



# COMPARED

## STATEMENT OF MORTGAGE HOLDER Regarding The Hills of Cedar Creek Subdivision Phase 2

STATE OF IOWA                    )  
                                          )ss.  
POTTAWATTAMIE COUNTY        )

This statement is made pursuant to Iowa Code § 354.11(2), by Douglas Goodman, President, for Peoples National Bank, dated this 29<sup>th</sup> day of June, 2005.

1. Peoples National Bank is the holder of:
  - a) A mortgage granted to the Peoples National Bank to secure the sum of \$3,100,000.00, dated October 24, 2003, filed November 3, 2003, in Book 104, Page 11588;
  - b) A mortgage granted to Peoples National Bank to secure the sum of \$618,000.00, dated July 19, 2004, filed August 9, 2004, Book 105, Page 2521;

All recorded in the Pottawattamie County Recorder's office secured by certain real estate (including real estate not described below). The collateral for Peoples National Bank includes real estate that is to be platted as The Hills of Cedar Creek Subdivision Phase 2, Council Bluffs, Pottawattamie County, Iowa. The portion of the collateral that is to be platted as The Hills of Cedar Creek Phase 2 is the following described property, to-wit:

A tract of land lying in the Northeast Quarter of the Northwest Quarter and the Northwest Quarter of the Northeast Quarter of Section 3, Township 74 North, Range 43 West, and the Southeast Quarter of Section 34, Township 75 North, Range 43 West, all West of the 5th Principal Meridian, Pottawattamie County, Iowa and being more particularly described as follows:


Begin at the Northeast corner of Lot 33, The Hills of Cedar Creek, Phase 1, a subdivision, as surveyed, platted and recorded in Pottawattamie County, Iowa, said point also being the Southwest corner of said Southeast Quarter of Section 34; thence North 01°25'08" East along the West line of said Southeast Quarter, a distance of 1320.51 feet; thence North 01°25'06" East along said West line of the Southeast Quarter, a distance of 97.42 feet; thence North 80°47'40" East, a distance of 132.56 feet to a point on a curve; thence Easterly along a curve to the left having a radius of 50.00 feet and a central angle of 65°41'40", an arc distance of 57.33 feet (chord=54.24', chord bearing=s71°45'52"e); thence South 14°36'42" East, a distance of 25.00 feet; thence South 58°16'45" East, a distance of 166.77 feet; thence South 48°24'17" East, a distance of 124.72 feet; thence South 64°05'31" East, a distance of 29.43 feet; thence South 83°44'09" East, a distance of 135.19 feet; thence South 27°24'05" East, a distance of 158.34 feet; thence South 32°17'27" East, a distance of 107.89 feet; thence South 23°10'45" West, a distance of 24.33 feet; thence South 45°11'30" East, a distance of 115.00 feet; thence South 34°54'40" East, a distance of 50.61 feet; thence South 24°51'29" East, a distance of 144.54 feet; thence South 27°35'43" East, a distance of 54.89 feet; thence South 42°52'13" East, a distance of 57.88 feet; thence South 59°00'44" East, a distance of 15.55 feet to a point on the Northwesterly right-of-way line of Eastern Hills Drive (100' r/w 2005); thence Southwesterly along said right-of-way line being curved

to the right and having a radius of 650.00 feet and a central angle of 39°10'27", an arc distance of 444.42 feet (chord=435.81', chord bearing=s50°34'30"w) to a point of tangency; thence South 70°09'43" West along said right-of-way line, a distance of 201.72 feet to a point of curvature; thence Southwesterly along a curve to the left having a radius of 1,050.00 feet and a central angle of 33°38'29", an arc distance of 616.51 feet (ch=607.69', chord bearing=s53°20'29"w) to a point of tangency; thence South 36°31'15" West along said right-of-way line, a distance of 69.22 feet to a point on the Northerly right-of-way line of Cedarbrook Drive (50' r/w 2005); thence Westerly along said Northerly right-of-way line being curved to the left and having a radius of 225.00 feet and a central angle of 05°21'29", an arc distance of 21.04 feet (chord=21.03', chord bearing=n56°28'14"w) to the Southeast corner of the aforesaid Lot 33, The Hills of Cedar Creek, Phase 1; thence North 27°20'23" East along the East line of said Lot 33, a distance of 179.57 feet to the point of beginning. The above described tract of land contains 20.21 acres, more or less.

