



Document 2017 694

Book 2017 Page 694 Type 06 009 Pages 18

Date 3/02/2017 Time 8:05:17AM

Rec Amt \$92.00

INDX
ANNO
SCAN

LISA SMITH, COUNTY RECORDER
MADISON COUNTY IOWA

CHEK

Prepared by: Jerrold B. Oliver, PO BOX 230, Winterset, IA 50273 515/462-3731
Return to: Jerrold B. Oliver, PO BOX 230, Winterset, IA 50273 515/462-3731

AFFIDAVIT

STATE OF IOWA :
: ss
MADISON COUNTY :

I, Jerrold B. Oliver, after first being duly sworn upon oath, state that I act as attorney for Paul Schaffer and Tonya Schaffer, in connection with a Petition filed by Paul Schaffer and Tonya Schaffer for a partial vacation of a plat known as Lots 2 through 6 of Wyndmere Estates, Plat 1, Subdivision, Madison County, Iowa.

The following documents are attached:

1. Petition for Partial Vacation of Plat filed by Paul Schaffer and Tonya Schaffer.
2. Resolution of Board of Supervisors of Madison County, Iowa, setting said Petition for hearing on January 3, 2017, at 9:00 A.M.
3. Affidavit of Publication showing that said Notice was correctly published in the Winterset Madisonian Newspaper on December 7, 2016, and December 21, 2016.

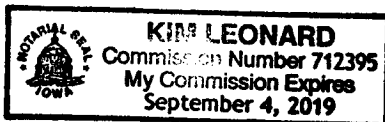
A copy of said Notice is attached to the Affidavit of Publication.

4. Returns of Service showing that the Notice was also served on Central Bank of Spirit Lake, Iowa, and Wells Fargo Bank, N.A. who held Mortgages on one of the lots in the Subdivision.
5. Consent to Partial Vacation by Andrew B. Pickering and Nicole L. Pickering, consenting to said partial vacation.
6. Consent to Amendment of Restrictive Covenants and Consent to Partial Vacation of Plat with amendment to covenants attached by Shane M. Meader and Eileen Tabitha Meader.
7. Resolution by Madison County Board of Supervisors approving said partial vacation.
8. Affidavit of the Madison County Auditor stating that the vacated part of the plat can be adequately described for assessment and taxation purposes without reference of the vacated lots.
9. Partial Vacation of Plat by Paul Schaffer and Tonya Schaffer.

Jerrold B. Oliver
Jerrold B. Oliver

Subscribed and sworn to before me on this 14 day of March, 2017.

Kim Leonard
Notary Public in and for the State of Iowa



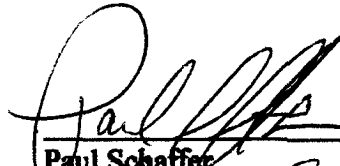
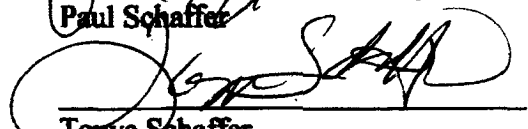
PETITION FOR PARTIAL VACATION OF PLAT

1. Paul Schaffer and Tonya Schaffer, hereby Petition for the Madison County Board of Supervisors to vacate a portion of the Plat of Wyndmere Estates, Plat 1, Subdivision proceedings were recorded on January 17, 2006, in Book 2006, Page 241 of the Recorder's Office of Madison County, Iowa, covering Lots 2 through 6 of said Subdivision.

2. Notice of said Petition and the time and place for hearing on said Petition will be served as required by Iowa Code Section 354.22.

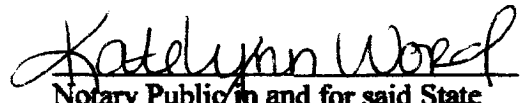
3. If this Petition for partial vacation is approved, Lots 2 through 6 will be known as Parcel "D" of that part of Southwest Quarter (¼) of the Northeast Quarter (¼) and the Southeast Quarter (¼) of the Northwest Quarter (¼) of Section Twenty-one (21), Township Seventy-six (76) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa as shown in the Plat of Survey filed on July 21, 2016 in Book 2016 Page 2108 of the Recorders Office of Madison County, Iowa..

