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JAMES A. CAMPBELL
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JACOB J. PETERS
LEO P. MARTIN
SCOTT J. ROGERS
JON E. HEISTERKAMP
EDEAN M. WETHERELL
MATTHEW G. WOODS

3788

Filed June 17, 1994
at 5:01 P.M.
Recorded in Book 204
page 335-344
of MISC Records
Mills County, Iowa
ROBERTA DASHNER
RECORDER
DEPUTY
FEE: \$55.00
RMF 1.00

INDEX ✓
RECORDED ✓
COMPARED ✓
COPIED ✓

June 15, 1994

Mills County Auditor
Mills County Courthouse
Glenwood, IA 51534

[Signature]

Phot Cab A - 157B
Ref: 5-26-94 Recd. # 2668
203/804

Dear Cheryl:

I have examined an Abstract of Title in one (1) part, certified to by the Mills County Abstract Company from the government entry down to the 27th day of May, 1994, at 8:00 a.m. Said abstract contains forty-five (45) entries and deals with the title to the following described real estate, to wit:

A parcel of land located in part of Sub Lot Two (2) of Lot Five (5) and in part of Sub Lot Two (2) of Lot Eight (8), being located in part of the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) and in part of the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section Twelve (12), Township Seventy-two (72) North, Range Forty-three (43) West of the Fifth Principal Meridian, in the City of Glenwood, Mills County, Iowa, more fully described as follows:

Commencing at the Southeast Corner of Lot 187 of Jens Addition Division 7 and the Point of Beginning; thence N 04°24'18" E along the East line of said Lot 187 a distance of 135.00 feet to the Northeast Corner of said Lot 187; thence N 10°46'42" W a distance of 62.16 feet to the Southeast Corner of Lot 108 of Jens Addition Division 7; thence N 04°19'39" E along the East line of said Lot 108 a distance of 124.63 feet to the Northeast Corner of said Lot 108; thence S 86°53'35" E a distance of 292.25 feet; thence S 66°51'00" E a distance of 144.24 feet to the Southwest Corner of Lot 9 of Golf View Addition; thence continuing S 66°51'00" E along the South line of said Golf View Addition a distance of 150.00 feet; thence S 10°24'07" W a distance of 337.99 feet to the Northeast Corner of Lot 98 of Jens Addition Division 5; thence N 79°34'13" W along the North line of said Lot 98 a distance of 134.96 feet to the Northwest Corner of said Lot 98; thence N 24°51'50" W a distance of 103.86 feet to the Northeast Corner of Lot 182 of Jens Addition Division 4; thence N 85°38'51" W along the North line of said Division 4 a distance of 334.06 feet to the Point of Beginning. Said parcel contains 4.19 acres, more or less, and is subject to easements of record.

Note: The North line of the NE 1/4 of said Section 12 is assumed to bear S 89°45'01" E for this description.

Ref: 5-24-94
217/901-908

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Based upon my examination of the abstract, I am of the opinion that title to said property is in **CLAROLD E. ROGERS and A. CRISTEL ROGERS**, subject to an installment sales contract to **RONALD N. LEISTAD**, subject to the following:

I. At entry 39 of the abstract appears an installment sales contract from the titleholders to Ronald N. Leistad in the amount of \$199,500.00, dated February 25, 1991, filed February 28, 1991 in Book 180, Pages 664-670, Miscellaneous Records.

II. Entry 40 of the abstract shows an assignment by the contract vendee and spouse to the Glenwood State Bank wherein all of the equity in the contract is assigned. The assignment was filed March 12, 1991 in Book 180, Page 854, Miscellaneous Records. Entry 41 of the abstract shows an assignment by the contract vendees to the Glenwood State Bank. The assignment is recorded March 2, 1992 in Book 186, Page 754, Miscellaneous Records.

III. You are notified that under the provisions of Section 384.84, subsection 1, Code 1981, as amended, the City of Glenwood, Iowa, may certify unpaid rates or charges for the services of sewer systems, sewerage treatment, solid waste collection, or solid waste disposal, to the County Auditor and that the same will constitute a lien upon the premises served by any of such services, and shall be collected in the same manner as taxes. Therefore, you should require written certification from the City of Glenwood, Iowa, that there are no unpaid rates or charges due and owing as of the date of transfer of title and possession.

IV. CAVEAT. a) The abstract does not disclose the existence of hazardous substances, pollutants, contaminants, hazardous wastes, underground storage tanks, drainage wells, active or abandoned water wells, and other environmentally regulated activities. Please be aware that federal, state and local legislation may, in the event environmental or public health violations occur, permit injunctive relief and require removal and remedial actions or other clean-up. The cost of such remedies may become a lien against the real estate and you may have personal liability even though you have not disposed of any hazardous substances, pollutants, contaminants or hazardous wastes on the real estate or used any underground storage tanks or wells. If you are uncertain about which materials may be hazardous, contact the U. S. Environmental Protection Agency or the Iowa Department of Natural Resources for assistance.

b) A title opinion cannot fix or determine the exact boundary lines of a property.

c) Unrecorded easements for items such as overhead wires, driveways, title lines, roadways, utility lines or other encroachments, especially by adjoining owners, are not revealed in the abstract.

