

COMPARED

-2-

caused the above real estate to be surveyed and platted by H. Gene McKeown and Associates, Inc., as shown by the 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 the said real estate is in the undersigned, and that the same is free from encumbrance. 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 be subdivided and that said addition be named Country Knoll Subdivision, Division I, in Pottawattamie County, Iowa. All of said lots are abutting on and laid out with reference to existing streets and avenues. The streets as laid out and shown on the accompanying plat are hereby dedicated to the public for street purposes, and such streets are to be known as Ridgewood Drive and Covena Circle.

J. F. DUGGAN CONSTRUCTION, INC.

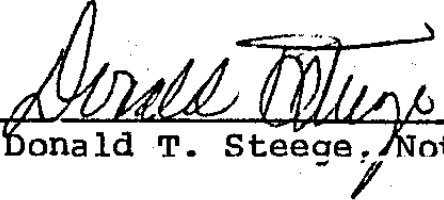
By Jerry F. Duggan
JERRY F. DUGGAN, President

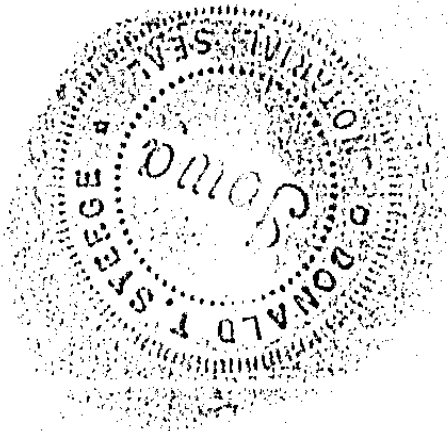
STATE OF IOWA)
) ss.
POTTAWATTAMIE COUNTY)

Now, on this 15th day of JUNE, 1978, personally appeared before me, a Notary Public in and for Pottawattamie County, 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

COMPARED

corporation, and who, further being duly sworn, did say he is the President of J. F. Duggan Construction, Inc., and that the corporation has no seal, and that said instrument was signed on behalf of said corporation under due authority under the Articles of Incorporation.


Donald T. Steege, Notary Public



COMPARED

SURVEYOR'S CERTIFICATE

I, H. Gene McKeown, Registered Land Surveyor, hereby certify that under my direct personal supervision I caused to be made a survey of the following described real estate, to-wit:

A tract of land located in part of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ all in Section 3, Township 74 North, Range 43 West of the 5th Principal Meridian, Pottawattamie County, Iowa, more fully described as follows:

Commencing at the Southwest corner of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ and point of beginning; thence N0° 20'51"E along the West line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 1191.67 feet; thence N47°43'13"E a distance of 415.00 feet; thence S42°16'47"E a distance of 150.00 feet; thence S29°31'22"E a distance of 67.67 feet; thence S42°16'47"E a distance of 102.56 feet to the beginning of a curve concave Southwesterly and having a radius of 117.00 feet and a central angle of 42°37'38"; thence Southeasterly along said curve an arc length of 87.05 feet and having a chord bearing and distance of S20°57'58"E, 85.05 feet to the end of said curve; thence S0°20'51"W and parallel to the West line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 12.88 feet; thence N89°39'09"W a distance of 150.00 feet; thence S0°20'51"W and parallel to the West line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 532.83 feet; thence S18°39'09"E a distance of 142.78 feet; thence S89°39'09"E a distance of 18.52 feet; thence S18°39'09"E a distance of 449.83 feet to a point on the centerline of a county road formerly known as Highway 100; thence S83°30'41"W along said centerline a distance of 339.74 feet to a point on the South line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$; thence S89°48'28"W along the South line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 265.14 feet to the point of beginning. Said tract contains 14.072 acres, more or less, including presently established county road right of way.

NOTE: The West line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ is assumed to bear N0°20'51"E for this description.

I further certify that on behalf of J. F. Duggan Construction, Inc., under my direct personal supervision I had surveyed and staked by iron pins a tract of land located in part of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$, all in Section 3, Township 74 North, Range 43 West of the 5th Principal Meridian, Pottawattamie County, Iowa, to be known as Country Knoll Subdivision, Division I, in Pottawattamie County, Iowa, consisting of Lots 1 through 10 inclusive, and Lots 69 through 79 inclusive, said plat giving the dimensions of each lot by length and width, and that the width and courses of the streets established therein are as set out in the plat.

