

FILED
POTTAWATTAMIE COUNTY
2006 JUN 12 AM 9:20
RECORDED

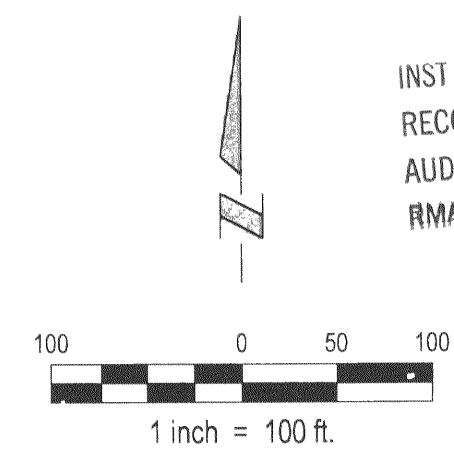
FOX RUN LANDING REPLAT ONE

LOTS 1 THRU 9 INCLUSIVE

BEING A REPLATTING OF LOTS 77 THRU 88, INCLUSIVE, FOX RUN LANDING, A SUBDIVISION LOCATED IN THE SW1/4 OF SECTION 15, AND ALSO THE WEST 1/2 OF THE SE1/4 OF SECTION 15, AND ALSO THE SOUTH 1/2 OF THE NW1/4 OF SECTION 15, AND ALSO THE EAST 1/2 OF THE SE1/4 OF SECTION 16; ALL LOCATED IN TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5TH P.M., POTTAWATTAMIE COUNTY, IOWA.

CHORD DATA TABLE		
CHORD NO.	LENGTH	BEARING
CH1	35.36'	S58°28'39"W
CH2	35.36'	S58°28'39"W
CH3	24.96'	N86°21'42"W
CH4	10.88'	N65°39'25"W
CH5	35.36'	N80°06'46"W
CH6	35.36'	S58°28'39"W
CH7	45.12'	S64°35'29"W
CH8	46.96'	N60°34'48"W

INST # **023414**
RECORDING FEE 65.00
AUDITOR FEE _____
RMA FEE 1.00 ECOM 1.00



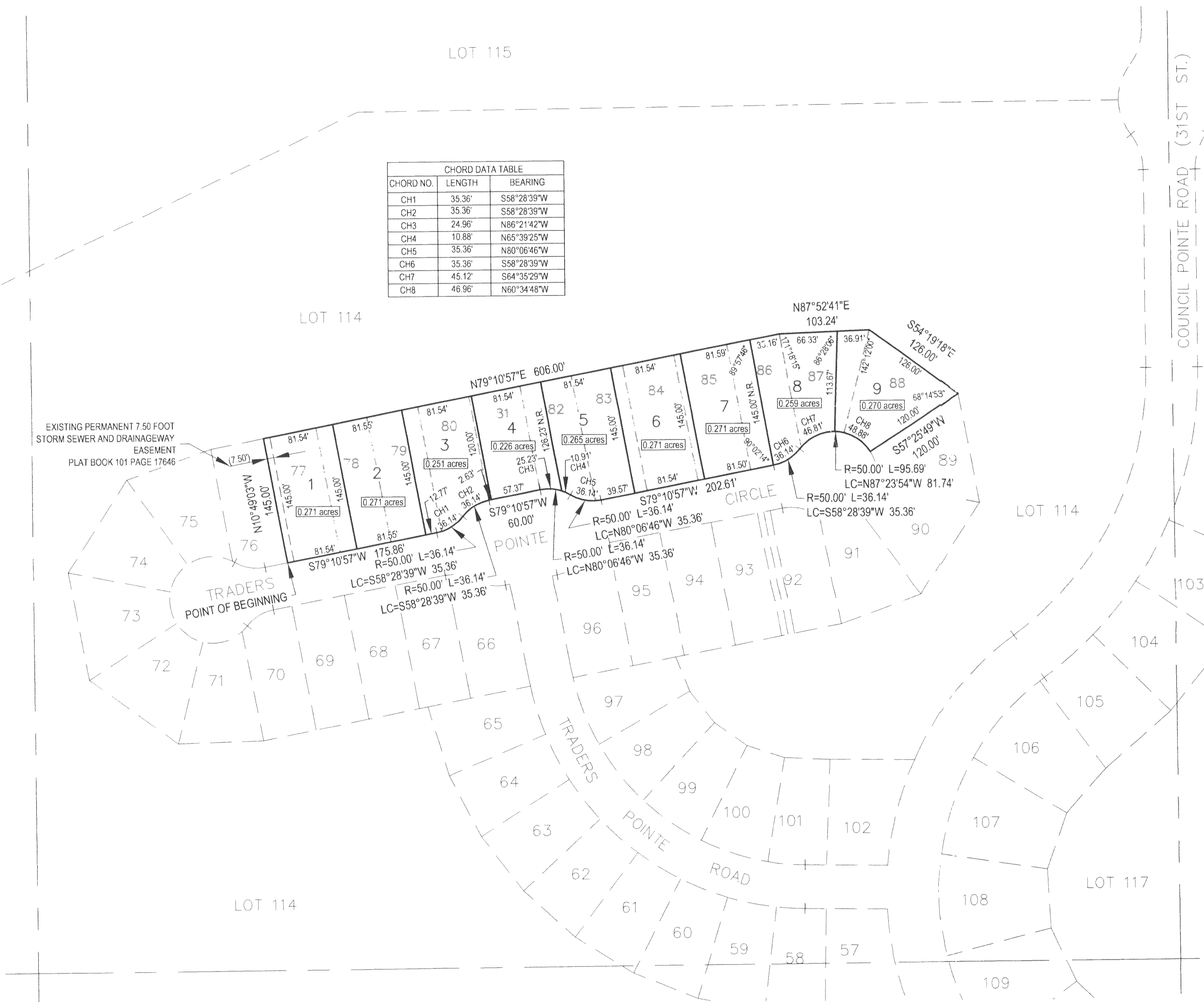
NOTES:

