

WARREN COUNTY, IOWA
FILED FOR RECORD

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BOOK 2005 PAGE 10749
JUSTICE REC'D OFFICE RECORDER

Heather M. ... DEPUTY

172005
[Signature]

WHEN RECORDED RETURN TO:

Jennifer L. Drake
Hubbell Realty Company
6900 Westown Parkway
West Des Moines, Iowa 50266-2520

This document was prepared by Jennifer L. Drake, Hubbell Realty Company, 6900 Westown Parkway, West Des Moines, Iowa 50266-2520, (515) 280-2057

SPACE ABOVE THIS LINE FOR RECORDER

OWNER'S CERTIFICATE

KNOW ALL PERSONS BY THESE PRESENTS: That **H-CM, L.L.C.**, an Iowa limited liability company, owns all of the land described on the attached Exhibit "A", except Parcel "C" of Outlot 'Z' of Colonial Meadows Plat 5, an Official Plat now in and forming a part of the City of Norwalk, Warren County, Iowa, as shown on that Plat of Survey, prepared by McClure Engineering Company, dated June 23, 2005 and filed for record in the Office of the Recorder for Warren County, Iowa in Irregular Plat Book 19, Page 11 of Norwalk, which Parcel "C" will hereafter be platted as Lot 4, Legacy Commercial Plat 1, and which Parcel "C" is owned by Metropolitan Land Company, L. C. H-CM, L. L. C. and Metropolitan Land Company, L. C. have caused the real estate described on the attached Exhibit "A" to be subdivided into lots to be known as **Legacy Commercial Plat 1**, now included in and forming a part of the City of Norwalk, Warren County, Iowa. H-CM, L. L. C. further acknowledges and certifies that the subdivision Legacy Commercial Plat 1 is with its consent and in accordance with its desires.

That **H-CM, L.L.C.** does hereby dedicate to the natural gas company or companies, the electric utility company or companies, the telephone company or companies, the data transmission company or companies, and the cable television company or companies, from time to time, serving the City of Norwalk, Iowa, the perpetual easements for underground natural gas utility services, underground electrical, underground telephone, underground data transmission and/or underground cable television utility services and related appurtenances over, under, through and across the areas shown on the final plat map and designated as Public Utility Easements that are located on the portion of the Legacy Commercial Plat 1 owned by H-CM, L. L. C., all as more particularly shown on the final plat of Legacy Commercial Plat 1, all of which easements are subject to the concurrent easements for all or part of said easement areas as shown on the final plat of Legacy Commercial Plat 1.

Dated this 22nd day of September, 2005.

H-CM, L.L.C

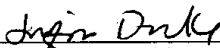
By: **Hubbell Realty Company, Managing Member**

By: *[Signature]*
Steven L. Niebuhr, Senior Vice President

By: *[Signature]*
R. Michael Hayes, Secretary

STATE OF IOWA)
)SS.
COUNTY OF DALLAS)

On this 23rd day of September, 2005, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Steven L. Niebuhr and R. Michael Hayes, to me personally known, who, being by me duly sworn, did say that they are the Senior Vice President and Secretary, respectively, of **Hubbell Realty Company**, the managing member of **H-CM, L. L.C.**, an Iowa limited liability company; that no seal has been procured by said corporation or said limited liability company; that the foregoing instrument was signed on behalf of said corporation by authority of its Board of Directors and on behalf of said limited liability company by authority of its Operating Agreement and members; and that the said Steven L. Niebuhr and R. Michael Hayes, as such officers, acknowledged the execution of the foregoing instrument to be the voluntary act and deed of said corporation and said limited liability company, by each entity and by them voluntarily executed.



Notary Public in and for said State



L:\Legacy - Norwalk Golf Property\Commercial Plat 1\Platting Documents\Owners Certificate.doc

EXHIBIT A

A parcel of land being part of Outlot "Z" of Colonial Meadows Plat 5, an Official Plat now in and forming a part of the City of Norwalk, Warren County, Iowa and all of Parcel "C" in the Southeast 1/4 of the Northeast 1/4 of Section 12, Township 77 North, Range 25 West of the 5th P.M., City of Norwalk, Warren County, Iowa, as shown on that Plat of Survey filed in Irregular Plat Book 19, Page 11, Norwalk, Iowa, described as:

Beginning at the Southeast Corner of said Parcel "C" and the Northerly right of way of Colonial Parkway; thence S89°54'24"W along said Parcel "C", 129.93 feet; thence Southwesterly along said Parcel "C" and Outlot "Z" on a 360.00 foot radius curve to the left, 484.96 feet (chord bearing S51°19'11"W, 449.11 feet); thence Southwesterly along said Outlot "Z" on a 440.00 foot radius curve to the right, 162.03 feet (chord bearing S23°16'39"W, 161.11 feet); thence Northwesterly along said Outlot "Z" on a 710.00 foot radius curve to the left, 589.69 feet (chord bearing N70°51'39"W, 572.89 feet); thence N01°08'36"E, 908.91 feet; thence N89°52'46"E, 468.15 feet; thence N00°07'14"W, 374.96 feet; thence N89°47'36"E, 308.69 feet; thence N00°07'14"W, 657.28 feet to the South line of the Legacy Plat 6 an Official Plat now in and forming a part of the City of Norwalk, Warren County, Iowa; thence S87°46'35"E along the said South line of the Legacy Plat 6, 315.26 feet to the East line of said Outlot "Z"; thence S00°07'14"E along said East line, 211.45 feet; thence S14°56'00"W along said East line, 155.20 feet; thence S00°10'29"E along said East line, 100.09 feet; thence S16°41'14"E along said East line, 52.20 feet; thence S00°05'23"E along said East line of Outlot "Z" and Parcel "C", 1178.29 feet to the Point of Beginning, said parcel contains 30.79 acres and is subject to easements and restrictions of record.

