

DeShawne L. Bird-Sell, P.L.C.  
PO Box 391, Glenwood, IA 51534  
712-527-4026 fax 712-527-5466  
deshawne@aol.com

January 8, 2008

Mills County Auditor  
Mills County Courthouse  
Glenwood IA 51534

Eric and Tamie Osterloh  
21060 Abbey Road  
Council Bluffs, IA

RE: Title Opinion for Linn Village Subdivision

Dear Carol:

I have examined an Abstract of Title in 3 parts, certified to by the Mills County Abstract Company from the government entry down to the 30<sup>th</sup> day of November, 2007, at 8:00 a.m. Said abstract contains 121 entries and deals with the title to the following described real estate, to wit:

Lot 33 of the Official Plat of Section 12, Township 72, Range 43, Mills County, Iowa, also described as Lot 2 in Block 1 of Sharp's Addition to the City of Glenwood, Iowa, according to the recorded plat thereof, and is subject to all easements of record.

Based upon my examination of the abstract, I am of the opinion that title to said property is in **Eric Osterloh and Tamie Osterloh, husband and wife**, subject to the following:

- I. Entry 122 shows \$7.00 due for first half taxes. Second half taxes are unpaid.
- II. An affidavit of survivorship regarding the transfer of land to Mary Ellen Etherington should be obtained regarding the status of heirs at law. No estate was apparently opened in 1974.

OTHER ITEMS OF INTEREST:

- III. You are notified that under the provisions of Section 384.84, subsection 1, Code 1981, as amended, the City of Glenwood, Iowa, may certify unpaid rates or

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INDEXED  
RECORDED  
MILLS CO.

RECORDED 8:15 A M  
BK 394 PG 529-543

JAN 11 2008

\$82.00 Fee

Vicki M. Christie  
Mills County Recorder

Cal B SL 299 A

394/529

charges for the services of sewer systems, sewage treatment, solid waste collection, or solid waste disposal, to the County Auditor and that the same will constitute a lien upon the premises served by any of such services, and shall be collected in the same manner as taxes. Therefore, you should require written certification from the City of Glenwood, Iowa, that there are no unpaid rates or charges due and owing as of the date of transfer of title and possession.

- IV. At entry 66 of the abstract appears Ordinance No. 199 passed by the City of Glenwood, Iowa, which establishes certain restricted residential districts in the City of Glenwood and further provides for the securing of permits from the City Council in connection with the erection, reconstruction, alteration, repair or occupation of buildings and structures. For full and complete particulars, you are referred to said Ordinance appearing of record in Book 6, Page 208, Miscellaneous Records of the Mills County Recorder.
- V. At entry 81 appear Resolutions No. 356-357 and Proclamation of the City of Glenwood, Iowa, which extends and enlarges the city limits and, according to the map, shows the property under examination to be located within the city limits of Glenwood, Iowa. For further particulars, you are referred to the same appearing of record in Book 6, Page 275, Miscellaneous Records of the Mills County Recorder.
- VI. At entry 82 of the abstract appears Ordinance No. 334 passed by the City of Glenwood, Iowa, which establishes a comprehensive zoning plan and provides for the regulation of construction, alteration, repair or occupancy of buildings or structures and the use of land. Said ordinance restricts and regulates your use and occupancy of the premises and you are hereby referred to the many provisions thereof appearing of record in Book 6, Page 391, Miscellaneous Records.
- VII. At entry 83 of the abstract appears Ordinance No. 344 passed by the City Council of the City of Glenwood, Iowa, which establishes subdivision regulations for the City of Glenwood, Iowa, including the planning, platting and filing of plats of such subdivisions, and providing for the approval thereof and penalties for violation. Again, you are referred to the numerous provisions of said Ordinance appearing of record in Book 6, Page 492, Miscellaneous Records of the Mills County Recorder.
- VIII. At entry 97 appears Ordinance No. 421 passed by the City of Glenwood, Iowa, which adopts the "City Code of the City of Glenwood, Iowa, 1977". Said ordinance establishes zones and provides for the regulations of construction, alteration, repair or occupancy of buildings or structures, and the use of land therein, and providing penalties for violation. For further particulars, you are referred to the provisions of the same appearing of record in Book 129, Pages 301-400, Miscellaneous Records of the Mills County Recorder.
- IX. At entries 98, 99, 100 and 101 of the abstract appear various ordinances and resolutions passed by the City of Glenwood, Iowa which establish sewer rental rates,

sewer use regulations, provide for the issuance of sewer revenue bonds and amended sewer rental rates. The same may affect your use and occupancy of the premises and your attention is called to the many provisions thereof appearing of record in Book 139, Pages 395-401, Book 139, Pages 402-417, Book 140, Pages 224-244 and Book 142, Pages 668-672, all in Miscellaneous Records of the Mills County Recorder.

