

# "HARRIS GROVE COUNTRY ESTATES PHASE I"

## FINAL PLAT

PART OF SECTIONS 6-78-42 AND 1-78-43  
 HARRISON COUNTY, IOWA

OWNERS: RALPH E. SPENCER III & RUTH E. SPENCER  
 322 EAST 7TH STREET, LOGAN, IA 51546

see Book 554 Page 509  
 FILE NO. S2088  
 INDEXED Plat Book 13 PAGE 27  
 RECORDED  
 RECORDING  
 FEES \$ 15.00  
 TRANSFER  
 TAX \$ 1.00

BY AUG 15 04 10:49  
*Chris A. Thompson*  
 CLERK  
 HARRISON CO. IOWA

BOARD OF SUPERVISORS:  
 WE HEREBY APPROVE THIS FINAL PLAT OF HARRIS GROVE COUNTRY  
 ESTATES PHASE I, AS IS SHOWN IN ACCORDANCE WITH HARRISON  
 COUNTY SPECIFICATIONS.  
 CHAIRMAN HARRISON COUNTY BOARD OF  
 SUPERVISORS  
*Paul Pritch*  
 8/16/01  
 DATE

COUNTY TREASURER:  
 I HEREBY APPROVE THIS FINAL PLAT OF HARRIS GROVE COUNTRY  
 ESTATES PHASE I, AND STATE THAT THIS PROPERTY IS FREE FROM TAXES,  
 LIENS, ENCUMBRANCES, ETC.  
 HARRISON COUNTY TREASURER  
*Victor Geringer*  
 8-10-01  
 DATE

COUNTY AUDITOR:  
 I HEREBY APPROVE THIS FINAL PLAT OF HARRIS GROVE COUNTRY  
 ESTATES PHASE I, AS IS SHOWN IN ACCORDANCE WITH HARRISON  
 COUNTY SPECIFICATIONS.  
 HARRISON COUNTY AUDITOR  
*Arthur Brennan*  
 8-10-01  
 DATE

SHEET 1 OF 3

OWNERS STATEMENT:  
 THIS FINAL PLAT OF HARRIS GROVE COUNTRY ESTATES PHASE I, AS  
 IT APPEARS ON THIS PLAT, IS SUBDIVIDED WITH OUR FREE CONSENT AND  
 IS IN ACCORDANCE WITH OUR DESIRES TO SUBDIVIDE SAID PROPERTY.

*Ralph E. Spencer III*  
 RALPH E. SPENCER III  
 DATE 8-15-01  
*Ruth E. Spencer*  
 RUTH E. SPENCER  
 DATE 8/15/01

ACKNOWLEDGEMENT OF NOTARY  
 STATE OF *Iowa*  
 COUNTY OF *Harrison*

On this 15<sup>th</sup> day of August, 2001, before me a Notary Public in and  
 for said County, to-wit: Ralph E. Spencer, III  
 and Ruth E. Spencer, who are personally known to me, and whose  
 proper names are affixed to the dedication of this Final Plat of Harris  
 Grove Country Estates Phase I Subdivision, and who have acknowledged the  
 contents of their voluntary instrument to me, the undersigned, as the  
 witnesses my hand and official seal this 15th day of August, 2001.  
 My Commission Expires September 25, 2004

*Charles J. Malone*  
 CHARLES J. MALONE  
 NOTARY PUBLIC - STATE OF IOWA  
 MY COMMISSION EXPIRES 9/25/04



I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED  
 AND THE CERTIFICATE WAS PREPARED AND RECORDED IN ACCORDANCE WITH  
 DIRECT PERSONAL SUPERVISION AND THAT I AM A LICENSED LAND  
 SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.  
*Gary D. Tinkham*  
 GARY D. TINKHAM  
 LICENSE NUMBER 8498  
 DATE OF RECORDING 8/15/01  
 PAGES OF SHEETS COVERED BY THIS SEAL 1 SHEET OF 3