WHEN RECORDED RETURN TO:

Jennifer L. Drake
Hubbell Realty Company
6900 Westown Parkway
West Des Moines, Iowa 50266-2520

This document was prepared by Jennifer L. Drake, Hubbell Realty Company, 6900 Westown Parkway, West Des Moines, Iowa 50266-2520, (515) 280-2057

SPACE ABOVE THIS LINE FOR RECORDER

OWNER'S CERTIFICATE

KNOW ALL PERSONS BY THESE PRESENTS: That **METROPOLITAN LAND COMPANY, L.C.**, an Iowa limited liability company, the property owners of Lot 4 of The Legacy Commercial Plat 1, caused the real estate described on the attached Exhibit "A" now included in and forming a part of the City of Norwalk, Warren County, Iowa, together with and subject to all easements, covenants and restrictions of record, to be known as **The Legacy Commercial Plat 1** to be subdivided into lots. The undersigned further acknowledges and certifies that the subdivision The Legacy Commercial Plat 1 is with its consent and in accordance with its desires.

That **Metropolitan Land Company, L.C.** does hereby dedicate the following easements as more particularly shown on the final plat of The Legacy Commercial Plat 1, which depiction on said final plat shall control over any conflicting description set forth below, all of which easements are subject to the concurrent easements for all or part of said easement areas as shown on the final plat of The Legacy Commercial Plat 1:

- (A) **Metropolitan Land Company, L.C.** does hereby dedicate to the natural gas company or companies, from time to time, serving the City of Norwalk, Iowa, the perpetual easements for underground natural gas utility services and related appurtenances over, under, through and across the Easement area as shown on the final plat map; and
- (B) **Metropolitan Land Company, L.C.** does hereby dedicate to the electric utility company or companies, the telephone company or companies, the data transmission company or companies, and the cable television company or companies, from time to time, serving the City of Norwalk, Iowa, the perpetual easements for underground electrical, telephone, data transmission or cable television utility services and related appurtenances over, under, through and across: the areas shown on the final plat map and designated as Public Utility Easement;

all in The Legacy Commercial Plat 1, an Official Plat, now included in and forming a part of the City of Norwalk, Warren County, Iowa.

Dated this 30 day of August, 2005.

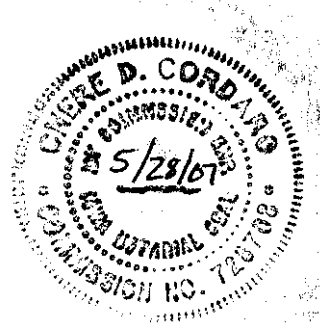
METROPOLITAN LAND COMPANY, L.C.

By: _____

Max H. Holmes, President

STATE OF IOWA)
) SS.
COUNTY OF POLK)

On this 30th day of August, 2005, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Max H. Holmes, to me personally known, who, being by me duly sworn, did say that he is the President of **METROPOLITAN LAND COMPANY, L.C.** an Iowa limited liability company; that no seal has been procured by said limited liability company; that the foregoing instrument was signed on behalf of said limited liability company by authority of its Operating Agreement and members; and that the said Max H. Holmes, as such officer, acknowledged the execution of the foregoing instrument to be the voluntary act and deed said limited liability company, by each entity and by them voluntarily executed.



Chere D. Cordars
Notary Public in and for said State

EXHIBIT A

Legal description of property owned by Metropolitan Land Company, L.C. and on which it dedicates easements:

Parcel "C" of Outlot 'Z' of Colonial Meadows Plat 5, an Official Plat now in and forming a part of the City of Norwalk, Warren County, Iowa, as shown on that Plat of Survey, prepared by McClure Engineering Company, dated June 23, 2005 and filed for record in the Office of the Recorder for Warren County, Iowa in Irregular Plat Book 19, Page 11 of Norwalk; and

Legal description of the property that is to be platted as Legacy Commercial Plat 1:

A parcel of land being part of Outlot "Z" of Colonial Meadows Plat 5, an Official Plat now in and forming a part of the City of Norwalk, Warren County, Iowa and all of Parcel "C" in the Southeast 1/4 of the Northeast 1/4 of Section 12, Township 77 North, Range 25 West of the 5th P.M., City of Norwalk, Warren County, Iowa, as shown on that Plat of Survey filed in Irregular Plat Book 19, Page 11, Norwalk, Iowa, described as:

Beginning at the Southeast Corner of said Parcel "C" and the Northerly right of way of Colonial Parkway; thence S89°54'24"W along said Parcel "C", 129.93 feet; thence Southwesterly along said Parcel "C" and Outlot "Z" on a 360.00 foot radius curve to the left, 484.96 feet (chord bearing S51°19'11"W, 449.11 feet); thence Southwesterly along said Outlot "Z" on a 440.00 foot radius curve to the right, 162.03 feet (chord bearing S23°16'39"W, 161.11 feet); thence Northwesterly along said Outlot "Z" on a 710.00 foot radius curve to the left, 589.69 feet (chord bearing N70°51'39"W, 572.89 feet); thence N01°08'36"E, 908.91 feet; thence N89°52'46"E, 468.15 feet; thence N00°07'14"W, 374.96 feet; thence N89°47'36"E, 308.69 feet; thence N00°07'14"W, 657.28 feet to the South line of the Legacy Plat 6 an Official Plat now in and forming a part of the City of Norwalk, Warren County, Iowa; thence S87°46'35"E along the said South line of the Legacy Plat 6, 315.26 feet to the East line of said Outlot "Z"; thence S00°07'14"E along said East line, 211.45 feet; thence S14°56'00"W along said East line, 155.20 feet; thence S00°10'29"E along said East line, 100.09 feet; thence S16°41'14"E along said East line, 52.20 feet; thence S00°05'23"E along said East line of Outlot "Z" and Parcel "C", 1178.29 feet to the Point of Beginning, said parcel contains 30.79 acres and is subject to easements and restrictions of record.

