

COMPALED

FINAL PLAT OF THE HILLS OF CEDAR CREEK, PHASE 1, REPLAT 2

LOTS 1 THROUGH 13, INCLUSIVE, BEING A REPLAT OF LOTS 202 THROUGH 241, INCLUSIVE, THE HILLS OF CEDAR CREEK, PHASE 1, COUNCIL BLUFFS, IOWA.

REGISTERED MAPS CONTROL ACT 2011-012503

FILE NO. 2011-012503

DATE OF RECORDING 10/21/11

RECORDING FEE \$100.00

STAMPED

CITY COUNCIL APPROVED BY MAYOR, THOMAS J. BANAYAN DATE 9/21/11 ATTESTED TO BY: [Signature] DATE 9/27/2011 CITY CLERK, MARCEAL WOODEN

COMMUNITY DEVELOPMENT APPROVED BY DIRECTOR, COMMUNITY DEVELOPMENT, RONALD GROSS DATE 9/21/11

IN WITNESS WHEREOF, I DO HEREBY RAFFY AND APPROVE OF THE DISPOSITION OF COUNCIL BLUFFS SAVINGS BANK PROPERTY AS CONTAINED HEREIN ON THIS 21st DAY OF September, 2011. BY: Matthew D. Grossal, President

STATE OF IOWA) IS) ON THIS 21st DAY OF September, 2011, BEFORE ME, A NOTARY PUBLIC IN AND FOR THE STATE OF IOWA, PERSONALLY APPEARED MATTHEW D. GROSSAL, WHO SAID HE IS THE PRESIDENT OF COUNCIL BLUFFS SAVINGS BANK, AND SAID HE IS THE PERSON WHO CONVEYED TO HIS INSTRUMENT TO BE HIS VOLUNTARY ACT AND DEED.

NOTARY PUBLIC IN AND FOR THE STATE OF IOWA. MY COMMISSION EXPIRES 12-16-13. [Signature]

EXCEPT, ARDORNE STREET RIGHT OF WAY PREVIOUSLY DEDICATED TO THE CITY OF COUNCIL BLUFFS, IOWA.

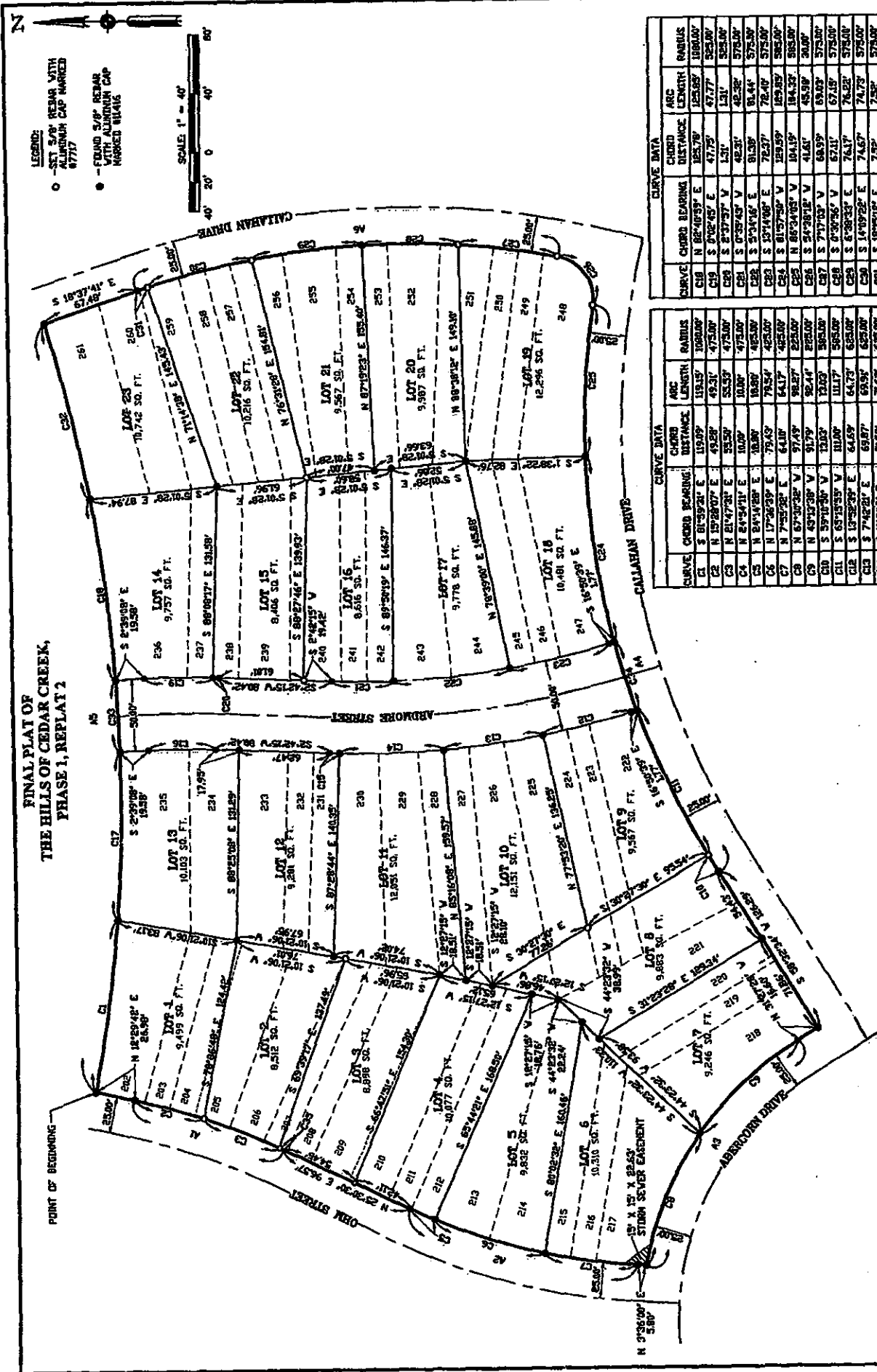
THE TOTAL AREA OF SAID LOTS 1 THROUGH 23, INCLUSIVE IS 239,266 SQUARE FEET OR 5.46 ACRES, MORE OR LESS.

1. THE TREASURER OF POTTAWATOMIE COUNTY, IOWA, HEREBY CERTIFY THAT THE PROPERTY DESCRIBED IN THIS PLAT OF CEDAR CREEK, PHASE 1, REPLAT 1 IS FREE FROM CERTIFIED TAXES AND CHARGES OF POTTAWATOMIE COUNTY. CARL E. RUDERS, JR. DATE 9/28/11

ROGERS SURVEYING 1688 ROLLING HILLS LOOP COUNCIL BLUFFS, IOWA PHONE: 712 366-9009

TITLE FINAL PLAT OF THE HILLS OF CEDAR CREEK, PHASE 1, REPLAT 2 SHEET 1 OF 2

FINAL PLAT OF
THE HILLS OF CEDAR CREEK,
PHASE 1, REPLAT 2



CURVE	CHORD BEARING	CHORD DISTANCE	ARC LENGTH	RADIUS
A1	N 15°00'00" E	107.25'	107.25'	475.00'
A2	N 14°22'00" E	161.52'	162.31'	425.00'
A3	N 35°44'00" V	280.55'	190.31'	425.00'
A4	S 78°32'33" V	400.13'	400.42'	385.00'
A5	N 85°55'53" E	531.15'	534.65'	1000.00'
A6	S 3°26'38" E	870.44'	894.65'	575.00'

NOTES

1) A PERPETUAL EASEMENT IS RESERVED FOR STORM DRAINAGE AND FOR THE INSTALLATION AND MAINTENANCE OF UTILITIES OF 5.00 FEET IN WIDTH ALONG THE INTERIOR LOT LINES AND 10.00 FEET IN WIDTH ALONG ALL FRONT LOT LINES AND 10.00 FEET IN WIDTH ALONG ALL REAR LOT LINES AND 10.00 FEET IN WIDTH ALONG THE NORTHERLY LOT LINE OF LOTS 1, 13, 14, AND 23 AND 10.00 FEET IN WIDTH ALONG THE SOUTHWESTERLY LOT LINE OF LOTS 6 AND 7 AND 10.00 FEET IN WIDTH ALONG THE SOUTHWESTERLY LOT LINE OF LOTS 18 AND 19.