COMPARED

-2-

Dated this 1st day of June, 1978.

H. Gene McKeown

H. GENE MCKEOWN

P.E. & L.S. Iowa Reg. # 3684

COMPARED

LAW OFFICES
POGGE, ROOT AND STEEGE

RAYMOND E. POGGE
THOMAS L. ROOT
DONALD T. STEEGE

ASSOCIATE:
JOHN D. LESLEY

TELEPHONE 322-2579
AREA CODE 712

FEDERAL I. D. No. 42-083727J
308 FIRST FEDERAL SAVINGS & LOAN BLDG.
COUNCIL BLUFFS, IOWA 51501

June 2, 1978

ABSTRACT OPINION

TO:
County Recorder
County Treasurer
Clerk of the District Court

This is to advise that I have examined abstract of title to the following described real estate, to-wit:

A tract of land located in part of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ all in Section 3, Township 74 North, Range 43 West of the 5th Principal Meridian, Pottawattamie County, Iowa, more fully described as follows:

Commencing at the Southwest corner of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ and point of beginning; thence N0°20'51"E along the West line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 1191.67 feet; thence N47°43'13"E a distance of 415.00 feet; thence S42°16'47"E a distance of 150.00 feet; thence S29°31'22"E a distance of 67.67 feet; thence S42°16'47"E a distance of 102.56 feet to the beginning of a curve concave Southwesterly and having a radius of 117.00 feet and a central angle of 42°37'38"; thence Southeasterly along said curve an arc length of 87.05 feet and having a chord bearing and distance of S20°57'58"E, 85.05 feet to the end of said curve; thence S0°20'51"W and parallel to the West line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 12.88 feet; thence N89°39'09"W a distance of 150.00 feet; thence S0°20'51"W and parallel to the West line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 532.83 feet; thence S18°39'09"E a distance of 142.78 feet; thence S89°39'09"E a distance of 18.52 feet; thence S18°39'09"E a distance of 449.83 feet to a point on the centerline of a county road formerly known as Highway 100; thence S83°30'41"W along said centerline a distance of 339.74 feet to a point on the South line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$; thence S89°48'28"W along the South line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 265.14 feet to the point of beginning. Said tract contains 14.072 acres, more or less, including presently established county road right of way.

78 23825

Abstract Opinion

TO: County Recorder
County Treasurer
Clerk of the District Court

COMPARED

NOTE: The West line of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ is assumed to bear
NO $^{\circ}$ 20'51"E for this description.

I find that this abstract has been prepared pursuant to Chapter 614.29 through 614.38 of the 1977 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 to 9:30 o'clock A.m. on the 2 day of June, 1978, as certified by the Title Guaranty Company, Council Bluffs, Iowa.

I find good and merchantable title in fee simple and free from material objections, except as are hereinafter mentioned, to be in J. F. Duggan Construction, Inc.

I find a mortgage by Jerry F. Duggan and Dolores M. Duggan, husband and wife, to First National Bank of Council Bluffs, Council Bluffs, Iowa. The mortgage is dated February 28, 1978, filed for record on March 1, 1978 in the office of the Pottawattamie County Recorder in Book 78 at Page 17032.


I find that general taxes for the year 1976 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,

POGGE, ROOT AND STEEGE

By:


Donald T. Steege

DTS:js

78 23826

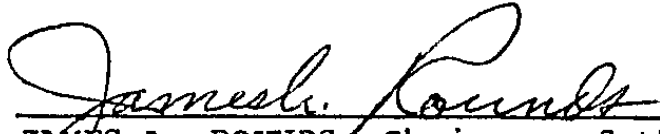
COMPARED

CERTIFICATE OF APPROVAL
OF THE
POTTAWATTAMIE COUNTY PLANNING COMMISSION

STATE OF IOWA)
) ss.
COUNTY OF POTTAWATTAMIE)

I, James A. Rounds, Chairman of the Pottawattamie County Planning Commission, do hereby certify that at a meeting of the Pottawattamie County Planning Commission, duly held in Council Bluffs, Iowa, on the 31st day of May, 1978, there was passed and approved the final plat of Country Knoll Subdivision, Division I, in Pottawattamie County, Iowa.

Dated this 31st day of May, 1978.