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June 15, 1994

d) Persons in possession of the property, such as tenants, may have certain rights to the property which are not filed of record or shown in an abstract. Iowa law provides that you have notice of such claims, if inquiry of the person or persons in possession would have disclosed those claims.

e) Since the following cannot be determined by examination of the abstract, your attention is called to the fact that you are required to take notice of any facts that would be disclosed by a survey; the right to file mechanics' liens against the premises for labor or materials furnished in connection with improvements thereon within 90 days from the furnishing of the last item; and rights of access to and from highways and streets which may be designated as "controlled access facilities" by state or city authorities.


f) This examination is based upon the Abstract of Title and the Certificate of the Abstracter that the abstract contains everything in the public records of Mills County, Iowa.

g) This examiner cannot and does not certify as to any proceedings of record in any other county, including the Bankruptcy Court in Des Moines, Iowa.

Subject to the foregoing, we find the title marketable.

Very truly yours,

PETERS LAW FIRM, P.C.

By: 
James A. Thomas
10 North Walnut Street
Glenwood, IA 51534

JAT:jhr

NOTE: The Abstract of Title is being retained in the Peters Law Firm,
Glenwood, Iowa.

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STATEMENT FROM THE MILLS COUNTY TREASURER

STATE OF IOWA)
) SS:
COUNTY OF MILLS)

RE: A parcel of land located in part of Sub Lot Two (2) of Lot Five (5) and in part of Sub Lot Two (2) of Lot Eight (8), being located in part of the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) and in part of the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section Twelve (12), Township Seventy-two (72) North, Range Forty-three (43) West of the Fifth Principal Meridian, in the City of Glenwood, Mills County, Iowa, more fully described as follows:

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Note: The North line of the NE 1/4 of said Section 12 is assumed to bear S 89°45'01" E for this description.

COMES NOW Lesta Kahl and states while under oath that I am the duly elected and qualified Treasurer of Mills County, Iowa, and I have examined the records in respect to the above described real estate which is in Mills County and find the above described property free from certified taxes and certified special assessments.

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Dated this 16th day of June, 1994.

Lesta Kahl
Lesta Kahl,
Mills County Treasurer

I, Lesta Kahl, being first duly sworn on oath, depose and state that I am the Treasurer for Mills County, Iowa; that I have read the statements and allegations contained in the foregoing Statement and that they are true and correct according to the best of my knowledge and belief.

Lesta Kahl
Lesta Kahl

Subscribed and sworn to before me by Lesta Kahl on this 16th day of June, 1994.

Nancy M. Clayton
NOTARY PUBLIC IN AND FOR
SAID COUNTY AND STATE



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335-344
6-17-94

DECLARATION OF COVENANTS, CONDITIONS,
RESTRICTIONS AND EASEMENTS WITH RESPECT TO GOLF VIEW ADDITION
DIVISION II TO THE CITY OF GLENWOOD, MILLS COUNTY, IOWA

This Declaration is made by Ronald N. Leistad and Judith A. Leistad, and Clarold E. Rogers and A. Christel Rogers, owners of the real estate to be known as Golf View Addition Division II to the City of Glenwood, Iowa. The purpose of this Declaration is to prescribe covenants, conditions, restrictions and easements with respect to the use of the land in that addition for the purpose of providing the best and most appropriate development and improvement of each building site and for the protection of owners of lots in Golf View Addition Division II.

The word "parcel", whenever used in this Declaration, shall mean the real estate in Golf View Addition Division II to the City of Glenwood, Iowa, described in any conveyance by the proprietors of said Addition.

There is reserved for the benefit of the Declarants, the City of Glenwood, and all private utility companies a perpetual easement over ten feet at each side of each parcel and over ten feet at the rear of each parcel for utility installation and maintenance and drainage facilities unless it is specified otherwise on the Plat of Golf View Addition Division II.

The following provisions shall apply to the use and development of all lots of Golf View Addition Division II:

1. The lots may be used only for residential purposes, and each lot may be used for only one single family dwelling. A dwelling shall not exceed two stories in height, and shall not contain less than the following finished living areas exclusive of porches, breezeways and garages:
 - a. 1,200 square feet on the ground floor for a one story dwelling.
 - b. 1,200 square feet on the ground floor for a one and one-half story dwelling.
 - c. 1,700 square feet above the basement level with 900 square feet on the main floor for a two story dwelling.
 - d. 1,400 square feet of living area above the ground for a bi-level, tri-level or a split-level dwelling.
 - e. 1,300 square feet of living area above the ground for a split-entry or raised ranch with 2 car under dwelling.

Exposed portions of the foundation on the front of each dwelling are to be covered with either siding or brick, and exposed portions of the foundation on the sides and rear of each dwelling shall be covered either with brick or siding or shall be painted. Garages shall be constructed for not less than two cars, and garage doors must be closed except for entry and exit.