- ALL ANGLES ARE 90° UNLESS OTHERWISE NOTED
- ALL LOTS LINES ARE RADIAL TO CURVED STREETS UNLESS SHOWN AS (N.R.).
- A PERPETUAL EASEMENT 5 FEET IN WIDTH IS RESERVED ALONG THE SIDE LOT LINES OF LOTS; AND 10 FEET IN WIDTH ALONG THE FRONT AND REAR LOT LINES OF ALL LOTS; SAID EASEMENTS ARE FOR UTILITY INSTALLATION AND MAINTENANCE AND FOR DRAINAGE. SAID DRAINAGE AREAS AND ANY INCLUDED DRAINAGE SYSTEMS ARE PRIVATE AND TO BE INSTALLED AND MAINTAINED BY THE OWNERS OF THE LOTS ADJOINING THEM.
- ALL DIMENSIONS AND ANGLES SHOWN WITH PARENTHESES ARE FOR THE LOCATION OF EASEMENTS.

SAID EASEMENTS ARE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS.

- ERECTION OF STRUCTURES PROHIBITED: WESTERN IOWA LAND DEVELOPMENT, L. L.C., OR ITS SUCCESSORS OR ASSIGNS SHALL NOT ERECT ANY STRUCTURE OVER OR WITHIN THE EASEMENT AREA WITHOUT OBTAINING THE PRIOR WRITTEN CONSENT OF THE CITY ENGINEER.
- CHANGE OF GRADE PROHIBITED: WESTERN IOWA LAND DEVELOPMENT, L. L.C., OR ITS SUCCESSORS OR ASSIGNS SHALL NOT CHANGE THE GRADE ELEVATION OR CONTOUR OF ANY PART OF THE EASEMENT AREA WITHOUT OBTAINING THE PRIOR WRITTEN CONSENT OF THE CITY ENGINEER.
- RIGHT OF ACCESS: CITY SHALL HAVE THE RIGHT OF ACCESS TO THE EASEMENT AREA AND HAVE ALL RIGHTS OF INGRESS AND EGRESS REASONABLY NECESSARY FOR THE USE AND ENJOYMENT OF THE EASEMENT AREA AS HEREIN DESCRIBED.
- REMOVAL AND REPLACEMENT: THE COST OF REMOVAL AND REPLACEMENT OF ANY UNAUTHORIZED IMPROVEMENT OR STRUCTURES WITHIN THE EASEMENT AREA, NECESSITATED BY THE EXERCISE OF THE RIGHTS UNDER THIS DEDICATION, SHALL BE BORNE BY THE WESTERN IOWA LAND DEVELOPMENT, L.L.C., OR THEIR SUCCESSORS OR ASSIGNS.
- SURFACE RESTORATION: CITY'S LIABILITY TO RESTORE THE SURFACE WITHIN THE EASEMENT AREA SHALL BE LIMITED ONLY TO GRADING AND SEEDING.
- DUTY TO REPAIR: CITY AGREES THAT ANY DRAIN TILE, DRIVE OR ACCESS WAY, FENCE, OR YARD OR OTHER IMPROVEMENTS OUTSIDE OF THE EASEMENT AREA WHICH MAY BE DAMAGED AS A RESULT OF ANY ENTRY MADE THROUGH AN EXERCISE OF THE CITY'S RIGHT OF ACCESS, SHALL BE REPAIRED AT NO EXPENSE TO THE WESTERN IOWA LAND DEVELOPMENT, L.L.C., OR ITS SUCCESSORS OR ASSIGNS.
- EASEMENT RUNS WITH LAND: THIS EASEMENT SHALL BE DEEMED TO RUN WITH THE LAND AND SHALL BE BINDING ON WESTERN IOWA LAND DEVELOPMENT, L. L.C., OR ITS SUCCESSORS AND ASSIGNS.

SHEET 1 OF 2



Proj No:	P2006.042.01
Date:	01/26/2006
Designed By:	MAA
Drawn By:	DAS
Checked By:	
Scale:	1" = 100'
Sheet:	1 of 2

Revisions	Date
(No)	

FINAL PLAT

FOX RUN LANDING REPLAT ONE
COUNCIL BLUFFS, IOWA

E&A CONSULTING GROUP, INC.

ENGINEERING • PLANNING • FIELD SERVICES

330 NORTH 117TH STREET OMAHA, NE 68154
PHONE: (402) 895-4700 FAX: (402) 895-3599
www.eacg.com

BK 106P623344

FOX RUN LANDING REPLAT ONE

WE HEREBY CERTIFY THAT THE FOLLOWING DOCUMENTS WILL BE RECORDED WITH THE POTTAWATTAMIE COUNTY RECORDER CONTEMPORANEOUS WITH THE FILING OF THE PRELIMINARY PLAT.

A. ALL PRIVATE RESTRICTIONS AND/OR COVENANTS, IF ANY, WHICH WILL BE A PART OF THE SUBJECT DEVELOPMENT.

B. NOTARIZED CERTIFICATION OF OWNERS THAT THE SUBDIVISION AS IT APPEARS HEREON IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE OWNERS.

C. A NOTARIZED STATEMENT FROM THE MORTGAGE HOLDER OR LIENHOLDER, IF ANY, THAT THE PLAT IS PREPARED WITH THEIR FREE CONSENT AND IN ACCORDANCE WITH THEIR DESIRE.