JAMES A. ROUNDS, Chairman of the
POTTAWATTAMIE COUNTY ZONING COMMISSION

COMPARED

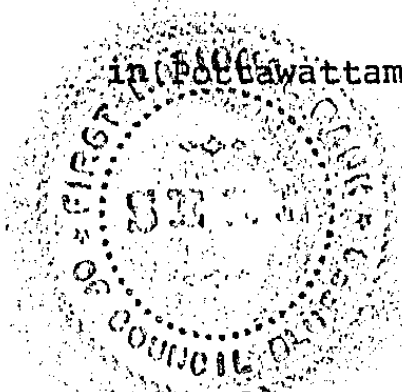
CONSENT OF MORTGAGE HOLDER

Comes now First National Bank of Council Bluffs, Council Bluffs, Iowa, by Stanley Duysen, Vice President, which is the holder of a mortgage dated February 28, 1978, filed for record in the office of the Pottawattamie County Recorder, Council Bluffs, Iowa, on March 1, 1978, in Book 78 at Page 17032, in the amount of \$103,300.60, said mortgage being given by Jerry F. Duggan and Dolores M. Duggan, husband and wife, to First National Bank of Council Bluffs, which real estate covers the following described real estate, to-wit:

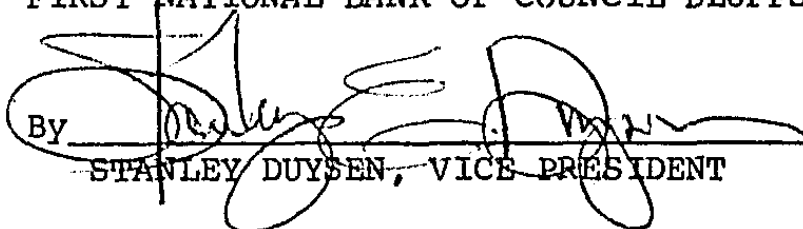
E $\frac{1}{2}$ of the NE $\frac{1}{4}$, Section 3, Township 74 North, Range 43 West of the 5th Principal Meridian, Pottawattamie County, Iowa, except that part lying south of the southerly right of way line of an existing county road formerly known as Highway 100,

and states:

That it hereby consents to the platting of a tract of land as shown by the survey of Carl H. Rogers, Jr., and releases the encumbrance of its mortgage from the above-described tract of land, of all streets, easements and other areas conveyed or dedicated to Pottawattamie County, Iowa, in Country Knoll Subdivision, Division I, in Pottawattamie County, Iowa.



FIRST NATIONAL BANK OF COUNCIL BLUFFS

BY  STANLEY DUYSEN, VICE PRESIDENT

STATE OF IOWA)
) ss.
 POTTAWATTAMIE COUNTY)

Now, on this 31st day of May, 1978, personally appeared before me, a Notary Public in and for said County and State, Stanley Duysen, 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, being

COMPARED

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duly sworn, did say that he is the Vice President of First National Bank of Council Bluffs, and that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was duly signed and sealed on behalf of said corporation, under due authority under the Articles of Incorporation.



Doris W. Pettit

NOTARY PUBLIC

78 23829

COMPARED

CLERK OF THE DISTRICT COURT

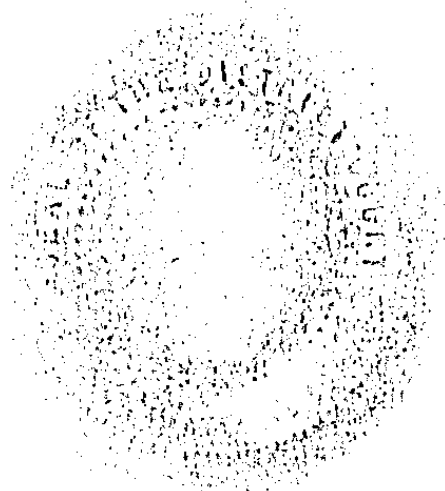
CERTIFICATION

STATE OF IOWA)
) ss.
COUNTY OF POTTAWATTAMIE)

I, Donald J. Diwocky, being first duly sworn on oath, depose and state that I am 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 2 day of June,

1978.