When Recorded, Return to:

H-CM, L.L.C.
C/o R. Michael Hayes
6900 Westown Parkway
West Des Moines, Iowa 50266-2520

Prepared By: R. Michael Hayes, Hubbell Realty Company, 6900 Westown Parkway, West Des Moines, Iowa 50266-2520 (515) 280-2051

SPACE ABOVE THIS LINE FOR RECORDER

**MORTGAGEE'S CONSENT TO THE FINAL PLAT OF
THE LEGACY COMMERCIAL PLAT 1**

KNOW ALL MEN BY THESE PRESENTS: that **WEST BANK** is the present owner of the Mortgagee's interest in that certain Mortgage, granted by Metropolitan Land Company, L.C., an Iowa limited liability company, as Mortgagor, to West Bank, as Mortgagee, dated June 28, 2005 and filed for record in the Office of the Recorder for Warren County, Iowa, on July 12, 2005 in Book 2005 at Page 7476, (the "Mortgage"), which Mortgage creates a lien on the real property legally described on the attached Exhibit "A" (the "Mortgaged Property"), which Mortgaged Property is to be platted into a subdivision to be known as "**The Legacy Commercial Plat 1**", an Official Plat, now included in and forming a part of the City of Norwalk, Warren County, Iowa. West Bank hereby acknowledges that the subdivision of the Mortgaged Property into lots in a plat to be known as **The Legacy Commercial Plat 1** is with its consent and in accordance with its desire.

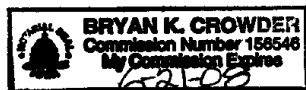
Dated this 30 day of August, 2005.

WEST BANK, Mortgagee

By: 
Kevin J. Smith, Senior Vice President

STATE OF IOWA)
)SS.
COUNTY OF POLK)

On this 30 day of August, 2005, before me, a Notary Public in and for the State of Iowa, personally appeared Kevin S. Smith, to me personally known, who being by me duly sworn did state that he is the Senior Vice President of **WEST BANK**; that said instrument was signed on behalf of said corporation by authority of its Board of Directors; and the said Kevin S. Smith, as such officer, acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by him voluntarily executed.



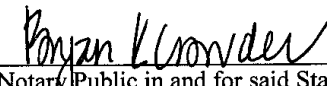

Notary Public in and for said State

EXHIBIT "A"
LEGAL DESCRIPTION

Parcel "C" of Outlot 'Z' of Colonial Meadows Plat 5, an Official Plat now in and forming a part of the City of Norwalk, Warren County, Iowa, as shown on that Plat of Survey, prepared by McClure Engineering Company, dated June 23, 2005 and filed for record in the Office of the Recorder for Warren County, Iowa in Irregular Plat Book 19, Page 11 of Norwalk, said Parcel "C" being more particularly described as follows:

Parcel "C" being part of Outlot "Z" of Colonial Meadows Plat 5, an Official Plat, now included in and forming a part of the City of Norwalk, Warren County, Iowa, described as beginning at the Southeast Corner of said Outlot "Z" and the Northerly right-of-way of Colonial Parkway; thence S 89° 54' 42" W along the South line of said Outlot "Z", 129.93 feet; thence Southwesterly on the South line of said Outlot "Z" along a 360.00 foot radius curve to the left, 132.25 feet (Chord bearing S 79° 23' 14" W, 131.51 feet); thence N 25° 55' 03" W, 16.69 feet; thence Northwesterly along a 530.00 foot radius curve to the Left, 173.16 feet (Chord bearing N 35° 16' 38" W, 172.39 feet); thence N 44° 38' 14" W, 138.48 feet; thence Northwesterly along a 470.00 foot radius curve to the Right, 364.71 feet (Chord bearing N 22° 24' 24" W, 355.63 feet); thence Northeasterly along a 25.0 foot radius curve to the right, 39.26 feet (Chord bearing N 44° 48' 30" E, 35.35 feet); thence N 89° 47' 36" E, 573.08 feet to the East line of said Outlot "Z"; thence S 00° 05' 23" E along said East line, 585.79 feet to the Point of Beginning, which Parcel "C" contains 281,427 square feet or 6.46 acres,

hereinafter to be known as Lot 4 of The Legacy Commercial Plat 1, an Official Plat, now included in and forming a part of the City of Norwalk, Iowa, together with all easements and servient estates appurtenant thereto and subject to (a) all easements, covenants and restrictions of record, and (b) zoning and other applicable building regulations.

When Recorded, Return to:
H-CM, L.L.C.
C/o R. Michael Hayes
6900 Westown Parkway
West Des Moines, Iowa 50266-2520

Prepared By: R. Michael Hayes, Hubbell Realty Company, 6900 Westown Parkway, West Des Moines, Iowa 50266-2520 (515) 280-2051

SPACE ABOVE THIS LINE FOR RECORDER

MORTGAGEE'S SUBORDINATION

KNOW ALL MEN BY THESE PRESENTS: that **WEST BANK** is the present owner of the Mortgagee's interest in that certain Mortgage, granted by Metropolitan Land Company, L.C., an Iowa limited liability company, as Mortgagor, to West Bank, as Mortgagee, dated June 28, 2005 and filed for record in the Office of the Recorder for Warren County, Iowa, on July 12, 2005 in Book 2005 at Page 7476, (the "Mortgage"), which Mortgage creates a lien on Parcel "C" of Outlot 'Z' of Colonial Meadows Plat 5, an Official Plat now in and forming a part of the City of Norwalk, Warren County, Iowa, as shown on that Plat of Survey, prepared by McClure Engineering Company, dated June 23, 2005 and filed for record in the Office of the Recorder for Warren County, Iowa in Irregular Plat Book 19, Page 11 of Norwalk, (the "Mortgaged Property"), which Mortgaged Property is to be platted as Lot 4 in a subdivision to be known as "**The Legacy Commercial Plat 1**", an Official Plat, now included in and forming a part of the City of Norwalk, Warren County, Iowa. West Bank hereby subordinates the lien of its Mortgage to the Public Utility Easements shown on the Mortgaged Property on the Final Plat of The Legacy Commercial Plat 1.