D. A NOTARIZED PARTIAL RELEASE FROM THE MORTGAGE HOLDER OR LIENHOLDER FOR ALL AREAS CONVEYED TO THE GOVERNING BODY OR DEDICATED TO THE PUBLIC.

E. CERTIFIED RESOLUTION OF EACH GOVERNING BODY APPROVING THE SUBDIVISION OR WAIVING THE RIGHT TO REVIEW.

WE HEREBY CERTIFY THAT WE WILL MEET ALL EQUAL OPPORTUNITY AND FAIR MARKETING OBJECTIVES CONSISTENT WITH FEDERAL, STATE AND LOCAL GUIDELINES.

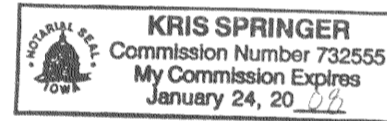
WESTERN IOWA LAND DEVELOPMENT, L.L.C.

Robert P. ...
BY:

ACKNOWLEDGEMENT OF NOTARY)
COUNTY OF POTTAWATTAMIE)

ON THIS 4th DAY OF April, 2006, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC, PERSONALLY CAME Robert P. ... OF WESTERN IOWA LAND DEVELOPMENT, L.L.C. TO ME PERSONALLY KNOWN TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE FOREGING INSTRUMENT, AND HE ACKNOWLEDGES THE SAME TO BE HIS VOLUNTARY ACT AND DEED, AS SAID MANAGING MEMBER.

NOTARY PUBLIC



COUNTY TREASURER'S CERTIFICATE

THIS IS TO CERTIFY THAT I FIND NO REGULAR OR SPECIAL TAXES, DUE OR DELINQUENT, AGAINST THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE AND EMBRACED IN THIS PLAT AS SHOWN ON THE RECORDS OF THIS OFFICE, THIS 18th DAY OF May, 2006.

Judy Ann Miller
JUDY ANN MILLER, POTTAWATTAMIE COUNTY TREASURER

APPROVAL OF COUNCIL BLUFFS COMMUNITY DEVELOPMENT DEPARTMENT

THIS FINAL PLAT OF FOX RUN LANDING REPLAT ONE WAS APPROVED BY THE COUNCIL BLUFFS COMMUNITY DEVELOPMENT DEPARTMENT ON THIS 10th DAY OF April, 2006.

Donald Gross
DONALD GROSS, DIRECTOR

LOTS 1 THRU 9 INCLUSIVE

BEING A REPLATTING OF LOTS 77 THRU 88, INCLUSIVE, FOX RUN LANDING, A SUBDIVISION LOCATED IN THE SW1/4 OF SECTION 15, AND ALSO THE WEST 1/2 OF THE SE1/4 OF SECTION 15, AND ALSO THE SOUTH 1/2 OF THE NW1/4 OF SECTION 15, AND ALSO THE EAST 1/2 OF THE SE1/4 OF SECTION 16; ALL LOCATED IN TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5TH P.M., POTTAWATTAMIE COUNTY, IOWA.

DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS: THAT WESTERN IOWA LAND DEVELOPMENT, L.L.C. BEING THE SOLE OWNERS AND PROPRIETORS OF THE LAND DESCRIBED IN THE SURVEYOR'S CERTIFICATE AND EMBRACED WITHIN THIS PLAT, HAVE CAUSED SAID PROPERTY TO BE SUBDIVIDED INTO LOTS AS SHOWN, SAID ADDITION TO BE HEREAFTER KNOWN AS FOX RUN LANDING REPLAT ONE, CONSISTING OF LOTS 1 THROUGH 9, INCLUSIVE. WESTERN IOWA LAND DEVELOPMENT, L.L.C DOES HEREBY CERTIFY THAT THE PLAT IS A SUBDIVISION OF THE PROPERTY DESCRIBED THEREIN, AND THAT WESTERN IOWA LAND DEVELOPMENT, L.L.C., ARE THE SOLE AND ONLY OWNERS AND PROPRIETORS IN FEE SIMPLE OF THE ABOVE DESCRIBED PROPERTY. THE SUBDIVISION OF THE PROPERTY AS SHOWN IN THE PLAT IS DONE WITH THE CONSENT AND FULL KNOWLEDGE OF THE PROPRIETORS AND WITH THE PROPRIETORS' DESIRE THAT THE PROPERTY BE SUBDIVIDED AND THAT THE SUBDIVISION BE KNOWN AS FOX RUN LANDING REPLAT ONE.

WESTERN IOWA LAND DEVELOPMENT, L.L.C., DOES HEREBY RATIFY AND APPROVE THE DISPOSITION OF THEIR PROPERTY AS SHOWN ON THE PLAT.

Robert P. ...
BY:

ACKNOWLEDGEMENT OF NOTARY)
COUNTY OF POTTAWATTAMIE)

ON THIS 11th DAY OF April, 2006, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC, PERSONALLY CAME Robert P. ... OF WESTERN IOWA LAND DEVELOPMENT, L.L.C. TO ME PERSONALLY KNOWN TO BE THE IDENTICAL PERSON WHOSE NAME IS AFFIXED TO THE FOREGING INSTRUMENT, AND HE ACKNOWLEDGES THE SAME TO BE HIS VOLUNTARY ACT AND DEED, AS SAID MANAGING MEMBER.

NOTARY PUBLIC



APPROVAL OF COUNCIL BLUFFS CITY COUNCIL

THIS FINAL PLAT OF FOX RUN LANDING REPLAT ONE WAS APPROVED BY THE COUNCIL BLUFFS CITY COUNCIL ON THIS 10th DAY OF April, 2006.

