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Polk County Iowa  
JULIE M. HAGGERTY RECORDER  
File# 2013-00044038

BK 14524 PG 867-872  
872A

**WITHDRAWL OF REAL ESTATE FROM  
DECLARATION OF SUBMISSION OF  
PROPERTY TO HORIZONTAL PROPERTY  
REGIME FOR INGERSOLL SQUARE CONDOMINIUMS**

**Preparer Information:**

Lisa R. Wilson  
1906 Ingersoll Avenue, Suite 2  
Des Moines, Iowa 50309  
(515) 369-2502

**Taxpayer Information:**

N/A

**Return Document To:**

RETURN TO:

Wilson Law Firm, P.C.  
1906 Ingersoll Avenue, Suite 2  
Des Moines, Iowa 50309

**Grantor:**

High Land Co., L.C., et al.

**Grantee:**

N/A

**Legal Description:**

See Page 2.

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

Book 12280, Page 763

**WITHDRAWAL OF REAL ESTATE FROM  
DECLARATION OF SUBMISSION OF  
PROPERTY TO HORIZONTAL PROPERTY  
REGIME FOR INGERSOLL SQUARE CONDOMINIUMS**

**THIS WITHDRAWAL OF REAL ESTATE FROM DECLARATION**, is made on the date hereinafter set forth by High Land Co., L.C., an Iowa limited liability company (hereinafter referred to as “Declarant”) and all Owners of Record (hereinafter referred to as “Owners”).

**WITNESSETH:**

**WHEREAS**, High Land Co., L.C. filed a Declaration of Submission of Property to Horizontal Property Regime for Ingersoll Square Condominiums on July 11, 2007, in Book 12280, Page 763, of the Polk County, Iowa, records, for certain property legally described as (hereinafter “Land”):

All of Lots 1 through 8 and the East 51 feet of Lot 9 in Block B in West and Burton’s Addition, an Official Plat, and the 16.0 foot wide vacated East/West Alley Right-of-Way lying South of and adjoining Lots 1 through 8, and lying South of and adjoining the East 51.0 feet of Lot 9, in Block B , West and Burton’s Addition, an Official Plat; and which lies North of and adjoining Lots 1 through 9, Harding Road Place, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, except the portion of Lots 8 and 9 of Block B, West and Burton’s Addition, and the portions of Lots 1 through 9 of Harding Road Place that were condemned by the City of Des Moines, Iowa, in those condemnation proceedings filed for record in the Office of the Polk County Recorder on June 21, 2002, at Book 9197, commencing at Page 1, together with all easements and servient estates appurtenant thereto.

**WHEREAS**, the Declaration was amended by a First Amendment to Declaration filed July 20, 2007, in Book 12294, Page 723, a Second Amendment filed December 18, 2007 in Book 12484, Page 94 and a Third Amendment filed December 18, 2007 in Book 12484, Page 99; and

**WHEREAS**, it is the desire of the Declarant and all current Owners to remove a portion of the Land from the Declaration, said real estate legally described as follows: (“Removed Land”)

**WHEREAS**, the purpose of filing this Withdrawal of Real Estate from the Declaration is to remove the land above and Buildings to be constructed thereon, together with all appurtenances thereto, from the condominium form of ownership and use pursuant to the provisions of the aforesaid Horizontal Property Act, and to remove the imposition upon such property.

**WHEREAS**, this Withdrawal of Real Estate from Declaration of Submission of Property to Horizontal Property Regime shall supersede all previous recorded Declarations, including all amendments thereto, as to the Removed Land.

**NOW, THEREFORE**, the undersigned Declarant and all Owners, together with all lienholders, do hereby withdraw the real estate legally described as follows:

See Exhibit "A"

from the Declaration of Submission of Property to Horizontal Property Regime for Ingersoll Square Condominiums filed July 20, 2007, in Book 12294, Page 723, of the Polk County recorders and all amendments thereto.