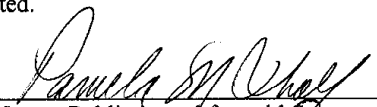
Dated this 23 day of September, 2005.

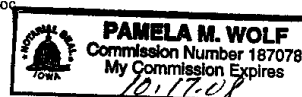
WEST BANK, Mortgagee

By: 
Kevin J. Smith, Senior Vice President

STATE OF IOWA)
)SS.
COUNTY OF POLK)

On this 23 day of September, 2005, before me, a Notary Public in and for the State of Iowa, personally appeared Kevin S. Smith, to me personally known, who being by me duly sworn did state that he is the Senior Vice President of **WEST BANK**; that said instrument was signed on behalf of said corporation by authority of its Board of Directors; and the said Kevin S. Smith, as such officer, acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by him voluntarily executed.


Notary Public in and for said State



**NYEMASTER, GOODE, WEST,
HANSELL & O'BRIEN**
A PROFESSIONAL CORPORATION
ATTORNEYS AND COUNSELORS AT LAW

JAMES B. WEST
EDGAR F. HANSELL
R. CRAIG SHIVES
LAWRENCE E. MYERS
KEITH E. LUCHTEL
GERALD J. NEWBROUGH
ROBERT A. VANORSDEL
RICHARD J. SAFF
G.R. NEUMANN
RUSSELL E. SCHRAGE
CARLTON T. KING
GREGORY P. PAGE
RANDALL G. HORSTMANN
JAY EATON
BURNS MOSSMAN
BRADFORD L. AUSTIN
SARA J. SERSLAND
HAYWARD L. DRAPER
MICHAEL W. THRALL
MARK C. DICKINSON
GREGORY B. WILCOX
JOHN F. LORENTZEN

ROD KUBAT
STEVEN J. ROY
FRANK B. HARTY
JAMES C. WINE
BRUCE W. BAKER
THOMAS W. POLEY
STEVEN H. LYTLE
TERRY C. HANCOCK
ANTHONY A. LONGNECKER
JOSEPH A. QUINN
WADE H. SCHUT
MARK D. ALJETS
G. THOMAS SULLIVAN
THOMAS H. WALTON
WILLARD L. BOYD III
JEFFREY W. COURTER
HALLIE B. STILL-CARIS
JOSEPH K. HAGGERTY
L.W. "BILL" ROSEBROOK
TERRY L. MONSON
BARRY J. NADLER
DAVID W. BENSON

BRIAN J. HUMKE
DEBORAH S. KRAUTH
PAULA S. DIERENFELD
CORREN K. SWEENEY
ANTONIO COLACINO
JILL M. STEVENSON
ANGEL A. WEST
ANGELA L. WATSON COOK
MARY E. FUNK
RANDALL D. ARMENTROUT
THOMAS M. CUNNINGHAM
DENISE M. MENDT
DEBRA L. HULETT
MARK A. SCHULTHEIS
JOHN T. CLENDENIN
NEAL K. WESTIN
STEPHANIE L. MARETT
JORDAN B. HANSELL
CORY R. HARRIS
PATRICK B. WHITE
STEPHANIE G. TECHAU
BRAD C. EPPERLY

SCOTT A. SUNDSTROM
BENJAMIN P. ROACH
ALLISON M. STEUTERMAN
HANNAH M. ROGERS
KATHLEEN K. LAW

OF COUNSEL
SAMUEL G. O'BRIEN
L.R. VOIGTS
DREW R. TILLOTSON
FRANK B. COMFORT
DON MUYSKENS
ROGER L. FERRIS
LUTHER L. HILL, JR.

RAY NYEMASTER
(1914-1995)
D.J. GOODE
(1907-2002)

700 WALNUT, SUITE 1600
DES MOINES, IOWA 50309-3899
(515) 283-3100

1416 BUCKEYE AVENUE, SUITE 200
AMES, IOWA 50010-8070
(515) 233-3000

FACSIMILE
(515)283-3108

WRITER'S DIRECT DIAL NUMBER
(515)283-3132

REPLY TO:
DES MOINES

September 7, 2005

City of Norwalk Iowa
City Hall
705 North Avenue
Norwalk, Iowa 50211

and

H-CM, L.L.C.
c/o Hubbell Realty Company
6900 Westown Parkway
West Des Moines, Iowa 50266

Ladies and Gentlemen:

At your request, we have this date examined abstract of title to the following described real estate situated in Warren County, Iowa, to-wit:

A parcel of land being part of Outlot "Z" of Colonial Meadows Plat 5, an Official Plat now in and forming a part of the City of Norwalk, Warren County, Iowa and all of Parcel "C" in the Southeast 1/4 of the Northeast 1/4 of Section 12, Township 77 North, Range 25 West of the 5th P.M., City of Norwalk, Warren County, Iowa, as shown on that Plat of Survey filed in Irregular Plat Book 19, Page 11, Norwalk, Iowa, described as:

Beginning at the Southeast Corner of said Parcel "C" and the Northerly right of way of Colonial Parkway; thence S89°54'24"W along said Parcel "C", 129.93 feet; thence Southwesterly along