Thomas P. Hanafan
THOMAS P. HANAFAN, MAYOR

ATTEST: *Marcia L. Warden*
Deputy CITY CLERK

LEGAL DESCRIPTION:

BEING A REPLATTING OF LOTS 77 THRU 88, INCLUSIVE, FOX RUN LANDING, A SUBDIVISION LOCATED IN THE SW1/4 OF SECTION 15, AND ALSO THE WEST 1/2 OF THE SE1/4 OF SAID SECTION 15, AND ALSO THE SOUTH 1/2 OF THE NW1/4 OF SAID SECTION 15, AND ALSO THE EAST 1/2 OF THE SE1/4 OF SAID SECTION 16; ALL LOCATED IN TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5TH P.M., POTTAWATTAMIE COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 77, FOX RUN LANDING, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF LOT 76, SAID FOX RUN LANDING, SAID POINT ALSO BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF TRADERS POINTE CIRCLE; THENCE N10°49'03"W (ASSUMED BEARING) ALONG THE WESTERLY LINE OF SAID LOT 77, FOX RUN LANDING, SAID LINE ALSO BEING THE EASTERLY LINE OF SAID LOT 76, FOX RUN LANDING, A DISTANCE OF 145.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 77, FOX RUN LANDING, SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID LOT 76, FOX RUN LANDING, SAID POINT ALSO BEING ON THE EASTERLY LINE OF LOT 114, SAID FOX RUN LANDING; THENCE N79°10'57"E ALONG THE NORTHERLY LINE OF SAID LOTS 77 THRU 86, INCLUSIVE, FOX RUN LANDING, SAID LINE ALSO BEING SAID EASTERLY LINE OF LOT 114, FOX RUN LANDING, A DISTANCE OF 806.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 86, FOX RUN LANDING, SAID POINT ALSO BEING THE NORTHWEST CORNER OF SAID LOT 87, FOX RUN LANDING; THENCE N87°52'41"E ALONG THE NORTHERLY LINE OF SAID LOT 87, FOX RUN LANDING, SAID LINE ALSO BEING SAID EASTERLY LINE OF LOT 114, FOX RUN LANDING, A DISTANCE OF 103.24 FEET TO THE NORTHEAST CORNER OF SAID LOT 87, FOX RUN LANDING, SAID POINT ALSO BEING THE NORTHWEST CORNER OF SAID LOT 88, FOX RUN LANDING; THENCE S54°19'18"E ALONG THE NORTHERLY LINE OF SAID LOT 88, FOX RUN LANDING, SAID LINE ALSO BEING SAID EASTERLY LINE OF LOT 114, FOX RUN LANDING, A DISTANCE OF 126.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 88, FOX RUN LANDING, SAID POINT ALSO BEING THE NORTHEAST CORNER OF LOT 89, SAID FOX RUN LANDING; THENCE S57°25'49"W ALONG THE EASTERLY LINE OF SAID LOT 88, FOX RUN LANDING, SAID LINE ALSO BEING THE NORTHERLY LINE OF SAID LOT 89, FOX RUN LANDING, A DISTANCE OF 120.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 88, FOX RUN LANDING, SAID POINT ALSO BEING THE NORTHWEST CORNER OF SAID LOT 89, FOX RUN LANDING, SAID POINT ALSO BEING ON SAID NORTHERLY RIGHT-OF-WAY LINE OF TRADERS POINTE CIRCLE; THENCE WESTERLY ALONG THE SOUTHERLY LINE OF SAID LOTS 88, 87 AND 86, FOX RUN LANDING, SAID LINE ALSO BEING SAID NORTHERLY RIGHT-OF-WAY LINE OF TRADERS POINTE CIRCLE ON A CURVE TO THE LEFT WITH A RADIUS OF 50.00 FEET, A DISTANCE OF 95.69 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS N87°23'54"W, A DISTANCE OF 81.74 FEET; THENCE SOUTHWESTERLY ALONG SAID SOUTHERLY LINE OF LOT 86, FOX RUN LANDING, SAID LINE ALSO BEING SAID NORTHERLY RIGHT-OF-WAY LINE OF TRADERS POINTE CIRCLE ON A CURVE TO THE RIGHT WITH A RADIUS OF 50.00 FEET, A DISTANCE OF 36.14 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS S58°28'39"W, A DISTANCE OF 35.36 FEET; THENCE S79°10'57"W ALONG SAID SOUTHERLY LINE OF LOT 86, FOX RUN LANDING, SAID LINE ALSO BEING THE SOUTHERLY LINE OF SAID LOTS 85, 84 AND 83, FOX RUN LANDING, SAID LINE ALSO BEING SAID NORTHERLY RIGHT-OF-WAY LINE OF TRADERS POINTE CIRCLE, A DISTANCE OF 202.61 FEET; THENCE NORTHWESTERLY ALONG SAID SOUTHERLY LINE OF LOT 83, FOX RUN LANDING, AND ALSO THE SOUTHERLY LINE OF SAID LOT 82, FOX RUN LANDING, SAID LINE ALSO BEING SAID NORTHERLY RIGHT-OF-WAY LINE OF TRADERS POINTE CIRCLE ON A CURVE TO THE RIGHT WITH A RADIUS OF 50.00 FEET, A DISTANCE OF 36.14 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS N80°06'46"W, A DISTANCE OF 35.36 FEET; THENCE WESTERLY ALONG SAID SOUTHERLY LINE OF LOT 82, FOX RUN LANDING, SAID LINE ALSO BEING SAID NORTHERLY RIGHT-OF-WAY LINE OF TRADERS POINTE CIRCLE ON A CURVE TO THE LEFT WITH A RADIUS OF 50.00 FEET, A DISTANCE OF 36.14 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS N80°06'46"W, A DISTANCE OF 35.36 FEET TO THE SOUTHWEST CORNER OF SAID LOT 82, FOX RUN LANDING, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF SAID LOT 81, FOX RUN LANDING; THENCE S79°10'57"W ALONG THE SOUTHERLY LINE OF SAID LOT 81, FOX RUN LANDING, SAID LINE ALSO BEING SAID NORTHERLY RIGHT-OF-WAY LINE OF TRADERS POINTE CIRCLE, A DISTANCE OF 60.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 81, FOX RUN LANDING, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF SAID LOT 80, FOX RUN LANDING; THENCE SOUTHWESTERLY ALONG THE SOUTHERLY LINE OF SAID LOT 80, FOX RUN LANDING, SAID LINE ALSO BEING SAID NORTHERLY RIGHT-OF-WAY LINE OF TRADERS POINTE CIRCLE ON A CURVE TO THE LEFT WITH A RADIUS OF 50.00 FEET, A DISTANCE OF 36.14 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS S58°28'39"W, A DISTANCE OF 35.36 FEET; THENCE WESTERLY ALONG SAID SOUTHERLY LINE OF LOT 80, FOX RUN LANDING, SAID LINE ALSO BEING THE SOUTHERLY LINE OF LOT 79, FOX RUN LANDING, SAID LINE ALSO BEING SAID NORTHERLY RIGHT-OF-WAY LINE OF TRADERS POINTE CIRCLE ON A CURVE TO THE RIGHT WITH A RADIUS OF 50.00 FEET, A DISTANCE OF 36.14 FEET, SAID CURVE HAVING A LONG CHORD WHICH BEARS S58°28'39"W, A DISTANCE OF 35.36 FEET; THENCE S79°10'57"W ALONG SAID SOUTHERLY LINE OF LOT 79, FOX RUN LANDING, AND ALSO THE SOUTHERLY LINE OF SAID LOTS 78 AND 77, FOX RUN LANDING, SAID LINE ALSO BEING SAID NORTHERLY RIGHT-OF-WAY LINE OF TRADERS POINTE CIRCLE, A DISTANCE OF 175.86 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS AN AREA OF 102.635 SQUARE FEET OR 2.356 ACRES, MORE OR LESS.

