

7686

Filed for record, indexed and delivered to the county auditor
this 15 day of Dec 1992
at 8:32 o'clock of the AM
witnessed at 8:32 o'clock of the AM
12/15/92
Fee \$ 35.00 15.00 p.d.

SPECIAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That Daniel F. Nolan and Clemencia Nolan, husband and wife; Barbara Nolan Wagner and Frank J. Wagner, wife and husband; Richard Joseph Nolan and Jean O. Nolan, husband and wife; Nolan Children's Trust, (Agreement of 12/24/82) Frances Nolan, Trustee for the benefit of Martin C. Nolan, Patricia M. Nolan and Frances Nolan; Katherine Nolan Calacci and Benjamin J. Calacci; and Frances Nolan Kensinger and Timothy A. Kensinger, wife and husband, in consideration of the sum of One Dollar and other valuable consideration in hand paid do hereby Convey unto Schwertley Pioneer Trust, by James Schwertley, Trustee the following described real estate situated in Pottawattamie County, Iowa, to-wit:

EX#13

All of the SE 1/4 of the NE 1/4; all of Government Lot 1 in the NE 1/4 of the NE 1/4; the the N 1/2 of the NE 1/4 of the SE 1/4 except for the S 1/2 of the S 1/2 of the SE 1/4 of the NE 1/4 of the NE 1/4 of the SE 1/4 and except for the 1.25 acre triangular tract west of the drainage ditch in the SW 1/4 of the NW 1/4 of the NE 1/4 of the SE 1/4 of Section 2, T77N-R45W containing 83.425 ac m/l.

All of the 17.0 acre tract in Accretions to Lot 10, and the south 4.3 acres of the 7.3 acre tract in Accretion Lot 10 west of the south 1769.12 foot segment of the surveyed occupation line (see exhibit B) which commences at the NE corner of Section 13, thence westerly 1552.23 feet, thence southwesterly 791.96 feet, thence southeasterly 1685.97 feet thence southerly 2845.38 feet to the bank of the Missouri river, these parcels being part of the NE 1/4 and SE 1/4 of the SE 1/4; the south 10.2 acres of Accretion Lot 11 in the NW 1/4 of the SE 1/4; Accretions to Lot 11 in the NW 1/4 and SW 1/4 of the SE 1/4; Accretion Lot 12 and Accretions to Lot 12 in the NE 1/4 and SE 1/4 of the SW 1/4; Accretions to Lot 6 in the NW 1/4 of the SW 1/4; the south 28.9 acres of Accretion Lot 6 in the SW 1/4 of the NW 1/4; the south 3/4 of the W 1/2 of the SE 1/4 of the NW 1/4 and a 7.5 acre triangular tract west of the drainage ditch in the W 3/4 of the E 1/2 of the SW 1/4 of the NW 1/4, being parts of Accretion Lot 7 and Accretions to Lot 7; all in Section 13, T77N-R45W containing 212.3 ac m/l.

The west 5 acres of Accretion Lot 1 in the NE 1/4 of the NE 1/4, Accretion Lot 2 in the NW 1/4 of the NE 1/4, Lot 7 and Accretions in the SW 1/4 of the NE 1/4, and Lot 8 and Accretions in the SE 1/4 of the NE 1/4 of Section 14, T77N-R45W, containing 104.5 ac m/l.

All of the above described real estate consists of 400.225 acres more or less in Sections 2, 13, and 14 of T77N-R45W (W 1/2 Rockford Township), Pottawattamie County, Iowa and the above described parcels retain rights of access and drainage in and through Sections 2, 10, 11, 12, 13, 14, and 15 as they presently exist 33' on either side of the center line on the now extant farm roads and 33' on either side of the drainage thread line of ditches; together with all road and utility easements and irrigation equipment overhangs; said roads, ditches, overhangs, and boundaries are shown on the appended Exhibit A map.

The dominant and/or subservient owners of both roads and ditches have the right to maintain said roads/ditches at their own expense to assure their rights of usage; and the owner shall not maintain or operate any road or ditch in a manner that is detrimental to any other owner. The owner and successors of any affected lands shall have the right to protect against or remedy damage arising out of any change in the dike along the east and north bank of the Missouri river.

And the Grantors do Hereby Covenant with the said Grantees and successors in interest to Warrant and Defend the said premises against the lawful claims of all persons claiming by, through or under them, except as may be above stated.

Each of the undersigned hereby relinquishes all rights of dower, homestead and distributive share in and to the above described premises.

Words and phrases herein, including acknowledgement hereof, shall be construed as in the singular or plural number and as masculine, feminine or neuter gender, according to the context.