**LEGAL DESCRIPTION**  
 PART OF LOT THREE (3) OF GOVERNMENT LOT TEN (10), LOT TWO (2) OF  
 GOVERNMENT LOT ELEVEN (11), LOT TWO (2) OF THE NORTHWEST QUARTER OF LOT  
 SIXTEEN (16), LOT ONE (1) OF THE NORTHWEST QUARTER OF LOT SEVENTEEN (17)  
 OF THE NORTHWEST QUARTER (NW1/4 SW1/4), THE WEST THIRTY-THREE (33) RODS  
 OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (NE1/4  
 SECTION SIX (6) IN TOWNSHIP SEVENTY-EIGHT (78) NORTH,  
 RANGE FOUR (4) EAST OF GOVERNMENT LOT FIFTEEN (15),  
 AND PART OF LOT TWO (2) OF GOVERNMENT LOT FIFTEEN (15),  
 SECTION ONE (1) IN TOWNSHIP SEVENTY-EIGHT (78) NORTH, RANGE  
 FORTY-THREE (43), ALL VEST OF THE 5TH P.M. IN HARRISON COUNTY,  
 IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT  
 THE NORTHWEST CORNER OF GOVERNMENT LOT 10 IN SECTION 6-78-42  
 BEARING CONTINUED THEREIN ALONG THE LINE RELATIVE TO ALL  
 GOVERNMENT LOTS 3 IN A DISTANCE OF 644.20 FEET TO THE NORTHWEST  
 CORNER OF LOT 3 IN GOVERNMENT LOT 10 AND THE POINT OF BEGINNING;  
 THENCE N 88° 53' 18" E ALONG THE NORTH LINE OF SAID LOT 3 A  
 DISTANCE OF 178.15 FEET TO AN EXISTING FENCE LINE; THENCE  
 S 56° 18' 12" E ALONG SAID FENCE LINE A DISTANCE OF 306.77 FEET  
 TO AN EXISTING FENCE LINE; THENCE S 82° 07' 15" W  
 278.16 FEET TO THE EAST LINE OF SAID FENCE LINE; A DISTANCE OF  
 131.47 FEET TO THE EAST LINE OF SAID LOT 2 IN GOVERNMENT LOT 16  
 THENCE S 0° 0' 0" E ALONG SAID LINE A DISTANCE OF 131.47 FEET TO A POINT  
 OF BEGINNING; THENCE S 89° 27' 37" W FOR 638.99 FEET TO THE NORTHWEST  
 QUARTER SECTION 6, THE NORTHWEST QUARTER OF THE  
 LOT 3 (THE WEST 33 RODS) OF THE NORTHEAST QUARTER OF THE  
 SOUTHWEST QUARTER OF SAID SECTION 6 TO AN EXISTING FENCE; THENCE  
 S 0° 0' 0" E FOR 28.28 FEET ALONG SAID EXISTING FENCE; THENCE  
 S 0° 0' 0" E FOR 12.40 FEET TO AN EXISTING FENCE; THENCE  
 S 0° 0' 0" E ALONG SAID FENCE A DISTANCE OF SIX FEET TO A  
 POINT ON THE SOUTH LINE OF SAID SECTION 6, THE SOUTHWEST  
 QUARTER SECTION 6, THE NORTHWEST QUARTER OF THE  
 LOT 3 (THE WEST 33 RODS) OF THE NORTHEAST QUARTER OF SAID SOUTH  
 LINE A DISTANCE OF 888.70 FEET TO THE SOUTHWEST CORNER OF LOT 1 OF  
 THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER; THENCE  
 S 0° 0' 0" E ALONG SAID FENCE LINE A DISTANCE OF 736.91  
 FEET TO THE SOUTHWEST QUARTER SECTION 6; THENCE N 89° 27' 37" W  
 278.16 FEET TO THE NORTHWEST QUARTER OF THE SOUTHWEST  
 QUARTER SECTION 6; THENCE N 0° 0' 0" E ALONG SAID FENCE LINE TO THE EAST  
 LINE OF LOT 2 IN THE NORTHWEST QUARTER OF THE SOUTHWEST  
 QUARTER SECTION 6; THENCE S 42° 39' 8" E ALONG SAID FENCE LINE (AND THE  
 CENTERLINE OF SAID CURVE) TO A POINT ON THE NORTHWEST QUARTER SECTION 6  
 CONTINUING ALONG SAID CENTERLINE ON AN ARC OF 166.50 FEET BEARING  
 TO THE RIGHT (CURVE CONCAVE EAST) AN ARC LENGTH OF 82.72  
 FEET TO AN INTERSECTION WITH A NORTHWESTERLY COUNTY  
 ROAD BEARING OF 234.69 FEET S 0° 0' 0" E BEARING TO THE  
 CENTERLINE OF SAID CURVE; THENCE N 89° 27' 37" W FOR 28.28 FEET  
 TO THE RIGHT (CURVE CONCAVE EAST) AN ARC LENGTH OF 186.24 FEET (CURVE  
 BEARS N 85° 17' 4" A DISTANCE OF 185.01 FEET) THENCE CONTINUING  
 ALONG SAID CENTERLINE ON AN ARC OF 185.01 FEET TO A POINT ON THE  
 SOUTH LINE OF SECTION 6; THENCE N 89° 27' 37" W FOR 28.28 FEET TO A  
 POINT ON THE SOUTH LINE OF SECTION 6; THENCE N 89° 27' 37" W FOR 28.28 FEET  
 TO THE POINT OF BEGINNING, SAID TOTAL PARCEL CONTAINS 85.503  
 ACRES, INCLUDING COUNTY ROADS RIGHT-OF-WAY QUENTIN TRAIL AND  
 PRESTON PLACES, WHICH CONTAINS A TOTAL OF 4.790 ACRES.

HARRIS GROVE COUNTRY ESTATES SUB  
 PHASE I - FINAL PLAT  
 HARRISON COUNTY, IOWA  
 BOOK 00-05  
 PAGE 01  
 PROJECT NO. 000054(B)  
 DATE 12-27-00  
 TINKHAM LAND SURVEYING  
 9910 NORTH 48TH STREET, SUITE 200, OWNA, IA 51332  
 TELEPHONE 485-51-2088

# "HARRIS GROVE COUNTRY ESTATES PHASE I" FINAL PLAT

**LEGEND**  
 CORNERS FOUND, 5/8" REBAR •  
 V/CAP #9496  
 CORNERS SET ○  
 5/8" REBAR V/CAP #9496  
 GOVERNMENT CORNERS FOUND ⊕  
 GOVERNMENT CORNERS SET ⊕  
 5/8" REBAR V/CAP #9496  
 DEED DIMENSION D  
 ACTUAL DIMENSION A  
 FENCE LINE --+--+--+  
 RECORD DIMENSION R

**NOTE:** THE FRONT 10' OF ALL LOTS AND THE 10' ADJOINING SIDE LOT LINES OF ALL LOTS SHALL BE SUBJECT TO AN EASEMENT WHICH IS HEREBY RESERVED FOR USE FOR THE INSTALLATION AND MAINTENANCE OF BOTH PUBLIC AND PRIVATE UNDERGROUND UTILITIES, NAMELY PRIVATE WATER WELLS, PRIVATE WATER LINES, ELECTRICAL LINES BOTH PUBLIC AND PRIVATE, AND TELEPHONE LINES BOTH PUBLIC AND PRIVATE.

**AREA BREAKDOWN OF PARCELS:**

PART LOT 2 GOVERNMENT LOT 14 IN SECTION 1-78-43 = 1.932 ACRES  
 (LESS R.O.W.) 10.442 A)  
 PART GOVERNMENT LOT 15 IN SECTION 1-78-43 = 0.162 ACRES  
 (LESS R.O.W.) 10.137 A)  
 PART LOT 3 GOVERNMENT LOT 10 SECTION 6-78-42 = 37.852 ACRES  
 (LESS R.O.W.) 11.633 A)  
 PART LOT 4 GOVERNMENT LOT 11 SECTION 6-78-42 = 0.799 ACRES  
 (LESS R.O.W.) 16.315 ACRES  
 PART LOT 2 GOVERNMENT LOT 16 SECTION 6-78-42 = 15.946 ACRES  
 (LESS R.O.W.) 12.497 ACRES  
 PART NW1/4 SW1/4 SECTION 6-78-42 = 10.355 A)  
 (LESS R.O.W.)  
 85.503 ACRES  
 44,730 A)  
 80,713 ACRES

CURVE #	RADIUS	LENGTH	DELTA	CHORD
1	C/L 126.53'	185.74'	84°06'16"	S54°29'20"E-169.50'
	(NO R.O.W.)	159.53'	84°06'16"	S54°29'20"E-213.71'
	(SD R.O.W.)	93.53'	84°06'16"	S54°29'20"E-125.30'
2	C/L 260.00'	368.20'	81°08'27"	S40°07'40"W-338.20'
	(WEST R.O.W.)	227.00'	81°08'27"	S40°07'40"W-295.27'
	(EAST R.O.W.)	414.94'	81°08'27"	S40°07'40"W-381.12'
3	C/L 165.00'	227.21'	78°53'48"	N41°15'08"E-209.68'
	(NW R.O.W.)	198.00'	78°53'48"	N41°15'08"E-251.62'
	(SE R.O.W.)	132.00'	78°53'48"	N41°15'08"E-167.74'
4	C/L 206.00'	312.23'	86°50'35"	S45°13'20"E-283.19'
	(NW R.O.W.)	173.00'	86°50'35"	S45°13'20"E-227.83'
	(SE R.O.W.)	239.00'	86°50'35"	S45°13'30"E-328.56'
5	C/L 466.86'	186.24'	21°51'24"	N23°51'57"W-185.01'
	(WEST R.O.W.)	199.41'	21°51'24"	N23°51'57"W-198.09'
	(EAST R.O.W.)	143.86'	21°51'24"	N23°51'57"W-171.93'

TOTAL ACRES =  
 (LESS R.O.W.)