2) ALL LOT LINES ARE NON-RADIAL TO CURVED STREET LINES, UNLESS OTHERWISE NOTED.

CURVE	CHORD BEARING	CHORD DISTANCE	ARC LENGTH	RADIUS
C18	N 82°40'39" E	125.78'	125.62'	1000.00'
C19	S 9°02'45" E	47.75'	47.77'	325.00'
C20	S 2°37'37" V	1.31'	1.31'	525.00'
C21	S 0°39'45" V	42.31'	42.32'	575.00'
C22	S 2°04'16" E	81.39'	81.44'	575.00'
C23	S 3°14'06" E	72.37'	72.40'	575.00'
C24	S 81°57'30" V	129.99'	129.99'	385.00'
C25	N 85°34'03" E	194.15'	194.33'	385.00'
C26	S 24°28'12" V	41.61'	43.39'	30.00'
C27	S 71°17'33" V	68.99'	69.03'	575.00'
C28	S 3°30'36" V	62.11'	62.11'	575.00'
C29	S 8°28'32" E	74.17'	74.22'	575.00'
C30	S 14°09'28" E	74.67'	74.73'	575.00'
C31	S 18°57'12" E	7.52'	7.52'	575.00'
C32	N 76°10'16" E	125.21'	125.28'	1000.00'
C33	N 87°20'52" E	50.00'	50.00'	1000.00'
C34	S 73°09'28" V	30.00'	30.00'	385.00'
C35	N 25°19'38" E	3.04'	3.04'	475.00'

CURVE	CHORD BEARING	CHORD DISTANCE	ARC LENGTH	RADIUS
C1	S 81°39'24" E	119.89'	119.15'	1000.00'
C2	N 19°28'07" E	49.31'	49.31'	475.00'
C3	N 81°47'31" E	53.59'	53.53'	475.00'
C4	N 84°54'11" E	10.00'	10.00'	475.00'
C5	N 84°14'28" E	10.00'	10.00'	425.00'
C6	N 17°28'39" E	79.43'	79.24'	425.00'
C7	N 7°53'22" E	64.10'	64.17'	425.00'
C8	N 67°30'32" V	91.73'	91.27'	225.00'
C9	S 35°18'38" V	110.00'	110.00'	225.00'
C10	S 19°15'53" V	64.69'	64.73'	385.00'
C11	S 13°28'39" E	69.95'	69.95'	385.00'
C12	S 7°42'21" E	69.87'	71.62'	625.00'
C13	S 11°57'31" V	71.58'	71.62'	625.00'
C14	S 2°39'30" V	6.99'	6.99'	625.00'
C15	S 8°01'33" V	44.93'	44.91'	475.00'
C16	S 8°01'33" V	316.31'	316.37'	1000.00'
C17	S 88°14'21" E	106.37'	106.37'	1000.00'

ROGERS SURVEYING
1688 ROLLING HILLS LOOP COUNCIL BLUFFS, IOWA
SCALE 1" = 40'
DRAWN BY: S.K.A.
DATE: 8-30-2011
PHONE: 319-366-9009
REVISED

TITLE FINAL PLAT OF THE HILLS OF CEDAR CREEK, PHASE 1, REPLAT 2
CLIENT: COUNCIL BLUFFS SWINNS BANK
1117 PEARL STREET
COUNCIL BLUFFS, IOWA 51803
SHEET 2 OF 2



PETERS
LAW FIRM,
P.C.

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

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

JAMES A. CAMPBELL*
DENNIS M. GRAY
LYLE W. DITMARS*
SCOTT H. PETERS*
JOHN M. McHALE*
JACOB J. PETERS*
LEO P. MARTIN*
SCOTT J. ROGERS*
JON E. HEISTERKAMP*
JOHN C. RASMUSSEN*
JOHN D. KWAPNIOSKI*
JAMES A. THOMAS, Retired
*Also Admitted in NE

September 30, 2011

COMPARED

Council Bluffs Savings Bank
117 Pearl Street
Council Bluffs, IA 51503

Examined by
Peters Law Firm, P.C.
Abstract Opinion No. 4813

RE: The Hills of Cedar Creek, Phase 1, Replat 2
Our File No. 30333

To Whom It May Concern:

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:

Lots 202 through 261, both inclusive, The Hills of Cedar Creek Phase 1,
in the City of Council Bluffs, Pottawattamie County, Iowa.

The Abstract is in 4 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 - 26, both inclusive, last certified to January 21, 2005, at 8:00 a.m. Part 3, which is a continuation of both Parts 1 and 2, contains Entries numbered 1 through 8, both inclusive, last certified to February 18, 2005, at 4:30 p.m. Part 4 is a continuation of Part 3 for the property described above which contains Entries numbered 1 through 20, both inclusive, last certified to September 30, 2001, at 10:20 a.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 both Parts 1 and 2 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 therefrom 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 Council Bluffs Savings Bank pursuant to a Warranty Deed dated December 30, 2009, filed February 10, 2010, in Book 2010, Page 1632 as disclosed at Entry No. 10 of Part 4. Entry No. 10 also discloses that the Warranty Deed was re-recorded on February 16, 2010, in Book 2010, Page 1767 to correct the legal description (of other property not under examination).

Entry No. 2 of Part 4 discloses that Council Bluffs Savings Bank was the holder of a mortgage dated April 7, 2005, filed April 25, 2005, in Book 105, Page 19847 which was granted to secure the sum of \$2,450,000.00 secured by the property under examination and other properties. The receipt by Council Bluffs Savings Bank of the Warranty Deed disclosed at Entry No. 10 of Part 4 resulted in a merger of title and extinguishment of the mortgage disclosed at Entry No. 2 of Part 4 regarding the property under examination.

EXCEPTIONS

1. Entry No. 14 of Part 1 and Entry No. 8 of Part 2 discloses a boundary survey of the property under examination and additional property by Ehrhart Griffin & Associates dated February 11, 2003, recorded February 12, 2003, in Book 103, Page 45478.

2. Entry No. 6 of Part 3 discloses that final plat of The Hills of Cedar Creek, Phase 1, was filed February 18, 2005, in Book 105, Page 15339. This final plat included the Declaration of Easements, Covenants, Conditions, and Restrictions of The Hills of Cedar Creek, a subdivision in the City of Council Bluffs, Pottawattamie County, Iowa, and the Declaration of Covenants, Restrictions, Assessments and Easements of Hills of Cedar Creek Townhomes.

3. Entry No. 9 of Part 4 discloses the First Amendment to the Declaration of Covenants, Restrictions, Assessments and Easements of Hills of Cedar Creek Townhomes dated December 5, 2007, which was filed December 6, 2007, in Book 2007, Page 19177. This document states that upon the filing of the final plat of The Hills of Cedar Creek, Phase 1, Replat 1, the property that was described as Lots 202 through 261, both inclusive, The Hills of Cedar Creek, Phase 1, Council Bluffs, Pottawattamie County, Iowa will be removed from the jurisdiction of the Townhome Covenants and remain subject to the provisions of the Declaration of Easements, Covenants, Conditions, and Restrictions of The Hills of Cedar Creek, a subdivision in the City of Council Bluffs,

Pottawattamie County, Iowa which were executed on February 15, 2005, and which were recorded as part of the final plat of the subdivision known as The Hills of Cedar Creek, Phase 1, which was recorded February 18, 2005, in Book 105, Page 15339.

4. Entry No. 9A of Part 4 discloses that plat of The Hills of Cedar Creek, Phase 1, Replat 1 was filed December 6, 2007, in Book 2007, Page 19178.