Entered for Taxation: DEC 15 1992

COUNTY AUDITOR

Marjorie Jo Crake

COMPANION

Signed this 3 day of August, 1992.

Daniel F. Nolan
Daniel F. Nolan

Clemencia J. Nolan
Clemencia Nolan

Barbara Nolan Wagner
Barbara Nolan Wagner

Frank J. Wagner
Frank J. Wagner

Richard Joseph Nolan
Richard Joseph Nolan

Jean O. Nolan
Jean O. Nolan

Katherine Nolan Calacci
Katherine Nolan Calacci

Benjamin J. Calacci
Benjamin J. Calacci

Frances Nolan Kensinger
Frances Nolan Kensinger

Timothy A. Kensinger
Timothy A. Kensinger

NOLAN CHILDREN'S TRUST
(Agreement of 12/24/82)

By: Frances Nolan, Trustee
Frances Nolan, Trustee for the benefit of
Martin C. Nolan, Patricia M. Nolan,
and Frances Nolan

STATE OF IOWA)
COUNTY OF JOHNSON) ss:

On the 3rd day of August, 1992, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Daniel F. Nolan and Clemencia Nolan, husband and wife; ~~Richard Joseph Nolan and Jean O. Nolan, husband and wife~~; Barbara Nolan Wagner and Frank J. Wagner, wife and husband; Katherine Nolan Calacci and Benjamin J. Calacci; and Frances Nolan Kensinger and Timothy A. Kensinger, to me known to be the identical persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

HILARY STRAYER
MY COMMISSION EXPIRES
July 25, 1994

Hilary Strayer
Notary Public in and for the State of Iowa

STATE OF IOWA)
COUNTY OF JOHNSON) ss:

On this 25th day of August, 1992, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Frances Nolan, Trustee of the Nolan Children's Trust, to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged that she executed the same as her voluntary act and deed.

Hilary Strayer
Notary Public in and for the State of Iowa

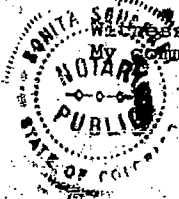
COMPARED

STATE OF COLORADO

ss.

COUNTY OF ARAPAHOE

Subscribed and sworn to before me this 4th day of August, 1992, by Richard Joseph Nolan and Jean O. Nolan, husband and wife, to me known to be the identical persons named in and who executed the foregoing Special Warranty Deed concerning their title, right, and interest in certain real property situated in Pottawattamie County, Iowa, and acknowledged that they executed the same as their voluntary act and deed to Frances Nolan Kensinger.



Witnessed by hand and official seal.
My commission expires 9-16, 1995.