HARRIS GROVE COUNTRY ESTATES SUB-  
 PHASE I -- FINAL PLAT  
 HARRISON COUNTY, IOWA

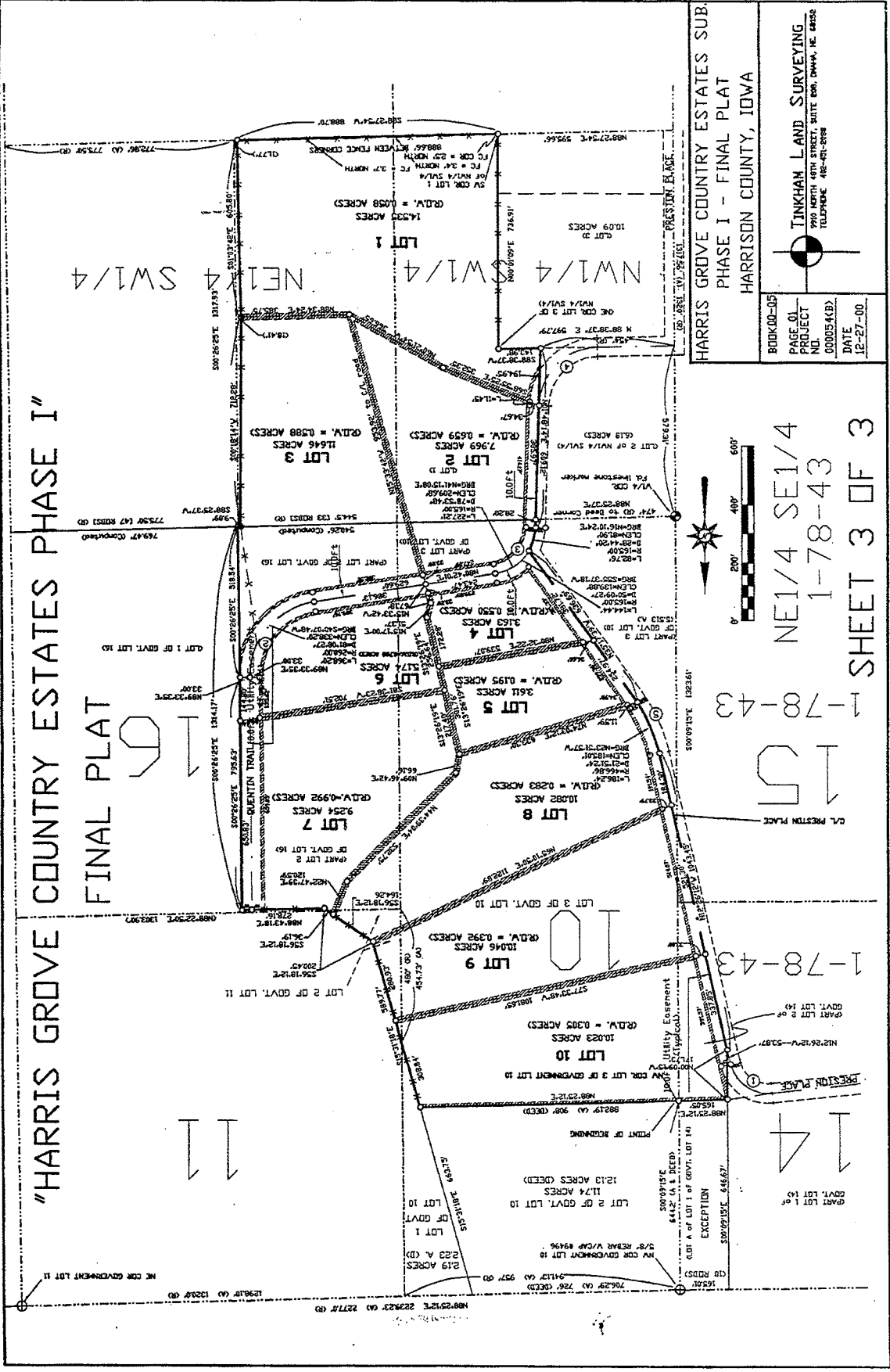
BOOK 008-305  
 PAGE 01  
 PROJECT  
 NCL  
 000054(B)  
 DATE  
 12-27-00



TINKHAM LAND SURVEYING  
 930 NORTH 48TH STREET, SUITE 206, DEMA, NE 68123  
 TELEPHONE 402-451-2008

# "HARRIS GROVE COUNTRY ESTATES PHASE I"

## FINAL PLAT



HARRIS GROVE COUNTRY ESTATES SUB.  
 PHASE I - FINAL PLAT  
 HARRISON COUNTY, IOWA

BOOK 00-05  
 PAGE 01  
 PROJECT  
 N.D.  
 000054(B)  
 DATE  
 12-27-00

TINKHAM LAND SURVEYING  
 1010 1/2 S. STATE ST. SUITE 200, DMAW, NE 68508  
 TELEPHONE 405-875-0200

NE 1/4 SE 1/4  
 1-78-43  
 SHEET 3 OF 3

1-78-43  
 15  
 1-78-43

14  
 GOVT. LOT 16  
 PART LOT 1 OF  
 M2-92-1-1-5-3-87  
 GOVT. LOT 16

1-78-43  
 GOVT. LOT 16  
 PART LOT 2 OF  
 GOVT. LOT 16

1-78-43  
 PRESIDENT PLACE  
 C/L PRESIDENT PLACE

1-78-43  
 PRESIDENT PLACE  
 PRESIDENT PLACE

1-78-43  
 PRESIDENT PLACE  
 PRESIDENT PLACE

1-78-43  
 PRESIDENT PLACE  
 PRESIDENT PLACE

1-78-43  
 PRESIDENT PLACE  
 PRESIDENT PLACE

1-78-43  
 PRESIDENT PLACE  
 PRESIDENT PLACE

FILE NO. 509  
BOOK 554 PAGE 509

INDEXED  
RECORDED  
COMPARED  
RECORDING  
FEE \$ 10.00  
TRANSFER  
FEE \$  
EMP \$

01 AUG 16 AM 10:49  
*Lorie A. Thompson*  
LORIE A. THOMPSON  
RECORDER  
HARRISON CO. IOWA

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

**CONSENT TO PLATTING**

TO WHOM IT MAY CONCERN:

The Peoples National Bank holds a mortgage recorded in Book 552, on Page 2624 of the Harrison County Recorder on the real estate described in the attached Schedule "A" that is made a part hereof by this reference. As said mortgage holder, the undersigned hereby consents that the titleholders, Ralph E. Spencer, III and Ruth E. Spencer, husband and wife, may plat said real estate into what is to be known as "Harris Grove Country Estates Phase I".

Dated this 16 day of August, 2001.

PEOPLES NATIONAL BANK

BY: *Brent Hansen*  
Vice President

STATE OF IOWA, COUNTY OF HARRISON ) ss.

On this 16 day of August, 2001, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Brent Hansen, 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 no seal has been procured by the corporation; that the instrument was signed on behalf of the corporation by authority of its Board of Directors; and that Brent Hansen, as such officer, acknowledged the execution of the foregoing instrument to be the voluntary act and deed of the corporation, by it and by himher voluntarily executed.



*Joan Martens*  
Notary public in and for said County and State

SCHEDULE "A"

PART OF LOT THREE (3) OF GOVERNMENT LOT TEN (10), LOT TWO (2) OF GOVERNMENT LOT ELEVEN (11), LOT TWO (2) OF GOVERNMENT LOT SIXTEEN (16), LOT ONE (1) OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (NW1/4 SW1/4), THE WEST THIRTY-THREE (33) RODS OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (NE1/4 SW1/4) OF SECTION SIX (6) IN TOWNSHIP SEVENTY-EIGHT (78) NORTH, RANGE FORTY-TWO (42); AND PART OF GOVERNMENT LOT FIFTEEN (15), AND PART OF LOT TWO (2) OF GOVERNMENT LOT FOURTEEN (14) IN SECTION ONE (1) IN TOWNSHIP SEVENTY-EIGHT (78) NORTH, RANGE FORTY-THREE (43); ALL WEST OF THE 5TH P.M., IN HARRISON COUNTY, IOWA; MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF GOVERNMENT LOT 10 IN SECTION 6-78-42; THENCE S00°09'15"E (AN ASSUMED BEARING RELATIVE TO ALL BEARINGS CONTAINED HEREIN) ALONG THE WEST LINE OF SAID GOVERNMENT LOT 10 A DISTANCE OF 644.20 FEET TO THE NORTHWEST CORNER OF LOT 3 IN GOVERNMENT LOT 10 AND THE POINT OF BEGINNING; THENCE N88°25'12"E ALONG THE NORTH LINE OF SAID LOT 3 A DISTANCE OF 882.19 FEET TO AN EXISTING FENCE LINE; THENCE S15°31'18"E ALONG SAID FENCE LINE A DISTANCE OF 589.77 FEET; THENCE S56°18'12"E ALONG SAID FENCE LINE A DISTANCE OF 200.45 FEET; THENCE N88°43'18"E ALONG SAID FENCE LINE A DISTANCE OF 278.16 FEET TO THE EAST LINE OF LOT 2 IN GOVERNMENT LOT 16; THENCE S00°26'25"E ALONG SAID LINE A DISTANCE OF 1314.17 FEET TO A POINT ON THE NORTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE S88°25'37"W FOR 9.09 ALONG THE NORTH LINE OF LOT 3 (THE WEST 33 RODS) OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6 TO AN EXISTING FENCE; THENCE S00°18'14"W FOR 712.28 FEET ALONG SAID EXISTING FENCE; THENCE S01°03'42"E FOR 605.80 FEET ALONG SAID EXISTING FENCE TO A POINT ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE S88°27'54"W ALONG SAID SOUTH LINE A DISTANCE OF 888.70 FEET TO THE SOUTHWEST CORNER OF LOT 1 OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER; THENCE N00°01'09"E ALONG AN EXISTING FENCE LINE A DISTANCE OF 736.91 FEET TO THE NORTHEAST CORNER OF LOT 3 IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER; THENCE S88°38'37"W ALONG THE NORTH LINE OF SAID LOT 3 A DISTANCE OF 143.98 FEET TO THE EAST LINE OF LOT 2 IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER; THENCE N01°48'14"E ALONG SAID EAST LINE (AND THE CENTERLINE OF A COUNTY ROAD) A DISTANCE OF 609.12 FEET; THENCE CONTINUING ALONG SAID CENTERLINE ON A 165.00 FOOT RADIUS CURVE TO THE RIGHT (CURVE CONCAVE EASTERLY) AN ARC LENGTH OF 82.76 FEET WITH A CHORD BEARING OF N16°10'24"E AND DISTANCE OF 81.90 FEET TO A POINT OF INTERSECTION WITH A NORTHWESTERLY COUNTY ROAD; THENCE N35°17'39"W ALONG SAID CENTERLINE OF COUNTY ROAD A DISTANCE OF 636.69 FEET; THENCE CONTINUING ON SAID CENTERLINE ON A 466.86 FOOT RADIUS CURVE TO THE RIGHT (CURVE CONCAVE NORTHEASTERLY) AN ARC LENGTH OF 186.24 FEET (CHORD BEARS N23°51'57"W A DISTANCE OF 185.01 FEET); THENCE CONTINUING ON SAID CENTERLINE N12°26'12"W A DISTANCE OF 1043.45 FEET TO A POINT ON THE WEST LINE OF THE EAST 10 RODS (165') OF GOVERNMENT LOT 14 IN SECTION 1-78-43; THENCE N00°09'15"W ALONG SAID WEST LINE A DISTANCE OF 171.73 FEET; THENCE N88°25'12"E A DISTANCE OF 165.05 FEET TO THE POINT OF BEGINNING. SAID TOTAL PARCEL CONTAINS 85.503 ACRES INCLUDING COUNTY ROADS RIGHT-OF-WAY (QUENTIN TRAIL AND PRESTON PLACE), WHICH CONTAINS A TOTAL OF 4.790 ACRES.