5. Entry No. 16 of Part 4 discloses the Second Amendment to the Declaration of Covenants, Restrictions, Assessments and Easements of Hills of Cedar Creek Townhomes notarized on September 28, 2011, which was filed September 28, 2011, in Book 2011, Page 12402. This document states that upon the filing of the final plat of The Hills of Cedar Creek, Phase 1, Replat 2,

a) the property that was described as Lots 202 through 261, both inclusive, The Hills of Cedar Creek, Phase 1, Council Bluffs, Pottawattamie County, Iowa will be removed from the jurisdiction of the Townhome Covenants and remain subject to the provisions of the Declaration of Easements, Covenants, Conditions, and Restrictions of The Hills of Cedar Creek, a subdivision in the City of Council Bluffs, Pottawattamie County, Iowa which were executed on February 15, 2005, and which were recorded as part of the final plat of the subdivision known as The Hills of Cedar Creek, Phase 1, which was recorded February 18, 2005, in Book 105, Page 15339;

b) the specific easements created by the Townhome Covenants and the specific easements created for Townhome Lots by the Final Plat of The Hills of Cedar Creek, Phase 1 which was recorded February 18, 2005 in Book 105, Page 15339 for the Townhome Lots formerly described as Lots 202 through 261, both inclusive, The Hills of Cedar Creek, Phase 1, Council Bluffs, Pottawattamie County, Iowa, will be released; and

c) the Lots in Phase 1, Replat 2 will be subject to a perpetual easement reserved for storm drainage and the installation and maintenance of utilities five feet each side of the interior lot lines and 10 feet in width along all front and rear lot lines and the front setback line shall be 25 feet from the front line of each lot.

6. Entry No. 15 discloses a Utility and Roadway Right-of-Way Easement dated August 25, 2011, recorded September 14, 2011 in Book 2011, Page 11708. The easement grants the City of Council Bluffs a permanent easement for the purpose of constructing, reconstructing, repairing, enlarging and maintaining utilities and roadway together with necessary appurtenances thereto on property that adjoins the property under examination. This easement was required by the City in Resolution No. 11-72 disclosed at Entry No. 14 of Part 4 as more fully described in Exception 7 below.

7. Entry No. 15 of Part 1 and Entry No. 9 of Part 2 disclose City of Council Bluffs Resolution No. 03-176 approving annexation of the property under examination. Entry No. 17 of Part 1 and Entry No. 13 of Part 2 disclose the Filing of Written Decision recorded on July 27, 2004, in Book 105, Page 01742 regarding the annexation.

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.

Entry No. 30 of Part 1 and Entry No. 17 of Part 2 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 and Entry No. 18 of Part 2 disclose City of Council Bluffs Ordinance No. 4589.

Entry No. 32 of Part 1 and Entry No. 19 of Part 2 disclose City of Council Bluffs Ordinance No. 4942.

Entry No. 33 of Part 1 and Entry No. 20 of Part 2 disclose City of Council Bluffs Ordinance No. 5264.

Entry No. 34 of Part 1 and Entry No. 21 of Part 2 disclose City of Council Bluffs Ordinance No. 5333.

Entry No. 1 of Part 3 discloses City of Council Bluffs Resolution No. 05-16 which granted approval of the final plat of The Hills of Cedar Creek Phase 1, adopted and approved January 24, 2005, and recorded February 1, 2005, in Book 105, Page 14222.

Entry No. 6 of Part 4 discloses City of Council Bluffs Resolution No. 05-208 resolution renaming two streets in The Hills of Cedar Creek Subdivision Phase 1 (should read Phase 1) adopted and approved June 27, 2005 and recorded December 18, 2006 in Book 107, Page 10253.

Entry No. 11 of Part 4 discloses City of Council Bluffs Resolution No. 6126 which changed the zoning map of the City of Council Bluffs and changed the zoning designation of Lots 202 through 261, The Hills of Cedar Creek, Phase 1, from R-3/Low Density Multi-Family Residential to the R-1/Single Family Residential Designation. The ordinance was passed and approved May 9, 2011, and recorded May 31, 2011, in Book 2011, Page 6730.

Entry No. 14 of Part 4 discloses City of Council Bluffs Resolution No. 11-72 which granted approval of the final plat of The Hills of Cedar Creek Phase 1, Replat 2, passed and approved April 11, 2011, and recorded September 15, 2011, in Book 2011, Page 11816. A letter that granted an extension of the time to file the final plat is recorded with the plat documents.

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

8. Entry No. 41 of Part 1 and Entry No. 26 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. 3 of Part 3 discloses the following:

WE DO NOT CERTIFY TO UNPAID FEES FOR SERVICES FOR SEWER SYSTEMS, STORM WATER DRAINAGE SYSTEMS, SEWAGE TREATMENT, SOLID 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.

10. Entry No. 4 of Part 3 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."

11. Entry No. 16 of Part 4 discloses a Notice of Release of REIDS Installments Lots 202 through 261 The Hills of Cedar Creek Phase 1, dated September 14, 2011, filed September 20, 2011, in Book 2011, Page 11965 which states that the Board of Trustees of Hills of Cedar Creek Real Estate Improvement District of Pottawattamie County Iowa (the "District") released the 8th through 15th installments of the Special Assessments known as REIDS that were assessed against Lots 202 through 261, both inclusive, The Hills of Cedar Creek Phase 1, Council Bluffs, Pottawattamie County, Iowa to permit the replatting of said lots as Lots 1 through 23 of The Hills of Cedar Creek Phase 1, Replat 2, Council Bluffs, Pottawattamie County, Iowa. The notice further states that after the final plat for the re-plat is recorded the Board of Trustees of the District intends to assess the released installments for the 60 lots against the 23 lots that will be created by the re-platting.

12. Entry No. 18 of Part 4 discloses LIEN SEARCHES including Liens in District and Federal Courts Pottawattamie County as to the following persons, ONLY:

Ten Years last past:
Council Bluffs Savings Bank

13. Entry No. 19 of Part 4 discloses:

“UNPAID SPECIAL ASSESSMENTS for The Hills of Cedar Creek Phase 1 in office of County Treasurer for REIDS payable in 15 installments- \$11,100.00, Installments 1 to 7, paid; Installments 8 to 15 released per Book 2011, Page 11965.

14. Entry No. 20 of Part 4 discloses:

GENERAL TAXES for the Year 2010 and prior years, paid.

P-754334479001	Lot 202
002	Lot 203
003	Lot 204
004	Lot 205
005	Lot 206
006	Lot 207
007	Lot 208
008	Lot 209
009	Lot 210
010	Lot 211
011	Lot 212
012	Lot 213
013	Lot 214
014	Lot 215
015	Lot 216
016	Lot 217
P-754334479034	Lot 218
033	Lot 219
032	Lot 220
031	Lot 221
030	Lot 222
029	Lot 223
028	Lot 224
027	Lot 225
026	Lot 226
025	Lot 227
024	Lot 228
023	Lot 229
022	Lot 230
021	Lot 231
020	Lot 232
019	Lot 233
018	Lot 234
017	Lot 235

P-754334480001	Lot 236
002	Lot 237
003	Lot 238
004	Lot 239
005	Lot 240
006	Lot 241
007	Lot 242
008	Lot 243
009	Lot 244
010	Lot 245
011	Lot 246
012	Lot 247
026	Lot 248
025	Lot 249
024	Lot 250
023	Lot 251
022	Lot 252
021	Lot 253
020	Lot 254
019	Lot 255
018	Lot 256
017	Lot 257
016	Lot 258
015	Lot 259
014	Lot 260
013	Lot 261

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:

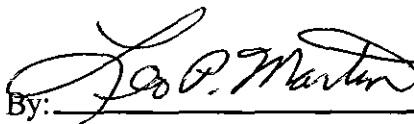
- a) Inquire as to past uses of the property to determine if such uses could have resulted in any contamination or future contamination of the property or the groundwater, and ascertain whether any adjoining property has been or is being used for a purpose which has or could result in contamination of 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 retained pending further instructions. If you have any questions, please contact me.

