

COMPARED

Fee 80- 14365

STATE OF IOWA, Pottawattamie County
Filed for record the 19 day of May
1987 at 2:00 o'clock P.M. and recorded
in book 87 page 29544

CERTIFICATE AND DEDICATION
OF PLAT OF
COUNTRY KNOLL SUBDIVISION
DIVISION V
IN POTTAWATTAMIE COUNTY, IOWA

By John Fiorino Recorder
Deputy

NOW on this 19 day of May, 1987, J. F.

Duggan Construction, Inc., duly organized and incorporated under the laws of the State of Iowa, by Jerry F. Duggan, President of said corporation, in accordance with the Articles of Incorporation of said corporation, does hereby certify that the foregoing and accompanying plat is an addition to the following described real estate, situated in Pottawattamie County, Iowa, and which real estate is more particularly described as follows:

A tract of land located in part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3, Township 74 North, Range 43 West of the 5th P.M., Pottawattamie County, Iowa, more fully described as follows: Commencing at the Northeast corner of said Section 3 and point of beginning; thence S00°35'18"W along the East line of said NE $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 920.00 feet to the Northeast corner of Lot 29, Country Knoll Subdivision Division 4; thence along the northerly line of said Division 4 the following courses and distances: N89°24'42"W 241.00 feet, N00°35'18"E 121.30 feet, N89°24'42"W 110.00 feet, N57°56'24"W 73.02 feet, N00°35'18"E 71.88 feet, N89°24'42"W 86.72 feet, N21°08'51"E 117.48 feet, N42°16'47"W 112.06 feet to the northerly most corner of Lot 14, Country Knoll Subdivision Division 4; thence N47°43'13"E a distance of 729.92 feet to the point of beginning. Said tract contains 6.884 acres, more or less. NOTE: The East line of said NE $\frac{1}{4}$ NE $\frac{1}{4}$ is assumed to bear S00°35'18"W for this description.

Said plattor does hereby state that it is the sole and only owner and proprietor in fee simple of the above-described property. I further state that under my direction and with my consent I have caused the above real estate to be surveyed and platted by Dale E. Miller, registered land surveyor, as shown by said plat which is attached hereto, and I hereby ratify and confirm the subdivision of said tract into the lots and streets as shown thereon. That I have secured and have attached hereto a complete Abstract of Title to the real estate owned by me, and described above, in a title opinion certified by Donald T. Steege, attorney at law, certifying that fee title in said real estate is in the undersigned, and that the same is free from encumbrances. The addition of the above-mentioned real estate is made with the consent and full knowledge of said corporation and its officers and in accordance with the desire that the above-mentioned real estate is to be subdivided and that said addition be named Country Knoll Subdivision, Division V, in Pottawattamie County,

Entered for Taxation MAY 19 1987

87 29544

Marilyn J. Diske COUNTY AUDITOR

COMPARED

Iowa. All of said lots are abutting on and laid out with reference to existing streets and avenues. The street as laid out and shown on the accompanying plat is hereby dedicated to the public for street purposes, and such street is to be known as Dayan Drive.

J. F. DUGGAN CONSTRUCTION, INC.

By Jerry F. Duggan
Jerry F. Duggan, President

STATE OF IOWA)
) ss.
COUNTY OF POTTAWATTAMIE)

Now on this 19 day of May, 1987,
personally appeared before me, a Notary Public in and for said State of Iowa, Jerry F. Duggan, to me known to be the person who executed the foregoing instrument and acknowledged that he executed the same as his voluntary act and deed, for and on behalf of said corporation, and who, further being duly sworn, did say that he is President of J. F. Duggan Construction, Inc., and that the corporation has no seal, and that the said instrument was signed on behalf of said corporation under due authority under the Articles of Incorporation.



Sharon K Yates
Notary Public

STEEGE LAW OFFICES

SUITE 311

FIRST FEDERAL SAVINGS AND LOAN BUILDING

421 WEST BROADWAY

COUNCIL BLUFFS, IOWA 51501

712/322-7300

DONALD T. STEEGE

May 19, 1987

COMPARED

ABSTRACT OPINION

TO: County Recorder
County Treasurer
Clerk of the District Court

This is to advise that I have examined an Abstract of Title to the property described as follows:

A tract of land located in part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 3, Township 74 North, Range 43 West of the 5th P.M., Pottawattamie County, Iowa, more fully described as follows: Commencing at the Northeast corner of said Section 3 and point of beginning; thence S00°35'18"W along the East line of said NE $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 920.00 feet to the Northeast corner of Lot 29, Country Knoll Subdivision Division 4; thence along the northerly line of said Division 4 the following courses and distances: N89°24'42"W 241.00 feet, N00°35'18"E 121.30 feet, N89°24'42"W 110.00 feet, N57°56'24"W 73.02 feet, N00°35'18"E 71.88 feet, N89°24'42"W 86.72 feet, N21°08'51"E 117.48 feet, N42°16'47"W 112.06 feet to the northerly most corner of Lot 14, Country Knoll Subdivision Division 4; thence N47°43'13"E a distance of 729.92 feet to the point of beginning. Said tract contains 6.884 acres, more or less. NOTE: The East line of said NE $\frac{1}{4}$ NE $\frac{1}{4}$ is assumed to bear S00°35'18"W for this description.

I find this abstract has been prepared pursuant to Chapter 614.29 through 614.38 of the 1981 Code of Iowa, Chapter 11 of the Iowa Land Title Examination Standards, and the abstracting standards of the Iowa Land Title Association, and is continued through 2 o'clock p.m., on the 19 day of May, 1987, as certified by the Abstract Guaranty Company, Council Bluffs, Iowa.

I find good and marketable title in fee simple and free from material objections, except as are hereinafter mentioned, to be in J. F. DUGGAN CONSTRUCTION, INC.

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COMPARED

Abstract Opinion

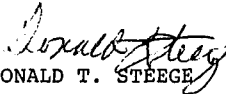
Page 2

TO: County Recorder
County Treasurer
Clerk of the District Court

I find that general taxes for the year 1985 and prior years are paid. All previous taxes, including personal taxes applicable to said real estate, have been paid. There are no special assessments against said property.

I find no other liens, judgments, or encumbrances against said real estate.

Sincerely yours,


DONALD T. STEEGE

DTS/sky

87 29547

COMPARED

DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS
FOR
COUNTRY KNOLL SUBDIVISION,
DIVISION V
IN
POTTAWATTAMIE COUNTY, IOWA

This Declaration, made this 19 day of May,
1987, by the undersigned,

WITNESSETH:

WHEREAS, the undersigned are the owners of the real estate described in Clause I of this Declaration, and are desirous of subjecting the real property described in said Clause I to the restrictions, covenants, reservations, easements, liens and charges hereinafter set forth, each and all of which is and are for the benefit of said property and for each owner thereof, and shall inure to the benefit of and pass with said property, and each and every parcel thereof, and shall apply to and bind the successors in interest and any owner thereof;

NOW, THEREFORE, the undersigned hereby declares that the real property described in and referred to in Clause I hereof, is and shall be held, transferred, sold and conveyed, subject to the conditions, restrictions, covenants, reservation, easements, liens, and charges herein set forth.

CLAUSE I

Property Subject to this Declaration

The real property which is, and shall be, held and shall be conveyed, transferred, and sold, subject to these conditions, restrictions, reservations, easements, liens and charges, with respect to the various portions thereof set forth in the various clauses and subdivisions of this Declaration is located in Pottawattamie County, State of Iowa, and is more particularly described in the Plat of Country Knoll Subdivision, Division V, in Pottawattamie County, Iowa, attached hereto and incorporated herein by this reference.

No property other than that described above shall be subject to this Declaration, unless and until specifically made subject thereto.

CLAUSE II

General Purposes of Conditions

The real property described in Clause I hereof is subject to the covenants, restrictions, conditions, reservations, liens and charges hereby declared to insure the best use and the most appropriate development and improvement of each building site thereof, to protect the owners of building sites against such improper use of surrounding building sites as will depreciate the value of their property; to preserve, as far as practical, the natural beauty of said property; to guard against the erection of poorly designed or proportioned structures, and structures built of improper or unsuitable materials; to obtain harmonious color schemes; to insure the highest and best development of said property; to encourage and secure the erection of attractive homes thereon with appropriate locations thereon on building sites; to prevent haphazard and inharmonious improvement of building sites; to secure and maintain proper setbacks from street and adequate free spaces between structures; and in general to provide adequately for a high type and quality of improvement in said property, and thereby to enhance the values of investments made by the purchaser of building sites therein.

A. All lots described herein shall be known, described and used solely as residential lots, and no structures shall be erected on any lot other than one detached single-family dwelling, not to exceed two stories in height and a three car garage.