Dated this 20th day of October, 2016.


Paul Schaffer

Tonya Schaffer

STATE OF Oklahoma :
COUNTY OF Canadian :
:ss

This instrument was acknowledged before on this 20 day of October, 2016,
by Paul Schaffer and Tonya Schaffer.


Notary Public in and for said State



SPV - RESOLUTION - 12-06-16

WHEREAS, a Petition for Partial Vacation of Plat has been filed by Paul Schaffer and Tonya Schaffer for partial vacation of a portion of the Plat of Wyndmere Estates, Plat 1, Subdivision, Madison County, Iowa.

WHEREAS, the description of the portion of the Plat to be vacated is described as follows:

Lots 2 through 6 of Wyndmere Estates, Plat 1, Subdivision, Madison County, Iowa.

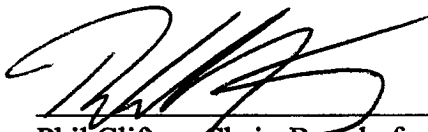
WHEREAS, the Petition is filed pursuant to Iowa Code Section 354.22.

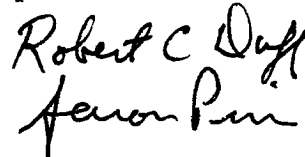
WHEREAS, said Code Section provides that said Petition should be set for hearing before the Madison County Board of Supervisors.

NOW THEREFORE, be is resolved, by the Board of Supervisors of Madison County, Iowa:

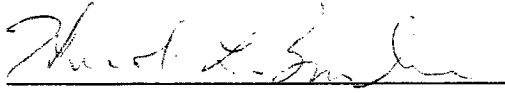
1. Said Petition is hereby set for hearing on the 3rd day of January, 2017, at 9:00 A.M., before the Board of Supervisors, at the Board of Supervisor's Office at the Courthouse in Winterset, Madison County, Iowa.

Dated: 6 December, 2016.


Phil Clifton, Chair, Board of
Supervisors Madison County, Iowa.


Robert C. Duff
Faron P. P. P.

Attest:


Heidi Burhans, Madison County Auditor

AFFIDAVIT OF PUBLICATION

STATE OF IOWA :
:SS
MADISON COUNTY :

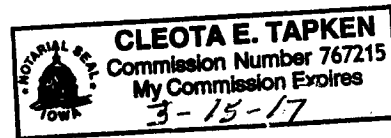
Ted Gorman being duly sworn says he is publisher of Winterset Madisonian a once weekly paper of general circulation, published in Winterset, Iowa, and that the notice, a copy of which is annexed and made part hereof was correctly published in said paper on December 7, 2016, and December 21, 2016.

Ted G. Gorman

Subscribed and sworn to before me this 20 day of January, 2017.

Cleota Tapken

Notary Public in and for said State of Iowa



PUBLIC NOTICE

You are hereby notified that Paul Schaffer and Tonya Schaffer have filed a Petition for Partial Vacation of Plat to vacate the portion of the Plat of Wyndmere Estates, Plat 1, Madison County, Iowa, covering Lots 2 through 6 of said Subdivision.

You are further notified that hearing on said Petition will be held before the Board of Supervisors of Madison County, Iowa, at the Board of Supervisor's Office at the Courthouse in Winterset, Madison County, Iowa, on the 3rd day of January, 2017, at 9:00 A.M.



