



SELLER DISCLOSURE OF PROPERTY CONDITION

(To be delivered prior to buyer making Offer to Buy Real Estate)



Property Owner(s) & Address:

Purpose of Disclosure: Completion of Section I this form is required under Chapter 558A of the Iowa code which mandates the Seller(s) disclose condition and information about the property, unless exempt:

Exempt Properties: Properties exempted from the Seller's disclosure requirement include (IA Code 558A): Bare ground; property containing 5 or more dwellings units; court ordered transfers; transfers by a power of attorney; foreclosures; lenders selling foreclosed properties; transfers by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust. This exemption shall not apply to a transfer of real estate in which the fiduciary is a living natural person and was an occupant in possession of the real estate at any time within the twelve consecutive months immediately preceding the date of transfer; between joint tenants, or tenants in common; to or from any governmental division; quit claim deeds; intra family transfers; between divorcing spouses; commercial or agricultural property which has no dwellings. Seller(s) certifies that the property is exempt from the requirement(s) of Iowa Code 558A because one of the above exemptions apply. If claiming an exemption, sign here and stop.

Pres.
 Seller: RHF Feld/C Shuts Date: 6-14-24 Seller: Leland S Shelton Date: 6/14/24
 Buyer: _____ Date: _____ Buyer: _____ Date: _____

Instructions to the Seller: (1) Complete this form yourself. (2) Report known conditions materially affecting the property and utilize ordinary care in obtaining the information. (3) Provide information in good faith and make a reasonable effort to ascertain the required information. (4) Additional pages or reports may be attached. (5) If some items do not apply to your property, write "NA" (not applicable). (6) All approximations must be identified "AP". If you do not know the facts, write or check UNKNOWN. (7) Keep a copy of this statement.

Seller's Disclosure Statement: Seller discloses the following information regarding the property and certifies this information is true and accurate to the best of my/our knowledge as of the date signed. Seller authorizes Agent to provide a copy of this statement to any person or entity in connection with actual or anticipated sale of the property or as otherwise provided by law. This statement shall not be a warranty of any kind by Seller or Seller's Agent and shall not be intended as a substitute for any inspection or warranty the purchaser may wish to obtain. The following are representations made by Seller and are not by any Agent acting on behalf of the Seller. **The Agent has no independent knowledge of the condition of the property except that which is written on this form. Seller advises Buyer to obtain independent inspections relevant to Buyer.**

Seller initials _____ Buyer initials _____

I. Property Conditions, Improvements and Additional Information: (Section I is Mandatory)

EACH AND EVERY LINE MUST BE ADDRESSED AND MARKED

1. **Basement/Foundation:** Has there been known water or other problems? Yes No Unknown

1A. If yes, please explain: _____

2. **Roof:** Any known problems? Yes No Unknown

2A. Type _____

2B. Date of repairs/replacement (If any) replaced 2023

Describe: _____

3. **Well and pump:** Any known problems? Yes No Unknown

3A. Type of well (depth/diameter), age and date of repair: Rural Water

3B. Has the water been tested? Yes No Unknown

3C. If yes, date of last report/results: Rathbun Rural Water

4. **Septic tanks/drain fields:** Any known problems? Yes No Unknown

Location of tank see attached pages Age _____ Unknown

Has the system been pumped and inspected within the last 2 years?

Yes No Unknown

Date of inspection 5/3/24 Date tank last cleaned/pumped _____ N/A

5. **Sewer:** Any known problems? Yes No Unknown

5A. Any known repairs/replacement? Yes No Unknown

5B. Date of repairs _____

6. **Heating system(s):** Any known problems? Yes No

6A. Any known repairs/replacement? Yes No

6B. Date of repairs _____

7. **Central Cooling system(s):** Any known problems? Yes No

7A. Any known repairs/replacement? Yes No

7B. Date of repairs _____

8. **Plumbing system(s):** Any known problems? Yes No

8A. Any known repairs/replacement? Yes No

8B. Date of repairs _____

9. **Electrical system(s):** Any known problems? Yes No

9A. Any known repairs/replacement? Yes No

9B. Date of repairs _____

10. **Pest Infestation:** (wood-destroying insects, bats, snakes, rodents, destructive/troublesome animals, etc.)

10A. Any known problems? Yes No Unknown

Date of treatment _____

10B. Previous Infestation/Structural Damage? Yes No Unknown

Date of repairs _____

11. **Asbestos:** Is asbestos present in any form in the property? Yes No Unknown

11A. If yes, explain: _____

12. **Radon:** Any known tests for the presence of radon gas? Yes No

12A. If yes, test results? _____ Date of last report _____

13. **Lead Based Paint:** Known to be present or has the property been tested for the presence of lead based paint?

Yes No Unknown

13A. Provide lead based paint disclosure.

14. **Any known encroachments, easements, "common areas"** (facilities like pools, tennis courts, walkways or other areas co-owned with others), zoning matters, nonconforming uses, or a Homeowners Association which has any authority over the property? Yes No Unknown

15. Features of the property known to be shared in common with adjoining landowners, such as walls, fences, roads and driveways whose use or maintenance responsibility may have an effect on the property?