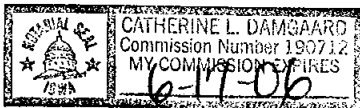
2. The plat for The Hills of Cedar Creek Subdivision, Phase 2 regarding the above-described real estate has been prepared with our free consent and in accordance with our desire.

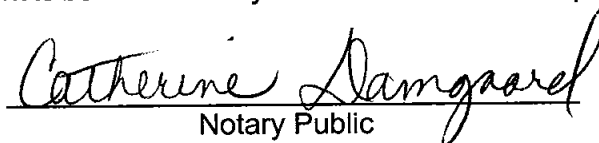
3. The undersigned mortgage holder grants a partial release of the above-described mortgage as to those portions of the above-described platted real estate that are conveyed to the governing body or dedicated to the public.

PEOPLES NATIONAL BANK

By   
Douglas Goodman  
Its: President

On this 29<sup>th</sup> day of June, 2005, before me, a notary public in and for said county, personally appeared Douglas Goodman, to me personally known, who being by me duly (sworn or affirmed) did say that he is the President of said 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 the said corporation by authority of its Board of Directors and the said Douglas Goodman acknowledges the execution of said instrument to be the voluntary act and deed of said corporation by it voluntarily executed.



  
Notary Public

## CERTIFICATE AND RECEIPT

=====

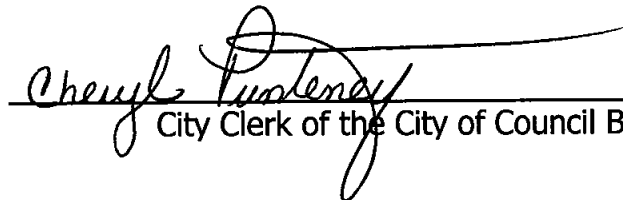
**STATE OF IOWA**

} ss.

Pottawattamie County,

The undersigned, Clerk of the City of Council Bluffs, Iowa, hereby certifies that  
Resolution 05-169 and Attachment "A" are as the same appears of record in this office.

Witness my hand and seal of the City of Council Bluffs, Iowa,  
this 16th day of June A.D. 2005

  
\_\_\_\_\_  
City Clerk of the City of Council Bluffs, Iowa

=====

RESOLUTION NO. 05-169

A RESOLUTION granting final plat approval for a Subdivision to be known as The Hills of Cedar Creek Phase 2.

WHEREAS, HCC Investments, L.L.C. has requested final plat approval for Phase 2 of The Hills of Cedar Creek Subdivision; and

WHEREAS, Phase 2 is located on 20+ acres along the westerly side of Eastern Hills Drive and adjacent to Phase 1 of the subdivision;

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

WHEREAS, the final plat is consistent with the preliminary plan approved on March 24, 2003, by Resolution No. 03-65, and as reconfirmed on May 24, 2004, by Resolution No. 04-115; and

WHEREAS, the Community Development Department recommends approval of the final plat for a subdivision to be known as The Hills of Cedar Creek Phase 2 as shown on Attachment "A", subject to the following conditions:

1. Prior to executing the final plat, all technical corrections required by the Community Development Department and/or Public Works Department shall be incorporated in the final plat document.
2. Prior to executing the final plat, all required public improvements shall be installed at developer's expense and accepted by the City, or the City shall be in receipt of a performance guarantee in an amount determined by the Public Works Department to be sufficient to finish all required public improvements not yet completed and/or certified and accepted by the Public Works Department.
3. Sidewalk along the North Lenox street frontage along Outlot "R" shall be in place and accepted by the City when the street is completed.
4. The developer shall install sidewalk, at no expense to the City, along the street frontage of each lot, including the cul-de-sacs, prior to issuance of a Certificate of Occupancy for each residence. Sidewalk and trails shall be built consistent with City standards and placement requirements.
5. All fire hydrants shall be active and accessible prior to any framing activity in the subdivision.
6. The developer shall provide the City with two sets of as-built construction drawings, testing results and a two-year maintenance bond, upon acceptance of all required improvements.
7. In addition to filing covenants, the applicant shall record documentation establishing the Homeowners Association, if separate from the covenants. Responsibility for maintenance of all detention/retention basins shall be identified. A copy shall be filed with the City Clerk and the Community Development Department.

