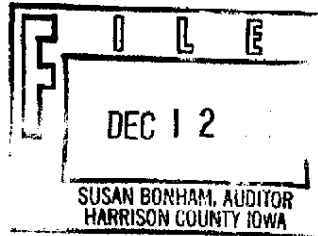


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FILE NO. 1987
BOOK 554 PAGE 1987

DEC 11 PM 12:49
Lorie A. Thompson
LORIE A. THOMPSON
RECORDER
HARRISON CO. IOWA



Alan J. anderson, 110 N. 2nd Avenue, Logan, Iowa 51546 (712) 644-2485

ALTWEGG
& ANDERSON
ATTORNEYS AT LAW
110 N. 2nd Ave, Logan, Iowa 51546
(712)644-2485
Fax (712)644-2448
E-mail: aalaw@loganet.net

November 29, 2001

ATTORNEY'S OPINION

RE: Eagle Ridge Acres Phase III

TO WHOM IT MAY CONCERN:

The undersigned recites and declares that he has examined the abstract of title which includes the real property described on the attached Schedule "A" made a part hereof by this reference, commencing with the "root of title" to the subject property, certified to by the Harrison County Title & Guaranty Company of Logan, Iowa, under the date of November 26, 2001, at 8:00 o'clock a.m. as certification #22363.

TITLE

Based solely upon my examination of the subject abstract, I find marketable title in fee simple and free from material objections, to be an undivided one-half interest in James R. Hughes and Monica A. Hughes, husband and wife, as joint tenants with full rights of survivorship and not as

tenants in common, and an undivided one-half interest in Ralph E. Spencer III and Ruth E. Spencer, husband and wife, as joint tenants with full rights of survivorship and not as tenants in common.

EXCEPTIONS

1. Entry No. 17 of the abstract shows a mortgage executed by James R. Hughes and Monica A. Hughes, husband and wife, to Glenwood State Bank, dated September 30, 1994, and filed October 4, 1994, in Book 547, on Page 829 of the records of Harrison County, encumbering the above described premises, and other property; consideration in the amount of \$150,000.00. This mortgage is a first and valid lien on the subject premises.

2. Entry No. 24 of the abstract shows a mortgage executed by James R. Hughes and Monica A. Hughes, husband and wife, to Glenwood State Bank, dated September 30, 1994, and filed May 2, 1995, in Book 547, on Page 2593 of the records of Harrison County, encumbering the above described premises and other property; consideration in the amount of \$77,500.00. This mortgage is a valid lien on the subject premises.

3. Entry No. 28 of the abstract gives notice of the Harrison County Zoning Ordinance. Questions concerning the application of the Harrison County Zoning Ordinance upon the use of the subject premises should be resolved by careful review of the Harrison County Zoning Ordinance as maintained by the Harrison County Auditor.

4. Entry No. 29 of the abstract shows that the real estate taxes for the fiscal year which ended June 30, 2001, are paid as well as the real estate taxes for all prior years. Said entry shows that there are no current special assessments unpaid.

CAUTIONS

This opinion is confined to an examination of the abstract only and title is passed only upon what appears of record in the abstract. No inspection has been made of the premises nor does this opinion cover the rights of parties in possession. Neither does this opinion report on the actual location of the premises, boundary lines, buildings thereon, or easements existing by virtue of usage only, as such items cannot be shown in an abstract.

Certain liens may exist by virtue of labor and/or materials furnished to improve the above premises. These items may be filed at any time within ninety days. If such improvements have been made recently you should ascertain whether they have been paid for in full.

In this connection it is also stated that no certification is made as to special assessments except as to those certified to the office of the County Treasurer for collection. You should be certain that there are no special assessments pending against the property under examination.


Except where otherwise disclosed in this opinion, you should ascertain any

restrictions as to building, occupancy or usage contained in applicable zoning or other county/city ordinances because such information does not appear in the abstract. You should also determine the rights of access to and from public roadways.

You should determine whether any solid waste, hazardous substances, pollutants, above or below ground storage tanks, drainage wells, landfill sites or other environmentally regulated conditions exist on the property. Such conditions are not ordinarily shown in the abstract, but they may result in injunctions, fines, required cleanup, or other remedial actions under federal, state or local laws. These laws may impose liens against the property and personal liability against the owner, even though the owner did nothing to create the condition and acquired the property without knowing about it.

NOTE: As of November 1, 1996, all District Court information is obtained through the ICIS system of the Harrison County Clerk's Office. We only certify to the information obtainable by this abstract office from said ICIS computer system, as of this date.