Anita Sonderby
333 W. Hamden #808
Address Englewood, CO 80110

93-17599

NOLAN DE SOTO FARM

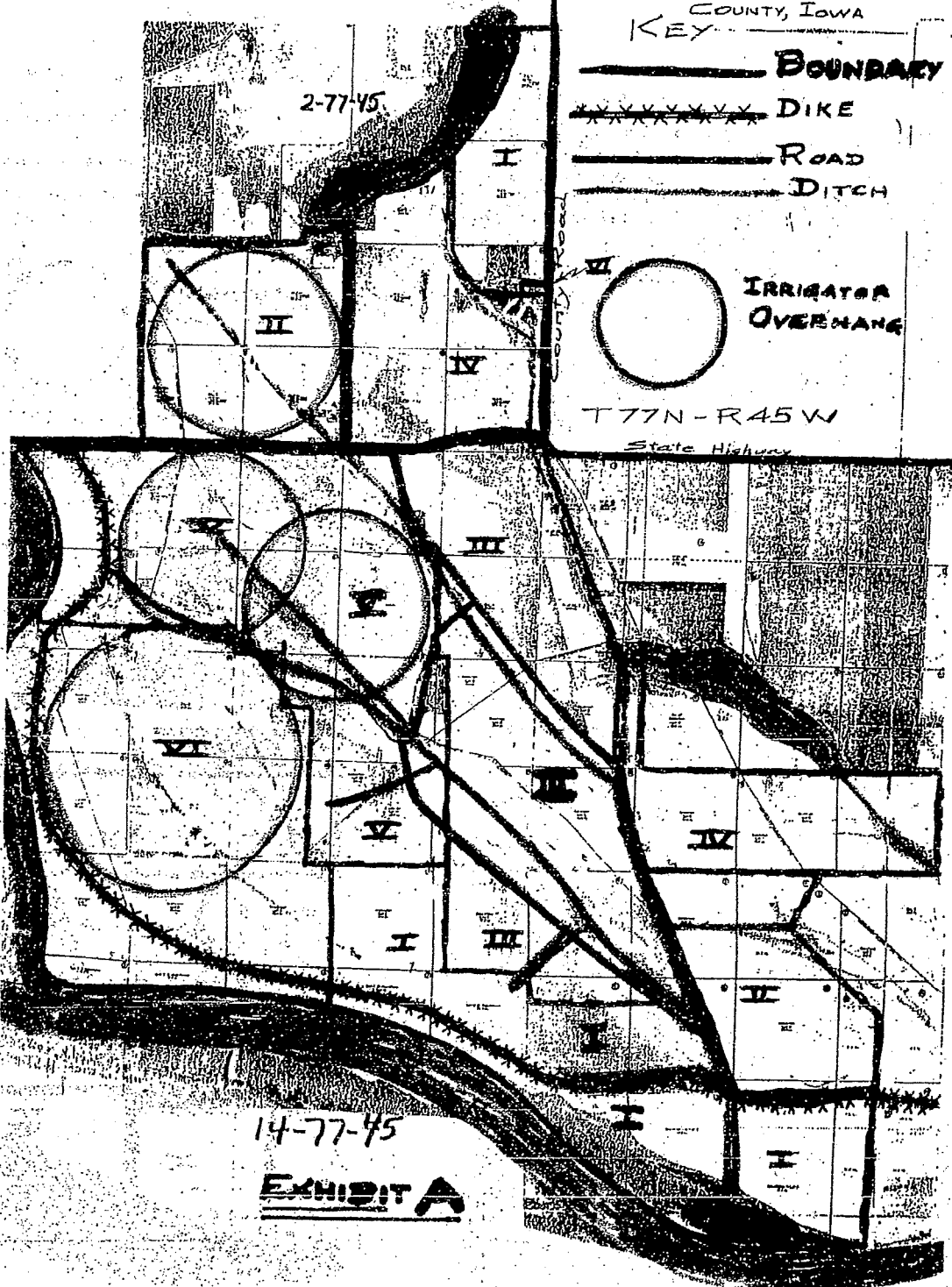
POTTAWATTAMIE
COUNTY, IOWA

KEY

- BOUNDARY
- XXXXXXXXXX DIKE
- ROAD
- DITCH
- IRRIGATOR OVERHANG

2-77-45

T 77N - R 45W
State Highway



14-77-45

EXHIBIT A

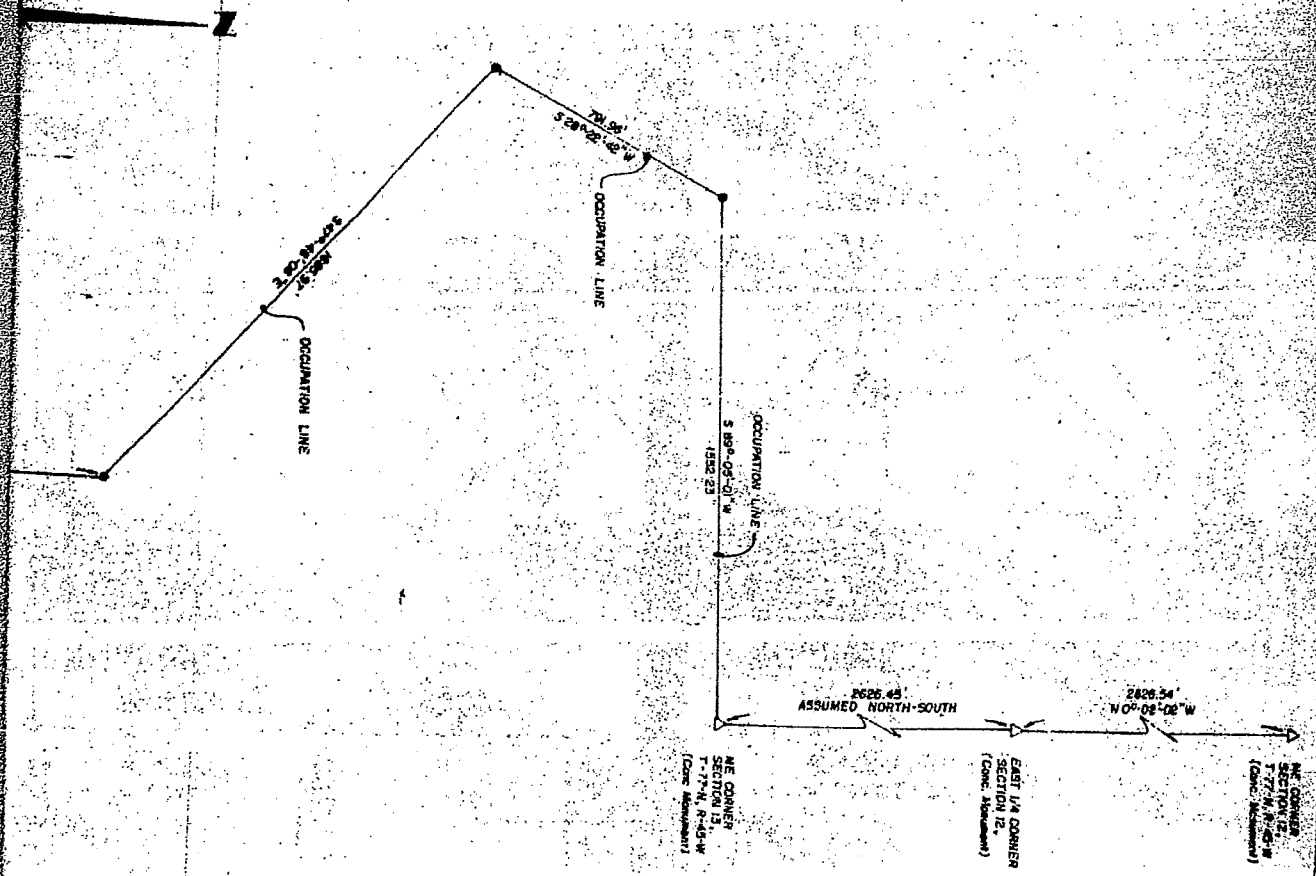
SECTION 12, TOWNSHIP 77 NORTH, RANGE 45 WEST OF THE 5TH P.M., HARRISON COUNTY, IOWA, AND VIZCARRA; THE EAST LINE OF THE SAID SECTION 12, BEING A DISTANCE OF 1532.23 TO A (CORNER FENCE POST); THENCE SOUTH 89° 05' 01" WEST 42° WEST A DISTANCE OF 791.96 FEET TO A (CORNER FENCE POST); THENCE SOUTH 89° 05' 01" WEST A DISTANCE OF 1685.97 FEET; THENCE SOUTH 01° 10' WEST A DISTANCE OF 913.79 FEET TO THE TOP OF A DIRT ROAD; THENCE SOUTH 01° 13' 12" WEST A DISTANCE OF 1769.12 FEET TO A POINT BEING THE CORNER BETWEEN SECTIONS 12 AND 13; THENCE SOUTH 01° 13' 12" WEST A DISTANCE OF 240.01 FEET TO A POINT BEING THE CORNER BETWEEN SECTIONS 12 AND 13; THENCE SOUTH 01° 13' 12" WEST A DISTANCE OF 1412.82 FEET TO THE EXISTING 12TH BANK OF THE MISSOURI RIVER AND TERMINATING AT SAID POINT.

LEGAL DESCRIPTION:

AN ALTERNATE LINE DESCRIBED AS FOLLOWS: AT THE NORTHEAST CORNER OF SECTION 13, TOWNSHIP 77 NORTH, RANGE 45 WEST OF THE 5TH P.M., HARRISON COUNTY, IOWA, AND VIZCARRA; THE EAST LINE OF THE SAID SECTION 12, BEING A DISTANCE OF 1532.23 TO A (CORNER FENCE POST); THENCE SOUTH 89° 05' 01" WEST 42° WEST A DISTANCE OF 791.96 FEET TO A (CORNER FENCE POST); THENCE SOUTH 89° 05' 01" WEST A DISTANCE OF 1685.97 FEET; THENCE SOUTH 01° 10' WEST A DISTANCE OF 913.79 FEET TO THE TOP OF A DIRT ROAD; THENCE SOUTH 01° 13' 12" WEST A DISTANCE OF 1769.12 FEET TO A POINT BEING THE CORNER BETWEEN SECTIONS 12 AND 13; THENCE SOUTH 01° 13' 12" WEST A DISTANCE OF 240.01 FEET TO A POINT BEING THE CORNER BETWEEN SECTIONS 12 AND 13; THENCE SOUTH 01° 13' 12" WEST A DISTANCE OF 1412.82 FEET TO THE EXISTING 12TH BANK OF THE MISSOURI RIVER AND TERMINATING AT SAID POINT.

Field Notes:

Found Old Subdivisional Corners on show on plat...
 All designated Occupation Lines were Existing Fence Lines...
 These fence lines were located in the field as directed by William M. Johnson, R.R. 2, Missouri Valley, Iowa...
 Found Central Meridians L-617-R, L-77 and L-617-25 on show on the construction drawings (1975 - U.S. Army Corps of Engineers)...