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2. No improvements shall be made without the approval of the architectural committee for which provision is made in this Declaration.
3. No noxious or offensive activity shall be conducted on any lot.
4. No boat, recreational vehicle, camping trailer, snowmobile, auto drawn trailer of any kind, garden tractor or heavy equipment shall be stored outside of the garage or left exposed on any parcel at any time.
5. No satellite dish, exterior television or radio antenna or other similar structure shall be located on any lot without specific approval of the architectural committee.
6. Day care for more than four children shall not be provided at any time in any dwelling in the addition.
7. No woven or barbed wire fences shall be permitted. No fences or walls shall be erected without the approval of the architectural committee. Any fences or walls shall not be higher than 6 feet nor extended forward of the back of the foundation of the dwelling on any lot, and no posts or braces shall be on the outside of the fence or wall.
8. All lots shall be kept free of weeds and debris including unused building material.
9. No temporary structure may be erected on any lot for use as a residence.
10. No animals of any kind other than household pets may be kept on any lot, and household pets may not be sheltered outside the dwelling house. No dogs owned by owners of lots shall be allowed to run free.
11. No repair of automobiles or other motor vehicles will be permitted outside of garages on any lot at any time.
12. No trees with trunks over three inches in diameter shall be removed or destroyed without approval of the architectural committee.
13. All telephone and electric power service lines shall be underground.
14. If required by the City of Glenwood, each individual lot owner shall be responsible for the installation and maintenance of sidewalks in the public street adjacent to the lot, which sidewalk must be installed and maintained according to all applicable ordinances.

15. No storage building or ancillary building shall be constructed without approval of the architectural committee.

16. There shall be no vegetable gardens in any front or in any side yard adjoining any street in the addition.

17. No incinerator or trash burner shall be allowed on any lot by homeowners. No fuel tanks shall be permitted to remain outside of the house on any lot.

Architectural control for development of the lots shall be provided by an architectural committee. This committee shall originally consist of Ronald N. Leistad and Judith A. Leistad, who shall be considered permanent members of the committee and who shall be members for so long as they desire. Two years from the date of this Declaration one person shall be added to this committee; four years from the date of this Declaration another person shall be added; and six years from the date of this Declaration another person shall be added to the committee, for a total of five members. All members appointed to this committee for the first six years shall be elected by Ronald N. Leistad and Judith A. Leistad, who shall also appoint members to take the place of those members who have been appointed but can no longer serve on the committee. On the seventh anniversary of this Declaration the first annual election shall be held to determine the members of this committee. An owner of a parcel in the Addition shall have one vote for each parcel owned. A special election shall be held for a replacement member of the committee in the event a committee member must resign during the year. Only owners of lots in Golf View Addition Division II may serve on the committee.

The architectural committee is directed to take into consideration the suitability of grading or landscaping plans for esthetic purposes and consistency with the development of other lots. Concerning each proposed dwelling, modification or other proposed structure the committee shall take into consideration with respect to the house or other structures the materials to be used, the color scheme, the site on which they are proposed to be erected, the harmony with the surroundings, the topography of the land and the effect of the building or other structure on adjacent or neighboring lots.

Dated this 9th day of June, 1994.

Ronald N. Leistad
Ronald N. Leistad

Clarold E. Rogers
Clarold E. Rogers

Judith A. Leistad
Judith A. Leistad

A. Christel Rogers
A. Christel Rogers

STATE OF IOWA)
) SS.
MILLS COUNTY)

On this 9th day of June, 1994, before me, the undersigned, a Notary Public in and for said state, personally appeared Ronald N. Leistad and Judith A. Leistad to me known to be the identical persons named in and who executed the same as their voluntary act and deed.



Mildred A. Christiansen
Mildred A. Christiansen Notary Public

STATE OF IOWA)
) SS.
MILLS COUNTY)

On this 9th day of June, 1994, before me, the undersigned, a Notary Public in and for said state, personally appeared Clarold E. Rogers and A. Christel Rogers to me known to be the identical persons named in and who executed the same as their voluntary act and deed.



Mildred A. Christiansen
Mildred A. Christiansen Notary Public

CONSENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS WITH RESPECT TO GOLF VIEW ADDITION DIVISION II TO THE CITY OF GLENWOOD, MILLS COUNTY, IOWA:

The undersigned, Glenwood State Bank, consents to the filing of the Declaration of Covenants, Conditions, Restrictions and Easements with Respect to Golf View Addition Division II to the City of Glenwood, Mills County, Iowa.

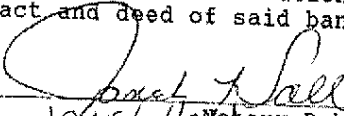
ATTEST:

John C. Dean
John C. Dean
President, Glenwood State Bank

STATE OF IOWA)
) SS.
MILLS COUNTY)

On this 10 day of June, 1994, before me, the undersigned, a Notary Public in and for said County and State, personally appeared John C. Dean, to me personally known, who being duly sworn, did say that he is President of said bank executing the within and foregoing instrument to which this is attached, that said instrument was signed on behalf of said bank, and that the said John C. Dean as such officer acknowledged the execution of said instrument to be the voluntary act and deed of said bank, by it and him voluntarily executed.





JANET HALL Notary Public

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