B. No trailer, basement, tent, shack, garage, or barn, or other outbuilding erected on the tract shall at any time be used as a residence, temporarily or permanently, nor shall any residence of a temporary character be permitted.

A motor boat, houseboat, or similar water-borne vehicle may be maintained, stored, or kept on any parcel of property covered by these covenants, only if housed completely within the family garage or some other suitable type of permanent building.

COMPARED

-3-

C. No building shall be erected on any lot unless the design and location is in harmony with the existing structures and locations in the tract and does not violate any of these covenants. In any case, no dwelling having a ground floor square foot area of less than 1,092 square feet in the case of a one (1) story structure, nor less than 700 square feet in the case of a one and one-half (1½) story or two (2) story structure, shall be permitted on any lot described herein. Permanent earth homes shall be permitted provided they comply with section H of these restrictions.

D. The titleholder of each lot, vacant or improved, shall keep his lot or lots free of weeds and debris. It is further provided herein that during the construction of any dwelling on any lot, the contractor shall not store any building materials on said lot, unless the same are placed in an enclosed building.

E. No obnoxious nor offensive trades shall be carried on upon any lot nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

F. A perpetual easement is reserved over, across and through the side and front five feet of all lots, and over, across and through the rear ten feet of all lots for utility installation and maintenance.

G. No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other wastes shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

H. All building plans and plot plans shall be approved in writing by J. F. Duggan Construction, Inc., prior to the commencement of any construction.

I. These covenants are to run with the land and shall be binding upon all parties and all persons claiming under them for a period of 25 years from the date these covenants are recorded, and said covenants shall be automatically extended for successive periods of ten years unless by vote of the then majority of the owners in the building sites covered by these covenants it is agreed to change such covenants in whole or in part.

COMPARED

CLERK OF THE DISTRICT COURT

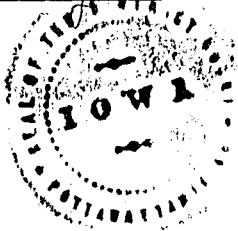
CERTIFICATION

STATE OF IOWA)
) ss.
COUNTY OF POTTAWATTAMIE)

I, Sarah Tamms, being first duly sworn, on oath depose and state that I am the Clerk of the District Court of Pottawattamie County, Iowa, and I do hereby certify that the tract of land described in the foregoing Owner's Certification, said tract of land being laid out into lots by the attached plat, is free and clear of all unpaid judgments, attachments, mechanic's liens or any other liens and that there are no suits pending that would affect the title of said real estate as shown by the records of this office.

Witness my hand and official seal this 19 day of

May, 1987.



Sarah Tamms
Sarah Tamms, Clerk of the District
Court, Pottawattamie County, Iowa

COMPARED

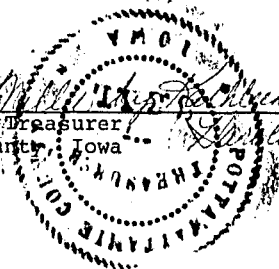
TREASURER'S CERTIFICATE

STATE OF IOWA)
) ss.
COUNTY OF POTTAWATTAMIE)

I, Judy Ann Miller, being first duly sworn, on oath depose and state that I am the Treasurer of Pottawattamie County, Iowa, and I do hereby certify that the tract of land described in the foregoing Owner's Certification, said tract of land being laid out into lots by the attached plat, is free and clear of any and all unpaid taxes and tax liens.

Witness my hand and official seal this 19th day of May, 1987.

Judy Ann Miller
Judy Ann Miller, Treasurer
Pottawattamie County, Iowa




COMPARED

RECORDER'S CERTIFICATION

STATE OF IOWA)
) ss.
COUNTY OF POTTAWATTAMIE)

I, John Sciortino, being first duly sworn, on oath depose and state that I am the Recorder of Pottawattamie County, Iowa, and I hereby certify that the tract of land described in the foregoing Owner's Certification, said tract of land being laid out into town lots by the attached plat, and that title to said tract of land is in J. F. Duggan Construction, Inc., and that said tract of land is free of all encumbrances.

Witness my hand and official seal this 19th day of May, 1987.



