

# BUCHANAN, BIBLER, GABOR & MEIS

ATTORNEYS AT LAW

111 NORTH DODGE STREET

P.O. BOX 617

ALGONA, IOWA 50511

(515) 295-3565

FAX (515) 295-2158

E-MAIL – law@buchlaw.com

WEBSITE – www.northiowalaw.com

GREGG A. BUCHANAN

A. DAVID BIBLER

SCOTT G. BUCHANAN

MICHAEL E. GABOR

TODD R. BUCHANAN

CONRAD F. MEIS

JENNIFER HARRINGTON, Associate

RUSSELL G. BUCHANAN

1923-2015

JOHN F. DORAN

Retired

## Additional Offices:

3004 MAIN STREET

EMMETSBURG, IOWA 50536

(712) 852-3064

(Monday, Wednesday & Thursday)

FARMERS TRUST &

SAVINGS BANK

LAKOTA, IOWA 50451

(515) 886-2274

(Wednesday)

103 PORTLAND STREET

BANCROFT, IOWA 50517

(Tuesday)

All telephones answered in Algona office on other days

September 26, 2019

Carrie Duffy  
Black Dirt Land  
Sales & Management, LLC  
PO Box 188  
Yutan, NE 68073\

Dear Friend:

At your request, I have examined an abstract of title in one part to the following described real estate situated in Kossuth County, Iowa, to-wit:

The East Half of the Northwest Quarter (E½NW¼) and the Northeast Quarter (NE¼) of Section Thirty-three (33), Township Ninety-six (96) North, Range Thirty (30), West of the 5th P.M., Kossuth County, Iowa, EXCEPT that part of the NW¼NE¼ described by the Survey recorded in Book 8, Land Plats, page 243.

The abstract consists of 49 entries and extends from the root of title pursuant to Section 614.29 through Section 614.38 of the Code of Iowa, Chapter 11 of the Iowa Land Title Examination Standards of the Iowa State Bar Association and the Abstracting Standards of the Iowa Land Title Association, to the date of last continuation by the Kossuth Abstract & Title Company on September 17, 2019, at 8 o'clock a.m. Based upon my examination of said abstract, it is my opinion that merchantable title to the property on the date of last continuation was vested in **SIGFRIDSON FARMLANDS, LLC**, subject to the following exceptions, to-wit:

1. **REAL ESTATE TAXES.** The second half of the 2018-2019 fiscal year real estate taxes in the amount of \$2,447.00 are unpaid and due, although not delinquent. As payment for taxes runs a year behind, these taxes were for the period of time from January 1, 2018, to June 30, 2019, and should be paid by the sellers. Also, according to your Purchase Agreement, the sellers have

agreed to pay taxes for the period of time from July 1, 2019, until the date of possession of this property by you as a buyer. Since taxes for that period of time have not yet been certified to the county treasurer, it is customary to prorate those taxes based upon last year's taxes and for you to receive a credit for the taxes at the time of closing. You will then become responsible to pay the taxes as they become due.

2. **DRAINAGE DISTRICT.** The real estate lies within Drainage District #PAK JDD No. 1. All of the original assessments and subsequent benefits confirmed against the property have been paid in full; however, the property remains subject to future assessments for clean out and repair.

3. **EASEMENT.** Entry No. 25 of the abstract reveals a Highway Easement granted in favor of Kossuth County, Iowa acknowledged March 8, 1971, and recorded in the office of the Kossuth County Recorder on October 27, 1977, in Book 116, Page 154. A copy of said easement is attached hereto for your reference. I would recommend that you make a physical inspection of the property under examination to determine in what manner, if any, this easement is presently being used.

4. **ENVIRONMENTAL MATTERS.** You should determine whether any solid wastes, hazardous substances, pollutants, above or below ground storage tanks, drainage wells, abandoned water wells, landfill sites or other environmentally-regulated conditions exist on the property. Such conditions are not ordinarily shown in the abstract, but they may result in injunctions, fines, required cleanup, or other remedial actions under federal, state or local laws. These laws may impose liens against the property and personal liability against the owner, even though the owner did nothing to create the condition, and acquired the property without knowing about it.

