

Recorded: 11/16/2012 at 9:46:58.87 AM  
Fee Amount: \$32.00  
Revenue Tax: \$3,719.20  
Polk County, Iowa  
Julie M. Haggerty RECORDER  
Number: 201300046121  
BK: 14534 PG: 274

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Prepared by: Timothy C. Hogan, Hogan Law Office, 3101 Ingersoll Ave., Suite 103, Des Moines, IA 50312 (515) 279-9059  
Return to & Address Tax Statements: Boston Commons, LLC, 14039 Sherman Way, Ste. 206, Van Nuys, CA 91405

### **SPECIAL WARRANTY DEED**

For the consideration of One Dollar(s) (\$1.00) and other valuable consideration,

**BOSTON COMMONS LIMITED COMPANY, an Iowa limited liability company,**

does hereby convey to

**BOSTON COMMONS, LLC, a Delaware limited liability company,**

the following described real estate in Polk County, Iowa:

SEE EXHIBIT "A" ATTACHED HERETO, subject only to the easements, covenants and restrictions of record shown as permitted exceptions on Exhibit "B" attached hereto.

Grantor does hereby covenant with grantee and successors in interest to warrant and defend the real estate against the lawful claims of all persons claiming by, through or under them, except as may be above stated.

Grantor is a manager-managed limited liability company and, to the extent that this conveyance is outside the ordinary course of business of the company, the members have unanimously approved such conveyance as reflected in the minutes of the company and the undersigned manager of the company designated as its President is thereby authorized to execute this deed on behalf of grantor.

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

Dated: November 13, 2012.

**BOSTON COMMONS LIMITED COMPANY,**  
an Iowa limited liability company,

By: \_\_\_\_\_

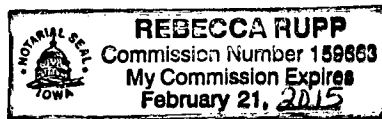
Ronald L. Daniels, President

STATE OF IOWA, COUNTY OF POLK:

This instrument was acknowledged before me on November 13, 2012, by Ronald L. Daniels as President of Boston Commons Limited Company.

By: \_\_\_\_\_

Notary Public



**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

Lots 21 and 153 in CLOVER ACRES, an Official Plat, now included and forming a part of the City of Des Moines, Polk County, Iowa.

AND

Lots 154 and 155 in CLOVER ACRES, an Official Plat, now included and forming a part of the City of Des Moines, Polk County, Iowa, EXCEPT that part deeded to the State of Iowa on February 24, 2010 in Book 13365 at Page 718, being more particularly described as follows:

Beginning at the Southeast Corner of said Lot 155; thence N89°49'10"W along the south line of said Lot 155, a distance of 24.48 feet; thence N59°19'14"E, 14.54 feet; thence N0°09'58"E, 188.61 feet; thence S89°54'50"E along the north line of said Lot 154, a distance of 12.00 feet; thence S0°09'58"W along the east line of said Lots 154 and 155, a distance of 196.09 feet to the point of beginning, containing 2,399 square feet.

## **SCHEDULE B - Section 2**

### **EXCEPTIONS**

The policy or policies to be issued will contain exceptions to the following unless the same are disposed of to the satisfaction of the Company.

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, claims of easement or encumbrances which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by public records.
5. Unpatented mining claims; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
6. Any lien, or right to a lien, for services, labor or material theretofore or hereafter furnished, imposed by law and not shown by the public records.
7. Defects, liens, encumbrances, adverse claims or other matters, if any, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires of record for value the estate or interest or mortgage thereon covered by this commitment.
8. Taxes and Assessments not yet due or payable and special assessments not yet certified to the county treasurers office:

Taxes for fiscal year 2011/2012, payable in 2012/2013, in the amount of \$30,065.00; first installment due; second installment due.

Parcel No. 10002974003000

Taxed as: Lts 21 & 153 Clover Acres

Taxes for fiscal year 2011/2012, payable in 2012/2013, in the amount of \$34,100.00; first installment due; second installment due.

Parcel No. 10002813001000

Taxed as: Lts 154 & 155 Clover Acres - Ex beg SE corner Lt 155 thn W24.48f NE14.54f N188.61 E12f S196.09f to POB-

IT IS NO LONGER POSSIBLE FOR THIS COMPANY TO CERTIFY TO SPECIAL ASSESSMENTS AND/OR UNPAID FEES FOR SERVICES FOR SEWER SYSTEMS, STORM WATER DRAINAGE SYSTEMS, SEWAGE TREATMENT, SOLID WASTE COLLECTION, WATER, AND SOLID WASTE DISPOSAL, WHICH HAVE BEEN CERTIFIED TO THE COUNTY TREASURER FOR COLLECTION UNLESS THESE CHARGES HAVE BEEN ENTERED ON THE TAX BOOKS. WE WILL CONTINUE TO SHOW ALL THOSE WHICH ARE ON THE TAX BOOKS.

9. Terms and conditions of Overhead Easement granted to Iowa Power Inc. filed May 6, 1992, as Book 6554, Page 38, Official Records, Polk County, Iowa.

10. Terms and conditions of Resolution No. 8-69, Joint Public Improvement Agreement, filed May 2, 1969, as Book 4027, Page 623, Official Records, Polk County, Iowa.
11. Terms and conditions of Lease by and between MRAG Investment, Lessor, and American General Finance, Inc., Lessee, as evidenced by the Memorandum, filed May 26, 1992, as Book 6565, Page 62, Official Records, Polk County, Iowa.
12. Terms and conditions of Lease by and between M.R.A.G. Investments Ltd., Landlord, and Tires Plus Group, Ltd., Tenant, as evidenced by the Memorandum, filed April 1, 1994, as Book 6990, Page 191; refiled April 18, 1994, in Book 7001, Page 132, Official Records, Polk County, Iowa.
13. Terms and conditions of Lease by and between Boston Commons Limited Company, Landlord, and Dolgencorp, LLC, Tenant, as evidenced by the Memorandum of Lease, filed July 27, 2011, as Book 13920, Page 574, Official Records, Polk County, Iowa.
14. Plat of Survey "Retracement Survey", filed August 12, 2011, in Book 13938, Page 842, Official Records, Polk County, Iowa.
15. Terms and conditions of Environmental Representations and Warranties contained in the Offer to Purchase Real Estate and Acceptance, as referenced in Warranty Deed, filed February 24, 2010, as Book 13365, Page 718, Official Records, Polk County, Iowa.
16. The rights or interest of tenants in possession, as tenants only, pursuant to unrecorded or recorded leases, contracts and/or verbal agreements.