

52357

Council Bluffs

CERTIFICATE

1185-331

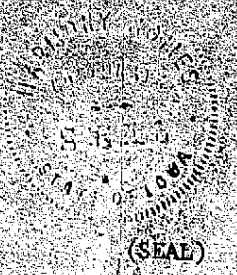
NOT Complete copy

IN CONSIDERATION OF THESE PREMISES, HARMONY HOMES, an Iowa Corporation, does hereby declare and certify that the accompanying plat of Harmony Homes Addition, an Addition to the City of Council Bluffs, Pottawattamie County, Iowa, is an addition of the following described real estate situated in the City of Council Bluffs, Pottawattamie County, Iowa, more particularly described as follows:

South One Hundred Twenty-nine (129) feet of Lot Three (3) and all of Lots Four (4) and Five (5), Auditor's Subdivision of the Southeast Quarter (SE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ), Section Twenty-eight (28), Township Seventy-five (75), Range Forty-four (44).

Harmony Homes, plator, does hereby state that it is the sole owner and proprietor of said property in fee simple of the tract above described which is being platted hereunder. The subdivision of the above described real estate is made with the full knowledge and consent of said Corporation, and, in accordance with its desire that the above described real estate be subdivided into lots numbered 1 to 11, both inclusive, and that said addition be named "HARMONY HOMES ADDITION." All of said lots are abutting on and laid out with reference to existing streets and avenues in the City of Council Bluffs, Iowa and the streets located within said addition as shown by the accompanying plat; that said streets are hereby dedicated to the public for street purposes.

Dated this 25 day of April, 1957.



HARMONY HOMES  
BY Paul Weaver  
PRESIDENT

ATTEST: Bernice A. Weaver  
SECRETARY

CORPORATE ACKNOWLEDGMENT

STATE OF IOWA )  
 ) ss.  
COUNTY OF POTTAWATTAMIE )

On this 25 day of April, 1957, before me,  
appeared Ray E. Weaver and Russell Q. Weaver  
to me personally known; who being by me duly sworn did say that  
they are the President and Secretary respectively of Harmony  
Homes, A Corporation, and that the seal affixed to said  
Instrument was signed and sealed in behalf of said corporation  
by authority of its Board of Directors, and said Ray E. Weaver  
and Russell Q. Weaver acknowledged said instrument to be the  
voluntary act and deed of said corporation.

Harold J. [Signature]  
NOTARY PUBLIC

PLANNING COMMISSION CERTIFICATE

STATE OF IOWA )  
 ) ss.  
COUNTY OF POTTAWATTAMIE )

I, FRANK L. SWANSON, Chairman of the City Planning  
Commission of the City of Council Bluffs, Iowa, do hereby  
certify that at a regular meeting of the City Planning Com-  
mission of the City of Council Bluffs, Iowa held on the 30<sup>th</sup>  
day of April, 1957, there was passed and approved the plat  
of Harmony Homes Addition, an Addition to the City of Council  
Bluffs, Pottawattamie County, Iowa.

Signed this 30<sup>th</sup> day of April, 1957.

Frank L. Swanson  
CHAIRMAN OF CITY PLANNING COMMISSION

SURVEYOR'S CERTIFICATE

STATE OF IOWA )  
 )ss  
COUNTY OF POTTAWATTAMIE )

I, A. G. CHRISTENSEN, Registered Land Surveyor, certify that I surveyed the following described real estate situated in Pottawattamie County, Iowa, to-wit:

South One Hundred Twenty-nine (129) feet of Lot Three (3) and all of Lots Four (4) and Five (5), Auditor's Subdivision of the Southeast Quarter (SE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ), Section Twenty-eight (28), Township Seventy-five (75), Range Forty-four (44).

I further certify that I prepared the plat of said real estate to which this Certificate is endorsed for and on behalf of Harmony Homes, an Iowa Corporation, the owner of said tract, with reference to known or permanent monuments and that said plat accurately describes all the lots and subdivisions of Harmony Homes Addition, an Addition to the City of Council Bluffs, Pottawattamie County, Iowa, said lots being numbered 1 to 11, both inclusive; said plat also shows the dimensions of said lots by length and breadth, and shows the courses and breadths of all streets in said addition.