John Sciortino, Recorder
Pottawattamie County, Iowa

Commencing at the Northeast corner of said Section 3 and POINT OF BEGINNING; thence S00°35'18"W along the East line of said NE1/4 NE1/4 a distance of 920.00 feet to the Northeast corner of Lot 29, Country Knoll Subdivision Division 4; thence along the Northerly line of said Division 4 the following courses and distances: N89°24'42"W 241.00 feet, N00°35'18"E 121.30 feet, N89°24'42"W 110.00 feet, N57°56'24"W 73.02 feet, N00°35'18"E 71.88 feet, N89°24'42"W 86.72 feet, N21°08'51"E 117.48 feet, N42°16'47"W 112.06 feet to the Northerly most corner of lot 14, Country Knoll Subdivision Division 4; thence N47°43'13"E a distance of 729.92 feet to the POINT OF BEGINNING. Said tract contains 6.884 acres, more or less.

NOTE: The East line of said NE1/4 NE1/4 is assumed to bear S00°35'18"W for this description.

I hereby certify that this plat, map, survey or report was made by me or under my direct personal supervision and that I am a duly Registered Land Surveyor under the laws of the State of Iowa.

SIGNED: Dale E. Miller DATE: 4/13/87
Dale E. Miller P.E. & L.S. IOWA REG. NO. 9517

DEDICATION:

Know all men of these presents: that the owner of the land described in the surveyor's certificate and embraced within this plat, have caused the same to be platted into lots: to be known as Lots 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28 of Country Knoll Subdivision Division 5 in Pottawattamie County, Iowa, as appears on this plat is made with free consent and in accordance with the desire of the undersigned owner and proprietor.

I hereby certify that the following documents will be recorded with the Pottawattamie County Recorder contemporaneous with the filing of the final plat:

- a. All private restrictions and/or covenants, if any, which will be a part of the subject development
- b. Notarized certification of owner that the subdivision as it appears hereon is with the free consent and in accordance with the desire of the owner
- c. Certified statement of the County Treasurer that the subdivided land is free from taxes
- d. Certified statement of the Clerk of the District Court that the subdivision is free from all judgments, attachments, mechanic's or other liens
- e. Certified statement of the County Recorder that the subdivision is free from encumbrances
- f. Certified statement for dedication of 66' road right of way for Dayan Drive.

In witness whereof I do hereunto set my hand this 24 day of April, 1987 A.D.

