

Deed Record, No. 77, Madison County, Iowa

J. H. WELCH PRtg. CO., DES MOINES 7559

HAWKEYE PORTLAND CEMENT CO

#4585

Filed for record the 31 day of
August A.D.1940 at 11:56 o'clock
A.M.

To

Fee \$1.50

MARQUETTE CEMENT MFG.CO.

Pearl E. Shetterly, Recorder

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS that Hawkeye Portland Cement Company, a corporation organized and existing under and by virtue of the laws of West Virginia, hereinafter designated "Grantor," for One Dollar (\$1.00) and other good and valuable considerations, to it in hand paid, receipt whereof is hereby acknowledged, by Marquette Cement Manufacturing Company, a corporation organized and existing under and by virtue of the laws of the State of Illinois, hereinafter designated "Grantee," does hereby sell, convey and warrant unto the said Grantee the following described property situate in Township 77, North Range 28, West of the 5th P.M. in Madison County, Iowa:

The South half ($S\frac{1}{2}$) of Section Sixteen (16); the Northeast Quarter ($NE\frac{1}{4}$) and the North Half ($N\frac{1}{2}$) of the Northwest Quarter ($NW\frac{1}{4}$) of Section Twenty-one (21); the Southeast Quarter ($SE\frac{1}{4}$) and the East half ($E\frac{1}{2}$) of the Southwest Quarter ($SW\frac{1}{4}$) of Section Seventeen (17); the Southeast Quarter ($SE\frac{1}{4}$) of Section Eighteen (18);

The Southwest Quarter ($SW\frac{1}{4}$) of Section Eighteen (18), except the South $87\frac{1}{2}$ acres and except a tract described as follows:
Beginning at the Northwest (NW) corner of said Southwest Quarter ($SW\frac{1}{4}$), thence East on the center line of Section Eighteen (18), 2163 feet to a point, thence Southeast by a straight line 1103.7 feet to a point, 2428.8 feet East of the West line of said Section Eighteen (18), thence West 2428.8 feet to the West line of Section Eighteen (18), thence North along the West line of Section Eighteen (18), 1049 feet to the place of beginning.

except the tracks and side tracks and railroad equipment and appurtenances of said tracks ing belong to the Chicago, Rock Island & Pacific Railway Company, located on or across any of said portions of Section Eighteen (18).

The West 2 acres of the East 10 acres of the Southeast Quarter ($SE\frac{1}{4}$) of the Northwest Quarter ($NW\frac{1}{4}$) of Section Sixteen (16); a portion of the Southwest Quarter ($SW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) of Section Four (4) described as follows:

Beginning at a point on the South line of said Southwest Quarter ($SW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$), 871 feet East of the Southwest corner of said Southwest Quarter ($SW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$), thence East to the Southeast corner of said Southwest Quarter ($SW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$), thence North on the East line of the Southwest Quarter ($SW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) to the South line of the right of way of the Chicago, Rock Island and Pacific Railway; thence Westerly along the South line of said right of way to a point 538 feet East of the West line of the Southwest Quarter ($SW\frac{1}{4}$) of the Southwest Quarter ($SW\frac{1}{4}$) of Section Four (4), thence in a straight line in a Southeasterly direction to the place of beginning, containing 8 acres more or less.

A right of way 66 feet wide running in a southeasterly direction as located in the Northwest Quarter ($NW\frac{1}{4}$) of Section 9, and fenced and used for a spur track running from the main line of the Chicago, Rock Island & Pacific Railway Company to the quarry of Hawkeye Portland Cement Company, in Section Sixteen (16) of said Township,

together with all buildings and improvements on the above described premises, and machinery, engines, boilers, furnaces, pumps, tanks, crushers, mills, blowers, incinerators, pipes, cars, wagons, trucks, conveyors, hydraulic and electrical machinery, connections, hoisting machinery, switch tracks, equipment, appliances and structures constituting the quarries, and all and singular the real property of the Grantor of every name, nature and description, relating to the quarries of the Grantor near Earlham, Madison County, Iowa.

