

COMPARED

RESTRICTIONS AND COVENANTS

OF

COUNTRYSIDE ACRES

WHEREAS, Jack K. Sayers and Vivian J. Sayers, husband and wife, now the owners of property and lots contained in Countryside Acres, in Pottawattamie County, Iowa, which addition is described as follows, to-wit:

A parcel of land located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, Township 74, Range 43 West, more particularly described as follows: Commencing at the W $\frac{1}{2}$ corner of the said Section 12, Township 74, Range 43 West, thence North along the West side of Section 12 a distance of 1325.78 feet to the point of beginning, thence continuing North along the section line a distance of 905.75 feet, thence East a distance of 33.0 feet, thence N 22° 05' E a distance of 163.35 feet, thence N 85° 36' E a distance of 578.25 feet, thence S 00° 04' E a distance of 1117.11 feet, thence N 88° 37' W a distance of 639.14 feet, thence West a distance of 33.0 feet to the point of beginning and containing 16.48 acres more or less. (Note: West side of Section 12, Township 74, Range 43 assumed to be due North and South)

WHEREAS, said owners desire to restrict all of the above described real estate as hereinafter stated for their benefit and for the benefit of all future owners of lots in said subdivision.

NOW THEREFORE, the said owners do hereby create and establish the following restrictions which shall become binding on all of the property and lots in said subdivision and also upon the owner or owners at any time of any of the above described lots of the above described subdivision to the extent hereinafter indicated, to-wit:

1. All lots described herein shall be known, described and used solely as residential lots, and no structure shall be erected on any residential building lots, other than detached single-family dwellings, not to exceed two stories in height and a one, two or

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three car garage. Each lot shall be and constitute a separate building site, and not less than a full lot, as shown on the plat of said subdivision, shall be used as a building site, and not more than one dwelling shall be built on any one lot.

2. No building shall be erected on a residential building plot nearer than fifty (50) feet from the front lot line, nor nearer than ten (10) feet to any side lot line or rear lot line. The side line and rear line restrictions shall not apply to a garage or other accessory buildings located on the rear one quarter (1/4) of a lot, except that on corner lots, no structure shall be permitted nearer than fifteen (15) feet to the street side line.

3. No building shall be erected on a lot unless the design and location is in harmony with existing structures and locations in the tract, and does not violate any protective covenants. In any case, no dwelling shall be permitted on any lot, having a ground floor square foot area of less than nine hundred (900) square feet in the case of a one story structure, nor less than seven hundred fifty (750) square feet in the case of a one and one-half or two story structure; said dimension is to be exclusive of attached garage or covered patio.

4. No trailer, basement, tent, shack, garage or barn or other out-buildings or accessory building erected in this subdivision shall at any time be used as a residence, temporarily or permanently, nor shall any residence of a temporary character be permitted.

5. No obnoxious or offensive trade shall be carried on or upon any lot, nor shall anything be done thereon which may be or become an annoyance or a nuisance to the subdivision. No signs, billboards or other public displays shall be erected on or situated on any lot, except that the owner may maintain a "For Sale" or "For Rent" sign, said sign not to exceed eight square feet in area, which shall be permitted as the occasion requires.

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6. Sewage and waste disposal shall be by individual septic tank, but each owner or owners agree to discontinue the use of such septic tank system within one year after a sanitary sewer system is constructed in said subdivision.

7. No prefabricated home or dwelling shall be assembled or constructed in said subdivision.

8. Any owner or owners of any lot may keep not more than two saddle horses or saddle ponies on said lot for their personal use, but the raising, feeding or maintaining of any other livestock or poultry is expressly forbidden.

9. Titleholder of each lot, vacant or improved, shall keep his lot or lots free of weeds and debris, and no lot shall be used for any purpose other than for residential use.

10. These covenants and restrictions are to run with the land and shall be binding on all parties and all persons claiming under them until the year 1985, at which time such covenants and restrictions shall automatically terminate.

11. The parties hereto, or any of them, or their heirs, assigns or devisees shall violate or attempt to violate any of the covenants or restrictions herein, before the year 1985, it shall be lawful for any other person or persons owning any other lots in the said subdivision or development to prosecute any proceeding at law or in equity against such person or persons violating or attempting to violate such covenants or restrictions, and either to prevent them from so doing, or to recover damages or other expenses for such violation.