Field Notes:

Found the Subdivisional Corners as shown on plat...

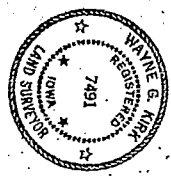
All designated Occupation Lines were Existing Same Lines...

These fence lines were located in the field as directed by William McIntosh, R.R. 3, Missouri Valley, Iowa...

Found Control Markers L-637, R, L-77 and L-637, 25 as shown in the construction drawings (1979 - U.S. Army Corps of Engineers)...

I hereby certify that this plat, map, survey or report was made by me or under my direct personal supervision and that I am a duly registered Land Surveyor under the laws of the State of Iowa.

Registered Land Surveyor *Wayne G. Rink*
Registration No. 7491
Date of Survey 11-19-81



SCALE 1" = 400'
● CORNERS SET (L/S "Iron")
○ CORNERS FOUND
△ SUBDIVISIONAL CORNERS FOUND

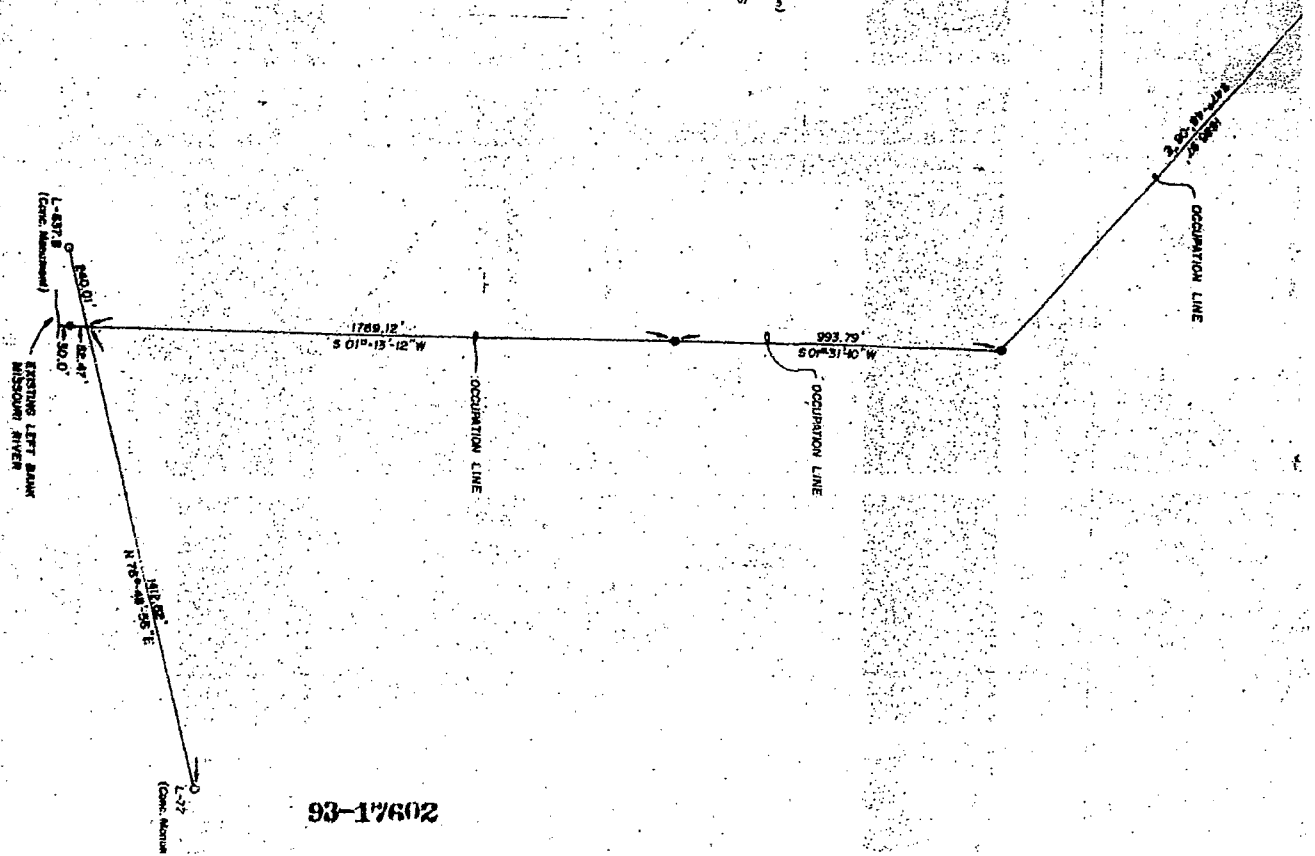


EXHIBIT B