Phil Clifton,
Chair Madison County Board of Supervisors

Return of Service

IN THE IOWA OTHER COURT IN AND FOR DICKINSON COUNTY

PETITION OF PAUL SCHAFFER AND TONYA SCHAFFER FOR
THE PARTIAL VACATION OF PLAT
VS
CENTRAL BANK

Case Number: **SCHAFFER**
Civil Number: **16-001129**
Date Received: **12/22/2016 @ 09:48**
Date Printed: 12/28/2016 @ 9:37

STATE OF IOWA
DICKINSON COUNTY }

I hereby certify that I served a copy of:

NOTICE

To: **OFFICER AT CENTRAL BANK at 1400 18TH ST SPIRIT LAKE IA 51360**
on **12/27/2016 @ 11:35** Type of Service: **CORPORATION/ASSOCIATION**
Remarks: **SERVED ASSISTANT VP DUSTIN POHLMAN**

Fees:

Service Fees:	15.00
Mileage:	4.00
Copies:	0.00
Total:	19.00

GREGORY L BALOUN, SHERIFF
DICKINSON COUNTY

By: **/S/ DEPUTY BRANDON VODRASKA**

Paid By: **JERROLD B OLIVER**
Date: **12/28/2016**
Check #: **94197**

RETURN OF SERVICE

The within Notice of Hearing, received the 21st day of December, 2016, and I certify that I served the same on Wells Fargo Bank, N.A., by delivering a copy thereof as set forth below:

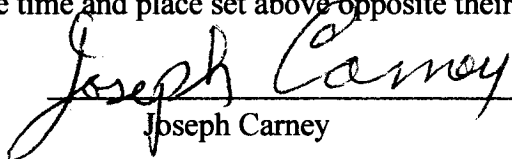
I certify that I served Notice of Hearing, on Wells Fargo Bank, N.A. by serving their Registered Agent, Sherry Walters, of Corporation Service Company, 505 5th Avenue, Suite 729, Des Moines, IA 50309, on this 21st day of December, 2016.

FEES: Service \$ 70.00

MEMO AND AFFIDAVIT OF SERVICE

STATE OF IOWA :
 :ss
MADISON COUNTY :

The Undersigned, first being duly sworn upon oath, deposes and states that he served the attached notice or document on each of the persons named above by delivering a copy of said notice or document to each of said persons at the time and place set above opposite their respective names.


Joseph Carney

Subscribed and sworn to before me by Joseph Carney on this 22 day of December, 2016.


Notary Public in and for the State of Iowa



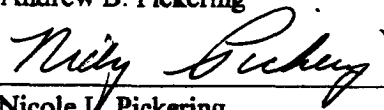
CONSENT TO PARTIAL VACATION OF PLAT

Andrew B. Pickering and Nicole L. Pickering, do hereby consent and agree to the Petition for Partial Vacation of Plat, filed by Paul Schaffer and Tonya Schaffer, for a partial vacation of the Plat of Wyndmere Estates, Plat 1, to vacate that portion of the plat covering Lots 2 through 6 of said subdivision.

Dated: 11/21/16, 2016.

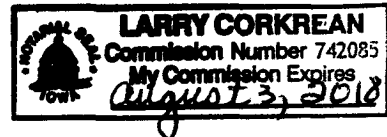


Andrew B. Pickering

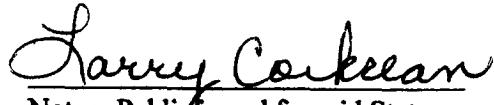


Nicole L. Pickering

STATE OF IOWA :
:ss
MADISON COUNTY :



This instrument was acknowledged before me on this 21 day of November, 2016
2016, by Andrew B. Pickering and Nicole L. Pickering.



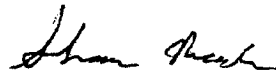
Notary Public in and for said State

**CONSENT TO AMENDMENT OF RESTRICTIVE COVENANTS
AND CONSENT TO PARTIAL VACATION OF PLAT**

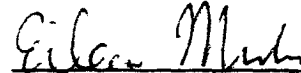
Shane M. Meader and Eileen Tabitha Meader hereby consent to the Amendment of Declaration of Covenants, Conditions and Restrictions for Wyndmere Estates, Plat 1, Madison County, Iowa, and consent to the partial vacation of a plat covering Lots 2 through 6 of Wyndmere Estates, Plat 1, Madison County, Iowa.