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

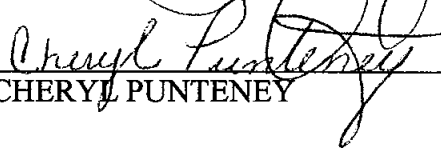
That the final plat for a subdivision to be known as The Hills of Cedar Creek Phase 2, as shown on the attachment, is hereby approved, subject to the conditions set forth above; and

BE IT FURTHER RESOLVED

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

ADOPTED  
AND June 13, 2005  
APPROVED

  
THOMAS P. HANAFAN Mayor

Attest:   
CHERYL PUNTENEY City Clerk

Planning Case No. SUB-05-012

ATTACHMENT 'A'  
CASE #SUB-05-012

**THE HILLS OF CEDAR CREEK, PHASE 2**  
LOTS 308 THROUGH 361 INCLUSIVE AND OUT LOTS "P", "q" AND "R",  
LYING IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER AND THE  
NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 74  
NORTH, RANGE 43 WEST, AND THE SOUTHWEST QUARTER OF SECTION 34,  
TOWNSHIP 75 NORTH, RANGE 43 WEST, ALL WEST OF THE 5TH PRINCIPAL  
MERIDIAN, POTTAWATTAMIE COUNTY, IOWA

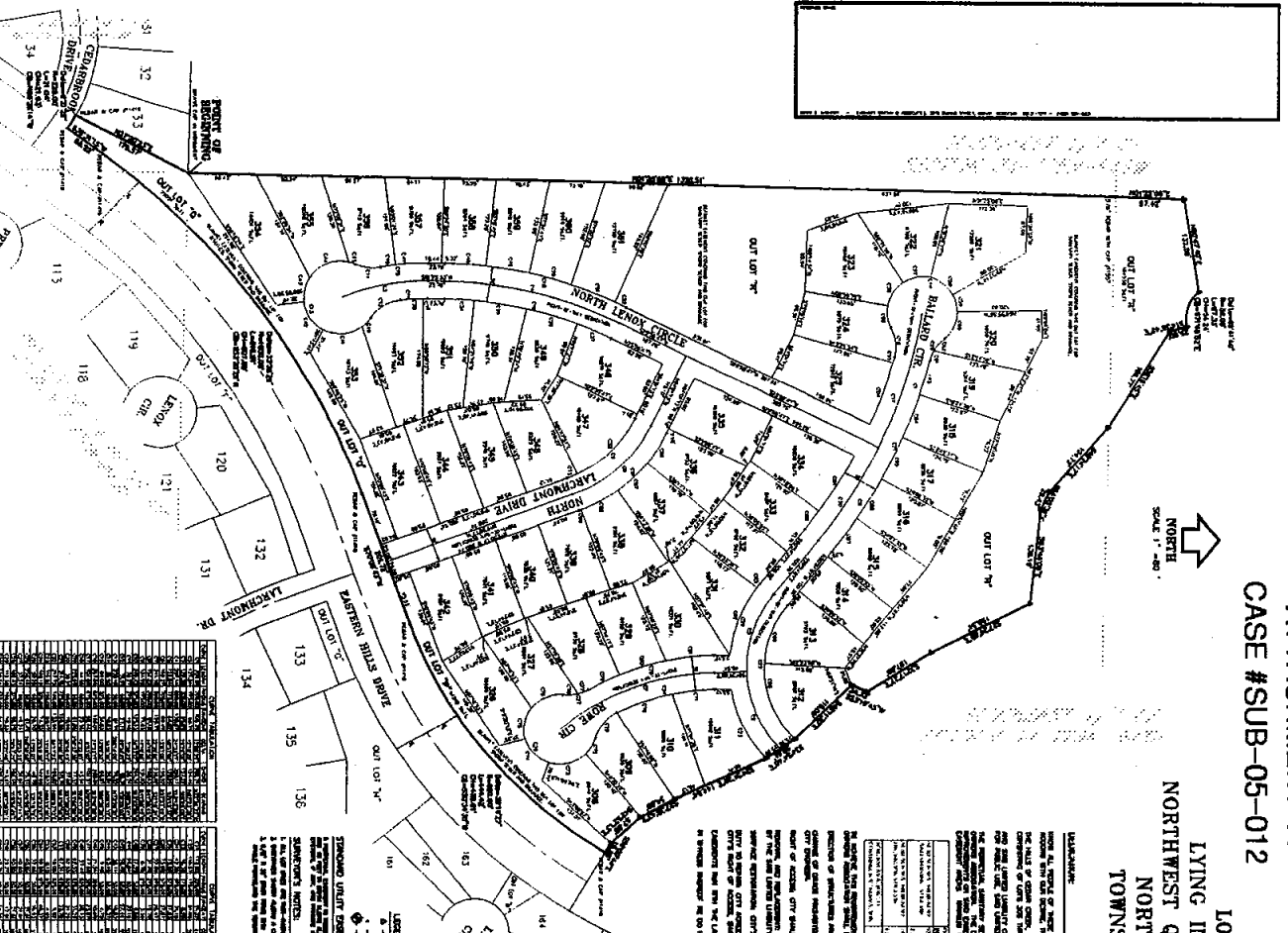


TABLE 1: SUMMARY OF LOT DATA

LOT NO.	AREA (SQ. FT.)	AREA (ACRES)
308	10,000	0.23
309	10,000	0.23
310	10,000	0.23
311	10,000	0.23
312	10,000	0.23
313	10,000	0.23
314	10,000	0.23
315	10,000	0.23
316	10,000	0.23
317	10,000	0.23
318	10,000	0.23
319	10,000	0.23
320	10,000	0.23
321	10,000	0.23
322	10,000	0.23
323	10,000	0.23
324	10,000	0.23
325	10,000	0.23
326	10,000	0.23
327	10,000	0.23
328	10,000	0.23
329	10,000	0.23
330	10,000	0.23
331	10,000	0.23
332	10,000	0.23
333	10,000	0.23
334	10,000	0.23
335	10,000	0.23
336	10,000	0.23
337	10,000	0.23
338	10,000	0.23
339	10,000	0.23