FILE NO. 509  
BOOK 554 PAGE 509

INDEXED ✓  
RECORDED  
COMPARED  
RECORDING  
FEE \$ 20.00  
TRANSFER  
FEE \$  
TWP \$

01 AUG 16 AM 10:49  
*Lorie A. Thompson*  
LORIE A. THOMPSON  
RECORDER  
HARRISON CO. IOWA

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

**AFFIDAVIT OF SURVEYOR CONCERNING  
LEGAL DESCRIPTIONS**

TO WHOM IT MAY CONCERN:

STATE OF IOWA, HARRISON COUNTY ) ss.

The undersigned, Gary D. Tinkham, an Iowa licensed land surveyor, being duly sworn (affirmed) upon oath, deposes and states:

1. On behalf of Ralph E. Spencer, III and Ruth E. Spencer, the undersigned has performed and prepared several surveys concerning the property described on the attached Schedule "A" made a part hereof by this reference.
2. Attached hereto and marked Schedule "B" is the legal description of property the undersigned has surveyed and the undersigned prepared the legal description contained on the attached Schedule "B".
3. The undersigned states and declares that the property described on Schedule "B" is wholly located within the perimeter of the legal description contained in Schedule "A".
4. This affidavit is made from the personal knowledge of the undersigned who is familiar with the herein described real estate, its titleholders, and its parties in possession, and is for the purpose of confirming title to the above described property.

Dated this 15 day of August, 2001.

*Gary D. Tinkham*  
 Gary D. Tinkham, Affiant

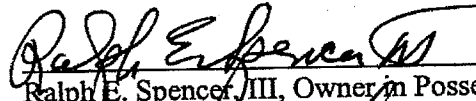

Subscribed in my presence and sworn to (affirmed) before me by the said affiant  
this 15 day of August, 2001.

*Connie J. Malone*  
Notary public in and for said State

CONNIE J. MALONE  
NOTARY PUBLIC - STATE OF IOWA  
My Commission Expires 2-21-02


**POWER OF ATTORNEY**

The undersigned, owner in possession of said property as above stated, hereby directs that this affidavit be filed of record and hereby appoints the Harrison County Recorder as the authorized attorney-in-fact to file same.

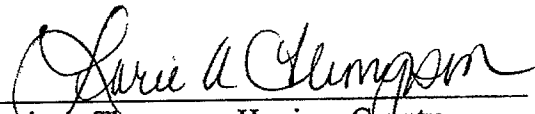
  
Ralph E. Spencer, III, Owner in Possession  
  
Ruth E. Spencer, Owner in Possession

STATE OF IOWA, COUNTY OF HARRISON ) ss.

This instrument was acknowledged before me on August 16<sup>th</sup>, 2001, by Ralph E. Spencer, III and Ruth E. Spencer.

  
Notary Public in and for said State  
**CONNIE J. MALONE**  
NOTARY PUBLIC - STATE OF IOWA  
My Commission Expires 7-27-02

The undersigned Recorder hereby certifies that the foregoing affidavit was filed in the Recorder's office by the owner in possession as named in the affidavit or by the attorney-in-fact as shown by the records, and duly recorded and entered on the records on the 16<sup>th</sup> day of August, 2001.

  
Lorie A. Thompson, Harrison County  
Recorder



## SCHEDULE "A"

Lot Three (3) of Government Lot Ten (10), and Lot Two (2) of Government Lot Eleven (11), and Lot Two (2) of Government Lot Sixteen (16) and Lot One (1) of the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$  SW $\frac{1}{4}$ ) and West Thirty-three (33) rods of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section Six (6) in Township Seventy-eight (78) North, Range Forty-two (42); and Government Lot Fifteen (15), and Lot Two (2) of Government Lot Fourteen (14) in Section One (1), Township Seventy-eight (78) North, Range Forty-three (43); all West of the 5th P.M., in Harrison County, State of Iowa.



SCHEDULE "B"

PART OF LOT THREE (3) OF GOVERNMENT LOT TEN (10), LOT TWO (2) OF GOVERNMENT LOT ELEVEN (11), LOT TWO (2) OF GOVERNMENT LOT SIXTEEN (16), LOT ONE (1) OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (NW1/4 SW1/4), THE WEST THIRTY-THREE (33) RODS OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (NE1/4 SW1/4) OF SECTION SIX (6) IN TOWNSHIP SEVENTY-EIGHT (78) NORTH, RANGE FORTY-TWO (42); AND PART OF GOVERNMENT LOT FIFTEEN (15), AND PART OF LOT TWO (2) OF GOVERNMENT LOT FOURTEEN (14) IN SECTION ONE (1) IN TOWNSHIP SEVENTY-EIGHT (78) NORTH, RANGE FORTY-THREE (43); ALL WEST OF THE 5TH P.M., IN HARRISON COUNTY, IOWA; MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF GOVERNMENT LOT 10 IN SECTION 6-78-42; THENCE S00°09'15"E (AN ASSUMED BEARING RELATIVE TO ALL BEARINGS CONTAINED HEREIN) ALONG THE WEST LINE OF SAID GOVERNMENT LOT 10 A DISTANCE OF 644.20 FEET TO THE NORTHWEST CORNER OF LOT 3 IN GOVERNMENT LOT 10 AND THE POINT OF BEGINNING; THENCE N88°25'12"E ALONG THE NORTH LINE OF SAID LOT 3 A DISTANCE OF 882.19 FEET TO AN EXISTING FENCE LINE; THENCE S15°31'18"E ALONG SAID FENCE LINE A DISTANCE OF 589.77 FEET; THENCE S56°18'12"E ALONG SAID FENCE LINE A DISTANCE OF 200.45 FEET; THENCE N88°43'18"E ALONG SAID FENCE LINE A DISTANCE OF 278.16 FEET TO THE EAST LINE OF LOT 2 IN GOVERNMENT LOT 16; THENCE S00°26'25"E ALONG SAID LINE A DISTANCE OF 1314.17 FEET TO A POINT ON THE NORTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE S88°25'37"W FOR 9.09 ALONG THE NORTH LINE OF LOT 3 (THE WEST 33 RODS) OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6 TO AN EXISTING FENCE; THENCE S00°18'14"W FOR 712.28 FEET ALONG SAID EXISTING FENCE; THENCE S01°03'42"E FOR 605.80 FEET ALONG SAID EXISTING FENCE TO A POINT ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE S88°27'54"W ALONG SAID SOUTH LINE A DISTANCE OF 888.70 FEET TO THE SOUTHWEST CORNER OF LOT 1 OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER; THENCE N00°01'09"E ALONG AN EXISTING FENCE LINE A DISTANCE OF 736.91 FEET TO THE NORTHEAST CORNER OF LOT 3 IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER; THENCE S88°38'37"W ALONG THE NORTH LINE OF SAID LOT 3 A DISTANCE OF 143.98 FEET TO THE EAST LINE OF LOT 2 IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER; THENCE N01°48'14"E ALONG SAID EAST LINE (AND THE CENTERLINE OF A COUNTY ROAD) A DISTANCE OF 609.12 FEET; THENCE CONTINUING ALONG SAID CENTERLINE ON A 165.00 FOOT RADIUS CURVE TO THE RIGHT (CURVE CONCAVE EASTERLY) AN ARC LENGTH OF 82.76 FEET WITH A CHORD BEARING OF N16°10'24"E AND DISTANCE OF 81.90 FEET TO A POINT OF INTERSECTION WITH A NORTHWESTERLY COUNTY ROAD; THENCE N35°17'39"W ALONG SAID CENTERLINE OF COUNTY ROAD A DISTANCE OF 636.69 FEET; THENCE CONTINUING ON SAID CENTERLINE ON A 466.86 FOOT RADIUS CURVE TO THE RIGHT (CURVE CONCAVE NORTHEASTERLY) AN ARC LENGTH OF 186.24 FEET (CHORD BEARS N23°51'57"W A DISTANCE OF 185.01 FEET); THENCE CONTINUING ON SAID CENTERLINE N12°26'12"W A DISTANCE OF 1043.45 FEET TO A POINT ON THE WEST LINE OF THE EAST 10 RODS (165') OF GOVERNMENT LOT 14 IN SECTION 1-78-43; THENCE N00°09'15"W ALONG SAID WEST LINE A DISTANCE OF 171.73 FEET; THENCE N88°25'12"E A DISTANCE OF 165.05 FEET TO THE POINT OF BEGINNING. SAID TOTAL PARCEL CONTAINS 85.503 ACRES INCLUDING COUNTY ROADS RIGHT-OF-WAY (QUENTIN TRAIL AND PRESTON PLACE), WHICH CONTAINS A TOTAL OF 4.790 ACRES.