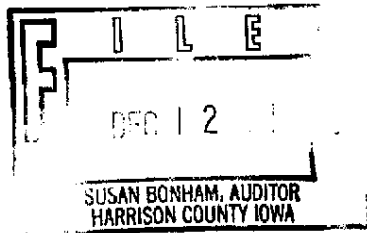
Respectfully submitted,


Alan J. Anderson
of Altwegg & Anderson

AJA:ss

SCHEDULE "A"

A parcel of land located in part of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) and in part of the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) all in Section Three (3), Township Seventy-eight (78) North, Range Forty-four (44) West of the 5th P.M., Harrison County, Iowa, more particularly described as follows: Commencing at the Southeast corner of said NE $\frac{1}{4}$ SE $\frac{1}{4}$; thence North 0°30'09" West along the east line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ and along the centerline of Liberty Avenue, a distance of 10.58 feet to the point of beginning; thence south 89°29'51" West a distance of 77.81 feet; thence South 52°47'02" West a distance of 91.99 feet to the beginning of a tangent circular curve concave Northwesterly and having a radius of 866.00 feet and a central angle of 11°22'03"; thence Southwesterly, along said curve, an arc length of 171.81 feet, and having a chord bearing and distance of South 58°28'04" West, 171.53 feet to the end of said curve; thence South 64°09'05" West a distance of 50.89 feet to the beginning of a tangent circular curve concave Northwesterly and having a radius of 692.99 feet and a central angle of 23°36'53"; thence Southwesterly along said curve, an arc length of 285.65 feet, and having a chord bearing and distance of South 75°57'32" West 283.61 feet to the end of said curve; thence South 87°45'58" West a distance of 334.17 feet to the beginning of a tangent circular curve concave Southerly and having a radius of 1669.24 feet and a central angle of 3°49'24"; thence Southwesterly along said curve, an arc length of 111.41 feet and having a chord bearing and distance of South 85°51'06" West 111.39 feet to the end of said curve; thence South 83°56'34" West a distance of 138.31 feet; thence North 80°20'06" West a distance of 5.69 feet to the Northeasterly corner of Lot 20 of Eagle Ridge Acres, Phase II; thence North 11°38'04" East along the Easterly line of said Eagle Ridge Acres, Phase II, a distance of 66.04 feet to the Southeasterly corner of Lot 19 of said Eagle Ridge Acres, Phase II; thence North 5°26'59" West along the easterly line of said Eagle Ridge Acres, Phase II, a distance of 1134.34 feet to the Northeasterly corner of Lot 14 of said Eagle Ridge Acres, Phase II and also, being the Southwest corner of Lot 10 of Eagle Ridge Acres, Phase I, thence South 88°12'19" East, along the South line of said Eagle Ridge Acres, Phase I, a distance of 1013.45 feet to the Southeast corner of Lot 5 of said Eagle Ridge Acres, Phase I; thence South 0°30'09" East along the West line of Lots 3, 2 and 1 of said Eagle Ridge Acres, Phase I, a distance of 826.90 feet to the Southwest corner of Lot 1 of said Eagle Ridge Acres, Phase I; thence South 53°05'01" East a distance of 112.05 feet; thence North 52°47'02" East a distance of 113.89 feet to a point on the South line of Lot 1 of said Eagle Ridge Acres, Phase I; thence North 89°29'51" East along the South line of Lot 1 of said Eagle Ridge Acres, Phase I, a distance of 99.71 feet to the Southeast corner of Lot 1 of said Eagle Ridge Acres, Phase I; thence South 0°30'09" East, along the east line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ and along the centerline of said Liberty Avenue, a distance of 66.00 feet to the point of beginning. Said parcel contains 25.767 acres, more or less. Said parcel is subject to an easement for Liberty Avenue right of way. Said Easement contains 0.050 of an acre, more or less. Note: The East line of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ is assumed to bear North 0°30'09" West for this description.



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LORIE A. THOMPSON
RECORDER
HARRISON CO IOWA

Alan J. Anderson, 110 N. 2nd Avenue, Logan, Iowa 51546. (712)644-2485

STATEMENT OF CONSENT BY MORTGAGE HOLDER

PURSUANT TO IOWA CODE SECTION 354.11(2)

RE: Property described on the attached Schedule "A" made a part hereof by this reference.