Donald J. Diwocky
DONALD J. DIWOKY
CLERK OF THE DISTRICT COURT

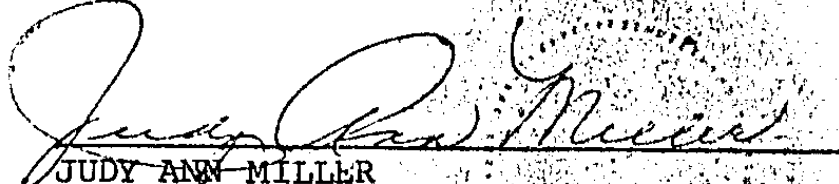
COMPARED

TREASURER'S CERTIFICATE

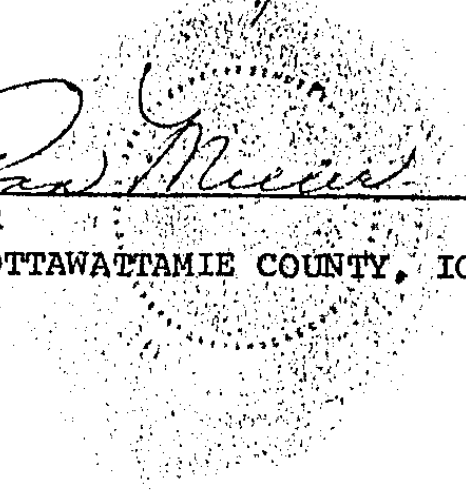
STATE OF IOWA)
) ss.
COUNTY OF POTTAWATTAMIE)

I, Judy Ann Miller, being duly sworn on oath, depose and state that I am the Treasurer of Pottawattamie County, Iowa, and 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 2 day of June,
1978.



JUDY ANN MILLER
TREASURER OF POTTAWATTAMIE COUNTY, IOWA



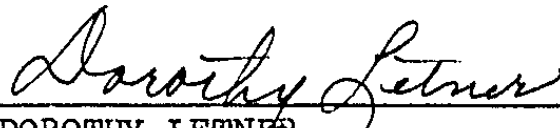
COMPAKED

RECORDER'S CERTIFICATION

STATE OF IOWA)
) ss.
POTTAWATTAMIE COUNTY)

I, Dorothy Letner, being duly sworn on oath, depose and state that I am Recorder 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 town lots by the attached plat, and that the title to said tract of land is in J. F. Duggan Construction, Inc.; that said tract of land is free of any and all encumbrances except the following: Mortgage by Jerry F. Duggan and Dolores M. Duggan, husband and wife, to First National Bank of Council Bluffs, filed for record in the Office of the Pottawattamie County Recorder on March 1, 1978, in Book 78, at Page 17032.

Witness my hand and official seal this 2 day of June,
1978.



DOROTHY LETNER
POTTAWATTAMIE COUNTY RECORDER

COMPARED

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

This Declaration, made this 2/21 day of May, 1978, by the undersigned,

W I T N E S S E T H

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 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, reservations, 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

COMPARED

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of Iowa, and is more particularly described in the Plat of Country Knoll Subdivision, Division I, in Pottawattamie County, Iowa, attached hereto and incorporated herein by 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 thereof 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 two and one-half (2½) car garage.

COMPARED

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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.

The keeping of a mobile home or motor home, either with or without wheels, on any parcel of property covered by these covenants is prohibited. 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. No vehicle of any kind shall be stored on any lots other than those inside the family garage. No vehicle of any kind shall be stored on any lot unless it would be inside the garage of said home.

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.

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 (5) feet of all lots, and over, across and

COMPARED

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through the rear ten (10) feet of all lots for utility installation and maintenance.

A perpetual easement is reserved for drainage over, across and through the following described lots:

A part of Lot 1 in Country Knoll Subdivision, Division I, being a part of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ all in Section 3, Township 74 North, Range 43 West of the 5th Principal Meridian, Pottawattamie County, Iowa, more fully described as follows:

Commencing at the Northwest corner of said Lot 1; thence S0°20'51"W along the West line of said Lot 1 a distance of 151.13 feet to the point of beginning; thence continuing S0°20'51"W along the West line of said Lot 1 a distance of 128.13 feet to the beginning of a curve concave Southeasterly and having a radius of 183.00 feet and a central angle of 60°00'00"; thence Northeasterly along a portion of said curve an arc length of 111.79 feet and having a chord bearing and distance of N17°50'51"E, 110.06 feet; thence N54°39'09"W a distance of 40.40 feet to the point of beginning.