FILE NO. 509  
BOOK 554 PAGE 509

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

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

August 9, 2001

TO WHOM IT MAY CONCERN

The undersigned recites and declares that he has examined the abstract of title in one part consisting of entries #1 through #134 and commencing with the United States Government original entry to the subject property, last certified to by the Harrison County Title and Guaranty Company of Logan, Iowa, under the date of July 19, 2001, at 8:00 o'clock a.m. as certification #21956. The real estate included in this examination is shown in Schedule "A" which is attached hereto and made a part hereof by this reference.

TITLE

Based solely upon my examination of the subject abstract, I find the names of the proprietors (record titleholders) of the subject premises, to be 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, except as is hereinafter mentioned, and I find marketable title to be in such proprietor.

EXCEPTIONS

1. Entry No. 128 of the abstract shows a mortgage to Peoples National Bank. This mortgage is dated February 28, 2000 and was recorded in Book 552, Page 2624 of the Harrison County Recorder's office on February 29, 2000. This mortgage is a first and valid lien on the above described premises. Consideration for this mortgage is stated to be \$385,000.00.

2. Entry No. 134 of the abstract shows that the real estate taxes are paid through the fiscal year which ended June 30, 2000, and all prior years. Said entry additionally shows that no current special assessments are unpaid. The taxes for the year ending June 30, 2001, have not yet been certified to the Harrison County Treasurer.

3. Entry No. 123 of the abstract is a showing concerning the zoning ordinance of

Harrison County, Iowa, dated February 22, 1996, filed December 12, 1996, in Book 549, on Page 1589 of the records of Harrison County, Iowa. Said entry shows the provisions of zoning ordinance #96-4 and ordinance #96-5. 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. 122 of the abstract shows the Statement and Notice to Public of Existence of Cost Sharing Agreements Under 467A.7(16) 1981 Iowa Code as filed March 31, 1981, in Book 533 on Page 1679. This notice states that certain real estate in Harrison County, Iowa, may be subject to soil conservation practice refund provided for in Chapter 467A.7(16), 1981 Code. This notice does not describe any specific real estate. Contact should be made with the soil conservation service in Logan, Iowa, if there are any questions concerning the existence of any obligation as identified in such code provision.

### **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,

A handwritten signature in cursive script that reads "Gary J. Altwegg". The signature is written in black ink and is positioned above the printed name.

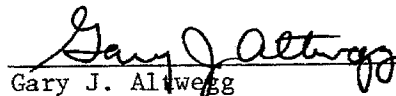
Gary J. Altwegg  
of Altwegg & Anderson

GJA:ss

SCHEDULE "A"