Glenwood State Bank, by Grant C. Dean
(name)

VP
(title), and in accordance with Section 354.11(2) of the Iowa Code,

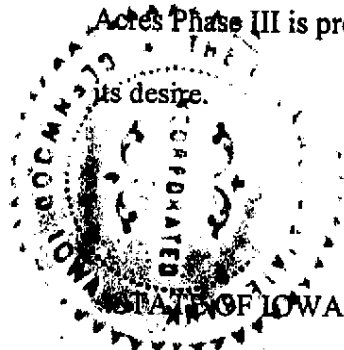
states that the Plat filed in respect to the above described real property concerning Eagle Ridge

Acres Phase III is prepared with the free consent of Glenwood State Bank and in accordance with

its desire.

GLENWOOD STATE BANK

BY: [Signature]



(STATE OF IOWA, COUNTY OF MILLS) ss.

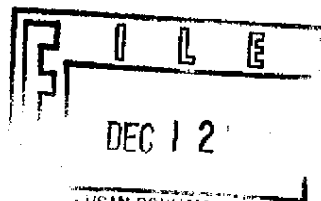
On this 10 day of DECEMBER, 2001, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared GRANT C. DEAN, to me personally known, who being by me duly sworn, did say that (he/she) is the VICE PRESIDENT of the corporation executing the within and foregoing instrument to which this is attached, that the seal of the corporation is attached hereto; that the instrument was signed on behalf of the corporation by authority of its Board of Directors; and that GRANT C. DEAN, as such officer, acknowledged the execution of the foregoing instrument to be the voluntary act and deed of the corporation, by it and by (him/her) voluntarily executed.



[Signature]
Notary public in and for said County and State
JANET HALL

SCHEDULE "A"

A parcel of land located in part of the Northeast Quarter of the Southeast Quarter (NE¼ SE¼) and in part of the Southeast Quarter of the Southeast Quarter (SE¼ SE¼) all in Section Three (3), Township Seventy-eight (78) North, Range Forty-four (44) West of the 5th P.M., Harrison County, Iowa, more particularly described as follows: Commencing at the Southeast corner of said NE¼ SE¼; thence North 0°30'09" West along the east line of said NE¼ SE¼ and along the centerline of Liberty Avenue, a distance of 10.58 feet to the point of beginning; thence south 89°29'51" West a distance of 77.81 feet; thence South 52°47'02" West a distance of 91.99 feet to the beginning of a tangent circular curve concave Northwesterly and having a radius of 866.00 feet and a central angle of 11°22'03"; thence Southwesterly, along said curve, an arc length of 171.81 feet, and having a chord bearing and distance of South 58°28'04" West, 171.53 feet to the end of said curve; thence South 64°09'05" West a distance of 50.89 feet to the beginning of a tangent circular curve concave Northwesterly and having a radius of 692.99 feet and a central angle of 23°36'53"; thence Southwesterly along said curve, an arc length of 285.65 feet, and having a chord bearing and distance of South 75°57'32" West 283.61 feet to the end of said curve; thence South 87°45'58" West a distance of 334.17 feet to the beginning of a tangent circular curve concave Southerly and having a radius of 1669.24 feet and a central angle of 3°49'24"; thence Southwesterly along said curve, an arc length of 111.41 feet and having a chord bearing and distance of South 85°51'06" West 111.39 feet to the end of said curve; thence South 83°56'34" West a distance of 138.31 feet; thence North 80°20'06" West a distance of 5.69 feet to the Northeasterly corner of Lot 20 of Eagle Ridge Acres, Phase II; thence North 11°38'04" East along the Easterly line of said Eagle Ridge Acres, Phase II, a distance of 66.04 feet to the Southeasterly corner of Lot 19 of said Eagle Ridge Acres, Phase II; thence North 5°26'59" West along the easterly line of said Eagle Ridge Acres, Phase II, a distance of 1134.34 feet to the Northeasterly corner of Lot 14 of said Eagle Ridge Acres, Phase II and also, being the Southwest corner of Lot 10 of Eagle Ridge Acres, Phase I, thence South 88°12'19" East, along the South line of said Eagle Ridge Acres, Phase I, a distance of 1013.45 feet to the Southeast corner of Lot 5 of said Eagle Ridge Acres, Phase I; thence South 0°30'09" East along the West line of Lots 3, 2 and 1 of said Eagle Ridge Acres, Phase I, a distance of 826.90 feet to the Southwest corner of Lot 1 of said Eagle Ridge Acres, Phase I; thence South 53°05'01" East a distance of 112.05 feet; thence North 52°47'02" East a distance of 113.89 feet to a point on the South line of Lot 1 of said Eagle Ridge Acres, Phase I; thence North 89°29'51" East along the South line of Lot 1 of said Eagle Ridge Acres, Phase I, a distance of 99.71 feet to the Southeast corner of Lot 1 of said Eagle Ridge Acres, Phase I; thence South 0°30'09" East, along the east line of said NE¼ SE¼ and along the centerline of said Liberty Avenue, a distance of 66.00 feet to the point of beginning. Said parcel contains 25.767 acres, more or less. Said parcel is subject to an easement for Liberty Avenue right of way. Said Easement contains 0.050 of an acre, more or less. Note: The East line of said NE¼ SE¼ is assumed to bear North 0°30'09" West for this description.