Copies of the Petition for Partial Vacation of Plat and Amendment to Declaration of Covenants, Conditions and Restrictions for Wyndmere Estates, Plat 1, Madison County, are attached hereto.

Dated: 12 day of November, 2016.



Shane M. Meader



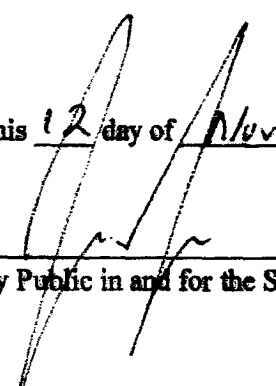
Eileen Tabitha Meader

STATE OF IOWA :

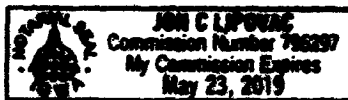
:ss

MADISON COUNTY :

This instrument was acknowledged before me on this 12 day of November, 2016, by Shane M. Meader and Eileen Tabitha Meader.



Notary Public in and for the State of Iowa





Document 2016 3531

Book 2016 Page 3531 Type 06 039 Pages 4
Date 11/22/2016 Time 10:21:32AM
Rec Amt \$22.00

INDX ✓
ANNO ✓
SCAN

LISA SMITH, COUNTY RECORDER
MADISON COUNTY IOWA

CHEK

**AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS FOR WYNDMERE ESTATES, PLAT 1, MADISON COUNTY, IOWA
Recorder's Cover Sheet**

Preparer Information: Jerrold B. Oliver, 101 1/2 W. Jefferson, Winterset, IA 50273, Phone:
(515) 462-3731

Taxpayer Information: Paul and Tonya Schaffer, 725 E. Olivia Terrace, Mustang, OK 73064

✓ **Return Address:** Jerrold B. Oliver, 101 1/2 W. Jefferson, Winterset, IA 50273, Phone: (515)
462-3731

Grantors: See Attached.

Grantees: See Attached.

Legal Description: See attached.

Document or instrument number if applicable:

**AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS FOR WYNDMERE ESTATES, PLAT 1, MADISON COUNTY, IOWA**

WHEREAS, the parties to this Amendment are the owners of all lots of Wyndmere Estates, Plat 1.

WHEREAS, The subdivision proceedings for Wyndmere Estates, Plat 1 were recorded on January 17, 2006, in Book 2006, Page 241 of the Recorder's Office of Madison County, Iowa

WHEREAS, The subdivision proceedings contained Covenants, Conditions and Restrictions, and the parties desire to amend said Covenants, Conditions and Restrictions.

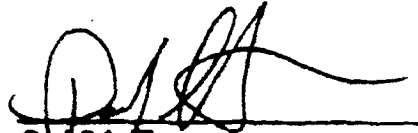
Now therefore it is agreed as follows:

1. Said Covenants, Conditions and Restrictions for Wyndmere Estates, Plat 1, are hereby stricken and deleted except the following shall remain in full force and effect:

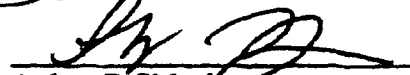
No hog confinements or commercial breeding of animals shall be conducted on any lots within the Wyndmere Estates Plat 1 Subdivision, nor shall animals be bred on said Lots to produce meat products for resale. There shall also be no meat packing or processing plants on any Lots of Wyndmere Estates.
2. Lot 1 of Wyndmere Estates, Plat 1, is owned by Andrew B. Pickering and Nicole L. Pickering. Lots 2 through 6 of Wyndmere Estates, Plat 1, are owned by Paul Schaffer and Tonya Schaffer. Paul Schaffer and Tonya Schaffer are in the process of petitioning the Madison County Board of Supervisors to vacate that portion of the plat covering Lots 2 through 6 of Wyndmere Estates, Plat 1, pursuant to Iowa Code Section 354.22. After the vacation is approved, Lots 2 through 6 will be known as Parcel "D" of that part of the Southwest Quarter (¼) of the Northeast Quarter (¼) and the Southeast Quarter (¼) of the Northwest Quarter (¼) of Section Twenty-one (21), Township Seventy-six (76) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa as shown in the Plat of Survey containing such Lots which has been filed in the Office of the Madison County, Iowa Recorder on July 21, 2016, in Book 2016, Page 2108.