J. F. DUGGAN CONSTRUCTION, INC.

J. F. Duggan
J. F. Duggan, President

COMPARED

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SORS

~~5-14-87~~
Date

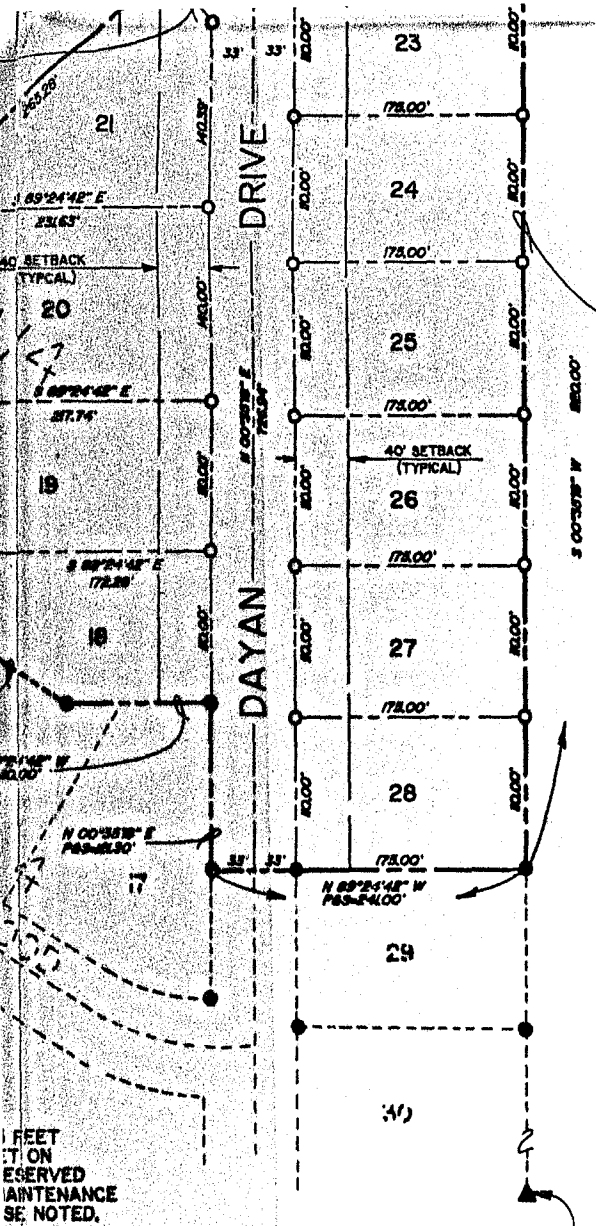
~~5-14-87~~
Date

~~10-87~~
Date

~~5-19-87~~
Date

~~5-19-87~~
Date

ASSOCIATED ENGINEERS AND SURVEYORS
 COUNCIL BLUFFS, IOWA
 TITLE
 IN VIEW OF
 DATE
 COUNTRY
 DIV
 J.F. DUGGAN CONSTRUCTION, INC.
 1705 MCPHERSON AVE.
 COUNCIL BLUFFS, IA.
 PAC-SOFT CLIENT
 DRAWN BY DM.
 APRIL, 1987
 APPLIED BY



SCALE: 1"=100'

87 29559

EAST LINE
NE 1/4 NE 1/4

E 1/4 CORNER
SEC. 3-74-43

FEET
ON
RESERVED
MAINTENANCE
SEE NOTED.

Township of
Pottawattamie

Commencing
BEGINNING
a distance
Knoll Subd
Division 4
feet, N00
73.02 fe
N21°08'51"
most corner
N47°43'13"
Said tract

NOTE: The
S00°35'18"

I hereby
or under
Registered
SIGNED:

Date E. M.

DEDICAT

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- b.
- c.
- d.
- e.
- f.

In wit
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J. F.
J. F.