I hereby certify that this land surveying document was prepared and the related survey work was performed 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.
Signature: *Robert V. Clark* Date: 1/27/2006
Robert V. Clark
License Number 13373
My License renewal date is December 31, 2006.
Pages or sheets covered by this seal: TWO

SHEET 2 OF 2

Proj No: P2006.042.01 Date: 01/26/2006 Designed By: MAA Drawn By: DAS Checked By: Scale: 1" = 100' Sheet 2 of 2	Revisions <table border="1"> <tr> <th>No</th> <th>Date</th> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </table>	No	Date									<h2>FINAL PLAT</h2>	<h2>FOX RUN LANDING REPLAT ONE</h2> <p>COUNCIL BLUFFS, IOWA</p>	<p>E&A CONSULTING GROUP, INC. ENGINEERING • PLANNING • FIELD SERVICES</p> <p>330 NORTH 117TH STREET OMAHA, NE 68154 PHONE: (402) 895-4700 FAX: (402) 895-3599 www.eacg.com</p>
No	Date													

COMPARED

Recorder's Cover Sheet

Preparer Information: (Name, address and phone number)

Rick D. Crawl
Stuart Tinley Law Firm LLP
P.O. Box 398
Council Bluffs, IA 51502
Telephone: 712-322-4033

Taxpayer Information: (Name and complete address)

Western Iowa Land Development LLC
c/o John Jerkovich
Heartland Properties Inc.
535 West Broadway
Council Bluffs, IA 51503

Return Document To: (Name and complete address)

Rick D. Crawl
Stuart Tinley Law Firm LLP
P.O. Box 398
Council Bluffs, IA 51502

Grantors: N/A

Grantees: N/A

Legal Description: See Page 2

Document or instrument number of previously recorded documents, if applicable:

COMPARED

**ATTORNEY'S OPINION WITH RESPECT TO
LOTS 1 THRU 9 INCLUSIVE FOX RUN LANDING REPLAT ONE,
BEING A REPLAT OF LOTS 77 THRU 88 FOX RUN LANDING,
A SUBDIVISION IN THE CITY OF COUNCIL BLUFFS,
POTTAWATTAMIE COUNTY, IOWA**

TO THE COUNTY RECORDER OF POTTAWATTAMIE COUNTY:

I have examined the abstract of title in one part covering real estate described as: Lots 1 thru 9 inclusive Fox Run Landing Replat One, being a Replat of Lots 77 thru 88 Fox Run Landing, a subdivision in the City of Council Bluffs, Pottawattamie County, Iowa.

Marketable title to the property under examination is held in Western Iowa Land Development, LLC, an Iowa Limited Liability Company, grantee in the Warranty Deed shown at Entry #76 dated December 1, 2005 and recorded December 2, 2005 in Book 106, Page 11156, Pottawattamie County, Iowa records.

There is a Declaration of Restrictions and Covenants for Fox Run Landing shown at Entry #62 dated October 12, 2000 and recorded in Book 101, Pages 17717 – 17736.

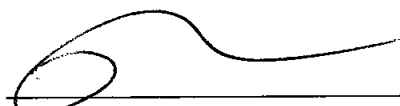
There is a Mortgage shown at Entry #77 from Western Iowa Land Development, L.L.C., an Iowa Limited Liability Company, in the amount of \$1,800,000.00 dated December 1, 2005 and recorded December 13, 2005 in Book 106, Page 11842, Pottawattamie County, Iowa records.

There is a lien search shown at Entry #86 against Western Iowa Land Development, LLC and Golf Real Estate Development, LLC and, except as stated herein, there are no liens shown of record.

At Entry #89 General Taxes for the year 2004 and prior years are shown paid.