See S2126 Plat Book 13 Page 65

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Lorie A. Thompson
LORIE A. THOMPSON
RECORDER
HARRISON CO. IOWA

Prepared by:

SUSAN BONHAM, AUDITOR
HARRISON COUNTY IOWA

Ralph E Spencer III, 322 E 7th Street, Logan, Iowa (712) 644-2151

PROTECTIVE COVENANTS

FOR

EAGLE RIDGE ACRES, PHASE III

These covenants contained herein pertain to the real estate legally described in Exhibit "A".

1. All lots described herein shall be known, described and used solely as single family, acreage, residential lots, or can be split and used as a duplex or townhouse lot with no more than two families per platted lot, with the same square footage requirements per family. If a duplex or townhouse is built, the homes are to be joined with a common wall.

Minimum square footage per family:

- a) 1250 square feet, ranch style, main floor living area.
 - b) 1450 square feet, split entry style, main floor living area.
 - c) 1650 square feet, tri-level style, main floor and upstairs living area.
 - d) 1650 square feet, one and one-half story style, main floor and upstairs living area.
 - e) 1800 square feet, two story style, main floor and upstairs living area.
 - f) 1650 square feet, multi-level style, main floor and upstairs living area.
2. No trailer, mobile homes, basement, tent, shack, garage, barn or other outbuilding erected in the tract shall at any time be used as a residence temporarily or permanently nor shall any resident of a temporary character be permitted.
 3. The assembly, disassembly or general service work on any car, truck, equipment or other machinery shall be prohibited except in an enclosed garage or shop
 4. No trailers or mobile homes shall be allowed on the premises on a temporary or permanent basis, except 1 motorized home or pull-type trailer travel trailer or camping trailer can be parked on the property.
 5. Each owner shall be responsible to maintain their premises free from all junk, abandoned cars and accumulated debris.

6. No junkyards shall be permitted.
7. No commercial dog kennels, no livestock or livestock confinement operations shall be permitted.
8. All homes constructed are to be of lumber, brick, concrete or concrete block or other common house building materials with a two-car garage. The two-car garage can be under the home, attached or detached. All homes are to be stick-built on the site. The developer reserves the right to approve or disapprove earth style, earth berm or factory built homes in the subdivision.
9. The titleholders of the platted lot shall care for their pets so they will not be a nuisance to the neighborhood.
10. No Hunting permitted in Eagle Ridge Acres Phase III.
11. In constructing the residence and buildings, all set back buildings shall be within the following specifications:
 - a) The distance from the front line to the residence shall be at least twenty-five (25) feet.
 - b) The distance from the residence/garage/barn or utility building shall be a minimum of at least ten (10) feet from the sides and twenty-five (25) feet from the rear lot line.
12. Titleholder of the property, vacant or improved, shall keep his lot or lots free of weeds and debris.
13. No obnoxious or offensive trade shall be carried on nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.
14. Nothing contained in this instrument shall in any way be construed as imposing on the undersigned any liability, obligation or requirement for its enforcement.
15. The fence in front of the residence shall not exceed four (4) feet in height. Any type of fence constructed behind the residence shall not exceed six (6) feet in height.
16. The first 75 feet of all driveways from the street to the home and/or garage are to be constructed of concrete, asphalt or brick.

- 17. All satellite dishes over 30 inches in diameter are to be installed behind the house on the respective lots.
- 18. All buildings constructed in the Eagle Ridge Acres, Phase III, shall be so constructed as to blend in harmoniously with the existing homes, including color. And shall not be located in the front of the dwelling.
- 19. The owners, their heirs or assigns of the property in Eagle Ridge Acres, Phase III, will voluntarily annex into the City of Missouri Valley when the city provides city water and sewer to the front lot lines provided the city hook-up fees do not exceed \$500.00
- 20. All lot owners, heirs and assigns, shall have ingress and egress rights over the private roads shown on the plat of Eagle Ridge Acres Phase III, subject to the rules and fees established by the Eagle Ridge Acres Road Association.
- 21. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of twenty-five (25) years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of ten (10) years, unless an instrument signed by a majority of the then owners of the lots has been recorded agreeing to change said covenants in whole or in part.
- 22. If the present or future owners of any of said lots, or the grantees, heirs or assigns, shall violate or attempt to violate any of these covenants, it shall be lawful for any other person or persons owning any part of said real estate to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenants and either to prevent him or them from so doing or to recover damages or other dues for such violation.