COMPARED

POTTAWATTAMIE COUNTY BOARD OF SUPERVISORS

Wayne L. Bryant 5-14-87
Approved By Chairman Date

POTTAWATTAMIE COUNTY ENGINEER

Charles E. Hale 5-14-87
Approved By C.E. Hale Date

CITY PLANNING COMMISSION

Bruce J. Hunter 5-18-87
Approved By Chairman Date

CITY COUNCIL

Samuel J. Drwin 5-19-87
Approved By Mayor Date

ATTESTED BY

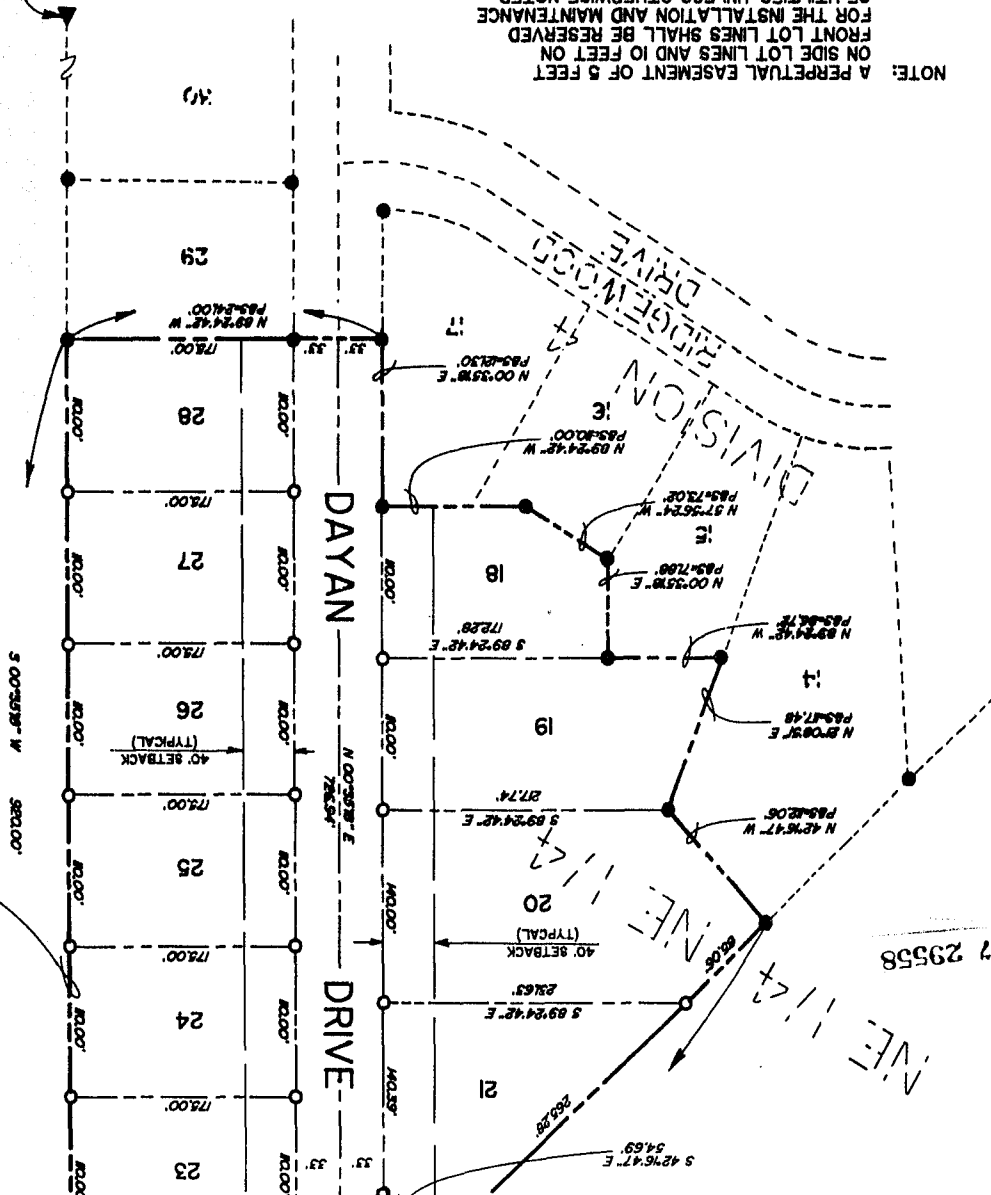
Debra J. Wells 5-19-87
City Clerk Date

87 29557

COMPARED

NOTE: A PERPETUAL EASEMENT OF 5 FEET ON SIDE LOT LINES AND 10 FEET ON FRONT LOT LINES SHALL BE RESERVED FOR THE INSTALLATION AND MAINTENANCE OF UTILITIES, UNLESS OTHERWISE NOTED.

E 1/4 CORNER SEC. 3-74-43



POTAWATOMIE
 Approved By CH
 Approved By C
 CITY PLANNING
 Approved By CH
 CITY COUNCIL
 Approved By MA
 ATTESTED BY
 City Clerk

SCALE=

87 29558

COMPARED

NORTH LINE
NE 1/4 NE 1/4

25' PERPETUAL DRAINAGE
AND UTILITY EASEMENT

NE CORNER
SEC. 3-74-43
POINT OF
BEGINNING

COUNT

J.F. DUG

LEGEND

- = FOUND IRON PIN
- ▲ = FOUND CONCRETE MONUMENT
- = SET T-BAR w/CAP #9917
- 3 = SURVEY DISTANCE
- P = PLAT DISTANCE AS PER COUNTRY KNOW DIVISION 4