Sincerely,

PETERS LAW FIRM, P.C.

By: 

Leo P. Martin

LPM:gs

G:\LPM\30333\Utrs\TO 4813.wpd

CERTIFICATE AND RECEIPT

=====

STATE OF IOWA

} SS.

Pottawattamie County,

The undersigned, City Clerk of the City of Council Bluffs, Iowa, hereby certifies:
Resolution 11-72, Exhibit "A" and the Proof of Publication, is the same that appears as
record in this office.



Witness my hand and seal of Council Bluffs, Iowa,
this 28th day of September A.D., 2011

Maria L. Walden

City Clerk of the City of Council Bluffs

=====

R Fee 25.00 + 10.00

A Fee _____

T Tax _____

Pottawattamie County, IA 2011-011816
Recorder John Sciortino
Book-Page: 2011-011816
File Time: 09/15/2011 @ 09:51:17 AM
Rec-\$35.00 Aud-\$0.00 RMA-\$1.00 ECM-\$1.00
Current Transfer Tax Paid: \$0.00



CONFIDENTIAL

RESOLUTION NO. 11-72

A RESOLUTION GRANTING FINAL PLAT APPROVAL FOR THE HILLS OF CEDAR CREEK, PHASE 1, REPLAT 2, LOCATED NORTHEAST OF ABERCORN DRIVE BETWEEN OHM STREET AND CALLAHAN DRIVE.

WHEREAS, Council Bluffs Savings Bank is requesting a replat of Lots 202 through 261 of The Hills of Cedar Creek, Phase 1, to create 23 single family residential lots; and

WHEREAS, rezoning of the lots from R-3/Low Density Multi-family Residential to R-1/Single Family Residential will be considered by the Planning Commission on April 12, 2011; 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 1, Replat 2, as shown on Attachment "A", subject to the following:

1. A 30' wide easement to the City centered on the existing storm and sanitary sewer facilities lying in the unplatted land to the north, shall be described and recorded in a separate document before the final plat can be executed. Easements describing the location of the temporary turnarounds shall also be recorded prior to execution of the final plat document.
2. Prior to executing the final plat, all technical corrections required by the Community Development Department and/or Public Works Department shall be incorporated into the final plat document.
3. Resolution No. 05-16 dated January 24, 2005, approving the final plat for the Hills of Cedar Creek, Phase 1, is amended to:
 - a. Revoke the variances applied to Lots 202 through 261, as the deficiencies are eliminated with the plat.
 - b. Remove the restriction prohibiting single family detached homes applied to Lots 202 through 261.
4. All costs involved with relocating utilities and sanitary sewer inlets/service connections shall be the responsibility of the developer. The modifications needed to provide direct access to sanitary sewer shall be completed prior to executing the final plat.
5. Rezoning to R-1/Single Family Residential is needed to allow construction of one single family detached dwelling on each of the 23 lots, as shown on the replat.
6. Covenants specific to the replat shall be recorded with the final plat document with a copy provided to 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 The Hills of Cedar Creek, Phase 1, Replat 2, as shown on Attachment "A", is hereby approved, subject to the conditions set forth above; and

BE IT FURTHER RESOLVED

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


ADOPTED
AND
APPROVED

April 11, 2011



THOMAS P. HANAPAN Mayor

Attest:



MARCIA L. WORDEN City Clerk

Planning Case No. SUB-11-003

PROOF OF PUBLICATION

STATE OF IOWA
POTTAWATTAMIE COUNTY

I, Amy McKay, on my oath do solemnly swear that I am the Controller of the COUNCIL BLUFFS DAILY NONPAREIL, a newspaper issued DAILY and printed in said county, COUNCIL BLUFFS, IOWA.

The attached notice was published in said newspaper for 1 consecutive time(s) as follows:

The first publication thereof began on the 1st day of April, 2011

Signed in my presence by the said Amy McKay and by her sworn to before me this 6th day of April, A.D. 2011.

NOTICE OF PUBLIC HEARING
TO WHOM IT MAY CONCERN:
You and each of you are hereby notified that the City Council of the City of Council Bluffs, Iowa, has scheduled a public hearing on the request for final plat approval of a replat to be known as The Hills of Cedar Creek, Phase 1, Replat 2, located on 5.263 acres being a replat of Lots 202 through 261, The Hills of Cedar Creek, Phase 1. Location: Northeast of Abercorn Drive, between Ohm Street and Callahan Drive.
You are further notified that a public hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting held at 7:00 p.m., on the 11th day of April, 2011, in the City Council Chambers, 2nd Floor of City Hall, 209 Pearl Street, Council Bluffs, Iowa at which time and place all persons interested in said matter will be given an opportunity to be heard.
Marcia L. Worden, City Clerk
2011 (4) 1 - 1 Friday



Amy McKay
Daily Nonpareil Controller



Jeannette Johnson
Notary Public



Filed this 6th day of April, A.D. 2011.
Publication Cost: \$ 11.13

Customer Number: 35700
Order Number: 20273820

5A

LEGAL DESCRIPTION:

THE HILLS OF CEDAR CREEK, PHASE 1, REPLAT 2, LOTS 1 THROUGH 23 INCLUSIVE, BEING A REPLAT OF LOTS 202 THROUGH 261 INCLUSIVE, THE HILLS OF CEDAR CREEK, PHASE 1, COUNCIL BLUFFS, IOWA, AS SHOWN IN BOOK 106, PAGE 1439 IN THE OFFICE OF THE POTTAWATTAMIE COUNTY RECORDER, LIVING IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 75 NORTH, RANGE 43 WEST OF THE FIFTH PRINCIPAL MERIDIAN, POTTAWATTAMIE COUNTY, COUNCIL BLUFFS, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWESTERLY CORNER OF SAID LOT 202, THE HILLS OF CEDAR CREEK, PHASE 1, CEDAR CREEK, EAST, ALONG THE NORTHERLY LINE OF THE HILLS OF CEDAR CREEK, PHASE 1 AND ALONG A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 1060.00 FEET AND A CENTRAL ANGLE OF 282°32'12" AN ARC LENGTH OF 536.63 FEET AND HAVING A CHORD BEARING AND DISTANCE OF NORTH 88°55'59" EAST, 531.15 FEET TO THE NORTHWESTERLY CORNER OF SAID LOT 261, THE HILLS OF CEDAR CREEK, PHASE 1, AND ALSO BEING ON THE WESTERLY RIGHT OF WAY LINE OF CALLAHAN DRIVE; THENCE SOUTH 18°37'41" EAST, ALONG SAID WESTERLY RIGHT OF WAY LINE OF CALLAHAN DRIVE, A DISTANCE OF 674.8 FEET TO THE BEGINNING OF A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 575.00 FEET AND A CENTRAL ANGLE OF 29°21'37", THENCE ALONG SAID WESTERLY RIGHT OF WAY LINE OF CALLAHAN DRIVE AND ALONG SAID CURVE AN ARC LENGTH OF 294.45 FEET AND HAVING A CHORD BEARING AND DISTANCE OF SOUTH 35°56'53" EAST, 291.44 FEET TO THE POINT OF COMPOUND CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 300 FEET AND A CENTRAL ANGLE OF 87°49'32"; THENCE SOUTHWESTERLY ALONG THE NORTHWESTERLY RIGHT OF WAY LINE OF SAID CALLAHAN DRIVE AND A CHORD BEARING AND DISTANCE OF SOUTH 58°38'12" WEST, 41.61 FEET TO THE POINT OF REVERSE CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 585.00 FEET AND A CENTRAL ANGLE OF 39°29'56"; THENCE WESTERLY ALONG THE NORTHERLY RIGHT OF WAY LINE OF SAID CALLAHAN DRIVE AND ALONG SAID CURVE, AN ARC LENGTH OF 468.40 FEET AND HAVING A CHORD BEARING AND DISTANCE OF SOUTH 78°32'33" WEST, 400.15 FEET TO THE END OF SAID CURVE, THENCE SOUTH 58°32'34" WEST, ALONG THE SAID NORTHERLY RIGHT OF WAY LINE OF CALLAHAN DRIVE, A DISTANCE OF 124.29 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 218, THE HILLS OF CEDAR CREEK, PHASE 1, THENCE NORTH 31°27'22" WEST, ALONG THE NORTHWESTERLY RIGHT OF WAY LINE OF ABERCORN DRIVE, A DISTANCE OF 16.60 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 225.00 FEET AND A CENTRAL ANGLE OF 48°33'48"; THENCE NORTHWESTERLY, ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE OF ABERCORN DRIVE AND ALONG SAID CURVE, AN ARC LENGTH OF 190.71 FEET AND HAVING A CHORD BEARING AND DISTANCE OF NORTH 55°44'20" WEST, 185.05 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 217, THE HILLS OF CEDAR CREEK, PHASE 1, THENCE NORTH 3°36'09" EAST, ALONG THE EASTERLY RIGHT OF WAY LINE OF OHM STREET, A DISTANCE OF 580 FEET TO THE BEGINNING OF A CURVE CONCAVE EASTERLY HAVING A RADIUS OF 425.00 FEET AND A CENTRAL ANGLE OF 21°44'29"; THENCE NORTHEAST, ALONG SAID EASTERLY RIGHT OF WAY LINE OF OHM STREET AND ALONG SAID CURVE, AN ARC LENGTH OF 162.51 FEET AND HAVING A CHORD BEARING AND DISTANCE OF NORTH 14°33'15" EAST, 161.52 FEET TO THE END OF SAID CURVE, THENCE NORTH 28°30'30" EAST, ALONG SAID EASTERLY RIGHT OF WAY LINE OF OHM STREET, A DISTANCE OF 96.57 FEET TO THE BEGINNING OF A CURVE CONCAVE WESTERLY HAVING A RADIUS OF 475.00 FEET AND A CENTRAL ANGLE OF 12°00'49"; THENCE NORTHEAST, ALONG SAID EASTERLY RIGHT OF WAY LINE OF OHM STREET AND ALONG SAID CURVE, AN ARC LENGTH OF 107.88 FEET AND HAVING A CHORD BEARING AND DISTANCE OF NORTH 19°06'06" EAST, 107.46 FEET TO THE END OF SAID CURVE, THENCE NORTH 12°29'42" EAST, ALONG SAID EASTERLY RIGHT OF WAY LINE OF OHM STREET, A DISTANCE OF 16.98 FEET TO THE POINT OF BEGINNING.