September 7, 2005

Page 2

said Parcel "C" and Outlot "Z" on a 360.00 foot radius curve to the left, 484.96 feet (chord bearing S51°19'11"W, 449.11 feet); thence Southwesterly along said Outlot "Z" on a 440.00 foot radius curve to the right, 162.03 feet (chord bearing S23°16'39"W, 161.11 feet); thence Northwesterly along said Outlot "Z" on a 710.00 foot radius curve to the left, 589.69 feet (chord bearing N70°51'39"W, 572.89 feet); thence N01°08'36"E, 908.91 feet; thence N89°52'46"E, 468.15 feet; thence N00°07'14"W, 374.96 feet; thence N89°47'36"E, 308.69 feet; thence N00°07'14"W, 657.28 feet to the South line of the Legacy Plat 6 an Official Plat now in and forming a part of the City of Norwalk, Warren County, Iowa; thence S87°46'35"E along the said South line of the Legacy Plat 6, 315.26 feet to the East line of said Outlot "Z"; thence S00°07'14"E along said East line, 211.45 feet; thence S14°56'00"W along said East line, 155.20 feet; thence S00°10'29"E along said East line, 100.09 feet; thence S16°41'14"E along said East line, 52.20 feet; thence S00°05'23"E along said East line of Outlot "Z" and Parcel "C", 1178.29 feet to the Point of Beginning,

from Root of Title, as defined in Chapter 614 of the Code of Iowa 2005, to July 18, 2005, at 7:00 a.m., as shown by Iowa Title Company Pencil Notes #54039, consisting of 109 entries; and therefrom, on July 18, 2005, at 7:00 a.m., we find merchantable title to the property under examination as follows:

Parcel "C" of Outlot Z of Colonial Meadows Plat 5, an Official Plat, now in and forming a part of the City of Norwalk, Warren County, Iowa, as shown on that Plat of Survey, prepared by McClure Engineering Company, dated June 23, 2005 and filed for record in the office of the Recorder for Warren County, Iowa, in Irregular Plat Book 19, at Page 11 of Norwalk, said Parcel "C" being more particularly described as follows:

Parcel "C" being part of Outlot Z of Colonial Meadows Plat 5, an Official Plat, now included in and forming a part of the City of Norwalk, Warren County, Iowa, described as beginning at the Southeast Corner of said Outlot Z and the Northerly right-of-way of Colonial Parkway; thence

September 7, 2005

Page 3

S89°54'42"W along the South line of said Outlot Z, 129.93 feet; thence Southwesterly on the South line of said Outlot Z along a 360.00 foot radius curve to the left, 132.25 feet (Chord bearing S79°23'14"W, 131.51 feet); thence N25°55'03"W, 16.69 feet; thence Northwesterly along a 530.00 foot radius curve to the Left, 173.16 feet (Chord bearing N35°16'38"W, 172.39 feet); thence N44°38'14"W, 138.48 feet; thence Northwesterly along a 470.00 foot radius curve to the Right, 364.71 feet (Chord bearing N22°24'24"W, 355.63 feet); thence Northeasterly along a 25.0 foot radius curve to the Right, 39.26 feet (Chord bearing N44°48'30"E, 35.35 feet); thence N89°47'36"E, 573.08 feet to the East line of said Outlot Z; thence S00°05'23"E along said East line, 585.79 feet to the Point of Beginning.

– METROPOLITAN LAND
COMPANY, L.C.

Remainder of property under examination

– H-CM, L.L.C.,

subject to the following, to-wit:

1. At Entry #65 of the Pencil Notes, there is shown Ordinance No. 98-09 of the Norwalk, Iowa City Council, passed on December 17, 1998, adopting a master plan and establishing the rules, regulations and guidelines for the development of the Colonial Meadows Planned Unit Development, and which contains many covenants and restrictions concerning the use and enjoyment of the property therein covered, including the property under examination. For further particulars, see this Ordinance, which was filed for record in the office of the Recorder of Warren County, Iowa on January 26, 1999, in Book 1999, at Page 873.

At Entry #85 of the Pencil Notes, there is shown Ordinance No. 99-04 of the Norwalk, Iowa City Council, passed May 20, 1999, which amended the above-described Ordinance No. 98-09 in certain respects. For further particulars, see this Ordinance, which was filed for record in the office of the Recorder of Warren County, Iowa on April 13, 2000, in Book 2000, at Page 3170.

At Entry #86 of the Pencil Notes, there is shown Ordinance No. 00-09 of the Norwalk, Iowa City Council, passed on May 20, 1999, which further amended said Ordinance No. 98-09 in certain respects. For further particulars, see this Ordinance, which was filed for record in the office of the Recorder of Warren County, Iowa on June 7, 2000, in Book 2000, at Page 5164.

2. At Entry #71 of the Pencil Notes, there is shown a Declaration of Covenants, Conditions and Restrictions for Colonial Meadows, dated July 22, 1999, by Colonial Meadows, L.C., which imposed various covenants, conditions and restrictions upon certain property, including the property under examination, concerning the use and enjoyment of such property. For further particulars, see this Declaration, which was filed for record in the office of the Recorder of Warren County, Iowa on July 22, 1999, in Book 1999, at Page 7539.

At Entry #89 of the Pencil Notes, there is shown a Supplementary Declaration of Covenants for Colonial Meadows, dated June 28, 2000, by Colonial Meadows, L.C., which submits Lots 1, 2, 3 and 4 to the above-mentioned Declaration. For further particulars, see this Supplementary Declaration, which was filed for record in the office of the Recorder of Warren County, Iowa on June 29, 2000, in Book 2000, at Page 6003.