Date: _____

10/20/16


Paul Schaffer


Tonya Schaffer

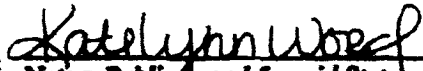

Andrew B. Pickering


Nicole L. Pickering

STATE OF Oklahoma :
COUNTY OF Canadian :
:25

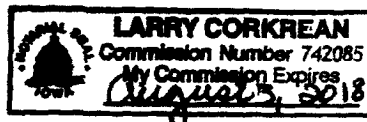
This instrument was acknowledged before on this 20 day of October, 2016,
by Paul Schaffer and Tonya Schaffer.

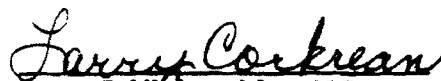



Notary Public in and for said State

STATE OF IOWA :
COUNTY OF MADISON :
:26

This instrument was acknowledged before on this 21 day of November, 2016,
by Andrew B. Pickering and Nicole L. Pickering.




Notary Public in and for said State

SPV-RESOLUTION-010317F

WHEREAS, a Petition for Partial Vacation of Plat has been filed by Paul Schaffer and Tonya Schaffer for partial vacation of a portion of the Plat of Wyndmere Estates, Plat 1, Subdivision, Madison County, Iowa.

WHEREAS, the description of the portion of the Plat to be vacated is described as follows:

Lots 2 through 6 of Wyndmere Estates, Plat 1, Subdivision, Madison County, Iowa.

WHEREAS, the Petition is filed pursuant to Iowa Code Section 354.22.

WHEREAS, said Petition was set for hearing on January 3, 2017, at 9:00 A.M. and Notice was given as provided by said Code Section. Consents by all property owners were filed with the Petition. Notice of said Petition and Notice of hearing was given to all mortgage holders of real estate within the subdivision.

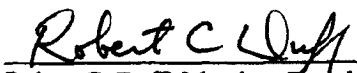
WHEREAS, the Board of Supervisors finds that said Petition should be granted.

NOW THEREFORE, be it resolved, by the Board of Supervisors of Madison County, Iowa:

1. That said Petition is hereby approved and that portion of the Plat of Wyndmere Estates, Plat 1, covering Lots 2 through 6 of said subdivision is hereby vacated.
2. Paul Schaffer and Tonya Schaffer shall make the necessary filings as provided by said Code Section in the Office of the Recorder of Madison County, Iowa.

Dated: 3 JANUARY, 2017.


Phil Clifton, Chair, Board of Supervisors
Madison County, Iowa.


Robert C. Duff, Member, Board of
Supervisors Madison County, Iowa.


Aaron Price, Member, Board of
Supervisors Madison County, Iowa.

Attest:


Heidi Burhans, Madison County Auditor

SPV-RESOLUTION-010317F

WHEREAS, a Petition for Partial Vacation of Plat has been filed by Paul Schaffer and Tonya Schaffer for partial vacation of a portion of the Plat of Wyndmere Estates, Plat 1, Subdivision, Madison County, Iowa.

WHEREAS, the description of the portion of the Plat to be vacated is described as follows:

Lots 2 through 6 of Wyndmere Estates, Plat 1, Subdivision, Madison County, Iowa.

WHEREAS, the Petition is filed pursuant to Iowa Code Section 354.22.