340	10,000	0.23
341	10,000	0.23
342	10,000	0.23
343	10,000	0.23
344	10,000	0.23
345	10,000	0.23
346	10,000	0.23
347	10,000	0.23
348	10,000	0.23
349	10,000	0.23
350	10,000	0.23
351	10,000	0.23
352	10,000	0.23
353	10,000	0.23
354	10,000	0.23
355	10,000	0.23
356	10,000	0.23
357	10,000	0.23
358	10,000	0.23
359	10,000	0.23
360	10,000	0.23
361	10,000	0.23
OUT LOT "P"	10,000	0.23
OUT LOT "Q"	10,000	0.23
OUT LOT "R"	10,000	0.23

**LEGAL DESCRIPTION:**  
THE HILLS OF CEDAR CREEK, PHASE 2, LOTS 308 THROUGH 361 INCLUSIVE AND OUT LOTS "P", "Q" AND "R", LYING IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER AND THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 74 NORTH, RANGE 43 WEST, AND THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 75 NORTH, RANGE 43 WEST, ALL WEST OF THE 5TH PRINCIPAL MERIDIAN, POTTAWATTAMIE COUNTY, IOWA.

TABLE 2: LEGAL DESCRIPTIONS

LOT NO.	LEGAL DESCRIPTION
308	...
309	...
310	...
311	...
312	...
313	...
314	...
315	...
316	...
317	...
318	...
319	...
320	...
321	...
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350	...
351	...
352	...
353	...
354	...
355	...
356	...
357	...
358	...
359	...
360	...
361	...
OUT LOT "P"	...
OUT LOT "Q"	...
OUT LOT "R"	...

**STANDARD JUDICIAL EXEMPTIONS (IOWA 2006, CHAPTER 331)**  
This plat is subject to the provisions of the Iowa Code, Chapter 331, which provides for a judicial exemption from the provisions of the Iowa Code, Chapter 331, in certain circumstances. The provisions of the Iowa Code, Chapter 331, are hereby incorporated by reference into this plat.