12. Invalidation of any of these covenants by judgment or court order shall in no ways affect any of the other provisions which shall remain in full force and effect.

13. By acceptance of any deed of conveyance to any lot in said subdivision, the grantee or grantees thereof agree

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to uphold and comply with the foregoing restrictions and covenants,
anything to the contrary in such deed to be of no force and effect.

DATED AT COUNCIL BLUFFS, IOWA, THIS 5 DAY OF
OCTOBER, 1965.

Jack K. Sayers
Jack K. Sayers

Vivian J. Sayers
Vivian J. Sayers

STATE OF IOWA)
POTTAWATTAMIE COUNTY) SS.

Now on this 5 day of October, 1965,
before me, a Notary Public in and for said county and state,
appeared Jack K. Sayers and Vivian J. Sayers, husband and wife,
who acknowledged that they executed the above and foregoing
Restrictions and Covenants as their voluntary act and deed.

Paul H. Sathoff
NOTARY PUBLIC
PAUL H. SATHOFF

COMPARED

I hereby certify that a parcel of land, to be called "COUNTRYSIDE ACRES", located in the NE1/4 of Section 12-76-43, Pottawattamie County, Iowa, was surveyed and staked and subdivided under my supervision as shown on this plat.

A. Gene McKeown
A. Gene McKeown P.E. & L.S. 3358



AUDITOR'S CERTIFICATE

I, A. W. Biesendorfer, the duly elected, qualified and acting Auditor of Pottawattamie County, State of Iowa, do hereby certify that the property described in the Engineer's Certificate attached hereto, be and it is hereby subdivided as an Auditor's Subdivision for assessment, taxation purposes as authorized by Chapter 409, Code of Iowa, 1962, as amended; to be known as "Countryside Acres" and consisting of Lots numbered 1 to 14, inclusive; all as shown by the Plat to which this certificate is attached and made a part hereof.

STATE OF IOWA)
POTTAWATTAMIE COUNTY) SS.

A. W. Biesendorfer
COUNTY AUDITOR

Now on this 5 day of October, 1965, before me, a Notary Public in and for said Pottawattamie County, State of Iowa, appeared A. W. Biesendorfer, to me known to be the duly elected, qualified and acting Auditor of Pottawattamie County, Iowa, who acknowledged that he executed the above and foregoing certificate as his voluntary act and deed, and in his official capacity as Auditor of Pottawattamie County, State of Iowa.

Paul H. Aubrey
NOTARY PUBLIC

OWNERS' CERTIFICATE

We, Jack K. Sayers and Vivian J. Sayers, husband and wife, being first duly sworn on oath, depose and state that we are the sole owners and proprietors of the real estate described in the Engineer's Certificate attached hereto, and acknowledge that the described real estate has been subdivided and a plat caused to be made of said real estate by a registered land surveyor of the State of Iowa, and said real estate has been subdivided into suburban lots for assessment taxation purposes as an Auditor's Subdivision. The subdivision of said lots is made with our full knowledge and consent and we hereby dedicate the platted roadways or streets for use in providing ingress and egress to all of the lots shown in said subdivision and the use of said streets or roadways shall constitute a right appurtenant to all of the lots in said subdivision and we do hereby dedicate to the public for street purposes the said roadways and streets as laid out and shown on the accompanying plats, said streets to be known as Hillcrest Road, and Hillside Lane, and Ivy Lane. All legal title to each platted lot shall include one half of the abutting roadway situated between the lot lines extended to the centerline of the roadway. All as done by the Auditor of Pottawattamie County, Iowa, this date.