At Entry #99 of the Pencil Notes, there is shown a First Modification of Declaration of Covenants, Conditions and Restrictions for Colonial Meadows and First Modification of Supplementary Declaration of Covenants for Colonial Meadows Plat 2 and First Modification of Supplementary Declaration for Colonial Meadows, dated February 5, 2003, by H-CM, L.L.C., by which, among other things, the first above-described Declaration was further modified and amended in certain respects. For further particulars, see this First Modification, which was filed for record in the office of the Recorder of Warren County, Iowa on February 10, 2003, in Book 2003, at Page 1901.

3. At Entry #90 of the Pencil Notes, there is shown proceedings for the Corrected Final Plat of Colonial Meadows Plat 5, including the Official Plat, indicating thereon various building setbacks and public utility easements. For further particulars, see this Corrected Final Plat of Colonial Meadows Plat 5, which was filed for record in the office of the Recorder of Warren County, Iowa on August 28, 2000, in Book 2000, at Page 7979.

4. At Entry #94 of the Pencil Notes, there is shown a Declaration of Golf Course Easements and Restrictions and Development Easements and Restrictions, dated June 27, 2001, by H-CM, L.L.C., which contains various easements and restrictions upon certain real estate, including the property under examination, concerning the development of a golf course in proximity to the property under examination. For further particulars, see this Declaration, which was filed for record in the office of the Recorder of Warren County, Iowa on June 27, 2001, in Book 2001, at Page 6170.

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5. At Entry #96 of the Pencil Notes, there is shown a Declaration of Covenants, Conditions, Easements and Restrictions Applicable to the Legacy, Norwalk, Warren County, Iowa, dated September 17, 2001, by H-CM, L.L.C., by which there was imposed upon certain real estate, including the property under examination, various covenants, conditions, easements

and restrictions concerning the use and enjoyment of such property. For further particulars, see this Declaration, which was filed for record in the office of the Recorder of Warren County, Iowa on September 18, 2001, in Book 2001, at Page 9480.

At Entry #98 of the Pencil Notes, there is shown a Second Modification of Declaration of Covenants, Conditions, Easements and Restrictions Applicable to the Legacy, Norwalk, Warren County, Iowa, dated July 25, 2002, by H-CM, L.L.C., by which the last above-described Declaration was modified and amended in certain respects. For further particulars, see this Second Modification, which was filed for record in the office of the Recorder of Warren County, Iowa on July 31, 2002, in Book 2002, at Page 8785.

At Entry #100 of the Pencil Notes, there is shown a Third Modification of Declaration of Covenants, Conditions, Easements and Restrictions Applicable to the Legacy, Norwalk, Warren County, Iowa, dated April 25, 2003, by H-CM, L.L.C., by which the last above-described Declaration was further modified and amended in certain respects. For further particulars, see this Third Modification, which was filed for record in the office of the Recorder of Warren County, Iowa on April 28, 2003, in Book 2003, at Page 5801.

6. An Entry #97 of the Pencil Notes, there is shown an Underground Electric Line Easement, dated November 5, 2001, from H-CM, L.L.C. to MidAmerican Energy Company, granting to said utility the right to construct and maintain underground conduit, wires and other necessary equipment incident thereto, through and across certain property, including a strip of land 10 feet in width situated upon the following portion of Outlot Z, to wit:

Commencing at a point on the Northeasterly right-of-way line of Lexington Drive, as it is presently established, said point is 5 feet Southeast of the Southeast corner of lot 5 of Colonial Meadows Plat 4; thence Northeasterly parallel with the Southeast line of said Lot 5 a distance of 125 feet, more or less, to the Point of Termination, said point is 5 feet Southeast of the Northeast corner of said Lot 5.

For further particulars, see this Underground Electric Easement, which was filed for record in the office of the Recorder of Warren County, Iowa on November 16, 2001, in Book 2001, at Page 12071.

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7. At Entry #101 of the Pencil Notes, there is shown a Declaration of Cross Easements, dated August 21, 2003, by H-CM, L.L.C., by which there was established a plan of cross easements to insure vehicular access and water service to smaller lots, particularly abutting Iowa Highway 28 and those immediately West of such lots. For further particulars, see this Declaration of Cross Easements, which was filed for record in the office of the Recorder of Warren County, Iowa on August 21, 2003, in Book 2003, at Page 12390.

8. At Entry #105 of the Pencil Notes, there is shown a Declaration of Restrictive Covenants, dated June 28, 2005, by H-CM, L.L.C., by which there was imposed upon that portion of the property under examination owned by Metropolitan Land Company, L.C. various covenants concerning the use and enjoyment of such property. For further particulars, see this Declaration of Restrictive Covenants, which was filed for record in the office of the Recorder of Warren County, Iowa on June 12, 2005, in Book 2005, at Page 7474.

9. At Entry #107 of the Pencil Notes, there is shown a Mortgage, dated June 28, 2005, from Metropolitan Land Company, L.C. to West Bank, covering the above-described property owned by Mortgagor and given to secure credit in the amount of \$5,000,000. It appears, from the abstract of title, that this Mortgage remains unsatisfied of record. For further particulars, see this Mortgage, which was filed for record in the office of the Recorder of Warren County, Iowa on July 12, 2005, in Book 2005, at Page 7476.

10. The abstracter reports that the property under examination is subject to zoning ordinances of the City of Norwalk, Iowa. To ascertain the classification of the property under examination, and use restrictions thereunder, you should consult the City Zoning Enforcement Officer, City Hall, at Norwalk, Iowa.

11. The abstracter reports that all real estate taxes on the property under examination have been paid in full, except the 2004/2005 taxes, which were not yet available.

12. You are charged with the rights of all parties in possession of the property under examination, or any part or portion thereof.

13. You should make a careful inspection of the property under examination for the purpose of locating the boundary lines thereof and ascertaining encroachments, if any. If you are unable to locate such boundary lines by such examination, then it may be advisable for you to have a survey made by a competent civil engineer or land surveyor, in order that said boundary lines may be definitely ascertained and fixed, and any encroachments discovered.