NOTE: The West line of said Lot 1 is assumed to bear S0°20'51"W for this description.

and

A part of Lot 79 in Country Knoll Subdivision, Division I, being a part of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ all in Section 3, Township 74 North, Range 43 West of the 5th Principal Meridian, Pottawattamie County, Iowa, more fully described as follows:

Commencing at the Southwest corner of said Lot 79; thence N0°20'51"E a distance of 12.62 feet to the point of beginning; thence continuing N0°20'51"E a distance of 60.00 feet; thence S34°58'21"E a distance of 68.87 feet to a point of a non tangent curve concave Northerly and having a radius of 2831.79 feet and a central angle of 6°25'28"; thence Southwesterly along a portion of said curve and along the Northerly right-of-way line of a county road formerly known as Highway #100 an arc length of 40.00 feet and having a chord bearing and distance of S84°53'32"W, 40.00 feet to the point of beginning.

NOTE: The West line of said Lot 79 is assumed to bear N0°20'51"E for this description.

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 materials shall be kept in a clean and sanitary condition.

COMPARED

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 twenty-five (25) years from the date these Covenants are recorded, and said Covenants shall be automatically extended for successive periods of ten (10) years unless by vote of the then owners of a majority of the building sites covered by these Covenants it is agreed to change such Covenants in whole or in part.

Executed on the above date set forth.

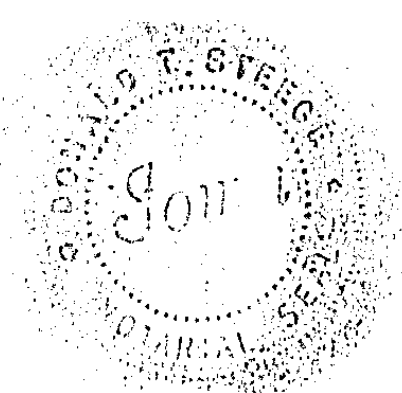
J. F. DUGGAN CONSTRUCTION, INC.

By Jerry F. Duggan
JERRY F. DUGGAN President

STATE OF IOWA)
) ss.
POTTAWATTAMIE COUNTY)

On this 1st day of June, 1978, before me, a Notary Public in and for said County and State, personally appeared Jerry F. Duggan, to me personally known, who being by me duly sworn, did say that he is the President of said Corporation; that said Corporation has no seal; that said instrument was signed on behalf of said Corporation by the authority of its Board of Directors and the said Jerry F. Duggan acknowledged the execution of said instrument to be the voluntary act and deed of said corporation by it voluntarily executed.

Donald T. Steege
DONALD T. STEEGE Notary Public



Curve Data

(A) AS PER SURVEY Δ: 6°25'28" D: 2°00'00" T: 160.78' L: 321.22' E: 4.51' R: 2864.79'	(A) AS PER PROJ. #132 CO. ROAD B PLANS Δ: 6°32'00" D: 2°00'00" T: 163.50' L: 326.66' E: 4.65' R: 2865.00'
(B) Δ: 60°00'00" D: 38°11'50" T: 86.60' L: 157.08' E: 23.21' R: 150.00'	(C) Δ: 60°00'00" D: 38°11'50" T: 86.60' L: 157.08' E: 23.21' R: 150.00'
(D) Δ: 47°22'22" D: 38°11'50" T: 65.80' L: 124.02' E: 13.80' R: 150.00'	(E) Δ: 35°30'00" D: 76°23'40" T: 24.01' L: 46.47' E: 3.75' R: 75.00'
(F) AS PER SURVEY Δ: 8°47'26" D: 2°00'00" T: 220.20' L: 439.53' E: 8.45' R: 2864.79'	(F) AS PER PROJ. #132 CO. ROAD B PLANS Δ: 8°50'00" D: 2°00'00" T: 221.25' L: 441.66' E: 8.53' R: 2865.00'

COMPARED

SW 1/4 NE 1/4
SEC. 3-74-43

LEGEND

- SET 5/8" REBAR WITH CAP MARKED RLS 7717
- 5/8" REBAR WITH CAP MARKED RLS 7717 TO BE SET BY OCT. 30, 1978
- FOUND IRON PIN
- BC BEGIN CURVE
- EC END CURVE
- PRC. POINT OF REVERSE CURVE
- P.C.C. POINT OF COMPOUND CURVE
- P.I. POINT OF INTERSECTION
- R RADIUS
- C CHORD LENGTH
- A ARC LENGTH

BEARING & DISTANCE

13/14	50°20'51"N 60.00'	WEST LINE SE 1/4 NE 1/4
13/15	53°58'21"E 60.87'	
14/15	N84°53'32"E C=40.00' A=40.00'	
15/16	N83°59'58"E C=44.71' A=44.71'	PERPETUAL DRAINAGE CASEMENT