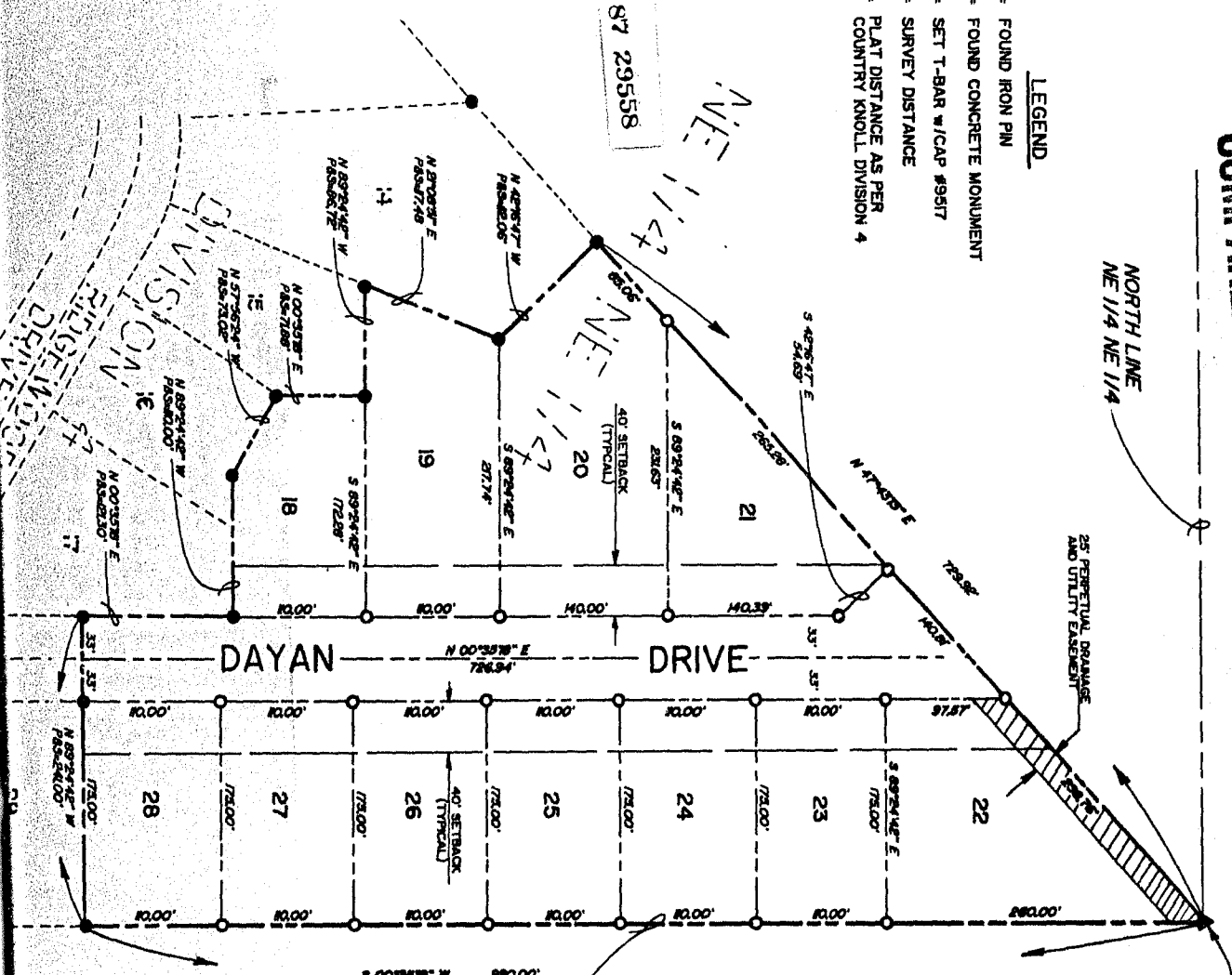
87 29558

NE 1/4

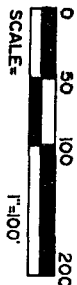
EAST LINE
NE 1/4 NE 1/4



87 29559



NE CORNER
SEC. 3-74-43
POINT OF
BEGINNING



EAST LINE
NE 1/4 NE 1/4

920.00' 3 00' 35.18\"/>

FINAL PLAT COUNTRY KNOLL SUBDIVISION DIVISION 5

J.F. DUGGAN CONSTRUCTION, INC., OWNER

COMPARED

LEGAL DESCRIPTION:

A tract of land located in part of the NE1/4 NE1/4 of Section 3, Township 74 North, Range 43 West of the 5th Principal Meridian, Pottawattamie County, Iowa, more fully described as follows:

Commencing at the Northeast corner of said Section 3 and POINT OF BEGINNING; thence S00°35'18"W along the East line of said NE1/4 NE1/4 a distance of 920.00 feet to the Northeast corner of Lot 29, Country Knoll Subdivision Division 4; thence along the Northernly line of said Division 4 the following courses and distances: N89°24'42"W 241.00 feet, N00°35'18"E 121.30 feet, N89°24'42"W 110.00 feet, N57°56'24"W 73.02 feet, N00°35'18"E 71.88 feet, N89°24'42"W 66.72 feet, N21°08'51"E 117.48 feet, N42°16'47"W 112.06 feet to the Northernly most corner of lot 14, Country Knoll Subdivision Division 4; thence N47°43'13"E a distance of 729.92 feet to the POINT OF BEGINNING. Said tract contains 6.884 acres, more or less.

NOTE: The East line of said NE1/4 NE1/4 is assumed to bear S00°35'18"W for this description.

I hereby certify that this plat, map, survey or report was made by me or under my direct personal supervision and that I am a duly Registered Land Surveyor under the laws of the State of Iowa.
SIGNED: Dale E. Miller DATE: 4/13/87

Dale E. Miller P.E. & L.S. IOWA REG. NO. 9517

87 29559

DEDICATION:

Know all men of these presents: that the owner of the land described in the surveyor's certificate and embraced ...