14. You should make such investigation as may be deemed necessary to ascertain whether or not labor has been performed, or materials furnished, for the improvement of the subject property within the past ninety (90) days for which payment in full has not been made.

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Such unpaid claims may ripen into mechanic's liens, which would not now appear in the abstracts of title.

15. Abstracts of title do not usually disclose the presence of wells, hazardous waste or underground storage tanks on the property thereby covered; and you are hereby advised that, under current law, there may presently exist conditions upon the property under examination, in violation of such laws, which could result in substantial liens for clean-up expense or personal liability for such removal. Accordingly, you should make such inquiry and investigation as you may deem necessary in order to determine the existence of any such conditions concerning the property under examination.

16. As indicated above, the abstract of title is in Pencil Notes which should be written up in final form and certified by the abstracter. After this has been accomplished, the abstract of title should be returned to us for further examination and rendition of final title opinion thereon.

Respectfully submitted,

NYEMASTER, GOODE, WEST,
HANSELL & O'BRIEN, P.C.

By



Lawrence E. Myers
Iowa Title Guaranty #1300

LEM:cls

WHEN RECORDED RETURN TO:

Jennifer L. Drake
Hubbell Realty Company
6900 Westown Parkway
West Des Moines, Iowa 50266-2520

This document was prepared by Jennifer L. Drake, Hubbell Realty Company, 6900 Westown Parkway, West Des Moines, Iowa 50266-2520, (515) 280-2057

SPACE ABOVE THIS LINE FOR RECORDER

CERTIFICATE OF TREASURER OF WARREN COUNTY, IOWA

STATE OF IOWA)
)SS.
COUNTY OF WARREN)

I, Julie Daugherty, Treasurer of Warren County, having examined the records in my office in accordance with the provisions of Section 354.11(5) of the Code of Iowa pertaining to the real property legally described on Exhibit "A" attached hereto, to be hereinafter designated and platted as:

THE LEGACY COMMERCIAL PLAT 1, an Official Plat, now included in and forming a part of the City of Norwalk, Warren County, Iowa,

do hereby certify that the same is free from all certified real estate and personal property taxes, special assessments and special rates and charges.

Nor are there any taxes due for Monies and Credits, Bushels of Grain, Industrial Machinery, Data Processing Equipment, Utilities, or Buildings on Leased Land against either: **H-CM, L.L.C**


who is the record titleholder of all of the land described on said Exhibit "A", except Parcel "C" of Outlot 'Z' of Colonial Meadows Plat 5, an Official Plat now in and forming a part of the City of Norwalk, Warren County, Iowa, as shown on that Plat of Survey, prepared by McClure Engineering Company, dated June 23, 2005 and filed for record in the Office of the Recorder for Warren County, Iowa in Irregular Plat Book 19, Page 11 of Norwalk ("Parcel C");

or against: **METROPOLITAN LAND COMPANY, L. C.**

who is the owner of said Parcel C.

Dated at Indianola, Iowa, this 30 day of August, 2005.

JULIE DAUGHERTY
WARREN COUNTY TREASURER

By: 
Treasurer

Subscribed and sworn to before me this 30 day of August, 2005.



Charlene M. Ramthun
Notary Public in and for said State of Iowa

EXHIBIT A
LEGAL DESCRIPTION

A parcel of land being part of Outlot "Z" of Colonial Meadows Plat 5, an Official Plat now in and forming a part of the City of Norwalk, Warren County, Iowa and all of Parcel "C" in the Southeast 1/4 of the Northeast 1/4 of Section 12, Township 77 North, Range 25 West of the 5th P.M., City of Norwalk, Warren County, Iowa, as shown on that Plat of Survey filed in Irregular Plat Book 19, Page 11, Norwalk, Iowa, described as:

Beginning at the Southeast Corner of said Parcel "C" and the Northerly right of way of Colonial Parkway; thence S89°54'24"W along said Parcel "C", 129.93 feet; thence Southwesterly along said Parcel "C" and Outlot "Z" on a 360.00 foot radius curve to the left, 484.96 feet (chord bearing S51°19'11"W, 449.11 feet); thence Southwesterly along said Outlot "Z" on a 440.00 foot radius curve to the right, 162.03 feet (chord bearing S23°16'39"W, 161.11 feet); thence Northwesterly along said Outlot "Z" on a 710.00 foot radius curve to the left, 589.69 feet (chord bearing N70°51'39"W, 572.89 feet); thence N01°08'36"E, 908.91 feet; thence N89°52'46"E, 468.15 feet; thence N00°07'14"W, 374.96 feet; thence N89°47'36"E, 308.69 feet; thence N00°07'14"W, 657.28 feet to the South line of the Legacy Plat 6 an Official Plat now in and forming a part of the City of Norwalk, Warren County, Iowa; thence S87°46'35"E along the said South line of the Legacy Plat 6, 315.26 feet to the East line of said Outlot "Z"; thence S00°07'14"E along said East line, 211.45 feet; thence S14°56'00"W along said East line, 155.20 feet; thence S00°10'29"E along said East line, 100.09 feet; thence S16°41'14"E along said East line, 52.20 feet; thence S00°05'23"E along said East line of Outlot "Z" and Parcel "C", 1178.29 feet to the Point of Beginning, said parcel contains 30.79 acres and is subject to easements and restrictions of record.

RESOLUTION NO. 0901-05-41

A RESOLUTION APPROVING THE FINAL PLAT FOR THE LEGACY COMMERCIAL PLAT 1.

WHEREAS, the Planning & Zoning Commission reviewed this request at their regular meeting and recommends approval of the final plat for The Legacy Commercial Plat 1, PZ Case No. 05-24, now therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORWALK, IOWA, that:

The final plat is approved:

PASSED AND APPROVED this 1st day of September, 2005.