PART OF LOT THREE (3) OF GOVERNMENT LOT TEN (10), LOT TWO (2) OF GOVERNMENT LOT ELEVEN (11), LOT TWO (2) OF GOVERNMENT LOT SIXTEEN (16), LOT ONE (1) OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (NW1/4 SW1/4), THE WEST THIRTY-THREE (33) RODS OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (NE1/4 SW1/4) OF SECTION SIX (6) IN TOWNSHIP SEVENTY-EIGHT (78) NORTH, RANGE FORTY-TWO (42), AND PART OF GOVERNMENT LOT FIFTEEN (15), AND PART OF LOT TWO (2) OF GOVERNMENT LOT FOURTEEN (14) IN SECTION ONE (1) IN TOWNSHIP SEVENTY-EIGHT (78) NORTH, RANGE FORTY-THREE (43); ALL WEST OF THE 5TH P.M., IN HARRISON COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF GOVERNMENT LOT 10 IN SECTION 6-78-42; THENCE S00°09'15"E (AN ASSUMED BEARING RELATIVE TO ALL BEARINGS CONTAINED HEREIN) ALONG THE WEST LINE OF SAID GOVERNMENT LOT 10 A DISTANCE OF 644.20 FEET TO THE NORTHWEST CORNER OF LOT 3 IN GOVERNMENT LOT 10 AND THE POINT OF BEGINNING; THENCE N88°25'12"E ALONG THE NORTH LINE OF SAID LOT 3 A DISTANCE OF 882.19 FEET TO AN EXISTING FENCE LINE; THENCE S15°31'18"E ALONG SAID FENCE LINE A DISTANCE OF 589.77 FEET; THENCE S56°18'12"E ALONG SAID FENCE LINE A DISTANCE OF 200.45 FEET; THENCE N88°43'18"E ALONG SAID FENCE LINE A DISTANCE OF 278.16 FEET TO THE EAST LINE OF LOT 2 IN GOVERNMENT LOT 16; THENCE S00°26'25"E ALONG SAID LINE A DISTANCE OF 1314.17 FEET TO A POINT ON THE NORTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE S88°25'37"W FOR 9.09 ALONG THE NORTH LINE OF LOT 3 (THE WEST 33 RODS) OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6 TO AN EXISTING FENCE; THENCE S00°18'14"W FOR 712.28 FEET ALONG SAID EXISTING FENCE; THENCE S01°03'42"E FOR 605.80 FEET ALONG SAID EXISTING FENCE TO A POINT ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE S88°27'54"W ALONG SAID SOUTH LINE A DISTANCE OF 888.70 FEET TO THE SOUTHWEST CORNER OF LOT 1 OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER; THENCE N00°01'09"E ALONG AN EXISTING FENCE LINE A DISTANCE OF 736.91 FEET TO THE NORTHEAST CORNER OF LOT 3 IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER; THENCE S88°38'37"W ALONG THE NORTH LINE OF SAID LOT 3 A DISTANCE OF 143.98 FEET TO THE EAST LINE OF LOT 2 IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER; THENCE N01°48'14"E ALONG SAID EAST LINE (AND THE CENTERLINE OF A COUNTY ROAD) A DISTANCE OF 609.12 FEET; THENCE CONTINUING ALONG SAID CENTERLINE ON A 165.00 FOOT RADIUS CURVE TO THE RIGHT (CURVE CONCAVE EASTERLY) AN ARC LENGTH OF 82.76 FEET WITH A CHORD BEARING OF N16°10'24"E AND DISTANCE OF 81.90 FEET TO A POINT OF INTERSECTION WITH A NORTHWESTERLY COUNTY ROAD; THENCE N35°17'39"W ALONG SAID CENTERLINE OF COUNTY ROAD A DISTANCE OF 636.69 FEET; THENCE CONTINUING ON SAID CENTERLINE ON A 466.86 FOOT RADIUS CURVE TO THE RIGHT (CURVE CONCAVE NORTHEASTERLY) AN ARC LENGTH OF 186.24 FEET (CHORD BEARS N23°51'57"W A DISTANCE OF 185.01 FEET); THENCE CONTINUING ON SAID CENTERLINE N12°26'12"W A DISTANCE OF 1043.45 FEET TO A POINT ON THE WEST LINE OF THE EAST 10 RODS (165') OF GOVERNMENT LOT 14 IN SECTION 1-78-43; THENCE N00°09'15"W ALONG SAID WEST LINE A DISTANCE OF 171.73 FEET; THENCE N88°25'12"E A DISTANCE OF 165.05 FEET TO THE POINT OF BEGINNING. SAID TOTAL PARCEL CONTAINS 85.503 ACRES INCLUDING COUNTY ROADS RIGHT-OF-WAY (QUENTIN TRAIL AND PRESTON PLACE), WHICH CONTAINS A TOTAL OF 4.790 ACRES.

Dated: August 9, 2001

  
 Gary J. Altwegg

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FILE NO. 509  
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*Lorie A. Thompson*  
 LORIE A. THOMPSON  
 RECORDER  
 HARRISON CO. IOWA

Prepared by:

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

## PROTECTIVE COVENANTS

FOR

### HARRIS GROVE COUNTRY ESTATES PHASE I

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, and residential lots. Current owners, Ralph E. Spencer III & Ruth E. Spencer, reserve the right to split Lots 8 – 9 – and 10, each into two lots. These newly created lots, would then be numbered 8A-8B, 9A- 9B, & 10A- 10B respectively. The "A" Lots shall be the Southerly Lots. The "B" Lots shall be the Northerly Lots. Should this occur, these covenants shall also be binding and in effect on the newly created Lots. The easements along the front and side lot lines referred to in item 20 of this document shall also apply to and be binding upon the newly created lots.

#### 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. Livestock trailers for owners use are permitted.
  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, or livestock confinement operations shall be permitted.
  8. No hogs (swine) shall be permitted.
  9. Horses and/or cattle shall be permitted at the rate of 2 head per the first 3 acres, and 1 head for each additional 2 acres of each parcel. This allocation shall be interpreted collectively, and not 2 head per each species for the first 3 acres and so on.
  10. 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.
  11. The titleholders of the platted lot shall care for their pets so they will not be a nuisance to the neighborhood.
  12. In constructing the residence and buildings, all set back requirements shall be within the following specifications:
    - a) The distance from the front lot line to the residence shall be at least fifty feet (50').
    - b) The distance from the residence/garage/barn or utility building shall be a minimum of at least twenty-five (25') feet from the side lot lines, and fifty (50') feet from the rear lot line.
  13. Titleholder of the property, vacant or improved, shall keep his lot or lots free of weeds and debris, and maintained in a neat, well-kept manner.
  14. 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.
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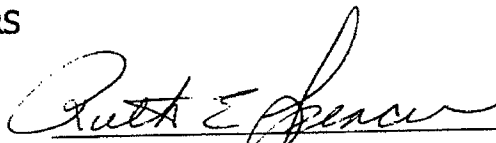
15. Nothing contained in this instrument shall in any way be construed as imposing on the undersigned any liability, obligation or requirement for its enforcement.
  16. The fence in front of the residence shall not exceed four (4') feet in height. Any type of fence constructed behind the residence shall not exceed six (6') feet in height. Chain link fencing shall not be permitted in front of the residence. All interior fencing between parcels shall be constructed of barbless materials. Owner's shall be responsible for construction and maintenance of their respective share (1/2) of neighboring interior line fences. Right hand fence rule shall apply unless special agreements are reached between adjoining landowners. Owners shall also be responsible for care, maintenance, and any future replacement of their Perimeter Boundary Line Fences.
  17. All buildings constructed in the Harris Grove Country Estates, Phase I 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.
  18. No motor cross or race tracks permitted.
  19. No organized shooting ranges or shooting clubs shall be permitted.
  20. The front ten (10') feet of all lots and the ten (10') feet adjoining side lot lines of all lots shall be subject to an easement which is hereby reserved for use for the installation and maintenance of both public and private underground utilities, namely private water wells, private water lines, and electrical lines to serve these wells. This easement is for the primary purpose of providing water to other property owners if necessary. This easement will be used only if needed to provide water to other owners of Lots in Harris Grove Country Estates Phase I. Should the owners of Lots in Harris Grove Country Estates Phase I need to use the 10' easement area on another property owner's property to obtain water, the cost of the new well and lines constructed on the easement area shall be 100% the responsibility of the party needing the well. The person owning the easement area upon which the new well is located shall have no responsibility for installation, and/or maintenance costs of said well and lines. There shall be no two party wells on these parcels, unless agreed to in writing by the parties involved. This agreement is in no way intended to create two party wells, and in no way shall it force a property owner to supply another property owner water from their own private well.
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21. The owners of all Lots in Harris Grove Country Estates Phase I agree to accept normal water drainage from adjoining parcels as dictated by mother nature and the lay of the land. Said owners also agree not to change this normal drainage pattern in any way that would alter normal water drainage patterns onto an adjoining land owner, unless such change is agreed to in writing by all affected parties.
  