Signed this 16 day of May, 1957.

*A. G. Christensen*  
REGISTERED LAND SURVEYOR

ABSTRACT OPINION

TO WHOM IT MAY CONCERN:

We have examined abstract of title to the following described real estate situated in Pottawattamie County, Iowa, to-wit:

South One Hundred Twenty-nine (129) feet of Lot Three (3) and all of Lots Four (4) and Five (5), Auditor's Subdivision of the Southeast Quarter (SE $\frac{1}{4}$ ) of the Northeast Quarter (NE $\frac{1}{4}$ ), Section Twenty-eight (28), Township Seventy-five (75), Range Forty-four (44).



Said abstract was last certified by Abstract Guaranty Company of Council Bluffs, Iowa, contained entries number 1 to 120, inclusive, and extends from the United States Government to the 23<sup>rd</sup> day of May, 1957, at 4:30 o'clock P.M., at which time we find fee simple title in HARMONY HOMES, an Iowa Corporation, subject to the following: At Entry No. 85 appears Zoning Ordinance of the City of Council Bluffs showing that subject property appears to lie in the Open Zone. You are referred to said Zoning Ordinance for further details thereof.

SMITH, PETERSON, BECKMAN & WILLSON

BY   
HAROLD T. BECKMAN

Ordinance

\*\*\*\*\*

HARMONY HOMES, an Iowa Corporation, )  
 Corporation, )  
 )  
 TO )  
 )  
 THE PUBLIC. )

RESTRICTIVE COVENANTS RELATING TO  
 HARMONY HOMES ADDITION, AN ADDITION  
 TO THE CITY OF COUNCIL BLUFFS,  
 POTTAWATTAMIE COUNTY, IOWA

\*\*\*\*\*

KNOW ALL MEN BY THESE PRESENTS

THAT HARMONY HOMES, an Iowa Corporation, the proprietor of that Addition known as Harmony Homes Addition, an Addition to the City of Council Bluffs, Pottawattamie County, Iowa, for the purpose of establishing a general building plan covering said addition and for the protection of and to the purchasers of lots in said addition, hereby declares that the following protective covenants shall apply to and constitute a restriction as to all lots in said Harmony Homes Addition, an Addition to the City of Council Bluffs, Pottawattamie County, Iowa:

1. All lots described herein shall be used solely as residential lots for one and two family residences, and no structure shall be erected on any residential building lot other than one single family dwelling or two family dwelling, and not to exceed two stories in height and a one, two or three car garage.
2. No building shall be erected on any residential building plot nearer than 25 feet to nor farther than 35 feet from the front line, nor nearer than 5 feet to any side lot line.
3. No residential lot shall be resubdivided into lots of less than 50-foot width at the building line or less than 7,500 square feet of lot area, nor shall more than one residence be erected on any lot.
4. No trailer, 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 structure of a temporary character be permitted.



Covenants

3. The holder of each lot, vacant or improved shall keep his lot or lots free of weeds and debris.

4. No building shall be erected on any lot unless the design and location is in harmony with existing structures in the tract and does not violate any protective covenants. The minimum floor area for one-story dwelling shall be not less than 768 square feet, and in the case of a one and one-half or two-story structure, the ground floor area shall be not less than 672 square feet. In any case, no dwelling shall be permitted on any lot described herein having a ground floor square foot area of less than 672 square feet for a one-family dwelling or double said area for a two-family dwelling.

7. No noxious or offensive trade shall be carried upon any lot nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

8. A perpetual easement is reserved over the rear five feet and over five feet along each side of each lot for installation and maintenance of utilities. This shall include the right to trim or remove trees as necessary to maintain reasonable clearances for the utility lines.