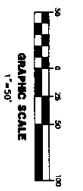
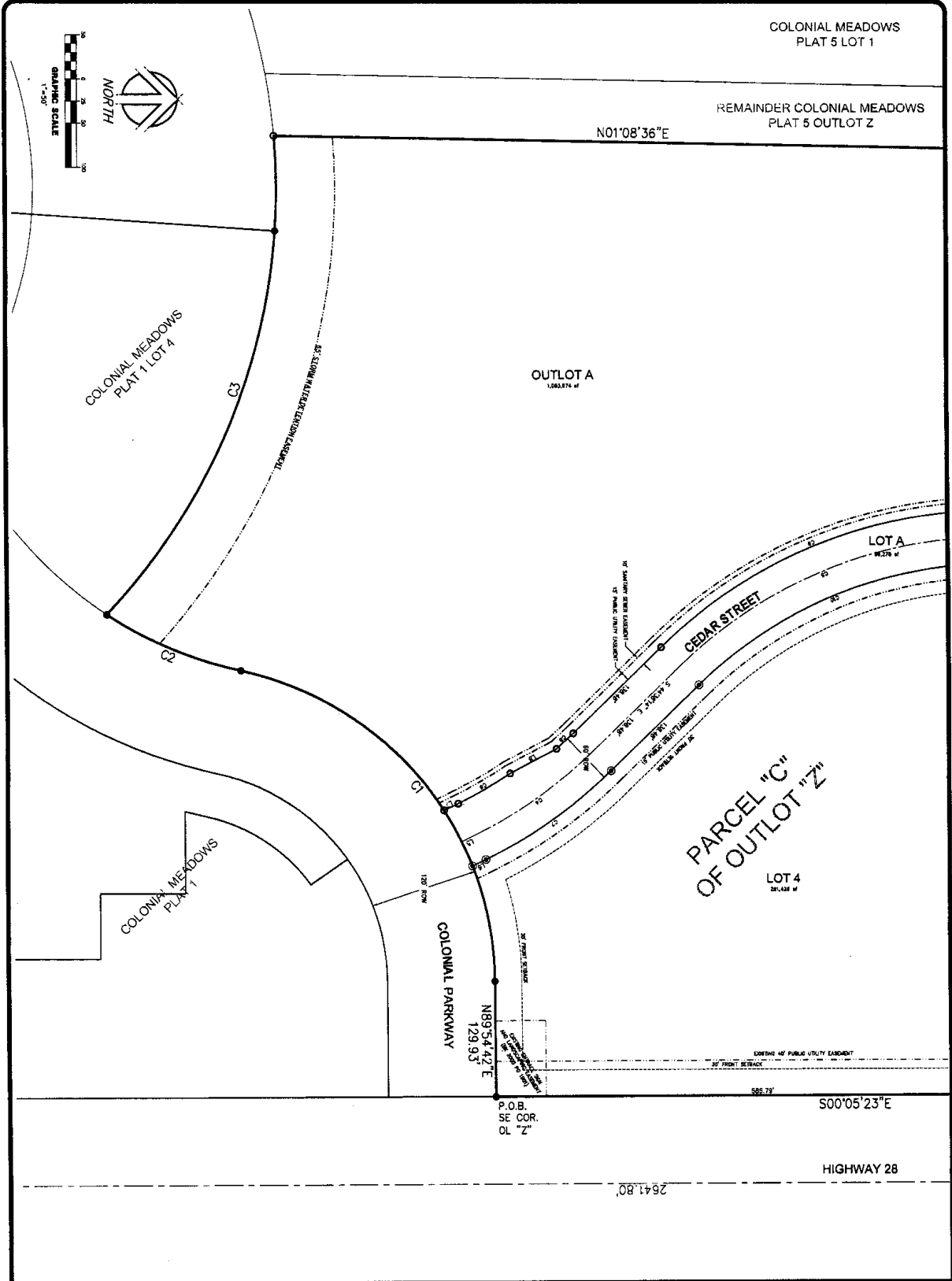

JERRY L. STARKWEATHER, MAYOR

ATTEST:


JENNIFER L. SEASE, CITY CLERK

ROLL CALL VOTE:

	<u>Aye</u>	<u>Nay</u>
Wahl	<u>✓</u>	—
Hixenbaugh	<u>✓</u>	—
Lorenzen	<u>✓</u>	—
Lankford	<u>✓</u>	—
McClarnon	<u>✓</u>	—



COLONIAL MEADOWS
PLAT 5 LOT 1

REMAINDER COLONIAL MEADOWS
PLAT 5 OUTLOT Z

N01°08'36"E

OUTLOT A
1.6625 ac

COLONIAL MEADOWS
PLAT 1 LOT 4

LOT A
0.6225 ac

PARCEL "C"
OF OUTLOT "Z"

LOT 4
24.48 ac

COLONIAL MEADOWS
PLAT 1

COLONIAL PARKWAY

CEDAR STREET

HIGHWAY 28

N89°54'42"E
129.93'

P.O.B.
SE COR.
DL "Z"

S00°05'23"E

2641.80'

Project No. **Fp-01**
Date **02/04**

The Legacy Commercial
Final Plat 1
Map No. 11
238005
June 8, 2005

Author: **J. Ruffing**
Checked: **C. Smith**
Reviewed: **B. Thompson**

August 27, 2005
September 7, 2005

The Legacy Commercial
Final Plat 1

M E C
ENGINEERING COMPANY
705 Felt Avenue, North
Fond du Lac, WI 54601
Phone: 920-921-2725
Fax: 920-921-4223

4000 NE Independence Avenue
Fond du Lac, WI 54601
Phone: 920-921-2300
Fax: 920-921-2300

1128 5th St., Suite 212
Oshkosh, WI 54901
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Fax: 920-231-4444

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