**UNRECORDED NOTES:**  
1. The plat is subject to the provisions of the Iowa Code, Chapter 331, which provides for a judicial exemption from the provisions of the Iowa Code, Chapter 331, in certain circumstances. The provisions of the Iowa Code, Chapter 331, are hereby incorporated by reference into this plat.

**REVISIONS**

NO.	DESCRIPTION	DATE	BY

**THE HILLS OF CEDAR CREEK PHASE 2 FINAL PLAT COUNCIL BLUFFS, IOWA**

DESIGNED BY: DATE: 2-16-05  
DRAWN BY:  
CHECKED BY:  
CREW:

**ENGHART & GRIFFIN ASSOCIATES**  
3001 Federal Street  
Council Bluffs, Iowa 51501  
402 / 331-6411

PROJECT NO. EGAD21243

SHEET NO. 1 OF 1



PETERS  
LAW FIRM,  
P.C.

July 6, 2005

HCC Investments LLC  
11040 Oakmont  
Overland Park, KS 66210

Examined by  
Peters Law Firm, P.C.

Abstract Opinion No. 4536

233 PEARL STREET  
P.O. BOX 1078  
COUNCIL BLUFFS,  
IOWA 51502-1078  
712-328-3157  
FAX: 712-328-9092

To Whom It May Concern:

GLENWOOD OFFICE  
10 NORTH WALNUT  
P.O. BOX 189  
GLENWOOD, IA 51534  
712-527-4877  
FAX: 712-527-3418

As requested, I have completed an examination of the abstract of Title provided as to the following described real estate situated in Pottawattamie County, Iowa, described, to-wit:

NEOLA OFFICE  
401 FRONT STREET  
P.O. BOX 282  
NEOLA, IA 51559  
712-485-2265

A tract of land lying in the Northeast Quarter of the Northwest Quarter and the Northwest Quarter of the Northeast Quarter of Section 3, Township 74 North, Range 43 West, and the Southeast Quarter of Section 34, Township 75 North, Range 43 West, all West of the 5th Principal Meridian, Pottawattamie County, Iowa and being more particularly described as follows:

JAMES A. CAMPBELL  
DENNIS M. GRAY  
JAMES A. THOMAS  
LYLE W. DITMARS  
SCOTT H. PETERS\*  
JOHN M. McHALE\*  
JACOB J. PETERS\*  
LEO P. MARTIN\*  
SCOTT J. ROGERS  
JON E. HEISTERKAMP\*  
JOHN M. FRENCH\*  
MATTHEW G. WOODS  
JOHN C. RASMUSSEN\*  
JOHN D. KWAPNIOSKI\*  
JENNIFER K. SEWELL\*  
JUSTIN R. WYATT

Begin at the Northeast corner of Lot 33, The Hills of Cedar Creek, Phase 1, a subdivision, as surveyed, platted and recorded in Pottawattamie County, Iowa, said point also being the Southwest corner of said Southeast Quarter of Section 34; thence North 01°25'08" East along the West line of said Southeast Quarter, a distance of 1320.51 feet; thence North 01°25'06" East along said West line of the Southeast Quarter, a distance of 97.42 feet; thence North 80°47'40" East, a distance of 132.56 feet to a point on a curve; thence Easterly along a curve to the left having a radius of 50.00 feet and a central angle of 65°41'40", an arc distance of 57.33 feet (chord=54.24', chord bearing=s71°45'52"e); thence South 14°36'42" East, a distance of 25.00 feet; thence South 58°16'45" East, a distance of 166.77 feet; thence South 48°24'17" East, a distance of 124.72 feet; thence South 64°05'31" East, a distance of 29.43 feet; thence South 83°44'09" East, a distance of 135.19 feet; thence South 27°24'05" East, a distance of 158.34 feet; thence South 32°17'27" East, a distance of 107.89 feet; thence South 23°10'45" West, a distance of 24.33 feet; thence South 45°11'30" East, a distance of 115.00 feet; thence South 34°54'40" East, a distance of 50.61 feet; thence South 24°51'29" East, a distance of 144.54 feet; thence South 27°35'43" East, a distance of 54.89 feet; thence South 42°52'13" East, a distance of 57.88 feet; thence South 59°00'44" East, a distance of 15.55 feet to a point on the Northwesterly right-of-way line of Eastern Hills Drive (100' r/w 2005); thence