  22. 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.
  
  23. 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.
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SIGNATURE PAGE  
RESTRICTIVE COVENANTS  
HARRIS GROVE COUNTRY ESTATES  
PHASE I  
OWNERS

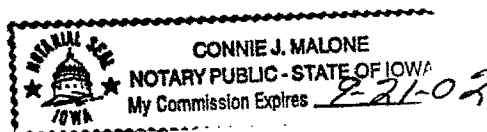
  
Ralph E. Spencer III

  
Ruth E. Spencer

STATE OF IOWA     )  
COUNTY OF        ) ss.  
HARRISON         )

On this <sup>th</sup> 15 day of August, 2001, before me, the undersigned, a Notary Public in and for said State, personally appeared 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.

  
NOTARY PUBLIC



## EXHIBIT "A"

PART OF LOT THREE (3) OF GOVERNMENT LOT TEN (10), LOT TWO (2) OF GOVERNMENT LOT ELEVEN (11), LOT TWO (2) OF GOVERNMENT LOT SIXTEEN (16), LOT ONE (1) OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (NW1/4 SW1/4), THE WEST THIRTY-THREE (33) RODS OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (NE1/4 SW1/4) OF SECTION SIX (6) IN TOWNSHIP SEVENTY-EIGHT (78) NORTH, RANGE FORTY-TWO (42), AND PART OF GOVERNMENT LOT FIFTEEN (15), AND PART OF LOT TWO (2) OF GOVERNMENT LOT FOURTEEN (14) IN SECTION ONE (1) IN TOWNSHIP SEVENTY-EIGHT (78) NORTH, RANGE FORTY-THREE (43), ALL WEST OF THE 5TH P.M., IN HARRISON COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF GOVERNMENT LOT 10 IN SECTION 6-78-42) THENCE S00°09'15"E (AN ASSUMED BEARING RELATIVE TO ALL BEARINGS CONTAINED HEREIN) ALONG THE WEST LINE OF SAID GOVERNMENT LOT 10 A DISTANCE OF 644.20 FEET TO THE NORTHWEST CORNER OF LOT 3 IN GOVERNMENT LOT 10 AND THE POINT OF BEGINNING; THENCE N88°25'12"E ALONG THE NORTH LINE OF SAID LOT 3 A DISTANCE OF 882.19 FEET TO AN EXISTING FENCE LINE; THENCE S15°31'18"E ALONG SAID FENCE LINE A DISTANCE OF 589.77 FEET; THENCE S56°18'12"E ALONG SAID FENCE LINE A DISTANCE OF 200.45 FEET; THENCE N88°43'18"E ALONG SAID FENCE LINE A DISTANCE OF 278.16 FEET TO THE EAST LINE OF LOT 2 IN GOVERNMENT LOT 16; THENCE S00°26'25"E ALONG SAID LINE A DISTANCE OF 1314.17 FEET TO A POINT ON THE NORTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE S88°25'37"W FOR 9.09 ALONG THE NORTH LINE OF LOT 3 (THE WEST 33 RODS) OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6 TO AN EXISTING FENCE; THENCE S00°18'14"W FOR 712.28 FEET ALONG SAID EXISTING FENCE; THENCE S01°03'42"E FOR 605.80 FEET ALONG SAID EXISTING FENCE TO A POINT ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE S88°27'54"W ALONG SAID SOUTH LINE A DISTANCE OF 888.70 FEET TO THE SOUTHWEST CORNER OF LOT 1 OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER; THENCE N00°01'09"E ALONG AN EXISTING FENCE LINE A DISTANCE OF 736.91 FEET TO THE NORTHEAST CORNER OF LOT 3 IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER; THENCE S88°38'37"W ALONG THE NORTH LINE OF SAID LOT 3 A DISTANCE OF 143.98 FEET TO THE EAST LINE OF LOT 2 IN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER; THENCE N01°48'14"E ALONG SAID EAST LINE (AND THE CENTERLINE OF A COUNTY ROAD) A DISTANCE OF 609.12 FEET; THENCE CONTINUING ALONG SAID CENTERLINE ON A 165.00 FOOT RADIUS CURVE TO THE RIGHT (CURVE CONCAVE EASTERLY) AN ARC LENGTH OF 82.76 FEET WITH A CHORD BEARING OF N16°10'24"E AND DISTANCE OF 81.90 FEET TO A POINT OF INTERSECTION WITH A NORTHWESTERLY COUNTY ROAD; THENCE N35°17'39"W ALONG SAID CENTERLINE OF COUNTY ROAD A DISTANCE OF 636.69 FEET; THENCE CONTINUING ON SAID CENTERLINE ON A 466.86 FOOT RADIUS CURVE TO THE RIGHT (CURVE CONCAVE NORTHEASTERLY) AN ARC LENGTH OF 186.24 FEET (CHORD BEARS N23°51'57"W A DISTANCE OF 185.01 FEET); THENCE CONTINUING ON SAID CENTERLINE N12°26'12"W A DISTANCE OF 1043.45 FEET TO A POINT ON THE WEST LINE OF THE EAST 10 RODS (165') OF GOVERNMENT LOT 14 IN SECTION 1-78-43; THENCE N00°09'15"W ALONG SAID WEST LINE A DISTANCE OF 171.73 FEET; THENCE N88°25'12"E A DISTANCE OF 165.05 FEET TO THE POINT OF BEGINNING. SAID TOTAL PARCEL CONTAINS 85.503 ACRES INCLUDING COUNTY ROADS RIGHT-OF-WAY (QUENTIN TRAIL AND PRESTON PLACE), WHICH CONTAINS A TOTAL OF 4.790 ACRES.