Jack K. Sayers
Jack K. Sayers

Vivian J. Sayers
Vivian J. Sayers

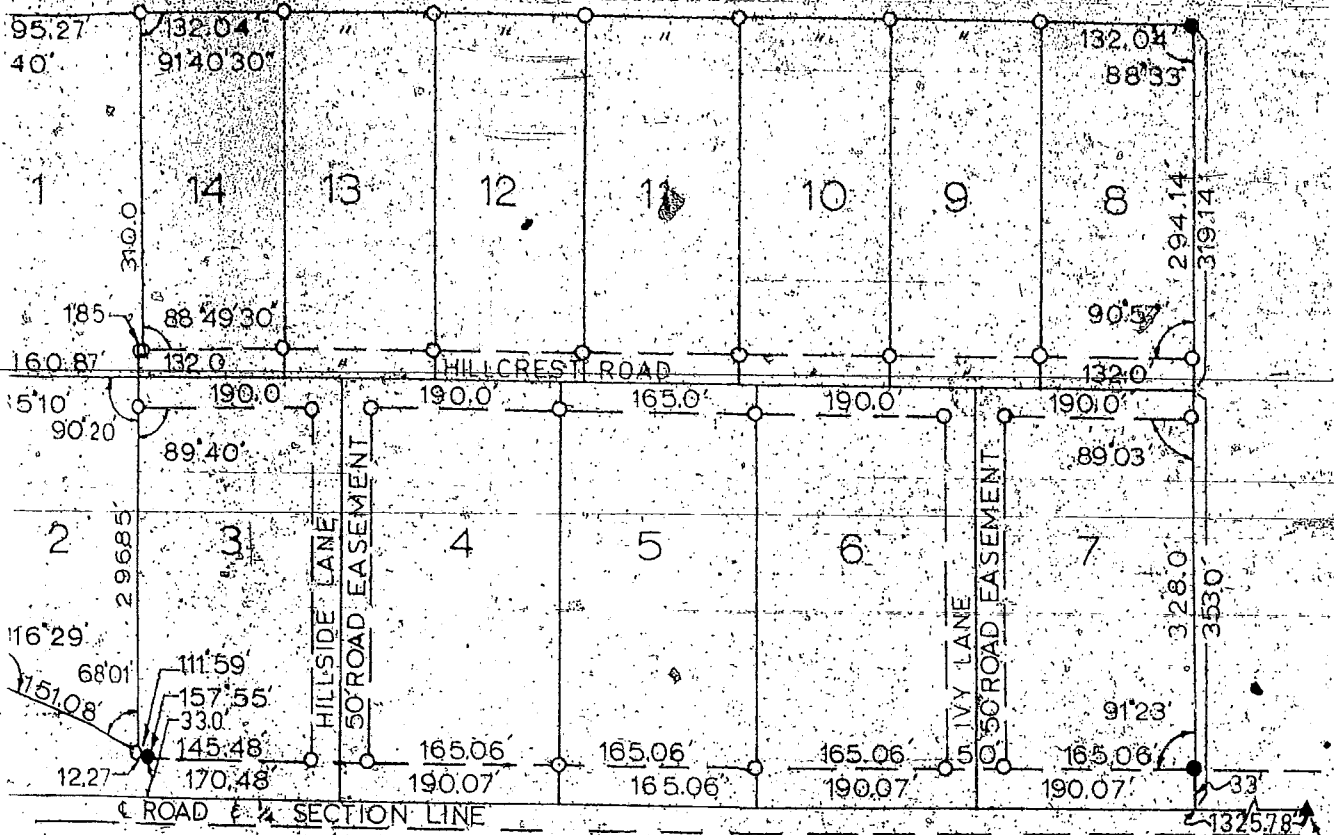
STATE OF IOWA)
POTTAWATTAMIE COUNTY) SS.

Now on this 5 day of October, 1965, before me, a Notary Public in and for said Pottawattamie County, State of Iowa, personally appeared Jack K. Sayers and Vivian J. Sayers, husband and wife, to me known to be the identical persons named in and who executed the within and foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

Paul H. Aubrey
NOTARY PUBLIC

HIGHWAY 92





W 1/4 COR. 12-74-43

File 858 25557

STATE OF IOWA, Polk County
 Filed for record this 5 day of October
 1965 at 2 o'clock P.M. and recorded
 in book 1404 page 369.

Donny L. Kamin
 Surveyor

Final Plat of COUNTRYSIDE ACRES; Auditor's Subdivision 12-74-43 Polk County, Iowa		
SCALE: 1" = 100'	APPROVED BY: <i>H. Gene McKeown</i>	DRAWN BY: <i>H.</i>
DATE: 10-1-65		REVISED
H. Gene McKeown & Associates Consulting Engineers, Council Bluffs, Iowa		