\*Also Admitted in NE



Southwesterly along said right-of-way line being curved to the right and having a radius of 650.00 feet and a central angle of 39°10'27", an arc distance of 444.42 feet (chord=435.81', chord bearing=s50°34'30"w) to a point of tangency; thence South 70°09'43" West along said right-of-way line, a distance of 201.72 feet to a point of curvature; thence Southwesterly along a curve to the left having a radius of 1,050.00 feet and a central angle of 33°38'29", an arc distance of 616.51 feet (ch=607.69', chord bearing=s53°20'29"w) to a point of tangency; thence South 36°31'15" West along said right-of-way line, a distance of 69.22 feet to a point on the Northerly right-of-way line of Cedarbrook Drive (50' r/w 2005); thence Westerly along said Northerly right-of-way line being curved to the left and having a radius of 225.00 feet and a central angle of 05°21'29", an arc distance of 21.04 feet (chord=21.03', chord bearing=n56°28'14"w) to the Southeast corner of the aforesaid Lot 33, The Hills of Cedar Creek, Phase 1; thence North 27°20'23" East along the East line of said Lot 33, a distance of 179.57 feet to the point of beginning. The above described tract of land contains 20.21 acres, more or less.

The Abstract is in two parts. Part 1 contains Entries numbered 1-39, both inclusive, last certified to January 12, 2005 at 8:00 a.m. Part 2 contains Entries numbered 1 through 9, both inclusive, last certified to July 6, 2005 at 9:00a.m. All parts of the abstract were last certified by Abstract Guaranty Company, Title Guaranty Division Member No. 8146.

The abstract contains a notice at Entry No. 1 of Part 1 that the Abstract is prepared pursuant to Section 614.29 through 614.28 of the Code of Iowa, Chapter 11 of the Iowa Land Title standards of the Iowa State Bar Association and the Abstracting Standards of the Iowa Land Title Association.

All matters of record prior to the date of the recording of the root of title are omitted herefrom except:

1. Plat and surveys.
2. Easements.
3. Party wall and other boundary lines agreements.
4. Unexpired recorded leases.
5. Patents.

## TITLE

Subject to the exceptions listed below, we find marketable title to the property to be in HCC Investments, LLC an Iowa limited liability company, pursuant the combination of a Warranty Deed dated October 24, 2003, filed November 3, 2003 in Book 104, Page 11586 as disclosed at Entry No. 25 of Part 1; and a Warranty Deed dated October 24, 2003, filed November 3, 2003 in Book 104, Page 11587 as disclosed at Entry No. 26 of Part 1.

## EXCEPTIONS

1. Entry No. 27 of Part 1 and disclose a mortgage granted to the Peoples National Bank to secure the sum of \$3,100,000.00, dated October 24, 2003, filed November 3, 2003, in Book 104, Page 11588.

2. Entry No. 29 of Part 1 disclose a mortgage granted to Peoples National Bank to secure the sum of \$618,000.00, dated July 19, 2004, filed August 9, 2004, Book 105, Page 2521.

3. Entry No. 15 of Part 1 disclose City of Council Bluffs Resolution No. 03-176 approving annexation of the property under examination. Entry No. 17 of Part 1 disclose the Filing of Written Decision recorded on July 27, 2004 in Book 105, Page 01742 regarding the annexation.

4. Entry No. 23 of Part 1 disclose City of Council Bluffs Ordinance No. 5767, recorded September 17, 2003 in Book 104, Page 07246, which amends the zoning map regarding the property under examination and other property. You are referred to the Zoning Administrator for details regarding the zoning of specific parcels.

5. Entry No. 30 of Part 1 disclose City of Council Bluffs Ordinance Nos. 3967, 3968, 4948, changes to the Municipal Code, and Ordinance Nos. 5216, 5217, 5255, 5323, 5458, and 5469.

Entry No. 31 of Part 1 disclose City of Council Bluffs Ordinance No. 4589.

Entry No. 32 of Part 1 disclose City of Council Bluffs Ordinance No. 4942.

Entry No. 33 of Part 1 disclose City of Council Bluffs Ordinance No. 5264.

Entry No. 34 of Part 1 disclose City of Council Bluffs Ordinance No. 5333.