This opinion is given solely for the purpose of re-platting the property under examination. This opinion contains only the information required in 354.11(3) 2002 Code of Iowa. This opinion should not be relied upon for any other purpose.

This opinion is expressed as of the 11th day of May, 2006.

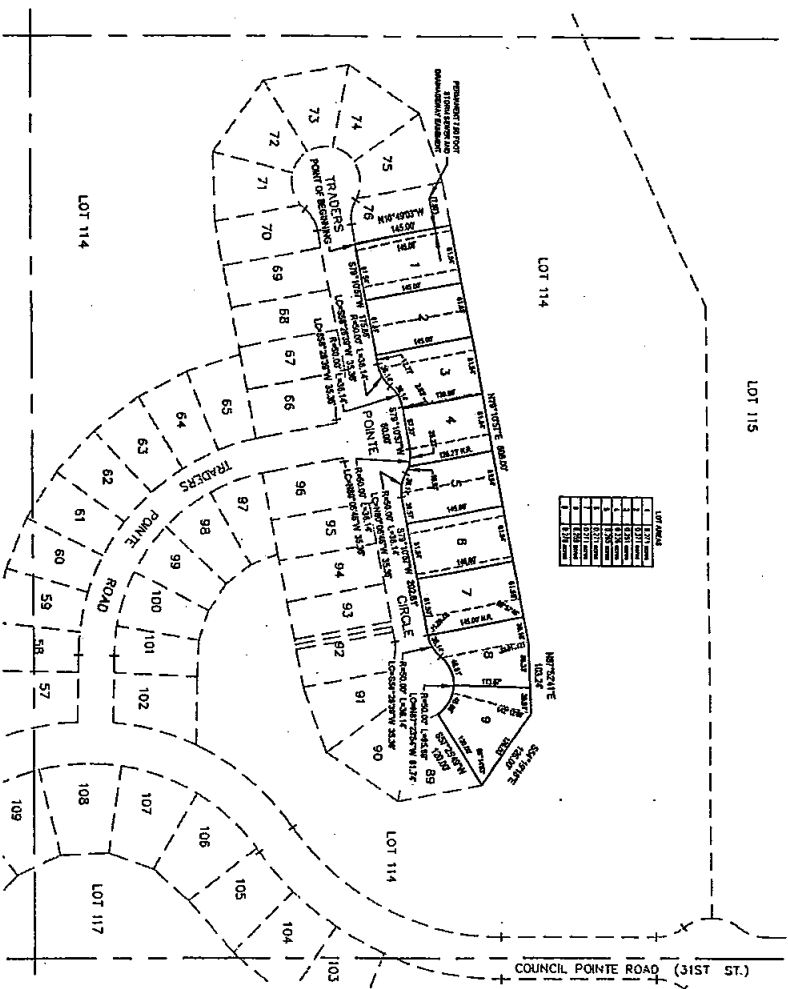


Rick D. Crawl, Attorney at Law
STUART TINLEY LAW FIRM LLP
P. O. Box 398
Council Bluffs, IA 51502-0398
Telephone No. (712) 322-4033

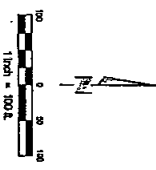
**FOX RUN LANDING
REPLAT ONE**

LOTS 1 THRU 9 INCLUSIVE

BEING A REPLATMENT OF LOTS 27 THRU 64, FOX RUN LANDING, A SUBDIVISION OF THE COUNTY OF MONROE, STATE OF MISSISSIPPI, AS SHOWN ON THE ORIGINAL SURVEY AND MAP OF SAID SUBDIVISION AND ALSO TOGETHER WITH PART OF THE NORTH 1/2 OF THE EAST 1/4 OF SECTION 15, AND ALSO TOGETHER WITH PART OF THE EAST 1/2 OF THE EAST 1/4 OF SECTION 15, ALL LOCATED IN TOWNSHIP 7 N. RANGE 4 E. MERIDIAN 54 WEST OF THE 5TH P.M. (18TH MERIDIAN) TIME ZONE, MONROE PARISH, LOUISIANA.



LOT	AREA
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109	1.87



- NOTES:**
- ALL LOT LINES ARE TO BE CONSIDERED CENTER LINES UNLESS OTHERWISE NOTED.
 - ALL LOT LINES ARE TO BE CONSIDERED CENTER LINES UNLESS OTHERWISE NOTED.
 - A REFERENCE TO THE SURVEY RECORDS OF THE STATE OF MISSISSIPPI SHALL BE MADE TO THE SURVEY RECORDS OF THE STATE OF MISSISSIPPI AND TO THE SURVEY RECORDS OF THE STATE OF MISSISSIPPI.
 - ALL DIMENSIONS AND AREAS SHOWN WITHIN THIS SURVEY SHALL BE CONSIDERED AS APPROXIMATE.

9

**ATTACHMENT A
CASE #SUB-06-007**

SHEET 1 OF 2

Project:	2008020101
Date:	8/22/06
Client:	EA&A
Drawn By:	DAK
Checked By:	
Scale:	1" = 100'

E&A CONSULTING GROUP, INC.
ENGINEERS • PLANNERS • SURVEYORS

7700 SOUTH 20TH STREET
SUITE 100
DENVER, CO 80202
PHONE: (303) 425-7211
FAX: (303) 425-7212

Prepared by: Craig A. Knickrehm (ISBA # 18671), Valentine, O'Toole, McQuillan & Gordon, 11240
Davenport Street, P.O. Box 540125, Omaha, Nebraska 68154-0125, (402) 330-6300

MORTGAGE HOLDER'S STATEMENT

STATE OF IOWA)
)ss.
COUTNY OF POTTAWATTAMIE)

I, Matthew Walsh, being first duly sworn on oath, depose and state that I am Vice President of Security National Bank of Omaha, the holder of a mortgage on the property described in the final plat of Fox Run Landing, Replat One. Said mortgage is dated December 1, 2005, and was recorded December 13, 2005 in Book 106 at Page 11842 of the records of Pottawattamie County, Iowa. I certify that the plat is prepared with the pre-consent of Security National Bank of Omaha. I further certify that Security National Bank of Omaha consents to the filing of the final plat of Fox Run Landing, Replat One.

