarily on the land in one of the above listed non-permitted living structures.
- (f) No semi-trailers, storage containers, or shipping containers are permitted on any

parcel.

- (g) The titleholder of each parcel, vacant or improved, shall keep his parcel or parcels free of junk, non-working cars and trucks, equipment, machinery and debris, and shall not engage in any activity which is a nuisance. A working tractor, flatbed trailer, camper, RV, Boat, and mowers can be left outside that are in working condition.
- (h) If any person shall violate or attempt to violate any of the covenants, conditions or restrictions contained herein, it shall be lawful for any owner of any parcel or parcels in the subdivision to institute proceedings in law or in equity against the person or persons violation or attempting to violate any such covenants, conditions or restrictions, and to prevent or enjoying him or them from so doing or recover damages for such violation.
- (i) If any parcel owner decides to erect a fence upon the owner's parcel, the total cost of installation of such fence shall be borne by said parcel owner as well as the cost of all future maintenance of the fence. No adjoining parcel owner shall be required to participate in the cost of the erection or maintenance of any fence. Any fence erected shall be the sole property of the parcel owner and can be removed by such parcel owner at his discretion. Nothing in this paragraph shall be deemed to preclude a fencing agreement between adjoining parcel owners for erection and maintenance of a common fence; however, for any such common fence agreement to be enforceable upon future parcel owners, such fencing agreement must be in writing and filed on record in the Madison County Recorder's office in order to apprise prospective purchasers of their obligations with respect to such fencing.
- (j) There is no common sewage system available for use within the property, and it shall be the responsibility of each of the owners of the respective parcels to provide a septic tank for use with the residence constructed upon each parcel.
- (k) Ordinary household pets are permitted. Outside dog kennel is acceptable for the owners' dogs. No raising or breeding dogs with dog runs.
- (l) ATV, UTV can be used for pleasure and for work as long as they are not a nuisance to any neighboring parcels. No racetracks allowed.
- (m) All houses and outbuildings must be completed after the start of construction of such houses and outbuildings.
- (n) Invalidity of any one of these covenants by judgment or court order shall not affect any of the other provisions which shall remain in full force and effect.

ARTICLE III

General Provisions

Section 1. Enforcement.

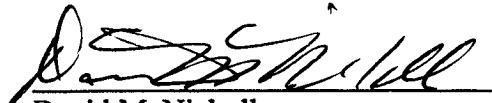
Any Owner shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens and charges now or hereafter imposed by the provisions of this Declaration. Failure by any Owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

Section 2. Severability.

Invalidation of any of these covenants or restrictions by judgment or court order shall in no way affect any other provisions which shall remain in full force and effect.

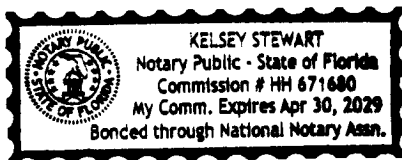
Section 3. Amendment.

The covenants and restrictions of this Declaration shall run with and bind the land. Any amendment must be recorded. This Declaration may be amended by Seventy-five percent (75%) of landowners.


David M. Nicholl

STATE OF Florida :
COUNTY OF Charlotte :SS

On this 4th day of February, 2026, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared David M. Nicholl, to me known to me personally known, who being by me duly sworn, did say that they are the persons named in the within and foregoing instrument, and that the instrument was executed by them as their voluntary act and deed.