Yes [X] No [] Unknown []

16. Structural Damage: Any known structural damage? Yes [] No [X] Unknown [X]

17. Physical Problems: Any known settling, flooding, drainage or grading problems? Yes [] No [] Unknown [X]

18. Is the property located in a flood plain? Yes [] No [X] Unknown []

18A. If yes, flood plain designation _____

19. Do you know the zoning classification of this property? Yes [] No [] Unknown []

What is the zoning? Residential

20. Covenants: Is the property subject to restrictive covenants? Yes [X] No [] Unknown []

If yes, attach a copy OR state where a true, current copy of the covenants can be obtained:

[] On file at County Recorder's office or: see attached copy - can be removed at buyers request

You MUST explain any "Yes" responses above (Attach additional sheets if necessary): _____

Seller initials [Signature] Buyer initials _____

II. Appliances/Systems/Services (Note: Section II is for the convenience of Buyer/Seller and is not mandatory):

Notice: Items marked "included" are intended to remain with the property after sale. However, included items may be negotiable between Buyer and Seller, and requested items should be in writing as either included or excluded in any Offer to Buy/Purchase Agreement. The Offer to Buy/Purchase Agreement shall be the final terms of any agreement.

Table with columns: Included, Working? (Yes, No, OR), and various appliance/system categories like Range/Oven, Dishwasher, Refrigerator, etc.

Exceptions/Explanations for "NO" responses above: _____

ALL HOUSEHOLD APPLIANCES ARE NOT UNDER WARRANTY BEYOND DATE OF CLOSING.
Warranties may be available for purchase from independent warranty companies.

Seller initials _____ Buyer initials _____

III. Additional Non-Mandatory Requested Items: Are you as the Seller aware of any of the following:

- 1. Any significant structural modification or alteration to property? Yes No Unknown Please explain:
built pond
- 2. Has there been a property/casualty loss over \$5,000, an insurance claim over \$5,000, OR major damage to the property from fire, wind, hail, flood(s) or other conditions? Yes No Unknown If yes, has the damage been repaired/replaced? Yes No
- 3. Are there any known current, preliminary, proposed or future assessments by any governing body or owner's association of which you have knowledge? Yes No Unknown
- 4. Mold: Does property contain toxic mold that adversely affects the property or occupants? Yes No Unknown
- 5. Private burial grounds: Does property contain any private burial ground? Yes No Unknown
- 6. Neighborhood or Stigmatizing conditions or problems affecting this property? Yes No Unknown
- 7. Energy Efficiency Testing: Has the property been tested for energy efficiency? Yes No Unknown
If yes, what were the test results? _____
- 8. Attic Insulation: Type _____ Unknown Amount _____ Unknown
- 9. Are you aware of any area environmental concerns? Yes No Unknown If yes, please explain:

- 10. Are you related to the listing agent? Yes No If yes, how? _____
- 11. Where survey of property may be found: _____
- 12. Wind Farms: Is the subject property encumbered by certain Wind Energy rights? Yes No
If yes, rights by: Lease , Easement , Other Define Other: _____
Wind Farm Company, Owner: _____

If the answer to any item is yes, please explain. Attach additional sheets, if necessary: _____

13. Repairs: Any repair(s) to property not so noted: (Date of repairs, Name of repair company if utilized.) (Note: Repairs are not normal maintenance items) (Attach additional sheets, if necessary) _____

IV. Radon Fact Sheet & Form Acknowledgement

Seller acknowledges that Buyer be provided with and the Buyer acknowledges receipt of the "Iowa Radon Home-Buyers and Sellers Fact Sheet", prepared by the Iowa Department of Public Health.

Seller [Signature] Seller Leland Shelton R/H/S Date 6/17/24

Seller has owned the property since 5/24 (date). Seller has indicated above the history and condition of all the items based solely on the information known or reasonably available to the Seller(s). If any changes occur in the structural/mechanical/appliance systems of this property from the date of this form to the date of closing, Seller will immediately disclose the changes to Buyer. In no event shall the parties hold Broker liable for any representations not directly made by Broker or Broker's affiliated licensees (brokers and salespersons). **Seller hereby acknowledges Seller has retained a copy of this statement.**

Buyer hereby acknowledges receipt of a copy of this statement. This statement is not intended to be a warranty or to substitute for any inspection the buyer(s) may wish to obtain.

Buyer _____ Buyer _____ Date _____



Instr. Number: GWH2024-0020
Recorded: 5/15/2024 at 3:15:39.0 PM
BK: PG:
County Recording Fee: \$0.00
Iowa E-Filing Fee: \$0.00
Combined Fee: \$0.00
Revenue Tax:
REBECCA BITTNER, RECORDER
Lucas 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: William R. Van Dorn and Patricia A. Ralph-Van Dorn
Address: 1024 495th Street, Chariton, IA 50049

TRANSFeree:

Name: Red Haw Inc.
Address: P. O. Box 879, Chariton, IA 50049

Address of Property Transferred:

1024 495th Street, Chariton, Iowa 50049

Legal Description of Property: (Attach if necessary)

Parcel J of Shelton Lake Subdivision in part of the Southeast Quarter (SE 1/4) of Section Eighteen (18), Township Seventy-two (72) North, Range Twenty-one (21) West of the 5th P.M. in Lucas County, Iowa as shown in Plat of Survey filed January 18, 2001 in Book 4 page 56 recorded in the Office of the Lucas County, Iowa, Recorder.