X. At entry 102, 105, 106 of the abstract appears the Flood Plain Management Ordinance passed by the City of Glenwood, Iowa. Said ordinance contains regulations to secure safety from flood and to promote health and general welfare, and contains many standards. The abstracter does not disclose the ordinance in full detail and your attention is called to the many provisions thereof appearing of record in Book 144, Pages 64-87, Miscellaneous Records.

XI. At entry 104 appears a Statement and Notice; The Mills County Notice of filing Soil and Water Resource Conservation Plan. The plan is available for public inspection.

XII. At entry 108 of the abstract appears Ordinance 553 which is an ordinance adopting Code of Ordinances for the City of Glenwood, Iowa. These ordinances are numerous. In the event you are planning on making any material alteration to the premises you should examine these rules and regulations. This ordinance is dated December 14, 1993, and recorded December 27, 1993, in Book 200, Pages 616-620, Miscellaneous Records.

XIII. At entry 113 of the abstract appear Subdivision Regulations for the purpose of establishing procedures for subdivision applications. The regulations were filed on October 3, 2001 in Book 276, Pages 135-145.

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

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

## MISCELLANEOUS RECORD BOOK 394, MILLS COUNTY, IOWA

- c) Unrecorded easements for items such as overhead wires, driveways, title lines, roadways, utility lines, or other encroachments, especially by adjoining owners, are not revealed in the abstract.
- d) Persons in possession of the property, such as tenants, may have certain rights to the property which are not filed of record or shown in an abstract. Iowa law provides that you have notice of such claims, if inquiry of the person or persons in possession would have disclosed those claims.
- e) Since the following cannot be determined by examination of the abstract, your attention is called to the fact that you are required to take notice of any facts that would be disclosed by a survey; the right to file mechanics' liens against the premises for labor or materials furnished in connection with improvements thereon within 90 days from the furnishing of the last item; and rights of access to and from highways and streets which may be designed as "controlled access facilities" by state or city authorities.
- f) This examiner cannot and does not certify as to any proceedings of record in any other county, including the Bankruptcy Court in Des Moines, Iowa.
- g) This examination is based upon the Abstract of Title and the Certificate of the Abstracter that the abstract contains everything in the public records of Mills County, Iowa.

Subject to the foregoing, we find the title marketable.

Very truly yours,

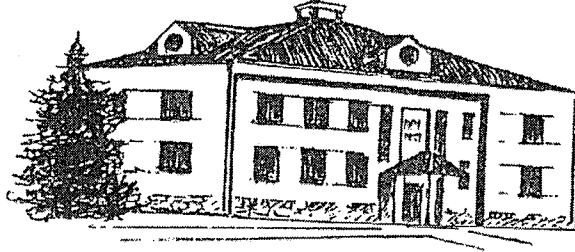
  
DeShawne L. Bird-Sell, Esq.

# Office of Mills County Auditor

*Carol Robertson*  
County Auditor & County Election Commissioner

## Mills County Courthouse

418 Sharp Street  
Glenwood, Iowa 51534  
Phone: 712-527-3140  
Fax: 712-527-1579  
E-mail: [crobertson@millscoia.us](mailto:crobertson@millscoia.us)  
Website address: [www.millscoia.us](http://www.millscoia.us)



**Pam Madison**  
Personnel & Accounting Deputy

**Kristine Schoening**  
Real Estate Deputy

**Kathy Roenfeld**  
Election Deputy

**Lori Ingoldsby**  
Clerk

## Approval of Subdivision Plat Name by Mills County Auditor

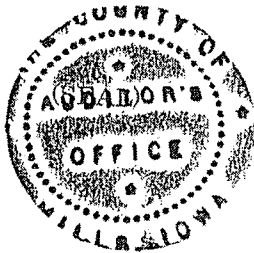
November 6, 2007

Pursuant to Iowa Code §354.6(2) and §354.11(6), we approve of the subdivision name of Linn Village and have no objections to this subdivision plat being recorded.

Signed

A handwritten signature in cursive script that reads "Carol Robertson". The signature is written over a horizontal line.