Notary Public in and for the State of Florida

**LAND DISTURBING ACTIVITIES
AFFIDAVIT**

STATE OF IOWA :
: ss
MADISON COUNTY :

Pursuant to section 161 A.64, Code of Iowa in consideration for permission to engage in a land disturbing activity as defined in that statute, and recognizing that the agency authorized by that statute to receive and file this affidavit will rely on the statements we make herein, I, David M. Nicholl, being first duly sworn on oath, do solemnly swear to affirm that:

We do not plan to engage in land disturbing activities upon the following described real estate:

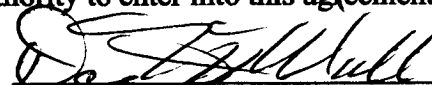
Parcel "A" located in the Southwest Fractional Quarter (¼) of the Northwest Quarter (¼) of Section Eighteen (18), Township Seventy-five (75) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, containing 28.695 acres, as shown in Plat of Survey filed in Book 2, Page 751 on February 3, 1997, in the Office of the Recorder of Madison County, Iowa, EXCEPT Parcel "G" located therein, containing 6.36 acres, as shown in Plat of Survey filed in Book 2019, Page 2216 on July 19, 2019, in the Office of the Recorder of Madison County, Iowa.

As owner or occupant of the land described above, we are aware that we must establish and maintain soil conservation practices as necessary to meet the soil loss limits established by the Madison County Soil and Water Conservation District, pursuant to sections 161A.43, and 161A.44, Code of Iowa.

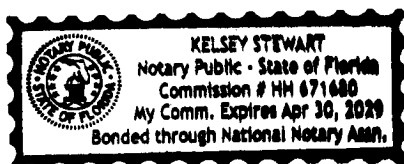
I am aware that loss limit regulations prohibit sediment from leaving the site in excess of 5 tons per acre per year. The land disturbing activities described above will be conducted in a manner that will insure compliance with the soil loss limit regulations.

I assume responsibility for all land disturbing activities conducted on this property by us or other people entities we represent. This authority covers only the land and land disturbing activity described above.

I am the owner of the land, and have full authority to enter into this agreement.


David M. Nicholl

Subscribed and sworn to before me by David M. Nicholl, on this 4th day of February, 2026.




Notary Public in and for the State of
Florida
State of Florida
County of Charlotte

ZO – Resolution 062326A
RESOLUTION APPROVING FINAL PLAT
OF HOG HEAVEN ESTATES 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 Hog Heaven Estates Subdivision; and

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

Parcel "A" located in the Southwest Fractional Quarter (¼) of the Northwest Quarter (¼) of Section Eighteen (18), Township Seventy-five (75) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, containing 28.695 acres, as shown in Plat of Survey filed in Book 2, Page 751 on February 3, 1997, in the Office of the Recorder of Madison County, Iowa, EXCEPT Parcel "G" located therein, containing 6.36 acres, as shown in Plat of Survey filed in Book 2019, Page 2216 on July 19, 2019, 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, David M. Nicholl.

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 proprietor and that the platted land is free from all encumbrances, except two Mortgages to American State Bank who has approved of the Subdivision, 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 Hog Heaven Estates 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 Hog Heaven Estates 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.

3. Approval of 20062326A is subject to the approval by the City of Winterset.
DATED at Winterset, Iowa, this 23 day of June, 2026.

MADISON COUNTY BOARD OF SUPERVISORS

By Heather Stancil
Heather Stancil, Chairman

☒ Aye ☐ Nay

By Diane Fitch
Diane Fitch, Supervisor

☒ Aye ☐ Nay

By Jessica Hobbs
Jessica Hobbs, Supervisor

☒ Aye ☐ Nay

ATTEST:

Michele Brant
Michele Brant, Madison County Auditor

Prepared by: Trevor Heimbaugh, PO BOX 230, Winterset, IA 50273 515/462-3731
Return to: Trevor Heimbaugh, PO BOX 230, Winterset, IA 50273 515/462-3731

AFFIDAVIT

STATE OF IOWA :
: ss
MADISON COUNTY :

I, David M. Nicholl, first being duly sworn on oath state that this Affidavit concerns the chain of title to the following described real estate:

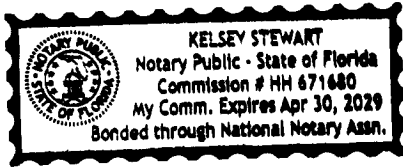
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I further state that there is a lawful fence surrounding the boundary lines of the above described real estate.