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:

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

Signature: William D. Paulson Telephone No.: (563) 260-4642
(Transferor)

GROUNDWATER HAZARD STATEMENT

ATTACHMENT #1

NOTICE OF WASTE DISPOSAL SITE



IOWA DEPARTMENT OF NATURAL RESOURCES

GOVERNOR KIM REYNOLDS
LT. GOVERNOR ADAM GREGG

DIRECTOR KAYLA LYON

TIME OF TRANSFER INSPECTION TOT# 10062 STEVE KLINE CERT # 13339

Site Information

Parcel Description: **0718426002**

Address: **1024 495th st, Chariton, IA 50049**

County: **Lucas**

Owner Information

Property is owned by a business: **No**

Business Name:

Owner Name: **Bill Vandorn**

Email Address:

Address: **1024 495th st, Chariton, IA 50049**

Phone No: **641-485-3419**

Additional Contact Information

| Name | Email Address | Affiliate Type |
|-----------------------|-------------------------------------|-----------------|
| Paul Goldsmith | Paul.goldsmith.law@gmail.com | Attorney |

Site related information

No Of Bedrooms: **3**

Inspection Date: **05/03/2024**

Facility Type: **Residential**

Currently Occupied: **Yes**

Last Occupied:

System Installation Date: **09/09/2011**

Permit issued by County: **Yes**

Permit Number: **115923**

All plumbing fixtures enter septic system: **Yes**

County contacted for records: **Yes**

Property Information Comments:

This is a burm home on a slab foundation.

Primary Treatment

Septic

Tank Name: **Septic**

Type: **Septic Tank**

Tank Size (Gal): **1250**

Tank Material: **Concrete**

Tank Corrosion Type: **Slight**

Liquid Level Type: **Normal**

No. of Compartments: **3** Pump Tank Chamber: **Yes** Licensed Pumper Name: **Blackburn septic**
 Date Pumped: **4/26/2024** Meets Setback to Well: **N/A** Well Type:
 Distance To Well (Ft.): Is Accessible: **Yes** Lid Intact: **Yes**
 Risers Intact: **Yes** Effluent Filter Present: **Yes** Watertight: **Yes**
 Tank/Vault Pumped: **Yes** Inlet Baffle Present: **Yes** Outlet Baffle Present: **Yes** Functioning as Designed: **Yes**
 Tank Comments: **Probed tank sides and found slight corrosion. Filter was dirty but not plugged. Risers did not show any signs of water intrusion.**

General Primary Treatment Comments:

Distribution Type

Siphon / Flout 1

Label: **Siphon / Flout 1** Material Type: **Homemade** Device Type: **Siphon**
 Accessible: **Yes** Functioning As Designed: **Yes**

General Distribution System Comments : **Pumped vault to verify there was no sludge. Nothing present**

Secondary Treatment

Sand Filter1

Filter Type: **Subsurface** Distribution Type: **Siphon / Flout** Material Type: **Rock and PVC Pipe**
 Absorption Area: **540** System Hydraulic Loaded: **Yes** Gallons Loaded: **325**
 Discharge At Time of Inspection: **Yes** CBOD Results: **2** TSS Results: **1**
 Disinfection Present: **No** Disinfection Type: Tertiary Treatment Present: **No**
 Tertiary Treatment Type: Meets Setback to Well: **N/A** Well Type:
 Distance To Well (Ft.): Sand Filter Probed: **Yes** Vent(s) Located: **Yes**
 Saturation or Ponding Present: **No** Grass Cover Over System: **Yes** Outlet Found: **Yes**
 Sample Taken: **Yes** GP4 Permitted: **No** GP4 Required: **No**
 System Located on Owner Property: **Yes** Easement Present: **N/A** Functioning as Designed: **Yes**
 Comments: **I took sample 3 times. Talked with county Sanitarion and per his advise. First sample was bod-49 and tss-32, second was bod-29 and tss-25 it was pumped between second and third sample. Third sample tank was filled with water then dosed.**

General Secondary Treatment Comments:

Narrative Report

TOT Inspection Report Overall Narrative Comments: **This house at 1024 495th st in Chariton was inspected for a time of transfer. I looked inside the house at the plumbing and it connects under the slab and goes to the septic. I saw no signs of**

an extra drain. All 3 lids were intact and water tight. The liquid level was normal and the filter was in place. I hydraulically loaded the system to get discharge for my sample. The first sample came back high at 49 and 32. Took second sample that came back at 29 and 25. Pumped tank and refilled tank and took third sample which came back less than 2 and 1. I spoke with Sanitarion and this was his advise. The siphon worked like it was supposed to. No pooling or wet spots at the surface.