9. These Covenants are to run with the land and shall be binding on all the parties and all persons claiming under them for 25 years, at which time said Covenants shall be automatically extended for successive periods of ten years unless, by a vote of the majority of the then owners of the lots it is agreed to change the said Covenants in whole or in part.

10. If the parties hereto, or any of them, or their heirs, successors or assigns shall violate or attempt to violate any of the Covenants or Restrictions herein before 25 years, or any extension thereof, it shall be lawful for any other

person or persons owning any other lots in said development or subdivision to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenant or restriction and either to prevent him or them from so doing or to recover damages or other dues for such violation.

11. Invalidation of any one of these Covenants by judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

12. Harmony Homes, as the proprietor of Harmony Homes Addition, hereby agrees with the purchasers and prospective purchasers of lots in Harmony Homes Addition to convey all of said lot subject to the foregoing covenants.

HARMONY HOMES

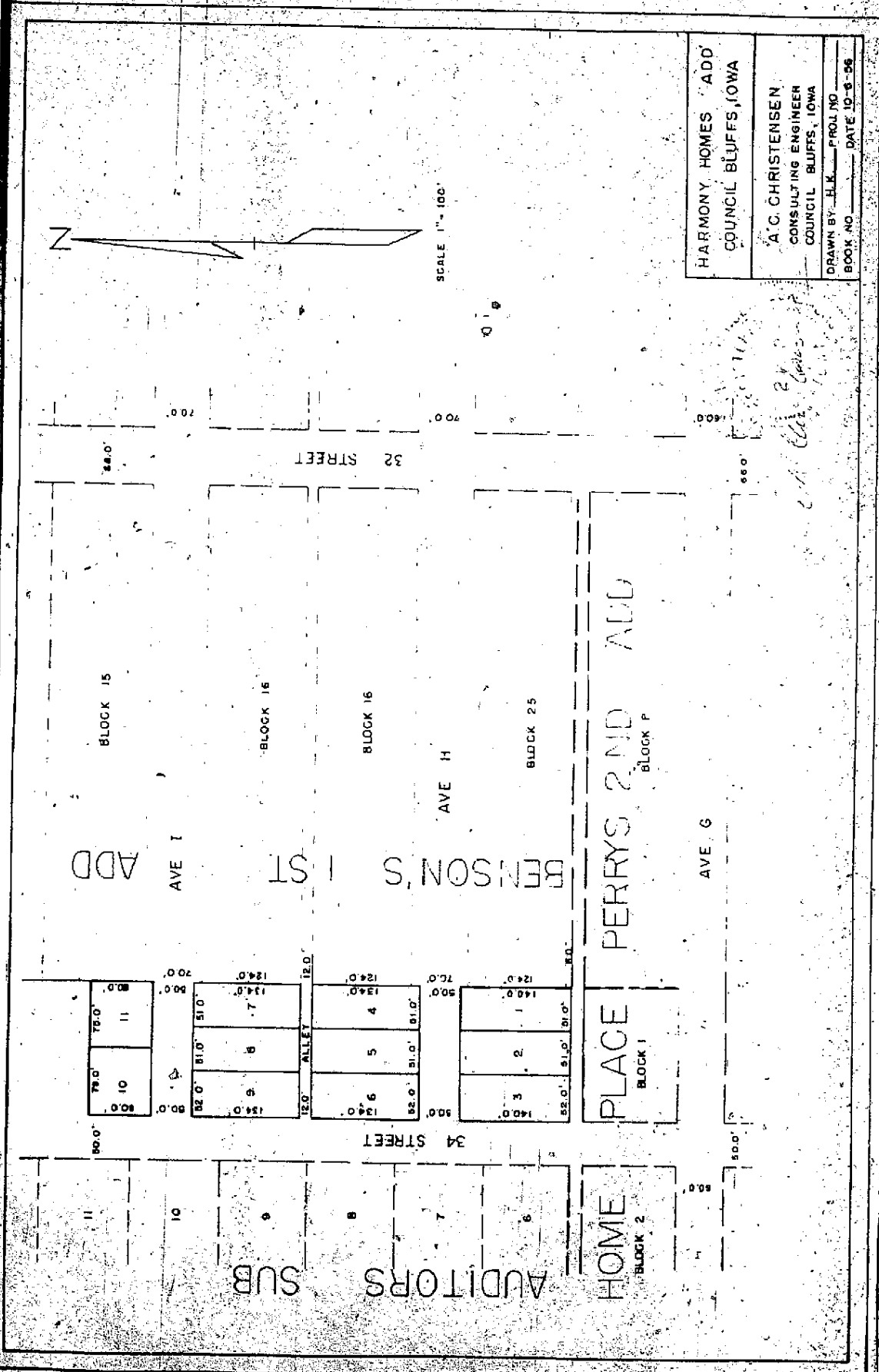
BY Paul E. Warner  
PRESIDENT

AND Samuel Warner  
SECRETARY

STATE OF IOWA )  
                  ) ss.  
COUNTY OF POTTAWATTAMIE )

On this 16 day of May, 1937, before me, a Notary Public in and for said county, personally appeared Paul E. Warner and Samuel Warner, to me personally known, who being by me duly sworn, did say that they are the President and Secretary respectively of said Harmony Homes, an Iowa Corporation; that the seal affixed to said instrument is the seal of said corporation, and that said instrument was signed and sealed on behalf of said corporation, by authority of its Board of Directors, and the said Paul E. Warner, President

Compared



HARMONY HOMES ADD  
 COUNCIL BLUFFS, IOWA

A.C. CHRISTENSEN  
 CONSULTING ENGINEER  
 COUNCIL BLUFFS, IOWA

DRAWN BY: H.K. PROJ. NO. DATE 10-8-98  
 BOOK NO.