David M. Nicholl

Subscribed and sworn to before me on this 4th day of February, 2026.



Kelsey Stewart
Notary Public in and for the State of Florida
State of Florida
County of Charlotte

**CONSENT TO PLATTING
BY AMERICAN STATE BANK**

American State Bank does consent to the platting and subdivision of the following-described real estate:

Parcel "A" located in the Southwest Fractional Quarter (¼) of the Northwest Quarter (¼) of Section Eighteen (18), Township Seventy-five (75) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, containing 28.695 acres, as shown in Plat of Survey filed in Book 2, Page 751 on February 3, 1997, in the Office of the Recorder of Madison County, Iowa, EXCEPT Parcel "G" located therein, containing 6.36 acres, as shown in Plat of Survey filed in Book 2019, Page 2216 on July 19, 2019, in the Office of the Recorder of Madison County, Iowa.

in accordance with the ordinances of the laws of the State of Iowa. The undersigned holds the following mortgages on the above real estate:

1. Entry No. 90 shows an Open-End Real Estate Mortgage from David M. Nicholl, Trustee of the David M. Nicholl Revocable Trust to American State Bank dated September 28, 2017, and filed October 3, 2017, in Book 2017, Page 3116 of the Recorder's Office of Madison County, Iowa to secure credit in the amount of \$100,000.00. This Mortgage is a first lien against the real estate under examination, subject to paragraph 2 hereof.

2. Entry No. 98 shows a Mortgage from David M. Nicholl, Trustee of the David M. Nicholl Revocable Trust to American State Bank dated December 4, 2018, and filed December 20, 2018, in Book 2018, Page 4167 of the Recorder's Office of Madison County, Iowa to secure credit in the amount of \$89,000.

Entry No. 108 shows a Modification of Open-End Mortgage dated July 5, 2019, and filed July 23, 2019, in Book 2019, Page 2256 of the Recorder's Office of Madison County, Iowa, which secures credit in the amount of \$125,000.

This Mortgage, as modified, is a second lien against the real estate under examination, subject to paragraph 2 hereof.

Dated this 27th day of FEBRUARY, 2026.

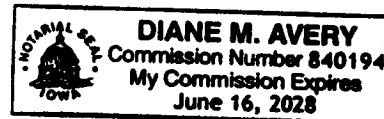
AMERICAN STATE BANK

By Bill Dickey
Senior Vice President

STATE OF IOWA, COUNTY OF MADISON

This instrument was acknowledged before me on this 27 day of February 2026,
by Bill Dickey, as Senior Vice President
of American State Bank.

Diane M. Avery
Notary Public in and for said State





**124 W. COURT AVENUE
WINTERSET, IOWA 50273-1545
PHONE (515) 462-1422
FAX (515) 462-1963**

**Thomas J. Leners, Mayor
Andrew J. Barden, City Administrator/ City Clerk/ Zoning Administrator**

2/28/2025

Request to survey and split parcel 520101846012000 owned by David Nicholl Revocable Trust located near the northwest corner of Co HWY P71, Clark Tower Road and 245th Ln, approximately 1.2 miles South of Winterset Corporate city limits, within the 2 mile rule.

The parcels meet zoning requirements, the splits are approved as presented.

Any future splits are required to be approved by Winterset Planning and Zoning as a subdivision (more than 4 parcels).