IOWA DEPARTMENT OF NATURAL RESOURCES

GOVERNOR KIM REYNOLDS
LT. GOVERNOR ADAM GREGG

DIRECTOR KAYLA LYON

TIME OF TRANSFER INSPECTION TOT# 10062 STEVE KLINE CERT # 13339

Owner Name: **Bill Vandorn**

Address: **1024 495th st , Chariton , IA 50049**

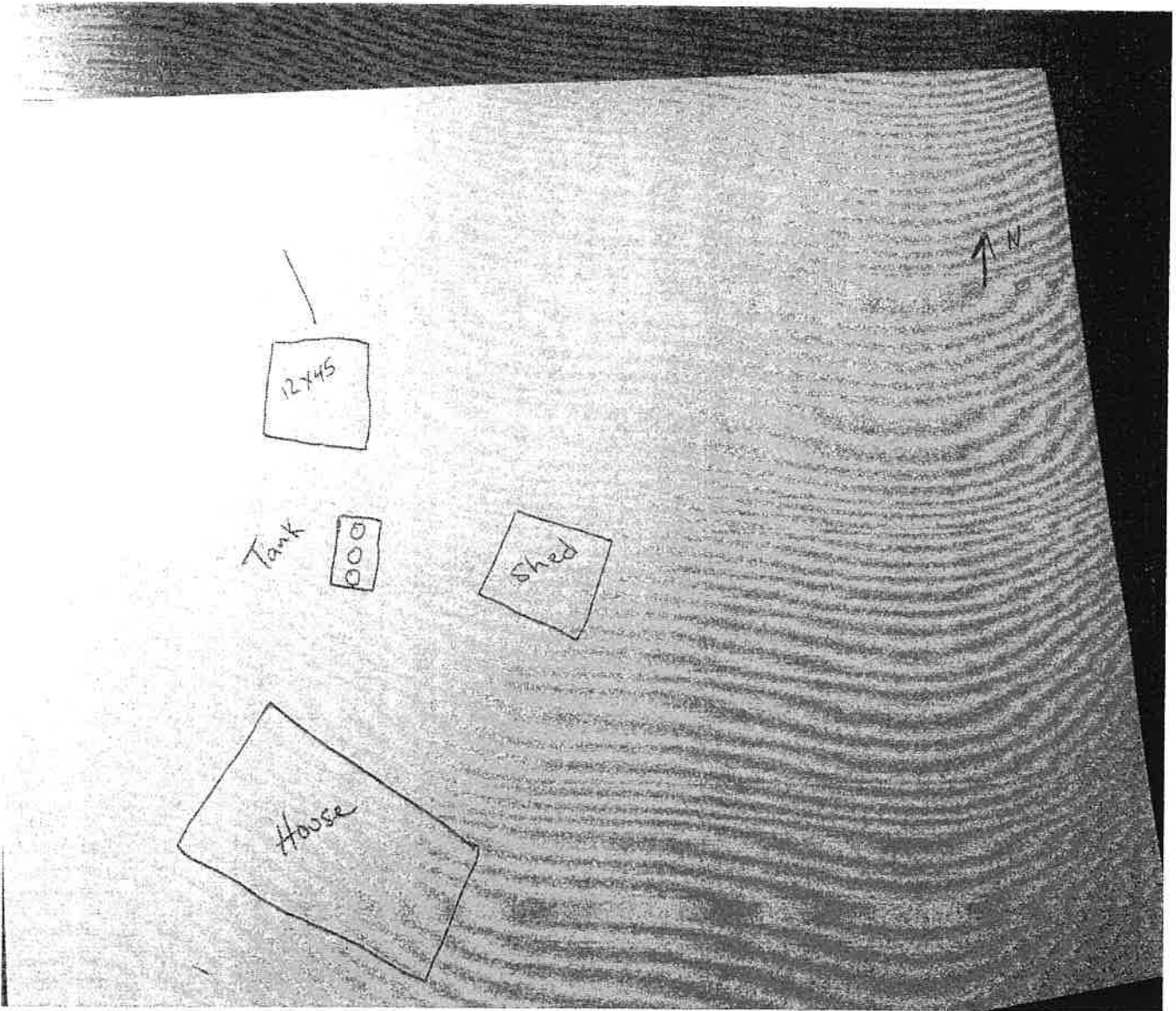
County: **Lucas**

Inspection Date: **05/03/2024**

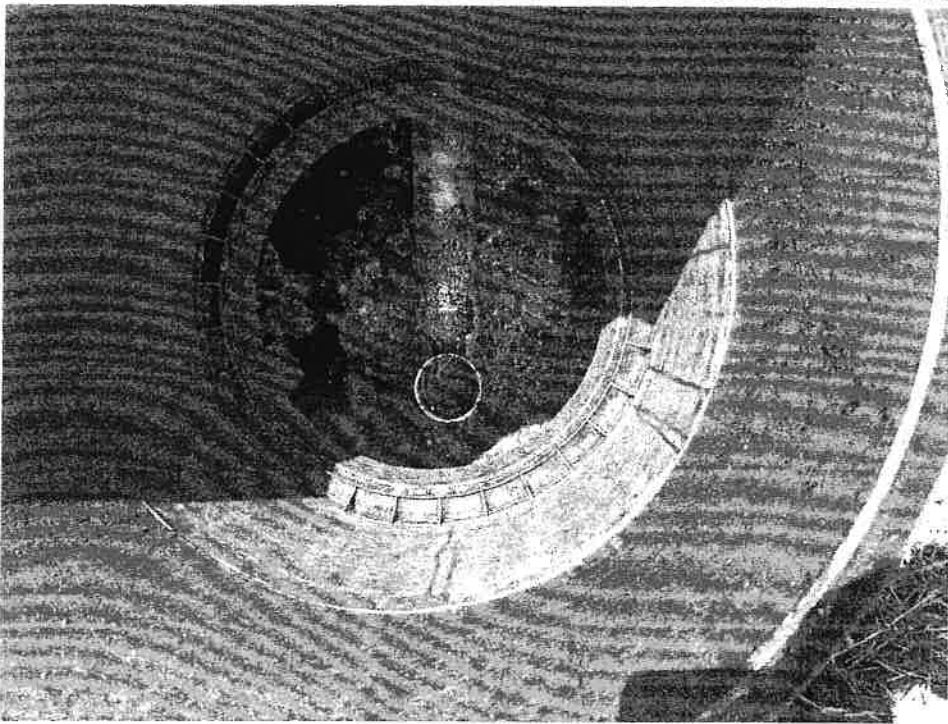
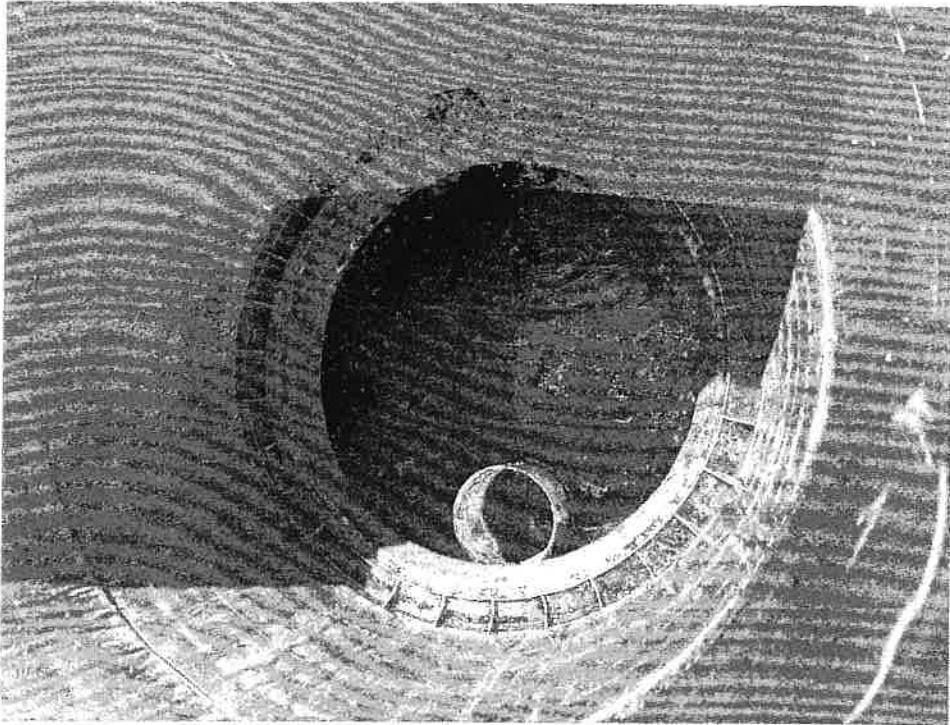
Submitted Date: **5/13/2024**

