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Polk County Iowa
JULIE M. HAGGERTY RECORDER
File# 2015-00176255

BK 15895 PG 789-793

JULIE M. HAGGERTY
COPY SENT TO AUDITOR

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

Preparer Information:

Joe H. Harris
225 2nd St. SE, Ste 310
Cedar Rapids, Iowa 52401
(319) 363-3512

Tax Payer Information:

Ingersoll Square, L.L.C.
5607 4th Street Court SW
Cedar Rapids, Iowa 52404
(319) 363-0136

RETURN TO:

Return Document to:

Joe H. Harris
225 2nd St. SE, Ste 310
Cedar Rapids, Iowa 52401
(319) 363-3512

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 12th day of February, 2016, by High Land Co., L.C., an Iowa limited liability company (hereinafter referred to as "Declarant"), Ingersoll Square, L.L.C. 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, in the office of the Polk County Iowa Recorder 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, a Third Amendment filed December 18, 2007 in Book 12484, Page 99, an Amended and Substituted Declaration filed January 10, 2008 in Book 12507, Page 95, and a Corrected Withdrawal of Real Estate from Declaration of Submission of Property to Horizontal Property Regime filed November 28, 2012 in Book 14549, Page 541.

WHEREAS, it is the desire of the Declaration and all current owners to remove all of the real estate and land and all buildings, units, and common spaces constructed on the real estate and land, together with all appurtenances thereto (collectively referred to as the "Removed Land") from the Declaration and the provisions of Iowa Code Chapter 499B, said Removed Land being legally described as:

See "Exhibit A", Attached Hereto and Incorporated Herein by this Reference.

WHEREAS, the purpose of filing this Withdrawal of Real Estate from the Declaration is to remove the real estate and land, buildings, units, and common spaces constructed thereon, together with all appurtenances thereto, (the Removed Land) from the condominium form of ownership and use pursuant to the provisions of the aforesaid Horizontal Property Act, to remove the imposition upon such property and to remove the property from the provisions of Iowa Code Chapter 499B.

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 Removed Land and real estate legally described as follows:

See "Exhibit A", Attached Hereto and Incorporated Herein by this Reference.

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 and from the provisions of Iowa Code Chapter 499B.

IN WITNESS WHEREOF, we, as all owners and lienholders of record, have hereunto set our hands this 12th day of February, 2016.

HIGH LAND CO., L.C.

(Declarant)

By: Craig W. Mettille *Manager and Sole Member.*
Craig W. Mettille, Manager and Sole Member

INGERSOLL SQUARE, L.L.C.

(Owner)

By: Craig W. Mettille *Manager + Sole Member.*
Craig W. Mettille, Manager and Sole Member

COMMUNITY STATE BANK, N.A.

(Lienholder)

By: Fred Scherle
Name: Fred Scherle
Title: Vice President

STATE OF IOWA)
)ss.
COUNTY OF POLK)



On this 12th day of February, 2016, before me the undersigned, a Notary Public in and for the State of Iowa, personally appeared Craig W. Mettille, to me personally known, who being by me duly sworn, did say that he is the Manager and sole Member 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 Craig W. Mettille, as such officer, acknowledged the execution of the instrument to be the voluntary act and deed of the limited liability company, by and by him voluntarily executed.

Nathan Sniezek

Notary Public in and for said State

STATE OF IOWA)
)ss.
COUNTY OF POLK)

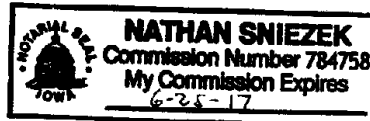


On this 12th day of February, 2016, before me the undersigned, a Notary Public in and for the State of Iowa, personally appeared Craig W. Mettille, to me personally known, who being by me duly sworn, did say that he is the Manager and sole Member of Ingersoll Square, L.L.C., an Iowa limited liability 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 Craig W. Mettille, as such officer, acknowledged the execution of the instrument to be the voluntary act and deed of the limited liability company, by and by him voluntarily executed.

Nathan Sniezek

Notary Public in and for said State

STATE OF IOWA)
)ss.
COUNTY OF POLK)



On this 12th day of February, 2016, 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 say that he/she is the Vice President of Community State Bank, N.A.; that said instrument was signed on behalf of said corporation by authority of its Board of Directors; and said Vice President, acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by him/her voluntarily executed.

Nathan Sniezek

Notary Public in and for said State

EXHIBIT A

Parcel "A" of Lots 1-8, Block "B" of West and Burton's Addition, an Official Plat, and a part of the vacated alley lying between said West and Burton's Addition and Harding Road Place, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, as shown in in Plat of Survey recorded in Book 12613 Page 296 in the Office of the Recorder of Polk County, Iowa:

EXCEPTING THEREFROM THE FOLLOWING TRACTS OF LAND, DESCRIBED BELOW, PREVIOUSLY WITHDRAWN FROM SAID HORIZONTAL PROPERTY REGIME BY THE CORRECTED WITHDRAWAL OF REAL ESTATE FROM DECLARATION FO SUBMISSION OF PROPERTY TO HORIZONTAL PROPERTY REGIME FOR INGERSOLL SQUAR CONDOMINIUMS THAT WAS FILED FOR RECORD WITH THE POLK COUNTY, IOWA RECORDER ON NOVEMBER 28, 2012 IN BOOK 14549 AT PAGE 541:

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' AND TO THE POINT OF BEGINNING; THENCE CONTINUING N00°29'14"W ALONG THE WESTERLY LINE OF SAID PARCEL 'A', A DISTANCE OF 52.24 FEET; THENCE N89°32'24"E, A DISTANCE OF 201.97 FEET; THENCE EASTERLY ALONG A 100.38 FEET RADIUS CURVE CONCAVE SOUTHERLY, A DISTANCE OF 54.98 FEET, SAID CURVE HAVING A CHORD BEARING OF S74°46'09"E AND A CHORD LENGTH OF 54.29 FEET; THENCE S00°29'14"E, A DISTANCE OF 37.55 FEET TO THE SOUTH LINE OF SAID PARCEL 'A'; THENCE S89°32'24"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.