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Prepared By: _____
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BINDING ACKNOWLEDGMENT
FOR TIME OF TRANSFER REQUIREMENTS OF IOWA CODE SECTION 455B.172(11)(a)

This Binding Acknowledgment is entered into on _____, 20____
between: _____
(hereinafter referred to as the "Buyer") and the Hardin County Board of Health. This Binding Acknowledgment shall bind the parties and their respective successors in interest, including the Buyer's successors in interest to the real estate described on Exhibit "A" to this Binding Acknowledgment.

Weather or other temporary physical conditions have prevented the certified inspection required by Iowa Code §455B.172(11)(a) of the private sewage disposal system located on real estate known locally as _____ and legally described on the attached Exhibit "A" at the time of its transfer. The real estate is to be transferred to the Buyer from the following Sellers: _____.

The Buyer and the Hardin County Board of Health agree that the certified inspection shall be completed no later than _____, 20____. Should any modifications to the private sewage disposal system be required by the certified inspector's report, these modifications shall be completed no later than _____, 20____. The Buyer shall be responsible for obtaining the inspection. The Buyer shall be responsible for completing any required modifications. The Buyer shall not be prohibited from contracting with the Seller to reimburse or pay Buyer for any such inspection and repairs, but the Buyer shall remain responsible for ensuring that the inspection is performed and that the modifications are completed if any are required by the inspector's report.

The Hardin County Board of Health shall be entitled to enforce this Binding Acknowledgment through any remedy allowed under law or equity, including but not limited to injunctive relief and reimbursement for costs incurred in obtaining a certified inspector's report or completing modifications required by such inspector's report. Any voluntary extension of time granted by the Hardin County Board of Health to the Buyer to perform any of the Buyer's obligations under this Binding Acknowledgment shall not constitute a waiver or its rights under this Binding Acknowledgment.

BINDING ACKNOWLEDGMENT, P.2

The Buyer shall record this Binding Acknowledgment and the instrument of transfer in the records of the Hardin County Recorder. Any and all costs of performing the Buyer's obligations under this Binding Acknowledgment or of complying with Iowa law regarding time-of-transfer inspections shall be borne by the Buyer. Under no circumstances shall Hardin County, the Hardin County Board of Health or any of their officers, employees or agents be required to pay any costs of performing any actions under this Binding Acknowledgment or to pay the Buyer's costs in complying with Iowa law regarding private sewage disposal system inspections, unless otherwise required by statute or administrative rule. Proof of compliance with the inspection provisions of this Binding Acknowledgment may be shown by recording the certified inspector's report in the records of the Hardin County Recorder. If any modifications are required by the certified inspector's report, proof of compliance with the Binding Acknowledgment may be made by an affidavit executed by an authorized representative of the Hardin County Board of Health recorded in the records of the Hardin County Recorder.

This document shall be construed and enforced under the laws of the State of Iowa. Should any portion of this document be declared unenforceable, illegal or invalid for any reason, it shall be severed from the whole and the remaining provisions of this document shall continue in full force and effect.

BUYER

HARDIN COUNTY BOARD OF HEALTH

Print Name

By: _____

Print Name

STATE OF IOWA, COUNTY OF _____

This instrument was acknowledged before me on _____, 20 _____
by _____

Notary Public in and for said State and County

This instrument was acknowledged before me on _____, 20 _____
by _____ of the Hardin County Board of Health.

Notary Public in and for said State and County

EXHIBIT "A"
LEGAL DESCRIPTION