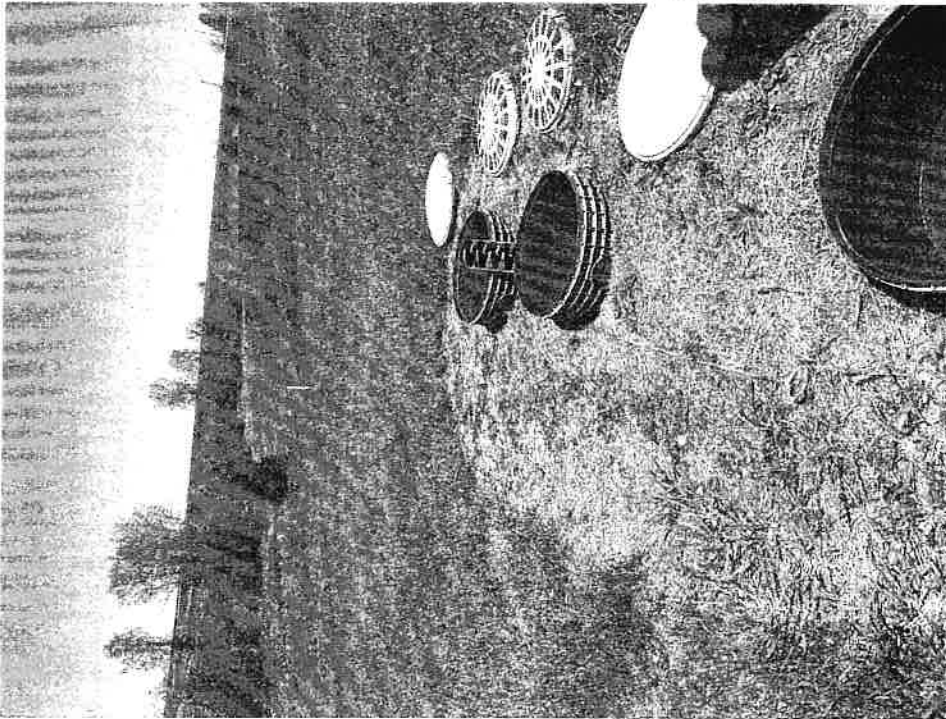
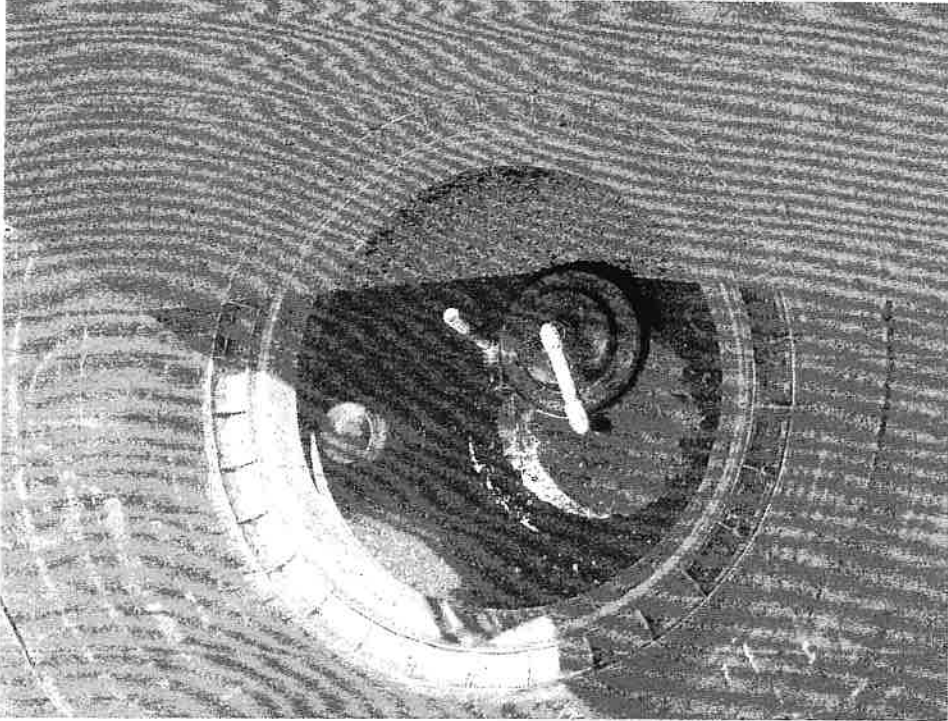
This page certifies a Time of Transfer inspection was conducted and submitted for the property listed above in accordance with Subrule 567 IAC 69.2(8).