**IN WITNESS WHEREOF**, we, as all owners and lienholders of record, have hereunto set our hands this \_\_\_\_ day of November, 2012.

*-Signature Page to Follow-*

HIGH LAND CO., L.C., Declarant

  
By: Robert J. Caluzzi, Manager


INGERSOLL SQUARE, L.L.C., Owner

  
By: Robert J. Caluzzi, Manager

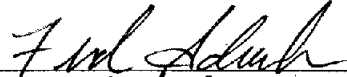
DANIEL D. OPHEIM, Owner

By: 

BANKER'S TRUST COMPANY, N.A.,  
Lienholder

By:   
Name: Kimberly Downing-Manning  
Title: VP/Mgr. of Residential Real Estate

COMMUNITY STATE BANK, N.A., Lienholder

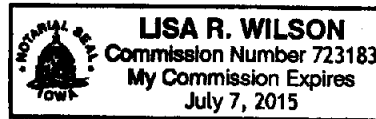
By:   
Name: Fred Schurk  
Title: Vice President / Commercial Banker

STATE OF IOWA )  
 )SS.  
COUNTY OF POLK )

On this 7th day of November, 2012, before me the undersigned, a Notary Public in and for the State of Iowa, personally appeared Robert J. Caluzzi, to me personally known, who, being by me duly sworn, did say that he is the Manager of High Land Co., L.C., an Iowa limited liability company, executing the within and foregoing instrument; that the instrument was signed on behalf of said limited liability company by authority of its Members; and said Robert J. Caluzzi, as such officer, acknowledged the execution of the instrument to be the voluntary act and deed of the limited liability company, by it and by him voluntarily executed.

*Lisa Wilson*

Notary Public in and for said State

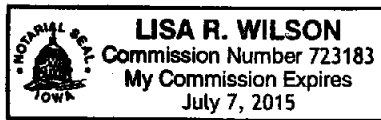


STATE OF IOWA )  
 )SS.  
COUNTY OF POLK )

On this 7th day of November, 2012, before me the undersigned, a Notary Public in and for the State of Iowa, personally appeared Robert J. Caluzzi, to me personally known, who, being by me duly sworn, did say that he is the Manager of Ingersoll Square, L.L.C., an Iowa limited liability company, executing the within and foregoing instrument; that the instrument was signed on behalf of said limited liability company by authority of its Members; and said Robert J. Caluzzi, as such officer, acknowledged the execution of the instrument to be the voluntary act and deed of the limited liability company, by it and by him voluntarily executed.

*Lisa Wilson*

Notary Public in and for said State



STATE OF Minnesota )  
 ) ss.  
COUNTY OF St. Louis )

On this 24th day of October, 2012, before me, the undersigned, a Notary Public in and for said State, personally appeared Daniel D. Opheim to me personally known, who, being by me duly sworn, did state that he is the identical person named in and who executed the within and foregoing instrument and acknowledged he executed the same as his voluntary act and deed.

*Karen Lee Thompson*  
Notary Public in and for said State

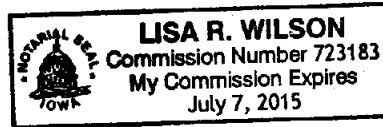


STATE OF IOWA )  
COUNTY OF Polk ) ss.

On this 7<sup>th</sup> day of November, 2012, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Kimberly Downing-Manning to me personally known, who, being by me duly sworn, did state that he/she is the Senior Lender/Manager of Bankers Trust Company, N.A.; that said instrument was signed on behalf of said corporation by authority of its Board of Directors; and the said Kimberly Downing-Manning acknowledged execution of said instrument to be the voluntary act and deed of said corporation, by it and by him/her voluntarily executed.

*Lisa Wilson*

Notary Public in and for said State



STATE OF IOWA )  
COUNTY OF Polk ) ss.

On this 7<sup>th</sup> day of November, 2012, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Fred Scherle to me personally known, who, being by me duly sworn, did state that he/she is the VP of Community State Bank, N.A.; that said instrument was signed on behalf of said corporation by authority of its Board of Directors; and the said Fred Scherle acknowledged execution of said instrument to be the voluntary act and deed of said corporation, by it and by him/her voluntarily executed.