SINCE THESE ORDINANCES AFFECT THE PROPERTY UNDER EXAMINATION, YOU ARE REFERRED TO THE RECORD FOR FURTHER PARTICULARS.

6. Entry No. 3 of Part 2 discloses the following:

WE DO NOT CERTIFY TO UNPAID FEES FOR SERVICES FOR SEWER SYSTEMS, STORM WATER DRAINAGE SYSTEMS, SEWAGE TREATMENT, SOLD WASTE COLLECTION, WATER, AND SOLID WASTE DISPOSAL, WHICH HAVE BEEN CERTIFIED TO THE COUNTY TREASURER FOR COLLECTION UNLESS THESE CHARGES HAVE BEEN ENTERED ON THE TAX RECORDS.

7. Entry No. 4 of Part 2 discloses the following:

"INASMUCH as the office of the County Treasurer indexes Buildings on Leased Land and assessments for machinery and equipment in such a manner it is impossible to determine if there are any which would attach to the real estate under examination, we do not certify to such assessments".

8. Entry No. 41 of Part 1 and Entry No. 6 of Part 2 disclose the following:

"NO SEARCH made for Bankruptcies filed subsequent to October 1, 1979. Your attention is directed to the Bankruptcy Clerk of Federal Court, Des Moines, Iowa where said matters are now filed of record."

9. Entry No. 7 of Part 2 discloses the City of Council Bluffs Ordinance No. 05-169 granting final plat approval for The Hills of Cedar Creek Phase 2, was recorded on

July 6, 2005 in Book 106, Page 249.  
*at 8:53 a.m.*

10. Entry No. 8 of Part 2 discloses LIEN SEARCHES including Liens in District and Federal Courts Pottawattamie County as to the following persons, ONLY:

Ten Years last past:  
HCC Investments, LLC

11. Entry No. 9 of Part 2 discloses:

GENERAL TAXES for the year 2004, not yet assessed.  
GENERAL TAXES for the year 2003, and prior years paid.

P-023006034004919;  
P-023006034004920;  
P-023006034005079;  
P-023006034005080;  
P-049016003015250;  
P-049016003015251;

### CAUTIONARY INSTRUCTIONS

This examination does not constitute a certification that any building or other improvements situated upon the described property are within the platted boundary lines. Such determination could only be made by survey.

This examination does not constitute a certification that any fences or other apparent boundary line markers are situated upon the platted boundaries of the land. This determination could only be made by survey.

If any person is in possession other than the titleholders named in this opinion, you should make inquiry to determine the nature and extent of the claimed right of possession.

You are charged with notice of any visible easements such as power lines, and if any such easements exist, you should make inquiry to determine the nature and extent of the claimed easement right.

The opinion covers the period shown on the abstractor's certificate only. You take subject to any matters affecting title from the last certificate to closing. You can purchase for yourself from the abstractor a lien search and certificate as of closing. Contact the abstractor or this office for assistance.

Under Iowa law, any person who furnishes labor, services, or materials, incident to the construction of any building or other improvement upon real estate, may file a Mechanic's Lien against the real estate, within ninety days after completion of the improvements, if the improvements have not been paid for. You should therefore satisfy yourself that no recent improvements have been made on the property, or if any such improvements have been made, you should satisfy yourself that all bills, in connection with the improvements, have been paid.

You should assure yourself as to the availability of reasonable and convenient access to the real estate from an existing public right-of-way. You are charged with notice of any rights to access to and from highways and streets which may be designated as "controlled access facilities" by the state and local authorities.

You are charged with notice that the use of any real estate located in the State of Iowa may be subject to restrictions relating to Flood Plain Zoning; these restrictions on use are administered by the Iowa Department of Natural Resources in conjunction with local and federal authorities. In the event the real estate described herein appears to be physically located in an area where there is a potential for flooding from any source, you are directed to consult with the City or County officers having charge of zoning matters to determine whether or not restrictions may apply by virtue of Flood Plain Zoning.