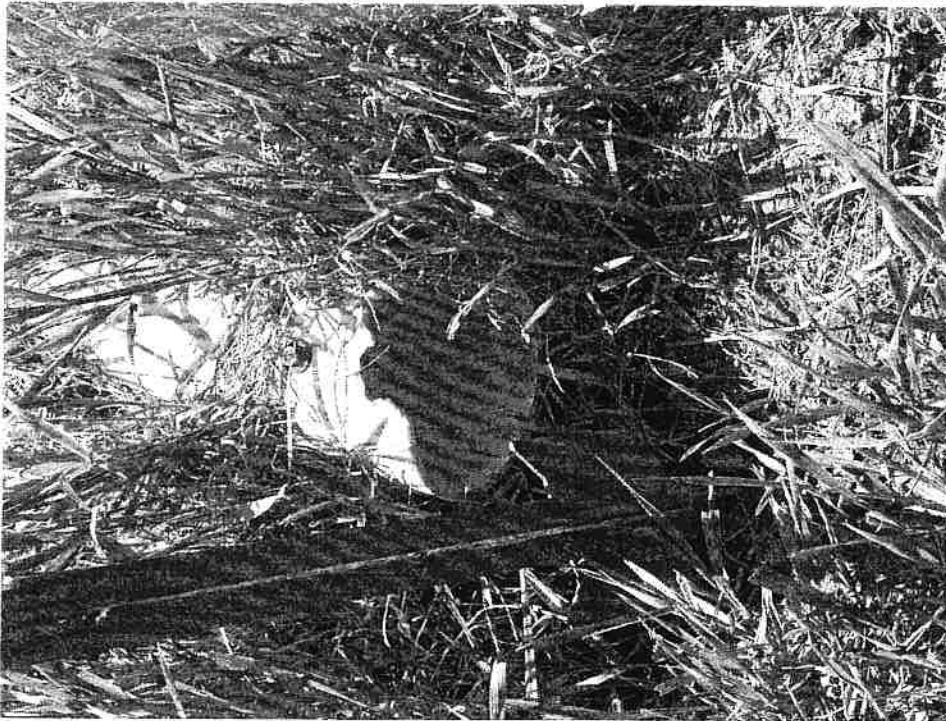
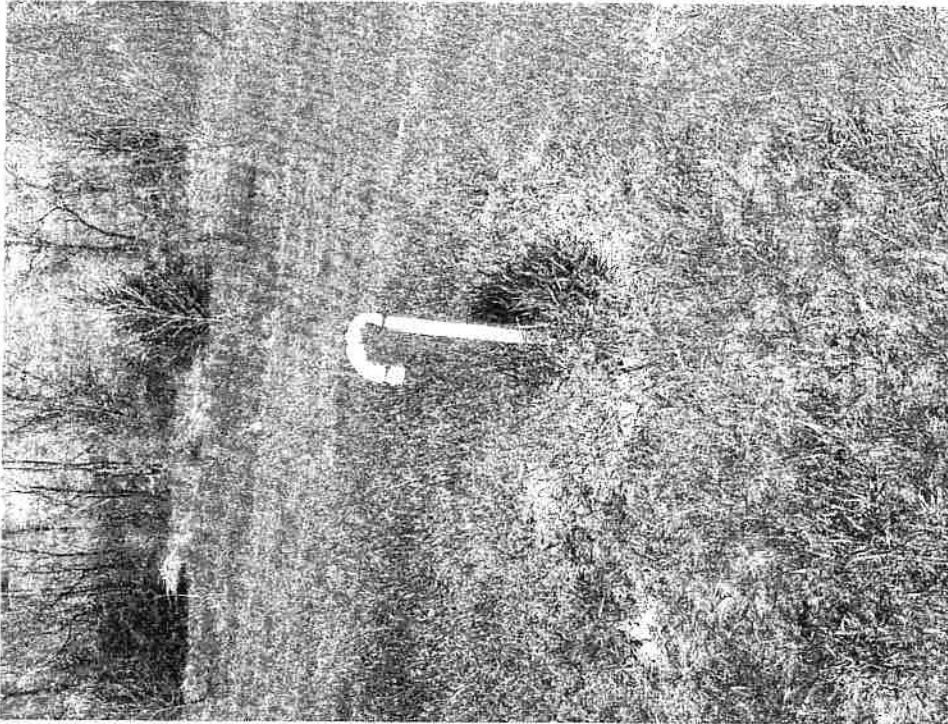
As-built Diagrams