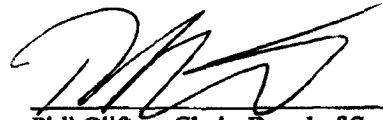
WHEREAS, said Petition was set for hearing on January 3, 2017, at 9:00 A.M. and Notice was given as provided by said Code Section. Consents by all property owners were filed with the Petition. Notice of said Petition and Notice of hearing was given to all mortgage holders of real estate within the subdivision.

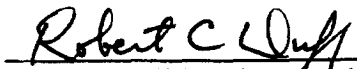
WHEREAS, the Board of Supervisors finds that said Petition should be granted.

NOW THEREFORE, be it resolved, by the Board of Supervisors of Madison County, Iowa:

1. That said Petition is hereby approved and that portion of the Plat of Wyndmere Estates, Plat 1, covering Lots 2 through 6 of said subdivision is hereby vacated.
2. Paul Schaffer and Tonya Schaffer shall make the necessary filings as provided by said Code Section in the Office of the Recorder of Madison County, Iowa.

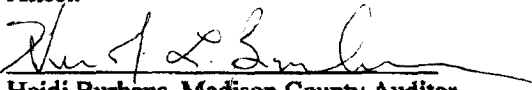
Dated: 3 JANUARY, 2017.


Phil Clifton, Chair, Board of Supervisors
Madison County, Iowa.


Robert C. Duff, Member, Board of
Supervisors Madison County, Iowa.


Aaron Price, Member, Board of
Supervisors Madison County, Iowa.

Attest:


Heidi Burhans, Madison County Auditor

Prepared by: Jerrold B. Oliver, PO BOX 230, Winterset, IA 50273 515/462-3731
Return to: Jerrold B. Oliver, PO BOX 230, Winterset, IA 50273 515/462-3731

AFFIDAVIT

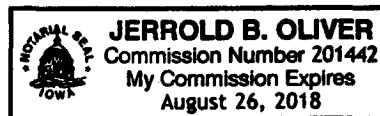
STATE OF IOWA :
: ss
MADISON COUNTY :

I, Heidi Burhans, hereby certify that the Lots formerly known as 2 through 6 of Wyndmere Estates, Plat 1, can be adequately described for assessment and taxation purposes without reference to the vacated lots. Said real estate formerly known as said Lots 2 through 6 shall be known as Parcel "D" of that part of the SW¹/₄ of the NE¹/₄ and the SE¹/₄ of the NW¹/₄ of Section 21, Township 76 North, Range 27 West of the 5th P.M., Madison County, Iowa, as shown in the Plat of Survey filed on July 21, 2016, in Book 2016, Page 2108 of the Recorder's Office of Madison County, Iowa.

Heidi Burhans
Heidi Burhans

Subscribed and sworn to before me on this 1st day of March, 2017.

Jerrold B. Oliver
Notary Public in and for the State of Iowa



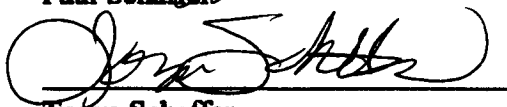
PARTIAL VACATION OF PLAT

We, Paul Schaffer and Tonya Schaffer, pursuant to the provisions of Iowa Code Section 354.22 hereby declare a portion of the Plat described as follows, vacated:

Lots 2 through 6 of Wyndmere Estates, Plat 1, Subdivision, Madison County, Iowa.

After said partial vacation, said Lots 2 through 6 shall be known as Parcel "D" located in part of the Southwest Quarter of the Northeast Quarter and the Southeast Quarter of the Northwest Quarter of Section 21, Township 76 North, Range 27 West of the 5th P.M., Madison County, Iowa, as shown in the Plat of Survey recorded in Book 2016, Page 2108 of the Madison County Recorder's Office.

Dated: January 17th, 2017.


Paul Schaffer

Tonya Schaffer

STATE OF Oklahoma :
:ss
Canadian COUNTY :

This instrument was acknowledged before me on this 17 day of Jan 2017, 2017, by Paul Schaffer and Tonya Schaffer.


Notary Public in and for said State