Intending to describe and convey the same property described in and conveyed to the Grantor herein by the following deeds filed for record in Madison County, Iowa and recorded as indicated:

Iowa Portland Cement Company to Hawkeye Portland Cement Company, warranty deed, February 23, 1916, filed March 8, 1916, Book 50, Page 589.

Earlham Land Company to Hawkeye Portland Cement Company, warranty deed February 18, 1920, filed March 3, 1920, Book 59, Page 384.

William H. Taylor and wife, Cevilla E. Taylor, to Hawkeye Portland Cement Company, warranty deed, June 8, 1922, filed March 8, 1923, Book 65, Page 477.

Deed Record, No. 77, Madison County, Iowa

J. H. WELCH PRtg. CO., DES MOINES 7859

D.C.Prohaska and wife Etta Mae, to Hawkeye Portland Cement Company, warranty deed dated June 24, 1925, recorded April 13, 1926, Book 52, Page 426.

Warranty deed, D.C.Prohaska, and wife Etta Mae, to Hawkeye Portland Cement Company, dated April 2, 1926, filed April 13, 1926, recorded Book 67, Page 267.

W.T.Guher, unmarried, to Hawkeye Portland Cement Company, warranty deed August 2, 1928, filed August 24, 1928, Book 67, Page 550.

P.J.Clancy and wife, Ida M.Clancy, to Hawkeye Portland Cement Company, warranty deed June 4, 1917, filed September 11, 1917, Book 59, Page 163.

TO HAVE AND TO HOLD the above described lands, property, premises, and the easements and appurtenances pertaining thereto, and the Grantor hereby covenants, warrants, bargains and agrees that it is well seized of all the premises and property above described and has full power and lawful authority to grant, bargain, sell and convey the same in manner and form aforesaid, and that the same is free from all mortgages, liens and encumbrances and from taxes and assessments of any kind, nature or description whatsoever, and the Grantor hereby covenants that it will warrant and defend forever the Grantee, its successors and assigns, in peaceable and quiet possession of all of the said premises and property, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, subject to: Easements of record.

Easements for public utility services in possession, the use of which does not interfere with the operation of the property as now conducted.

Agricultural lease to W.W.Creighton, subject to quarry operations of Grantor and its assignees.

Lease of property in S.E. Quarter of Section Eighteen (18) to M.Radakovich.

Leases of houses at quarry, known as Nos. 1, 3, 5, 6 and 7, to R.A. Williams, L.I. Duff, W.W.Creighton, Henry Countryman, and Harold Brown, respectively.

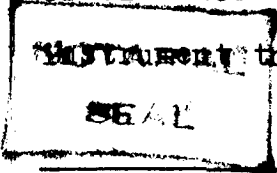
Taxes for the year 1940 and the second installment for the year 1939.

IN WITNESS WHEREOF the Grantor has hereunto set its name, by its President, and has affixed its corporate seal, attested by its Secretary, pursuant to authority granted by its board of directors and stockholders, this 31st day of August, 1940.

ATTEST: (CORPORATE SEAL) HAWKEYE PORTLAND CEMENT COMPANY
By L.F.Crofoot President
B.E.Manley Secretary

STATE OF IOWA COUNTY OF POLK)SS

On this 31st day of August A.D.1940, before me, a Notary Public, in and for said county, personally appeared L.F.Crofoot and B.E.Manley, to me personally known, who being by me duly sworn did say that they are the President and Secretary, respectively, of said corporation, that the seal affixed to said instrument is the seal of said corporation and that said instrument was signed and sealed on behalf of the said corporation by authority of its board of directors and the said L.F.Crofoot and B.E.Manley acknowledged the execution of said instrument to be the voluntary act and deed of said corporation by it voluntarily executed.



H.R.Merrick
Notary Public in and for Polk County, Iowa.