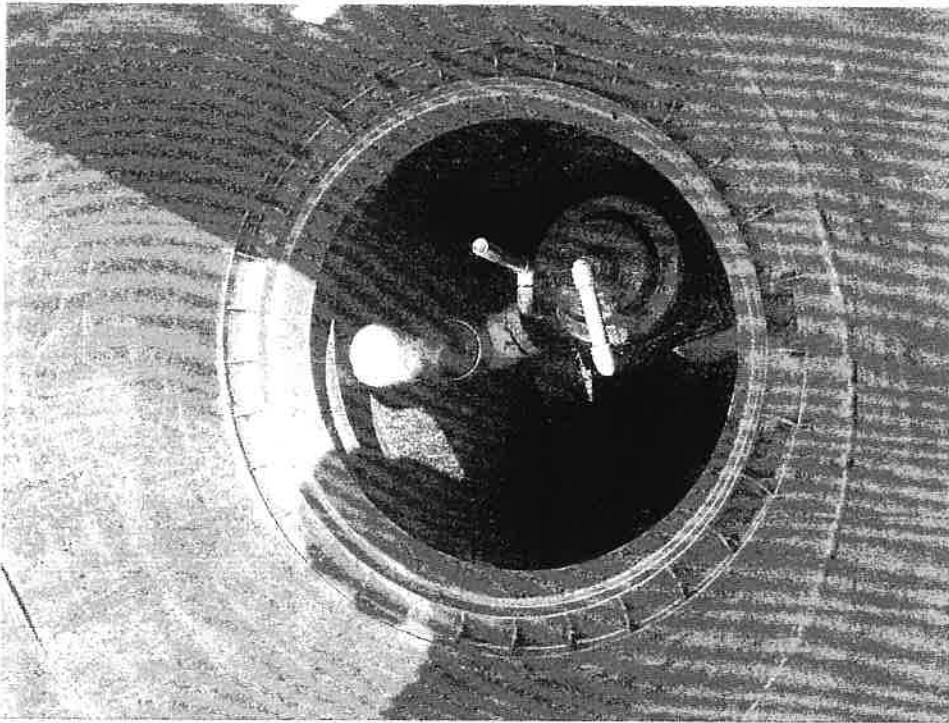
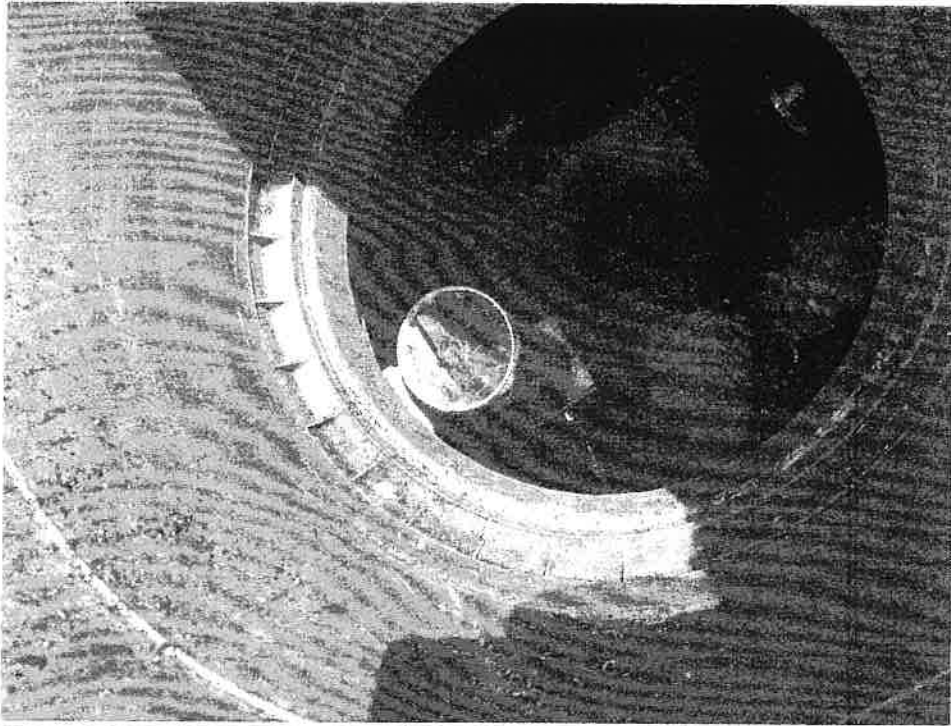


Documents









Resolution
Dated December 4, 2000
Filed January 18, 2001
Book A-12 page 902

RESOLUTION
SHELTON LAKE SUBDIVISION

BE IT FIRMLY RESOLVED by the Board of Supervisors of Lucas County, Iowa, that:

WHEREAS, Red Haw Inc., has presented a plat entitled "Shelton Lake Subdivision" which has been approved and prepared by a duly registered professional engineer and land surveyor, under the laws of the State of Iowa; and

WHEREAS, Red Haw Inc., has recorded restrictive covenants which will run with the land setting forth restrictions satisfactory to the Board of Supervisors in the office of the County Recorder of Lucas County, Iowa; and

WHEREAS, Red Haw Inc., has agreed to sell each lot subject to said restrictive covenants; and

WHEREAS, Red Haw Inc., agrees to file said plat with the restrictive covenants attached thereto in the office of the Lucas County, Iowa, Auditor; and

WHEREAS, Red Haw Inc., has agreed neither they nor any of their grantees will require the county to assume any liability for the construction and maintenance of streets or improvements; and

WHEREAS, Red Haw Inc., has filed a restrictive covenant requiring all sewer services to be constructed pursuant to a permit obtained from the Lucas County Board of Health.

NOW THEREFORE, it is firmly resolved that said plat together with the restrictive covenants be, and the same is hereby approved, subject to the performance of the foregoing conditions and agreements.

BOARD OF SUPERVISORS
LUCAS COUNTY, IOWA
Aye: Gary Hawk
Aye: James Wright
Aye: Larry Davis
By- Larry Davis,
Chairman of
the Board

ATTEST: Linda Reed,
Auditor

ATTORNEY'S TITLE OPINION

RE: Shelton Lake Subdivision to Lucas County, Iowa, and legally described as follows:

Land described in caption hereof; (and other land)

I, Verle W. Norris, state that I am a practicing attorney in the State of Iowa and that I have examined the complete abstract of title to the above described property known as Shelton Lake Subdivision. The abstract shows that fee title to the above described property is in Red Haw Inc., an Iowa corporation.