5. **ZONING.** The property is subject to the provisions of the Kossuth County Zoning Ordinance and the Kossuth County Subdivision Ordinance. Current status and details of these regulations must be determined by reference to the records of the Kossuth County Zoning Administrator. I would recommend that you become familiar with the provisions of these ordinances as the property will be owned subject thereto.

6. **MECHANIC'S LIENS AND POSSESSION.** An examination of an abstract would not necessarily disclose mechanic's liens arising from labor performed or for materials furnished in connection with the improvements on the premises within the ninety (90) days preceding the last continuation; nor would it disclose claims of parties in possession (e.g. tenants) other than the owner(s) of record. If you have any concern regarding claims of this nature, you may wish to investigate them further.

7. **QUALIFICATIONS/CAUTIONS.** Your attention is directed to the following matters which cannot be determined from an examination of the abstract:

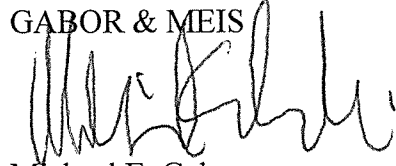
- a. Claims of parties in possession (e.g. tenants) other than the owners of record.
- b. Easements and usages of the subject property by others which are not a matter of public record.
- c. All rights of access to and from highways, including those which may be designated "controlled access facilities" by State or County authorities.
- d. Unrecorded sewer, sanitation, special and drainage assessments not yet certified to the County Treasurer.
- e. Matters filed in the office of the Secretary of State of Iowa (e.g. third party rights arising from filed financing statements), or in Bankruptcy Courts of the United States.

8. **TITLE GUARANTY**. Assuming that all title objections, if any, are satisfied, you are advised of the availability of a Title Guaranty issued by the Title Guaranty Division of the Iowa Finance Authority, a state agency, at a cost of approximately \$110.00 (+ \$1.00 per \$1,000.00 of appraised value in excess of \$500,000). If you are interested in obtaining such a Guaranty, please contact us for further information.

The abstract is being retained in my file pending the closing of this transaction. If you have any questions regarding this opinion, please contact our office for further explanation or clarification. Thank you for the opportunity to have been of service to you in this matter.

Sincerely,

BUCHANAN, BIBLER,  
GABOR & MEIS



Michael E. Gabor  
Title Guaranty No. 7616

MEG:lkc

24.

SUBDIVISION RESOLUTION NO. 7-23-2

Kossuth County

Dated: July 23, 1973

to

Effective: Oct. 22, 1973

The Public

All unincorporated area of Kossuth County is subject to County Subdivision Ordinance and the amendments thereto.

Details must be determined by reference to the records of the Zoning Administrator.

25.

HIGHWAY EASEMENT

Donald H. Crawford 1/2 int. and  
Clifford N. Crawford 1/2 int.  
no marital status

Dated \_\_\_\_\_  
Acknowledged March 8, 1971  
Filed October 27, 1977  
\$373.95  
Book 116, Page 154

to

Kossuth County, Iowa

Grants and conveys the full and free right to use land described as follows:

Beginning at a point 33.0 feet South and 33.0 feet West of the Northeast corner of Section 33, T96N, R30W; thence South 2590.4 feet; thence West 17.0 feet; thence North 2590.4 feet; thence East 17.0 feet to the point of beginning. Containing 1.01 acres. The East line of Said Section 33 is assumed to run due North and South.

For highway purposes, with the right to do all grading, drainage, bridging, surfacing and repairing it may deem necessary to put and keep said land in proper condition for travel and other highway purposes; also granting and conveying to the said county the full and free right to permit the public to use said land for travel and other highway purposes at all times.

26.

STATEMENT AND NOTICE

On May 15, 1981, a Notice was recorded in Book 19, Misc., Page 405, stating that certain real estate in Kossuth County, Iowa may be subject to the Soil Conservation Practice Refund provided