OWNERS

Ralph E. Spencer III 11-12-01

 Ralph E. Spencer III

James R. Hughes 11-12-01

 James R. Hughes

Ruth E. Spencer 11-12-01

 Ruth E. Spencer

Monica A. Hughes 11-12-01

 Monica A. Hughes

STATE OF IOWA)
COUNTY OF) ss.
HARRISON)

On this 12th day of November, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared James R. Hughes and wife, Monica A. Hughes; and Ralph E. Spencer III and wife, Ruth E. Spencer, to me know to be the identical persons named in and who executed the foregoing instrument, and acknowledged to me that they executed the same as their voluntary act and deed.

Jeremy C. Dunn
NOTARY PUBLIC



EXHIBIT "A"

A parcel of land located in part of the Northeast Quarter of the Southeast Quarter (NE¼ SE¼) and in part of the Southeast Quarter of the Southeast Quarter (SE¼ SE¼) all in Section Three (3), Township Seventy-eight (78) North, Range Forty-four (44) West of the 5th P.M., Harrison County, Iowa, more particularly described as follows: Commencing at the Southeast corner of said NE¼ SE¼; thence North 0°30'09" West along the east line of said NE¼SE¼ and along the centerline of Liberty Avenue, a distance of 10.58 feet to the point of beginning; thence south 89°29'51" West a distance of 77.81 feet; thence South 52°47'02" West a distance of 91.99 feet to the beginning of a tangent circular curve concave Northwesterly and having a radius of 866.00 feet and a central angle of 11°22'03"; thence Southwesterly, along said curve, an arc length of 171.81 feet, and having a chord bearing and distance of South 58°28'04" West, 171.53 feet to the end of said curve; thence South 64°09'05" West a distance of 50.89 feet to the beginning of a tangent circular curve concave Northwesterly and having a radius of 692.99 feet and a central angle of 23°36'53"; thence Southwesterly along said curve, an arc length of 285.65 feet, and having a chord bearing and distance of South 75°57'32" West 283.61 feet to the end of said curve; thence South 87°45'58" West a distance of 334.17 feet to the beginning of a tangent circular curve concave Southerly and having a radius of 1669.24 feet and a central angle of 3°49'24"; thence Southwesterly along said curve, an arc length of 111.41 feet and having a chord bearing and distance of South 85°51'06" West 111.39 feet to the end of said curve; thence South 83°56'34" West a distance of 138.31 feet; thence North 80°20'06" West a distance of 5.69 feet to the Northeasterly corner of Lot 20 of Eagle Ridge Acres, Phase II; thence North 11°38'04" East along the Easterly line of said Eagle Ridge Acres, Phase II, a distance of 66.04 feet to the Southeasterly corner of Lot 19 of said Eagle Ridge Acres, Phase II; thence North 5°26'59" West along the easterly line of said Eagle Ridge Acres, Phase II, a distance of 1134.34 feet to the Northeasterly corner of Lot 14 of said Eagle Ridge Acres, Phase II and also, being the Southwest corner of Lot 10 of Eagle Ridge Acres, Phase I, thence South 88°12'19" East, along the South line of said Eagle Ridge Acres, Phase I, a distance of 1013.45 feet to the Southeast corner of Lot 5 of said Eagle Ridge Acres, Phase I; thence South 0°30'09" East along the West line of Lots 3, 2 and 1 of said Eagle Ridge Acres, Phase I, a distance of 826.90 feet to the Southwest corner of Lot 1 of said Eagle Ridge Acres, Phase I; thence South 53°05'01" East a distance of 112.05 feet; thence North 52°47'02" East a distance of 113.89 feet to a point on the South line of Lot 1 of said Eagle Ridge Acres, Phase I; thence North 89°29'51" East along the South line of Lot 1 of said Eagle Ridge Acres, Phase I, a distance of 99.71 feet to the Southeast corner of Lot 1 of said Eagle Ridge Acres, Phase I; thence South 0°30'09" East, along the east line of said NE¼SE¼ and along the centerline of said Liberty Avenue, a distance of 66.00 feet to the point of beginning. Said parcel contains 25.767 acres, more or less. Said parcel is subject to an easement for Liberty Avenue right of way. Said Easement contains 0.050 of an acre, more or less. Note: The East line of said NE¼SE¼ is assumed to bear North 0°30'09" West for this description.

EXHIBIT "A"

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