I further certify that except as above stated the property is free from encumbrance, except for a mortgage to Farm Credit Services of America.

Dated at Corydon, Iowa, this 9th day of January, 2001.

/s/ Verle W. Norris

RESTRICTIVE COVENANTS

RE: Land described in caption hereof; (and other land)

WHEREAS, Red Haw Inc., intends to be the Seller of certain premises described above and in the Surveyor's Certificate attached to the accompanying plat of "Shelton Lake Subdivision;" and

WHEREAS, it has had said premises surveyed and divided into lots and caused the same to be platted as "Shelton Lake Subdivision," as shown by the plat to which this consent is attached; and

WHEREAS, it desires to record said plat.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That Red Haw Inc., does hereby acknowledge that the subdivision and platting of said land as the same appears upon said plat is done with its free consent and in accordance with its desire. All lots in said development shall be subject to the following restrictive covenants, to wit:

on any residential building lot other than one single family dwelling not to exceed two stories in height and a garage or storage building. One additional barn, storage building or garage may be constructed on the property. Such single family dwelling as is erected on any residential building lot shall not be less than 1,700 square feet on the main floor and shall also have an attached garage for two or more cars. All residences constructed on a lot shall be constructed on a permanent foundation of poured concrete, concrete block walls or permanent wood foundation.

- A. Platted lots may not be subdivided, but may be added to other platted lots, and two or more platted lots may be added together to form individual building lots.
- B. No building shall be erected on any residential building lot nearer than 50 feet to any lot line abutting any road, nor nearer than 25 feet to any side line of said residential building lot, nor nearer than 25 feet to any government fee boundary line.
- C. No trailer, tent, shack, garage or other outbuilding erected on the tract shall be at any time used as a residence, temporarily or permanently, except during the period of construction of any permanent dwelling. The period of construction of any dwelling shall be limited to 18 consecutive months.
- D. Cattle and horses shall be limited to one per every two acres of property owned in the subdivision. It shall be the responsibility of the property owner running livestock to construct a fence which shall be 42 inches high and consist of woven wire with two barbed wires on top. No dogs shall be kept outside on a permanent basis. No other animals or birds, other than household domestic pets, shall be kept on any developed lot or on any lot adjacent to or in conjunction with any developed lot. The titleholder of each lot, vacant or improved, shall keep his lot or lots free of weeds and debris.
- E. Exterior finish on all residences, barns, storage buildings and garages shall be of brick, stone, cedar, logs or stucco. No buildings shall be erected on any lot unless the design and location is in harmony with the existing structures and locations in the tract and does not violate any of these restrictive covenants.
- F. Each lot shall be permitted one dock on the adjacent lake. No power boats, with the exception of electric motors, shall be allowed on said lake.
- G. All buildings erected on any lot shall be of new construction.

forth from time to time by the Lucas County Board of Health and the Iowa Department of Natural Resources.

- I. No residential lot shall be used for the storage of any material or thing whatsoever, including such things but not limited thereto, as automobiles, motorcycles, lumber, trailers or other material except as used during the course of construction.
- J. No noxious or offensive trade shall be carried on upon any lot nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.
- K. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 2010, at which time said covenants shall be automatically extended for successive periods of ten years unless by a vote of the majority of the then owners of the lots it is agreed to change said covenants in whole or in part.
- L. If the parties hereto, or any of them, or their heirs or assigns, violate or attempt to violate any of the covenants or restrictions contained herein before January 1, 2010, it shall be lawful for any person, persons or organizations owning any other lots in said development to prosecute any proceeding at law or in equity against the person or persons violating or attempting to violate any such covenant or restriction and either to prevent that person or persons from doing so or to recover damages or other dues for such violations.

Any violation of a covenant shall be identified by a certified letter to the lot owner and the violation shall be corrected within thirty days of the certified notice. Failure of an owner to take immediate action to correct the violation will result in a fine of \$50.00 per day until the violation has been corrected. Said fine shall be payable to the owners of the remaining lots. Any owner found in violation of a covenant set forth herein shall indemnify the remaining property owners for any legal fees, expenses, and costs incurred in enforcement of these covenants. The fine, costs and fees shall be a lien on the property of the property owner in violation.

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

N. The covenants contained herein may be modified with a majority vote of the then parcel owners. Each parcel shall be allowed one vote. A proposal to amend or change the covenants shall be accomplished by sending certified letters to the then owners of all parcels. The notice shall identify a date, location and time for the parcel owners to meet and vote.

Dated this 9th day of January, 2001.

RED HAW INC.
By- Leland C. Shelton,
President
By- Linda L. Shelton,
Secretary

CONSENT TO SUBDIVISION

STATE OF IOWA)
COUNTY OF LUCAS)SS.

I, Rachel Dudley, being first duly sworn, upon oath, depose and state that I am an Assistant Corporate Secretary for Farm Credit Services of America and that as such, hereby consent to the subdivision of Shelton Lake Subdivision to Lucas County, Iowa, and am doing so as a mortgagee of the property located within the subdivision, all pursuant to 354.11(2) of the Code of Iowa. Attached hereto as Exhibit A is the legal description of Shelton Lake Subdivision to Lucas County, Iowa.

Dated at Chariton, Iowa, this 8th day of January, 2001.

FARM CREDIT SERVICES OF AMERICA
By- Rachel Dudley

EXHIBIT A

LEGAL DESCRIPTION OF SHELTON LAKE SUBDIVISION, LUCAS
COUNTY, IOWA:

Land described in caption hereof; (and other land)

* * * * *