*Handwritten notes:*  
 24  
 21  
 20  
 19  
 18  
 17  
 16  
 15  
 14  
 13  
 12  
 11  
 10  
 9  
 8  
 7  
 6  
 5  
 4  
 3  
 2  
 1



T7979

**COMPARED**

INST # 8764  
RECORDING FEE 5.00  
AUDITOR FEE 5.00  
RMA FEE 1.00

FILED FOR RECORD  
POTTAWATTAMIE CO. IA.

99 NOV 17 AM 8:25

JOHN SCIORTINO  
RECORDER

Prepared by: Abstract Guaranty Company 231 So. Main St., Council Bluffs, IA 51501 (712) 328-1501

Space above this line for Recorder

**WARRANTY DEED**

For the consideration \$1.00 \_\_\_\_\_  
Dollar(s) and other valuable consideration,

**Lula Alice Terry, a single person,**

do hereby Convey to **Mary Lou Conner, a single person,**

the following described real estate in Pottawattamie County, Iowa:

**Lot 11, Harmony Homes Addition to Council Bluffs,  
Pottawattamie County, Iowa.**

Exemption #11

Subject to Mortgage of record.

Grantor does Hereby Covenant with grantee, and successors in interest, that grantor holds the real estate by title in fee simple; that she has good and lawful authority to sell and convey the real estate; that the real estate is Free and clear of all Liens and Encumbrances except as may be above stated; and grantor Covenants to Warranty and Defend the real estate against the lawful claims of all persons except as may be above stated. Each of the undersigned hereby relinquishes all rights of dower, homestead and distributive share in and to the real estate.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

STATE OF IOWA,

Dated: November 16, 1999

POTTAWATTAMIE COUNTY,

ss:

Lula Alice Terry  
Lula Alice Terry (Grantor)

On this 16th day of November, 1999, before me,  
the undersigned, a Notary Public  
in and for said State, personally appeared

**Lula Alice Terry, a single  
person**

Entered for Taxation **NOV 17 1999**  
Marilyn J. Drake COUNTY AUDITOR

to me known to be the identical persons named in  
and who executed the foregoing instrument and  
acknowledgment that she executed the same as  
her voluntary act and deed.



Judith M. Sempack  
Notary Public

24472

1-351

BK100P624472