EXCEPT,

ARMORE STREET RIGHT OF WAY PREVIOUSLY DEDICATED TO THE CITY OF COUNCIL BLUFFS, IOWA.

THE TOTAL AREA OF SAID LOTS 1 THROUGH 23, INCLUSIVE IS 29,246 SQUARE FEET OR 5.263 ACRES, MORE OR LESS.

FINAL PLAT OF THE HILLS OF CEDAR CREEK, PHASE 1, REPLAT 2

LOTS 1 THROUGH 23, INCLUSIVE, BEING A REPLAT OF LOTS 202 THROUGH 261, INCLUSIVE, THE HILLS OF CEDAR CREEK, PHASE 1, COUNCIL BLUFFS, IOWA.

WE HEREBY CERTIFY THAT WE WILL MEET ALL EQUAL OPPORTUNITY AND FAIR MARKETING OBJECTIVES CONSISTENT WITH FEDERAL, STATE, AND LOCAL GUIDELINES. WE HEREBY CERTIFY THAT THE FOLLOWING DOCUMENTS WILL BE RECORDED WITH THE POTTAWATTAMIE COUNTY RECORDER CONTEMPORANEOUSLY WITH THE FILING OF THE FINAL PLAT:

- A. ALL PRIVATE RESTRICTIONS AND/OR COVENANTS, IF ANY, WHICH WILL BE A PART OF THE SUBJECT DEVELOPMENT.
- B. TITLE OPINION LETTER FROM ATTORNEY.
- C. CERTIFIED RESOLUTION OF EACH GOVERNING BODY AS REQUIRED BY IOWA CODE SEC. 354.8.

DEDICATION

KNOW ALL PEOPLE BY THESE PRESENTS THAT COUNCIL BLUFFS SAVINGS BANK, BEING THE SOLE OWNER AND PROPRIETOR OF THE PROPERTY DESCRIBED IN THE LEGAL DESCRIPTION AND PUBLISHED WITHIN THIS PLAT, HAS CAUSED SAID PROPERTY TO BE SUBDIVIDED INTO LOTS 1 THROUGH 23, INCLUSIVE, AND TO BE KNOWN AS THE HILLS OF CEDAR CREEK, PHASE 1, REPLAT 2.

IN WITNESS WHEREOF, I DO HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF COUNCIL BLUFFS SAVINGS BANK PROPERTY AS CONTAINED HEREIN ON THIS 21st DAY OF September, 2011.

BY: Matthew D. Gronsal
MATTHEW D. GRONSAAL, PRESIDENT

STATE OF IOWA

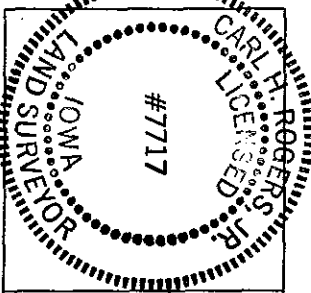
COUNTY OF POTTAWATTAMIE

ON THIS 21st DAY OF September, 2011, BEFORE ME, A NOTARY PUBLIC IN AND FOR THE STATE OF IOWA, PERSONALLY APPEARED MATTHEW D. GRONSAAL, TO ME PERSONALLY KNOWN, WHOM BEING BY ME DULY SWORN, DID SAY HE IS THE PRESIDENT OF COUNCIL BLUFFS SAVINGS BANK AND THAT HE ACKNOWLEDGED THE EXECUTION OF THIS INSTRUMENT TO BE HIS VOLUNTARY ACT AND DEED.

NOTARY PUBLIC IN AND FOR THE STATE OF IOWA.

MY COMMISSION EXPIRES 10-16-12

NOTARY PUBLIC STATE OF IOWA
DENISE PARISH
COMMISSION NO. 7062209
MY COMMISSION EXPIRES 10-16-12



1. THE TREASURER OF POTTAWATTAMIE COUNTY, IOWA, HEREBY CERTIFY THAT THE PROPERTY INCLUDED IN THE HILLS OF CEDAR CREEK, PHASE 1, REPLAT 2 IS FREE FROM CERTIFIED TAXES AND CERTIFIED SPECIAL ASSESSMENTS.

TREASURER OF POTTAWATTAMIE COUNTY, IOWA, JUDY ANN MILLER DATE

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERSONALLY BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