The abstract has not disclosed the existence of hazardous substance, pollutants, contaminants, hazardous wastes, underground storage tanks, drainage wells, active or abandoned water wells, and other environmentally regulated activities. You are cautioned that federal, state and local legislation may, in the event there are environmental and/or public health violations, permit injunctive relief and require removal, remedial actions and/or other "clean up." The cost of such "clean up" may become a lien against the real estate, and a party interested in the real estate may incur personal liability even though said

party may not have disposed of any hazardous substances, pollutants, contaminants, or hazardous waste on the real estate or used any underground storage tanks or wells.

You should, therefore, make a careful inspection of the property to determine that such environmental contamination or conditions do not exist. You may also want to consider the following:

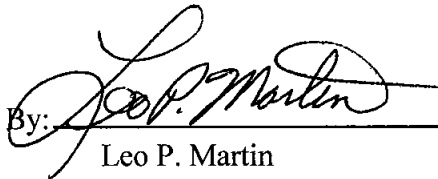
- a) Inquire as to past uses of the property to determine if such uses could have resulted in any contamination or future contamination of the property or the groundwater, and ascertain whether any adjoining property has been or is being used for a purpose which has or could result in contamination of the property under examination; and
- b) Make a visual inspection and/or conduct professional testing to confirm the real estate is free of environmental hazards and contamination.

The laws of the U.S.A. relating to bankruptcy provide that all bankruptcy cases are to be filed with the Clerk of the Bankruptcy Court. Since the clerk's office is not in the county in which the real estate is situated, the abstract company cannot certify whether or not the title to the real estate is affected thereby. If a concern should be present regarding the effects of bankruptcy upon the title of the subject real estate, an inquiry should be made to the office of the Clerk of Bankruptcy Court in Des Moines, Iowa.

The Abstract is being retained pending further instructions. If you have any questions, please contact me.

Sincerely,

PETERS LAW FIRM, P.C.

By:   
Leo P. Martin

LPM:rsw  
Enclosure

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**SUPPLEMENTAL DECLARATION**  
**OF**  
**EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS**  
**OF**  
**THE HILLS OF CEDAR CREEK**  
**A SUBDIVISION IN**  
**THE CITY OF COUNCIL BLUFFS**  
**POTTAWATTAMIE COUNTY, IOWA**

**THIS SUPPLEMENTAL DECLARATION OF EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS ("Supplemental Declaration")** is made this 20 day of June 2005, by HCC Investments, LLC, an Iowa limited liability company ("**Developer**").

**RECITALS:**

Developer is owner of that certain real property located in Hills of Cedar Creek, a subdivision in the City of Council Bluffs, Pottawattamie County, Iowa, according to the recorded plat thereof (the "**Plat**") in the office of the Pottawattamie County Recorder, as more particularly described in **Exhibit A**.

Pursuant to paragraphs 13.2 and 14.1 of the Declaration, the Developer desires to amend the Declaration of Easements, Covenants, Conditions, and Restrictions ("**Declaration**") recorded in the office of the Pottawattamie County Recorder on February 18, 2005, in Book 105, Page 15339.

**NOW, THEREFORE**, in consideration of these mutual Agreements and other

consideration, it is hereby agreed as follows:

1. That all terms and provisions of the Declaration and any amendments thereto will be binding on that certain real property described in **Exhibit A** attached hereto and incorporated herein.
2. All other terms and provisions of the Declaration and any amendments thereto shall remain the same.

**IN WITNESS WHEREOF**, Developer has executed this Supplemental Declaration as of the date first above written.

**HCC INVESTMENTS, LLC,**  
an Iowa limited liability company

By: Jerry F. Duggan  
Jerry F. Duggan, Member

STATE OF IOWA )  
 ) SS.  
COUNTY OF POTTAWATTAMIE )

On this 20<sup>th</sup> day of June, 2005, before me appeared Jerry F. Duggan, to me personally known, who, being by me duly sworn, did say that he is a member of HCC Investments, LLC, an Iowa limited liability company, and that said instrument was signed on behalf of said limited liability company, and said Jerry F. Duggan acknowledged said instrument to be the free act and deed of said limited liability company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the county and state aforesaid on the day and year first above written.

[SEAL]

Leo P. Martin  
Notary Public

My Commission Expires:

8/29/2006



**EXHIBIT A**

**Legal Description:**

Lots 308 through 361, inclusive, Hills of Cedar Creek Subdivision, Phase 2, Council Bluffs, Pottawattamie County, Iowa according to the recorded plat thereof.