Dated this 18th day of May 2006.

SECURITY NATIONAL BANK OF OMAHA


By: Matthew Walsh
Matthew Walsh, Vice President

STATE OF IOWA

)
) ss
)

COUNTY OF POTTAWATTAMIE

This instrument was acknowledged before me on this 18th day of May, 2006,
by Matthew Walsh as Vice President of Security National Bank of Omaha.


Notary Public in and for said State



CERTIFICATE AND RECEIPT

=====

STATE OF IOWA

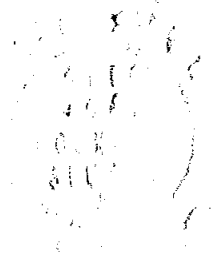
} SS.

Pottawattamie County,

The undersigned, Acting City Clerk of the City of Council Bluffs, Iowa, hereby certifies that: Resolution 06-54 and Attachment "A" is as the same appears of record in this office.

Witness my hand and seal of Council Bluffs, Iowa,

this 14th day of June A.D. 2006


Marcia R. Warden
Acting City Clerk of the City of Council Bluffs

=====

#4.
COMPARED

Record

FILED FOR RECORD
POTTAWATTAMIE CO. IOWA

018573

INST # _____

2006 MAR 27 AM 10:05

RECORDING FEE 20.00

JOHN SCIORTINO
RECORDER

AUDITOR FEE _____

RMA FEE 1.00 ECOM 1.00

Prepared by: City of Council Bluffs Legal Department, 209 Pearl Street, Council Bluffs, Iowa 51503 (712) 328-4620
Return to: City Clerk, 209 Pearl Street, Council Bluffs, Iowa 51503 (712) 328-4616

RESOLUTION NO. 06-54

A RESOLUTION granting final plat approval for Fox Run Landing Replat One.

WHEREAS, Western Iowa Land Development, LLC, has applied for final plat approval for a 9 lot minor residential subdivision to be known as Fox Run Landing Replat One; and

WHEREAS, the subject property is zoned R-1 and does not require a change in zoning classification to accommodate the replat; and

WHEREAS, the final plat has been reviewed by the appropriate city departments and utilities; and

WHEREAS, the Community Development Department recommends approval of the final plat for a minor residential subdivision to be known as Fox Run Landing Replat One, as shown on Attachment "A", subject to the following conditions:

1. All technical corrections required by the Community Development Department and/or Public Works Department shall be made on the final plat document prior to execution of the document.
2. Conform to all City standards and specifications, the zoning and subdivision ordinances and the Department of Public Works Standards for Public Improvements.
3. Sidewalk shall be installed prior to issuance of a Certificate of Occupancy for each house, at no cost to the cost.

252-1

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

That the final plat for a residential minor subdivision to be known as Fox Run Landing Replat One, as shown on Attachment "A", is hereby approved, subject to the conditions set forth above; and

BE IT FURTHER RESOLVED

That the Mayor and City Clerk are hereby authorized and directed to endorse the final plat.

ADOPTED
AND February 27, 2006
APPROVED

4D

RESOLUTION NO. 06-54

PAGE TWO



THOMAS P. HANAFAN Mayor

Attest: 

CHERYL PUNTENEY

Planning Case No. SUB-06-007

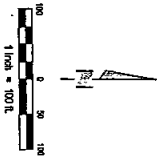
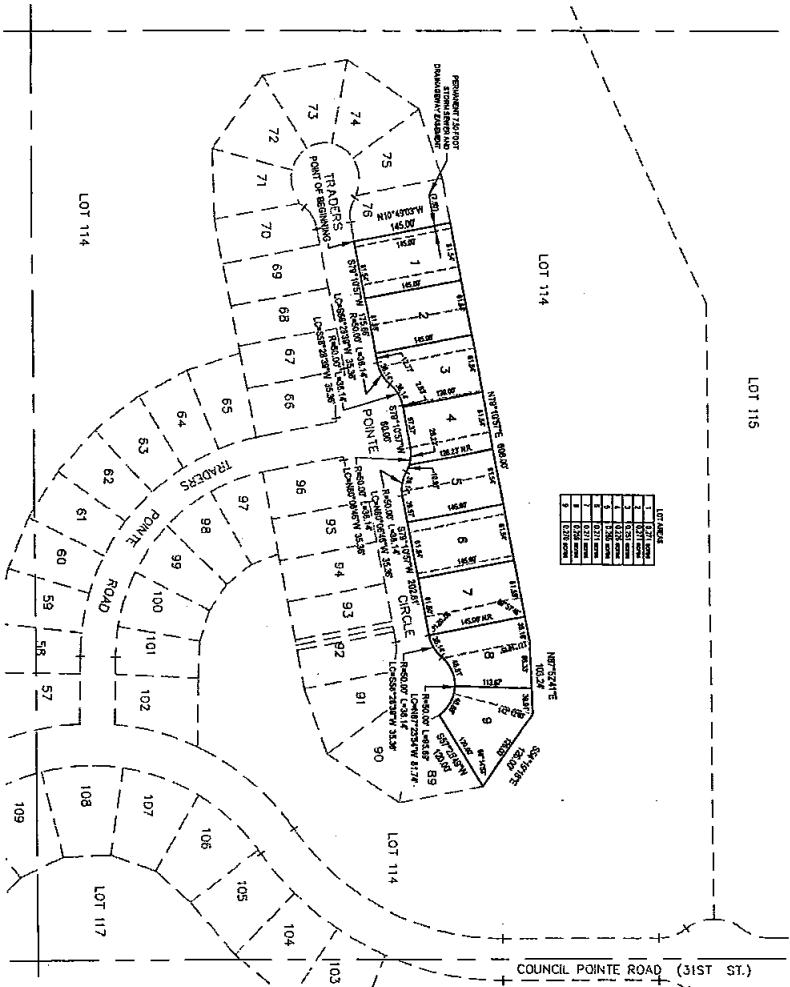
4D