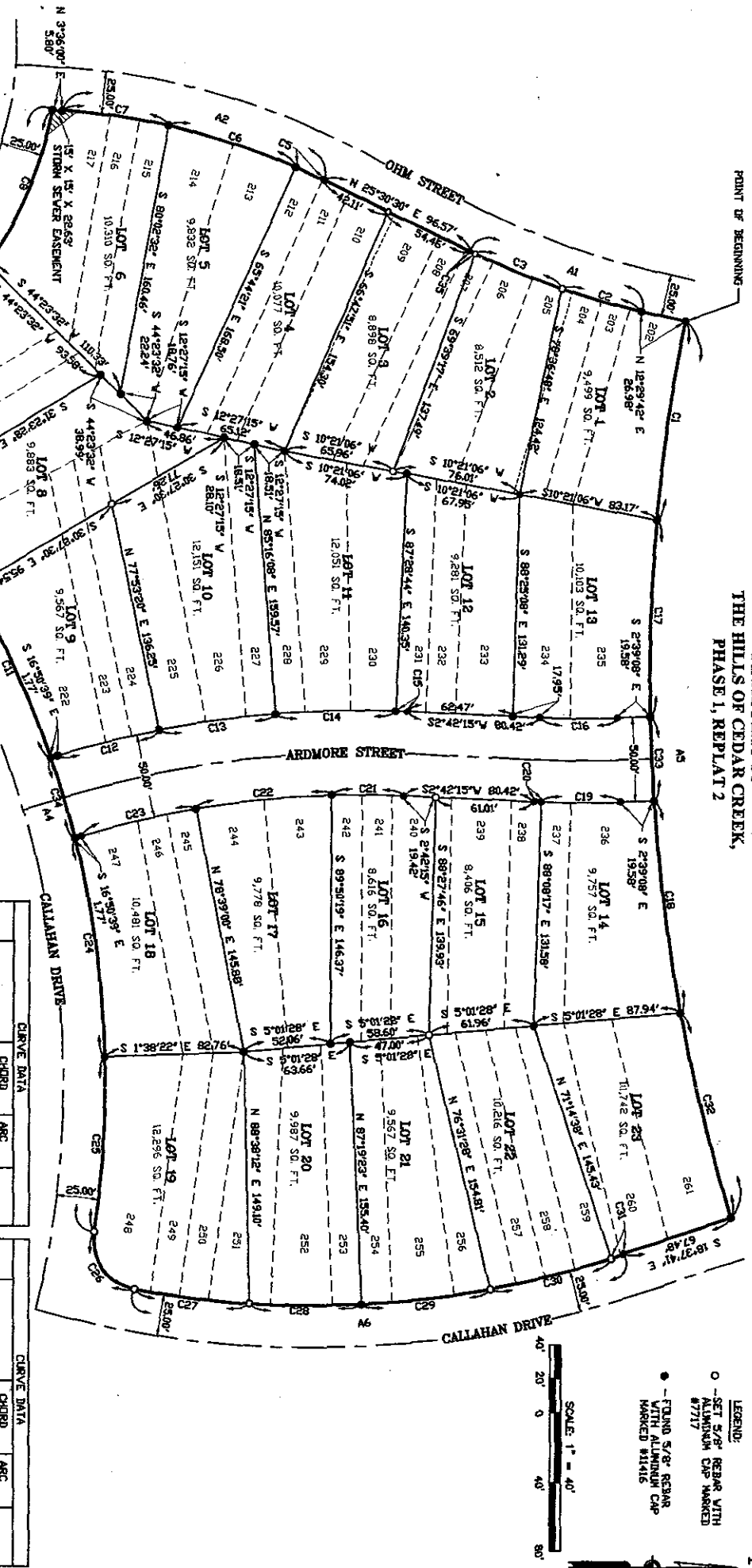
CARL H. ROGERS, JR.
LICENSE NUMBER: 7717
DATE: Sept 19, 2011

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2012.
NUMBER OF SHEETS COVERED BY THIS SEAL: SHEET 1 OF 2 & SHEET 2 OF 2

ROGERS SURVEYING		TITLE: FINAL PLAT OF THE HILLS OF CEDAR CREEK, PHASE 1, REPLAT 2	
1688 ROLLING HILLS LOOP	COUNCIL BLUFFS, IOWA	CLIENT: COUNCIL BLUFFS SAVINGS BANK	117 WEST 1ST STREET, COUNCIL BLUFFS, IOWA 51503
DATE: 8-30-2011	PHONE: (712) 366-9009	DRAWN BY: S.R.F.	REVISIONS:
		SHEET 1 OF 2	

NOTE: THIS DOCUMENT HAS BEEN REDUCED.

FINAL PLAT OF
THE HILLS OF CEDAR CREEK,
PHASE 1, REPLAT 2



NOTE: THIS DOCUMENT HAS BEEN REDUCED.

NOTES:
1) A PERPETUAL EASEMENT IS RESERVED FOR STORM DRAINAGE AND FOR THE INSTALLATION AND MAINTENANCE OF UTILITIES OF 5.00 FEET ON EACH SIDE OF INTERIOR LOT LINES AND 10.00 FEET IN WIDTH ALONG ALL FRONT LOT LINES AND 10.00 FEET IN WIDTH ALONG ALL REAR LOT LINES AND 10.00 FEET IN WIDTH ALONG THE NORTHERN LOT LINE OF LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 AND 21 AND 10.00 FEET IN WIDTH ALONG THE SOUTHWESTERLY LOT LINE OF LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 AND 21 AND 10.00 FEET IN WIDTH ALONG THE SOUTHERLY LOT LINE OF LOTS 18 AND 19.

2) ALL LOT LINES ARE NON-RADIAL, TO CURVED STREET LINES, UNLESS OTHERWISE NOTED.

CURVE	CHORD BEARING	CHORD DISTANCE	ARC LENGTH	RADIUS
A1	N 19°00'00" E	107.65'	107.88'	475.00'
A2	N 14°30'15" E	161.82'	162.81'	475.00'
A3	N 55°44'20" V	185.05'	190.71'	282.00'
A4	S 78°32'33" E	400.15'	408.40'	882.00'
A5	N 86°35'59" E	551.15'	556.63'	1080.00'
A6	S 3°56'32" E	891.44'	894.63'	575.00'

CURVE	CHORD BEARING	CHORD DISTANCE	ARC LENGTH	RADIUS
C1	S 81°59'31" E	119.09'	119.15'	1080.00'
C2	N 15°28'07" E	49.28'	49.31'	475.00'
C3	N 81°47'31" E	55.30'	55.53'	475.00'
C4	N 24°54'11" E	10.00'	10.00'	475.00'
C5	N 24°14'58" E	18.80'	18.80'	425.00'
C6	N 17°36'39" E	79.43'	79.54'	425.00'
C7	N 7°58'32" E	64.10'	64.17'	425.00'
C8	N 67°30'22" V	97.49'	98.27'	282.00'
C9	N 43°10'38" V	13.03'	13.03'	282.00'
C10	S 59°10'50" V	91.79'	92.44'	282.00'
C11	S 65°15'58" V	111.00'	111.17'	282.00'
C12	S 13°52'59" E	64.69'	64.73'	282.00'
C13	S 7°42'21" E	69.87'	69.91'	282.00'
C14	S 1°13'18" E	71.88'	71.82'	282.00'
C15	S 2°23'01" V	6.99'	6.99'	625.00'
C16	S 0°01'32" V	44.39'	44.41'	475.00'
C17	S 88°44'21" E	116.31'	116.37'	1080.00'

CURVE	CHORD BEARING	CHORD DISTANCE	ARC LENGTH	RADIUS
C18	N 82°40'59" E	125.78'	125.85'	1080.00'
C19	S 0°08'45" E	47.78'	47.77'	525.00'
C20	S 2°37'47" V	1.31'	1.31'	325.00'
C21	S 0°34'43" V	42.31'	42.32'	575.00'
C22	S 3°34'16" E	81.38'	81.44'	575.00'
C23	S 13°14'08" E	72.37'	72.40'	575.00'
C24	S 81°57'50" V	125.59'	125.85'	585.00'
C25	N 86°24'05" V	104.19'	104.33'	385.00'
C26	S 54°39'12" V	41.61'	41.59'	30.00'
C27	S 71°7'03" V	68.99'	69.03'	575.00'
C28	S 0°30'56" V	67.11'	67.15'	575.00'
C29	S 6°38'33" E	74.17'	74.22'	575.00'
C30	S 14°09'22" E	74.67'	74.73'	575.00'
C31	N 18°15'12" E	7.28'	7.28'	575.00'
C32	N 76°00'18" E	125.21'	125.28'	1080.00'
C33	N 87°30'52" E	50.00'	50.00'	1080.00'
C34	S 25°09'21" E	50.00'	50.00'	385.00'
C35	N 25°19'30" E	3.04'	3.04'	475.00'

LEGEND:
 ○ SET 5/8" BEAR WITH ALUMINUM CAP MARKED #7717
 ● SETTING 5/8" BEAR WITH ALUMINUM CAP MARKED #1416

SCALE 1" = 40'

ROGERS SURVEYING
 1588 ROLLING HILLS LOOP COUNCIL BLUFFS, IOWA
 SCALE 1" = 40'
 DATE 8-31-2011
 PHONE: (712) 366-9009
 DRAWN BY: S.R.R.
 REVISIONS:
 TITLE: FINAL PLAT OF THE HILLS OF CEDAR CREEK, PHASE 1, REPLAT 2
 CLIENT: COUNCIL BLUFFS SAVINGS BANK
 117 PEARL STREET
 COUNCIL BLUFFS, IOWA 51503
 SHEET 2 OF 2



PETERS
LAW FIRM,
P.C.