**Andrew Barden
City Administrator**

HOG HEAVEN ESTATES

0' 160' 320'

WINIESEI, 1A 30E/3
PARCEL A IN THE SW FRL 1/4 OF
THE NW 1/4, SEC 18 T75N, R27W

Date	8/14/2026	Time	11:02:06AM
Rec Amt	\$122.00	Aud Amt	\$5.00

BRANDY MACUMBER, COUNTY RECORDER

MADISON COUNTY IOWA

MADISON COUNTY, IOWA

RUSS DAVID NICHOLL
2217 245TH LANE
WINTERSET, IA 50273

OWNER AND DEVELOPER INFORMATION:

ROSS NICHOLL
2217 245TH LANE
WINTERSET, IA 50273

ZONING

AGRICULTURE

RETURN TO: CONSTRUCTION SERVICES

8755 NE 27th Ave
Altadena, IA 50009
515-343-6756

1. SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS, COVENANTS AND RESTRICTIONS ON RECORD.

2. DATE OF FIELD WORK: JANUARY 29, 2025.
3. THE PURPOSE OF THIS SUBDIVISION PLAT IS TO DIVIDE SUBJECT PARCEL FOR DEVELOPMENT OF
4. ONE ADDITIONAL, BUILDABLE LOT.
5. BASIS OF BEARING FOR THE SURVEY IS THE IDUA RTN - IDUA SOUTH STATE PLANE COORDINATE
6. SYSTEM AND 800,000 SCALE FACTOR HAS BEEN APPLIED TO ALL MEASUREMENTS SHOWN ON THIS
7. PLAT. A GRID TO GROUND SCALE POINT IS THE SW COR OF THE NW 1/4 OF SEC 18, T75N, R27W,
8. MINIMUM SETBACKS FOR APPLICABLE MADISON COUNTY ZONING DISTRICT (PER MADISON COUNTY
9. ZONING ORDINANCE) SHALL APPLY:
10. -FRONT YARD: 50 FEET
11. -REAR YARD: 25 FEET
12. -SIDE YARD: 25 FEET
13. ALL MONUMENTS NOTED AS "SET" WILL BE PLACED WITHIN 30 DAYS OF THE RECORDING OF THIS
14. FINAL PLAT. IF AN ERROR OF CLOSURE OF LESS THAN 1 FOOT IN 10,000 FEET AND EACH LOT WITHIN
15. THIS PLAT HAS AN ERROR OF CLOSURE OF LESS THAN 1 FOOT IN 5,000 FEET.
16. ALL MONUMENTS PLACED ARE A 1/2" INCH DIAMETER IRON ROD WITH A YELLOW PLASTIC IDENTIFICATION
17. CAP. MONUMENTS WITHOUT YELLOW IDENTIFICATION NOTED.
18. RECORD MEASUREMENTS ("PT") REFER TO THOSE MEASUREMENTS SHOWN ON THE PLAT OF SURVEY
19. RECORDED IN BOOK 2, PAGE 751 AND THE PLAT OF SURVEY RECORDED IN BOOK 2019, PAGE 2216.
20. ALL IN THE OFFICE OF THE MADISON COUNTY RECORDER.
21. THE SITE IS LOCATED IN ZONE X, AREA OF MINIMAL FLOOD HAZARD, PER FEMA PANEL #19121C0250D.
22. EFFECTIVE DATE 6-21-2017.
23. ALTERNATIVE SEPTIC SYSTEMS MAY BE REQUIRED. INDIVIDUAL WASTEWATER TREATMENT SYSTEMS SHALL
24. BE DESIGNED BY A PROFESSIONAL ENGINEER.
25. EXISTING ELECTRICAL SERVICE PROVIDED BY FARMER'S ELECTRIC COOPERATIVE.
26. WATER SERVICE TO BE PROVIDED BY WARREN WATER DISTRICT.
27. ALL NEW DRIVEWAY LOCATIONS SHALL BE 24" MINIMUM WIDTH AND SHALL BE LOCATED AS SHOWN ON
28. THIS FINAL PLAT.
29. WATER EASEMENT IN FAVOR OF WARREN WATER, INC. IS RECORDED IN BOOK 140, PAGE 196 OF THE
30. MADISON COUNTY RECORDER. SAID EASEMENT IS DESCRIBED AS 32 FEET WIDE AND CENTERED ON THE
31. MAIN SERVING THE SUBJECT PROPERTY IS LOCATED ON THE SOUTH SIDE OF 245TH LANE. FOR THE
32. PURPOSES OF THIS PLAT, SAID WATER EASEMENT IS SHOWN AS THE SOUTH 32 FEET OF PARCEL A OF
33. THE SW 1/4 OF THE SW 1/4.
34. THE ELECTRIC LINE EASEMENT RECORDED IN DEED RECORD BOOK 89, PAGE 483 REFERENCES THE
35. SUBJECT PROPERTY, BUT DOES NOT CLEARLY DELINEATE THE EASEMENT AREA. OWNER IS ADVISED TO
36. CONSULT WITH FARMER'S ELECTRIC COOPERATIVE TO CONFIRM THE EXTENT TO WHICH THIS EASEMENT
37. ENCOMPASSES THE SUBJECT PROPERTY.