FOX RUN LANDING REPLAT ONE

LOTS 1 THRU 9 INCLUSIVE

BEING A REPLAT OF LOTS 77 THRU 84 FOX RUN LANDING, A RESUBDIVISION OF THE WEST 1/4 OF SECTION 15, AND ALSO TOGETHER WITH PART OF THE SOUTH 1/2 OF THE SW 1/4 OF SECTION 15, AND ALSO TOGETHER WITH PART OF THE EAST 1/2 OF THE SW 1/4 OF SECTION 15, ALL LOCATED IN CORNER 74 NORTH, RANGE 24 WEST OF THE 5TH PA. NORTH AND RANGE 24 WEST.

LOT NUMBER	ACRES
1	0.2171
2	0.2171
3	0.2171
4	0.2171
5	0.2171
6	0.2171
7	0.2171
8	0.2171
9	0.2171



- NOTES:
1. ALL AREAS ARE OF UNDEVELOPED LAND.
 2. ALL LOT LINES ARE TO BE CONVEYED TO THE BUYER BY THE DEED.
 3. A PERPETUAL EASEMENT IS SET IN PLACE TO ALLOW THE DEED TO BE USED FOR THE PURPOSES OF THE DEVELOPMENT AND TO BE REVOKED AND MAINTAINED BY THE OWNERS OF THE LOTS ADJOINING THE EASEMENT.
 4. ALL DIMENSIONS AND AREAS SHOWN WITHIN THESE RECORDS ARE FOR THE LOCATION OF SUBSTANTS.

ATTACHMENT A

CASE #SUB-06-007

SHEET 1 OF 2

Project: 20060001
 Date: 07/27/2006
 Drawn by: MAA
 Checked by: DAS
 Scale: 1" = 100'
 Project: 20060001
 Project Name: FOX RUN LANDING
 Project Description: REPLAT ONE-FOX RUN LANDING-000.dwg, Layout-SHEET1, 1/27/2006 2:01:59 PM, Donalds

Final Plat
 FOX RUN LANDING REPLAT ONE
 CORNER SURVEY, IOWA

E&A CONSULTING GROUP, INC.
 ENGINEERS • PLANNERS • SURVEYORS
 7330 SOUTH MAIN STREET, SUITE 200
 JUNCTION, NE 68534-9441
 PHONE: (402) 626-2112
 FAX: (402) 626-2118

Preparer Information and Return to: Craig A. Knickrehm, ISBA #18671, 11240 Davenport St. Omaha, NE 68154
(402)330-6300

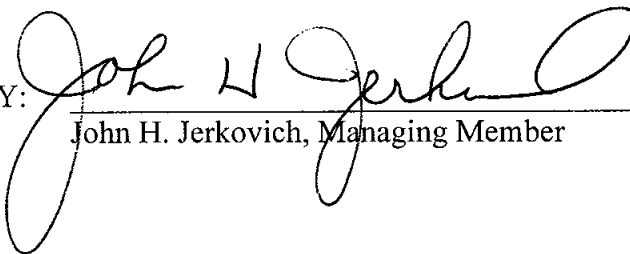
CONSENT TO
DECLARATION OF RESTRICTIONS AND COVENANTS
OF FOX RUN LANDING, REPLAT ONE

This Consent is made this 18th day of May, 2006, by Western Iowa Land Development, L.L.C. concerning FOX RUN LANDING, REPLAT ONE, Lots 1 through 9, inclusive, a replat of Fox Run Landing, a subdivision in Council Bluffs, Pottawattamie County, Iowa.

The undersigned hereby acknowledges and consents to the Declaration of Restrictions and Covenants for Fox Run Landing dated October 12, 2000, and filed for record in the office of the Recorder for Pottawattamie County, Iowa, in Book 101, Page 17717. The undersigned further agrees that Lots 1 through 9, inclusive, being a replat of Lots 77 thru 88, inclusive, Fox Run Landing, a subdivision located in the SW ¼ of Section 15, and also the West ½ of the SE ¼ of Section 15, and also the South ½ of the NW ¼ of Section 15, and also the East ½ of the SE ¼ of Section 16; all located in Township 74 North, Range 44 West of the 5th P.M., Pottawattamie County, Iowa, will be subject to said Declaration of Restrictions and Covenants and acknowledges agreement to all terms and conditions thereof.

WESTERN IOWA LAND DEVELOPMENT,
L.L.C.

BY:


John H. Jerkovich, Managing Member

STATE OF IOWA)
)ss.
COUNTY OF POTTAWATTAMIE)

On this 18th day of May, 2006, before me, a Notary Public in and for said County and State, personally appeared JOHN H. JERKOVICH, to me personally known, who being by me duly sworn did say that he is a Managing Member of said limited liability company, that no seal has been procured by the said limited liability company, and that said instrument was signed on behalf of the said limited liability company by authority of its managers and the said Robert P. McCarthy acknowledged the execution of said instrument to be voluntary act and deed of said limited liability company by it voluntarily executed.

Mary J. Hughes
NOTARY PUBLIC