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

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

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

JAMES A. CAMPBELL*
DENNIS M. GRAY
LYLE W. DITMARS*
SCOTT H. PETERS*
JOHN M. McHALE*
JACOB J. PETERS*
LEO P. MARTIN*
SCOTT J. ROGERS*
JON E. HEISTERKAMP*
MATTHEW G. WOODS
JOHN C. RASMUSSEN*
JOHN D. KWAPNIOSKI*
JUSTIN R. WYATT*
SARAH J. MILLSAP*
WILLIAM J. ACOSTA-TREJO*
JAMES A. THOMAS, Retired
*Also Admitted in NE

July 8, 2011

Gayle Malmquist
Development Services Coordinator
Community Development Department
City of Council Bluffs
205 S. Main Street
Council Bluffs, IA 51503

RE: The Hills of Cedar Creek, Phase 1, Replat 2
Our Client: Council Bluffs Savings Bank
Our File No. 30333

Dear Gayle:

The City Council approved Resolution No. 11-72 on April 11, 2011 which approved the final plat of The Hills of Cedar Creek Phase 1, Replat 2. We are approaching the end of the 90 day period for the filing of the final plat. We request an extension of 40 days to August 19, 2011 for the filing of the final plat.

If you approve this request, I ask that you indicate your approval by signing this letter and returning it to me. If you grant approval, we will record this letter as part of the final plat.

If you have questions, please contact me.

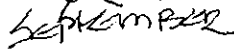
Sincerely,

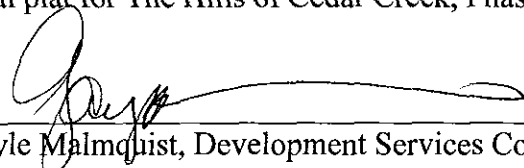
PETERS LAW FIRM, P.C.

By: 
Leo P. Martin

LPM:rsww

I, Gayle Malmquist, Development Services Coordinator of the Community Development for the City of Council Bluffs, approve the request and agree to extend the deadline for the filing of the final plat for The Hills of Cedar Creek, Phase 1, Replat 2 to August 19, 2011.




Gayle Malmquist, Development Services Coordinator



PETERS
LAW FIRM,
P.C.

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

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

JAMES A. CAMPBELL*
DENNIS M. GRAY
LYLE W. DITMARS*
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JOHN M. McHALE*
JACOB J. PETERS*
LEO P. MARTIN*
SCOTT J. ROGERS*
JON E. HEISTERKAMP*
JOHN C. RASMUSSEN*
JOHN D. KWAPNIOSKI*
JAMES A. THOMAS, Retired
*Also Admitted in NE

September 14, 2011

Donald Gross
Director
Community Development Department
City of Council Bluffs
205 S. Main Street
Council Bluffs, IA 51503

RE: The Hills of Cedar Creek, Phase 1, Replat 2
Our Client: Council Bluffs Savings Bank
Our File No. 30333

Dear Don:


The City Council approved Resolution No. 11-72 on April 11, 2011 which approved the final plat of The Hills of Cedar Creek Phase 1, Replat 2. On July 8, 2011, Gayle Malmquist, Development Services Coordinator of the Community Development for the City of Council Bluffs, approved an extension of the 90 day period for the filing of the final plat which extended the deadline to September 19, 2011 for the filing of the final plat. We request an additional extension to September 30, 2011 for the filing of the final plat.

If you approve this request, I ask that you indicate your approval by signing this letter and returning it to me. If you grant approval, we will record this letter as part of the final plat.

If you have questions, please contact me.

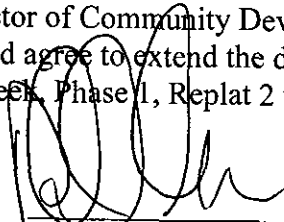
Sincerely,

PETERS LAW FIRM, P.C.

By: 
Leo P. Martin

LPM:rsrw

I, Donald Gross, Director of Community Development for the City of Council Bluffs, approve the request and agree to extend the deadline for the filing of the final plat for The Hills of Cedar Creek, Phase 1, Replat 2 to September 30, 2011.


Donald Gross, Director

**SECOND AMENDMENT TO THE DECLARATION
OF COVENANTS, RESTRICTIONS,
ASSESSMENTS AND EASEMENTS OF
THE HILLS OF CEDAR CREEK TOWNHOMES**

Recorder's Cover Sheet

Preparer Information:

Leo P. Martin, 233 Pearl Street, Council Bluffs, IA 51503, Phone: (712) 328-3157

Taxpayer Information:

Council Bluffs Savings Bank, 117 Pearl Street, Council Bluffs, IA 51503

Return Document To:

Leo P. Martin, 233 Pearl Street, Council Bluffs, IA 51503, Phone: (712) 328-3157

Grantor:

Council Bluffs Savings Bank, a division of Carroll County State Bank, an Iowa corporation

Grantees:

To The Public

Legal Description: Lots 154 through 261, both inclusive, The Hills of Cedar Creek, Phase 1, Council Bluffs, Pottawattamie County, Iowa

Document or instrument number of previously recorded documents:

1. Declaration of Covenants, Restrictions, Assessments and Easements of Hills of Cedar Creek Townhomes which was executed on February 15, 2005 and which was recorded as part of the Final Plat of a subdivision known as The Hills of Cedar Creek, Phase 1 which was recorded February 18, 2005 in Book 105, Page 15339.
2. The First Amendment to the Declaration of Covenants, Restrictions, Assessments and Easements of Hills of Cedar Creek Townhomes was executed on December 5, 2007, and was recorded as part of the Final Plat of a subdivision known as The Hills of Cedar Creek Phase 1, Replat 1 which was recorded December 6, 2007, in Book 2007, Page 19178.

**SECOND AMENDMENT TO THE
DECLARATION OF COVENANTS, RESTRICTIONS,
ASSESSMENTS AND EASEMENTS
OF HILLS OF CEDAR CREEK TOWNHOMES**

This is the Second Amendment to the Declaration of Covenants, Restrictions, Assessments and Easements of Hills of Cedar Creek Townhomes which was executed on February 15, 2005 and which was recorded as part of the Final Plat of a subdivision known as The Hills of Cedar Creek, Phase 1 which was recorded February 18, 2005 in Book 105, Page 15339. The First Amendment to the Declaration of Covenants, Restrictions, Assessments and Easements of Hills of Cedar Creek Townhomes was executed on December 5, 2007, and was recorded as part of the Final Plat of a subdivision known as The Hills of Cedar Creek Phase 1, Replat 1 which was recorded December 6, 2007, in Book 2007, Page 19178 (hereinafter the "First Amendment"). This Second Amendment amends the original document, as amended, which is hereinafter referred to as the "Townhome Covenants".

Recitals

A. HCC Investments, LLC, an Iowa limited liability company, was the owner of the real estate when it was platted as a subdivision and was the initial "Declarant" ("Declarant"). The property that was made subject to the "Townhome Covenants" was a parcel of land containing 154 Lots which were legally described as Lots 154 through 307, inclusive, Hills of Cedar Creek, Phase 1, Council Bluffs, Pottawattamie County, Iowa, according to the recorded plat thereof.

B. The First Amendment removed Lot 262 through Lot 307, both inclusive, from the jurisdiction of the Townhome Covenants effective upon the filing of the Final Plat of The Hills of Cedar Creek, Phase 1, Replat 1, which occurred on December 6, 2007.