BOOK 89, PAGE 483 REFERENCES THE EASEMENT AREA. OWNER IS ADVISED TO THE EXTENT TO WHICH THIS EASEMENT

A TRACT OF LAND LOCATED IN PARCEL A OF THE SOUTHWEST QUARTER OF THE
 NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 75 NORTH, RANGE 27 WEST OF THE 5TH P.M.,
 AS SHOWN IN DEED PLAT OF SURVEY RECORDED IN BOOK 2, PAGE 751 OF THE MADISON COUNTY
 RECORDS, AT THE SOUTHWEST CORNER OF PARCEL G, AS SHOWN ON THE PLAT OF SURVEY
 RECORDED IN BOOK 2019, PAGE 2216 OF THE MADISON COUNTY RECORDS, THERE 89'4.4"X9'9"
 ALONG THE SOUTHWEST CORNER OF PARCEL A, A DISTANCE OF 1077.62 FEET TO THE SOUTHWEST
 CORNER OF SAID PARCEL A, THENCE 100'4.10"X10'0" ALONG THE WEST LINE OF SAID PARCEL A,
 A DISTANCE OF 1119.26 FEET TO THE NORTHEAST CORNER OF SAID PARCEL A, THENCE 88'9.58"X8'36"
 ALONG THE NORTH LINE OF SAID PARCEL A, A DISTANCE OF 79.60 FEET TO THE NORTHEAST
 CORNER OF SAID PARCEL G, THENCE S00'21.27"X7'0" ALONG THE WEST LINE OF SAID PARCEL G, A
 DISTANCE OF 541.94 FEET TO A WESTERLY CORNER OF SAID PARCEL G, THENCE S32°28'09"E
 ALONG THE WEST LINE OF SAID PARCEL G, A DISTANCE OF 290.51 FEET TO A WESTERLY
 CORNER OF SAID PARCEL G, THENCE S21°52'00"E ALONG THE WEST LINE OF SAID PARCEL G, A
 DISTANCE OF 352.60 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINING 22.34 ACRES,
 INCLUDING 0.41 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 PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA

SYMBOLS LEGEND:
 ● MONUMENT FOUND AS DESCRIBED
 ○ SET 1/2" IRON ROD WITH YELLOW PLASTIC CAP #2075
 M MEASURED DISTANCE
 R RECORDED DISTANCE

YPC YELLOW PLASTIC C

RPL RED PLASTIC CAP
BPC BLUE PLASTIC CAP

IRON ROD

IP	IRUN PIPE
ROW	RIGHT-OF-WAY

~~00~~ FENCE

SBL (BUILDING) SEIBACK LINE

CARTER SURVEYING

STRUCTION SERVICES, LLC

27TH AVE, ALTDONA, IA 50009

515-343-6756

FINAL PLAT - HDG HEAVEN ESTATES
2217 245TH LANE, WINTERSET, IDWA

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1

2451H LANE, WIN

PAGE 10

SCALE: 1" = 100'

—KSEI, IOWA