*Matthew Tully*

Notary Public in and for said State



EXHIBIT "A"

A TRACT OF LAND BEING A PART OF PARCEL 'A' OF THE PLAT OF SURVEY OF A PART OF LOTS 1 - 8 OF WEST AND BURTON'S ADDITION, RECORDED AT BOOK 12613 PAGE 296 IN THE OFFICE OF THE POLK COUNTY RECORDER. SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID PARCEL 'A'; THENCE N89°33'09"E, 242.15 FEET ALONG THE NORTH LINE OF SAID PARCEL 'A' AND ALONG THE SOUTH RIGHT-OF-WAY LINE OF HIGH STREET AS IT IS PRESENTLY ESTABLISHED; THENCE S00°26'31"E, 76.44 FEET; THENCE S89°33'29"W, 9.00 FEET; THENCE S00°26'31"E, 145.88 FEET TO A NON-TANGENT 100.38 FEET RADIUS CURVE CONCAVE TO THE SOUTHWEST; THENCE NORTHWESTERLY, 31.50 FEET ALONG SAID CURVE, SAID CURVE HAVING A CHORD LENGTH OF 31.37 FEET AND A CHORD BEARING OF N81°40'35"W; THENCE S89°32'24"W, 201.97 FEET TO THE WEST LINE OF SAID PARCEL 'A' AND TO THE EAST RIGHT-OF-WAY LINE OF MARTIN LUTHER KING JR. PARKWAY AS IT IS PRESENTLY ESTABLISHED; THENCE N00°29'14"W, 217.58 FEET ALONG SAID WEST LINE AND EAST RIGHT-OF-WAY LINE, TO THE NORTHWEST CORNER OF SAID PARCEL 'A' AND TO THE POINT OF BEGINNING.

SAID TRACT OF LAND SUBJECT TO ALL EASEMENTS OF RECORD.

SAID TRACT OF LAND CONTAINS 1.181 ACRES MORE OR LESS.

AND

AN IRREGULAR SHAPED PART OF PARCEL 'A' IN A PORTION OF WEST AND BURTON'S ADDITION TO DES MOINES, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AS SHOWN IN BOOK 12613 AT PAGE 296 IN THE OFFICE OF THE POLK COUNTY RECORDER DESCRIBED AS:

COMMENCING AT THE SOUTHWEST CORNER OF PARCEL 'B' IN A PORTION OF HARDING ROAD PLACE AND IN A PORTION OF WEST AND BURTON'S ADDITION TO DES MOINES, OFFICIAL PLATS NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AS SHOWN IN BOOK 12613 AT PAGE 296 IN THE OFFICE OF THE POLK COUNTY RECORDER; THENCE N00°29'14"W (PREVIOUSLY RECORDED BEARING) ALONG THE WESTERLY LINE OF SAID PARCEL 'B', A DISTANCE OF 147.76 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 'A'; THENCE N00°29'14"W ALONG THE WESTERLY LINE OF SAID PARCEL 'A', A DISTANCE OF 53.00 FEET; THENCE N89°32'24"E, A DISTANCE OF 202.35 FEET; THENCE EASTERLY ALONG A 100.38 FEET RADIUS CURVE CONCAVE SOUTHERLY, A DISTANCE OF 54.54 FEET, SAID CURVE HAVING A CHORD BEARING OF S74°53'46"E AND A CHORD LENGTH OF 53.87 FEET; THENCE S00°29'14"E, A DISTANCE OF 38.54 FEET TO THE SOUTH LINE OF SAID PARCEL 'A'; THENCE S89°43'53"W ALONG THE SOUTH LINE OF SAID PARCEL 'A', A DISTANCE OF 254.23 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND BEING SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS OF RECORD.

SAID TRACT OF LAND CONTAINS 0.30 ACRES.