

1B 148

State of Iowa,  
Palo Alto County,  
Entered for taxation this 30<sup>th</sup> day  
of September, 2005  
by Gary J. Leonard, Co. Auditor  
Robin Jamison, Clerk



Document 2005 2135

Book 2005 Page 2135 Pages 4  
Date 9/30/2005 Time 4:00 PM  
Rec Amt \$22.00 Aud Amt \$10.00  
Rev Transfer Tax \$175.20  
Rev Stamp# 115 DOV# 281

LORI M. KLIEGL, COUNTY RECORDER  
PALO ALTO IOWA J. Marie Gorman, Deputy

**WARRANTY DEED**  
(CORPORATE GRANTOR)  
THE IOWA STATE BAR ASSOCIATION  
Official Form No. 104  
Recorder's Cover Sheet

**Preparer Information:** (name, address and phone number)

John D. Brown, 2112 Main Street, Emmetsburg, IA 50536, Phone: (712) 852-4215

**Taxpayer Information:** (name and complete address)

Kerber Milling Company  
1817 Main Street  
Emmetsburg, IA 50536

**Return Document To:** (name and complete address)

John D. Brown  
2112 Main Street  
Emmetsburg, IA 50536

**Grantors:**

Emmetsburg Publishing Company

**Grantees:**

Kerber Milling Company

**Legal Description:** See Page 2

**Document or instrument number of previously recorded documents:**

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John D. Brown ISBA # 000000619

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**WARRANTY DEED**  
(CORPORATE GRANTOR)

For the consideration of ---One (\$1.00)--- Dollar(s) and other valuable consideration, **Emmetsburg Publishing Company**, a corporation organized and existing under the laws of the State of Iowa, does hereby Convey to **Kerber Milling Company**, the following described real estate in Palo Alto County, Iowa:

All that part of Lots Five (5) and Six (6) of Block Nine (9) lying West of the right of way of the Chicago, Rock Island and Pacific Railway Company, of Burnham's Addition to Emmetsburg, and real estate situated in Palo Alto County, Iowa, to-wit:

A parcel of land in the Southwest Quarter (SW $\frac{1}{4}$ ) of Section Nineteen (19), Township Ninety-six (96) North, Range Thirty-two (32) West of the 5<sup>th</sup> P.M., in the Town of Emmetsburg, Palo Alto County, Iowa, described as follows: Beginning at the intersection of the South line of Eighth Street and a line parallel with and 20 feet westerly of the centerline of the main track of the Chicago, Rock Island and Pacific Railroad Company; thence southerly along said parallel line a distance of 265 feet, more or less, to the North line of Main Street; thence westerly along said North line of Main Street a distance of 125 feet, more or less, to a line parallel with and 145 feet westerly of said centerline of the main track; thence northerly along said parallel line a distance of 265 feet, more or less, to said South line of Eighth Street; thence easterly along said South line of said Eighth Street a distance of 125 feet, more or less, to the point of beginning; subject to various easements as set forth on deed from Chicago, Rock Island and Pacific Railroad Company, dated June 24, 1970, filed in Book 51, page 86, Office of the Palo Alto County Recorder.

AND

The South Thirteen Feet (S 13') of a portion of Eighth Street in Burnham's Addition to Emmetsburg, Palo Alto County, Iowa, described as follows: Beginning at Northwest corner of Lot Five (5), Block Nine (9); thence North to Southeast corner of Lot One (1), Block Ten (10); thence East to the Chicago, Rock Island and Pacific Railroad right-of-way; thence southerly along said right-of-way to a point East of the North line of Block Five (5); thence West to the point of beginning; subject to easement for utilities reserved by the City of Emmetsburg, in deed recorded in Book 20, page 340, Office of the Palo Alto County Recorder.

THIS CONVEYANCE IS SUBJECT TO A QUIT CLAIM DEED DATED JUNE 24, 1970, FROM CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO. RECORDED IN DEED RECORD 51, PAGE 86, CONVEYING TRACT NO. 2 AND RESERVING:

- a) An easement on, over and across a portion of the tract conveyed.
- b) All coal, oil, gas, casing head gas and all ores and minerals of every kind, together with the right to mine and remove the same.

FURTHER, THIS CONVEYANCE IS SUBJECT TO A WARRANTY DEED DATED FEBRUARY 28, 1979, FROM IOWA TRUST & SAVINGS BANK TO ROY A. PETERSEN, ET LX, RECORDED IN DEED RECORD 19, PAGE 307, WHICH INCLUDED A COVENANT RUNNING WITH THE LAND TO MAINTAIN AS AN UNOBSTRUCTED SIGHT ZONE ALONG A PORTION OF TRACT NO. 2.

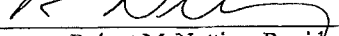
FURTHER, THIS CONVEYANCE IS SUBJECT TO A QUIT CLAIM DEED DATED JULY 10, 1980, FROM THE CITY OF EMMETSBURG CONVEYING TRACT NO. 3 IN WHICH WAS RESERVED AN EASEMENT FOR UTILITIES.

REVENUE STAMPS REQUIRED - \$175.20

The Corporation hereby covenants with grantees, and successors in interest, that it holds the real estate by title in fee simple; that it has good and lawful authority to sell and convey the real estate; that the real estate is free and clear of all liens and encumbrances, except as may be above stated; and it covenants to Warrant and Defend the real estate against the lawful claims of all persons, except as may be above stated.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, according to the context.

Dated: 9-29-05 EMMETSBURG PUBLISHING COMPANY  
an Iowa corporation

By   
Robert M. Nutting, President

By   
William O. Nutting, Secretary

## STATE OF WEST VIRGINIA, OHIO COUNTY, SS:

On this 29th day of September, 2005, before me, the undersigned, a Notary Public in and for said state, personally appeared Robert M. Nutting and William O. Nutting, to me personally known, who being by me duly sworn did say that they are the President and Secretary, respectively, of said corporation executing the foregoing instrument; that no seal has been procured by said corporation; that said instrument was signed on behalf of said corporation by authority of its Board of Directors; and that said Robert M. Nutting and William O. Nutting as such officers acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.

Linda E. Miller  
Notary Public in and for Said State