C. A total of 108 lots are now subject to the Townhome Covenants.

D. The Townhome Covenants set forth the procedure to permit the amendment of the Townhome Covenants in Article XV which states:

“ARTICLE XV

AMENDMENTS

Section 1. Power to Amend. Except as otherwise specifically provided herein, after the Turnover Date, additions to, changes in, or amendment of this Declaration shall require the consent of Unit owners owning at least two thirds (2/3) of the Units and, until the sale by Declarant of the last contemplated Unit, the Declarant. Notwithstanding the foregoing:

(a) The consent of Unit owners of at least eighty percent (80%) of the Units shall be required to terminate the Townhome and this Declaration; and

(b) Declarant reserves and shall have the absolute unilateral right and power to amend the Townhome Instruments, to the extent necessary to (i) cause the Townhome Instruments to comply with Iowa law or conform to the requirements then governing the making of a mortgage loan or the purchase, guaranty, or insurance of mortgages by an institutional lender or an institutional guarantor or insurer of a mortgage on a Unit, (ii) correct typographical errors or factual errors or omissions the correction of which would not impair the interest of any Unit owner, mortgagee, insurer, or guarantor, (iii) update Exhibit B of this Declaration, or (iv) comply with any requirement the City makes as a condition to approval by the City of some matter relating to the development of the Townhome Property. No such amendment by the Declarant shall require the consent of any Unit owner.

Section 2. Method to Amend. An amendment to this Declaration, adopted with the consents of Unit owners, shall be executed with the same formalities as to execution as this Declaration by two officers of the Association and shall contain their certification that such amendment was duly adopted in accordance with the foregoing provisions. Any amendment adopted by the Declarant or a duly empowered successor Declarant pursuant to authority granted it pursuant to this Declaration shall be duly executed by it with the same formalities as to execution as this Declaration and shall contain the certification of such signor or signors that such amendment is made pursuant to authority vested in Declarant or any duly empowered successor Declarant by this Declaration. Any amendment duly adopted and executed in accordance with the foregoing provisions shall be effective upon the filing of the same with the Recorder of Pottawattamie County, Iowa.

Section 3. Form of Consent of Owners. The consent of owners of Units to any amendment of this Declaration may be obtained in the form of written consent(s) executed by two thirds (2/3) of all of the Unit owners or in the form of a formal resolution approved by two thirds (2/3) of all of the Unit owners at a meeting of the members.”

E. Council Bluffs Savings Bank (a division of Carroll County State Bank), an Iowa corporation, (hereinafter “CBSB”) owns ninety-six (96) lots (Lots numbered 154-163, 165-168, 170-172, 175-261) that are subject to the Townhome Covenants of The Hills of Cedar Creek Townhomes.

F. CBSB, as the owner of 96 of the 108 lots, is the owner of 88.8889% of the Units, subject to the Townhome Covenants. The consent of CBSB to this amendment complies with the requirement that written consent executed by two thirds (2/3) of all of the Unit owners must be obtained to amend the covenants.

AMENDED PROVISIONS

Based upon the authority vested in the undersigned owner of 96 of the 108 Units subject to the Townhome Covenants, as described in the Recitals above, the following amendments are made to the Townhome Covenants:

1. The properties currently described as Lots 202 through 261, both inclusive, The Hills of Cedar Creek, Phase 1, Council Bluffs, Pottawattamie County, Iowa will be re-platted as Lots 1 through 23, both inclusive, of The Hills of Cedar Creek, Phase 1, Replat 2.

2. Upon the filing of the Final Plat of The Hills of Cedar Creek, Phase 1, Replat 2, which will create Lots 1 through 23, both inclusive, of The Hills of Cedar Creek, Phase 1, Replat 2, the properties currently described as Lots 202 through 261, both inclusive, The Hills of Cedar Creek, Phase 1, Council Bluffs, Pottawattamie County, Iowa will be removed from the jurisdiction of the Townhome Covenants. Upon the filing of the Final Plat of The Hills of Cedar Creek, Phase 1, Replat 2, the specific easements created by the Townhome Covenants and the specific easements created for Townhome Lots by the Final Plat of The Hills of Cedar Creek, Phase 1 which was recorded February 18, 2005 in Book 105, Page 15339 for the Townhome Lots now described as Lots 202 through 261, both inclusive, Hills of Cedar Creek, Phase 1, Council Bluffs, Pottawattamie County, Iowa, will be released.

3. Upon the filing of the Final Plat of The Hills of Cedar Creek, Phase 1, Replat 2, which will create Lots 1 through 23 inclusive of The Hills of Cedar Creek, Phase 1, Replat 2, the new lots will remain subject to the provisions of the Declaration of Easements, Covenants, Conditions and Restrictions of Hills of Cedar Creek, a subdivision in the City of Council Bluffs, Pottawattamie County, Iowa which were executed on February 15, 2005 and which were recorded as part of the Final Plat of a subdivision known as The Hills of Cedar Creek, Phase 1 which was recorded February 18, 2005 in Book 105, Page 15339. (See Section 14.7 of said Declaration.)

4. As a result of the filing of the Final Plat of The Hills of Cedar Creek, Phase 1, Replat 2, and the change of the covenants that will apply to Lots 1 through 23, both inclusive, of The Hills of Cedar Creek, Phase 1, Replat 2, a perpetual easement is reserved for storm drainage and the installation and maintenance of utilities 5 feet each side of the interior lot lines and 10 feet in width along all front and rear lot lines and the front setback line shall be 25 feet from the front line of each Lot.

5. Except as modified by this document the Declaration of Covenants, Restrictions, Assessments and Easements of Hills of Cedar Creek Townhomes which was executed on February

15, 2005 and which was recorded as part of the Final Plat of a subdivision known as The Hills of Cedar Creek, Phase 1 which was recorded February 18, 2005 in Book 105, Page 15339 is ratified and approved and remains in effect.

The undersigned has executed this Second Amendment to the Declaration of Covenants, Restrictions, Assessments and Easements of Hills of Cedar Creek Townhomes on the 28th day of September, 2011.

Council Bluffs Savings Bank (a division of Carroll County State Bank), an Iowa corporation

By: Matthew D. Gronstal
Matthew D. Gronstal, President

STATE OF IOWA)
) SS.
COUNTY OF POTTAWATTAMIE)

On this 28th day of September, 2011, before me the undersigned, a Notary Public in and for said county, personally came Matthew D. Gronstal, personally known to be the identical person whose name is affixed to this document, and he acknowledges the execution thereof to be his voluntary act and deed as the President of Council Bluffs Savings Bank, a division of Carroll County State Bank, an Iowa corporation.

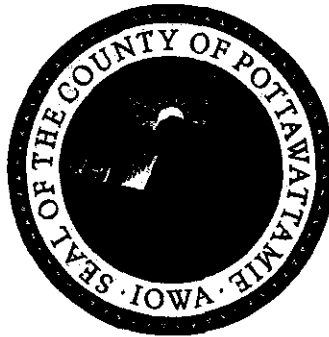
Leo P. Martin
Notary Public for the State of Iowa

G:\LPM\30333\Second Amendment Townhome Covenants.wpd



Pottawattamie County Auditor's Certification of Subdivision Name Approval

MARILYN JO DRAKE
POTTAWATTAMIE COUNTY AUDITOR
AND ELECTION COMMISSIONER
227 S. 6th St, Room 243
P. O. BOX 649
COUNCIL BLUFFS, IOWA 51502-0649



Gary Herman, First Deputy - Elections
Paula Glade, First Deputy - Real Estate
Donna West, First Deputy - Tax and Finance
Phone (712) 328-5700
FAX (712) 328-4740

I, Marilyn Jo Drake, Auditor of Pottawattamie County, Iowa, or designee, do hereby certify that the subdivision name of the attached platting is unique within Pottawattamie County and is hereby approved.

Name of new subdivision:

THE HILLS OF CEDAR CREEK, PHASE 1, REPLAT 2

Marilyn Jo Drake
Signed

9/27/11
Date