County Auditor of Mills County, Iowa



STATEMENT FROM THE MILLS COUNTY TREASURER

STATE OF IOWA            )  
                                  ) ss:  
COUNTY OF MILLS        )

Re: Linn Village Subdivision  
Current Legal Description:

Lot 33 of the Official Plat of Section 12, Township 72, Range 43, Mills County, Iowa, also described as Lot 2 in Block 1 of Sharp's Addition to the City of Glenwood, Iowa, according to the recorded plat thereof, and is subject to all easements of record.

Proposed Legal Description:  
LOT 1

Legal Description:  
Lot One (1) of Linn Village Subdivision located in Lot 33 of the Official Plat of Section 12, Township 72, Range 43, Mills County, Iowa, also described as Lot 2 in Block 1 of Sharp's Addition to the City of Glenwood, Iowa, according to the recorded plat thereof, and is subject to all easements of record.

LOT 2

Legal Description:

Lot Two (2) of Linn Village Subdivision located in Lot 33 of the Official Plat of Section 12, Township 72, Range 43, Mills County, Iowa, also described as Lot 2 in Block 1 of Sharp's Addition to the City of Glenwood, Iowa, according to the recorded plat thereof, and is subject to all easements of record.

LOT 3

Legal Description:

Lot Three (3) of Linn Village Subdivision located in Lot 33 of the Official Plat of Section 12, Township 72, Range 43, Mills County, Iowa, also described as Lot 2 in Block 1 of Sharp's Addition to the City of Glenwood, Iowa, according to the recorded plat thereof, and is subject to all easements of record.

LOT 4

Legal Description:

Lot Four (4) of Linn Village Subdivision located in Lot 33 of the Official Plat of Section 12, Township 72, Range 43, Mills County, Iowa, also described as Lot 2 in Block 1 of Sharp's Addition to the City of Glenwood, Iowa, according to the recorded plat thereof, and is subject to all easements of record.

LOT 5

Legal Description:

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LOT 6

Legal Description:

Lot Six (6) of Linn Village Subdivision located in Lot 33 of the Official Plat of Section 12, Township 72, Range 43, Mills County, Iowa, also described as Lot 2 in Block 1 of Sharp's Addition to the City of Glenwood, Iowa, according to the recorded plat thereof, and is subject to all easements of record.

LOT 7

Legal Description:

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Legal Description:

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Legal Description:

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Section 12, Township 72, Range 43, Mills County, Iowa, also described as Lot 2 in Block 1 of Sharp's Addition to the City of Glenwood, Iowa, according to the recorded plat thereof, and is subject to all easements of record.

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Legal Description:

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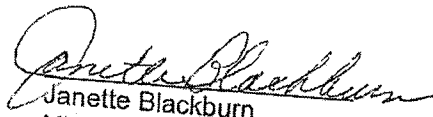
LOT 12

Legal Description:

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

Dated this 8th day of January, 2008.

  
Janette Blackburn  
Mills County Treasurer

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

Janette Blackburn  
Janette Blackburn

Subscribed and sworn to before me by Janette Blackburn on this 8 day of January, 2008.

Rebecca D. Killpack  
NOTARY PUBLIC IN AND FOR  
SAID COUNTY AND STATE



DEDICATION – LINN VILLAGE

RE: LINN VILLAGE SUBDIVISION

Current Legal Description:

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Eric and Tamie Osterloh hereby dedicate to the public, the street with the proposed name of "Linn Court".

Additionally, the proprietors/owners of Linn Village affirmatively state that there are no mortgages and/or liens on the aforementioned parcels negating a dedication as required by Iowa Code Section 354.11(2)

Comes Now Eric and Tamie Osterloh as owners of Linn Village and state that the plat of Linn Village as attached hereto is prepared with my free consent and in accordance with my desires. Linn Village hereby dedicates to the public for public use the roadway as shown within this plat and entitled "Linn Court".

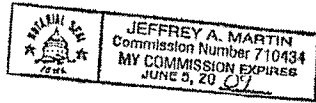
  
Eric Osterloh

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*Tamie Osterloh*  
\_\_\_\_\_  
Tamie Osterloh

STATE OF IOWA )  
                          ) SS:  
COUNTY OF MILLS )

On this 31<sup>st</sup> day of December, 2007, before me, the undersigned, a Notary Public in and for said State, personally appeared Eric Osterloh and Tamie Osterloh, to me known to be the identical persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.



*Jeffrey A. Martin*  
\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR  
SAID COUNTY AND STATE

Preparer: DeShawne Bird-Sell, DeShawne L. Bird-Sell, P.C., PO Box 391., Glenwood IA 51534, 712-627-4026

PROTECTIVE COVENANTS  
LINN VILLAGE SUBDIVISION

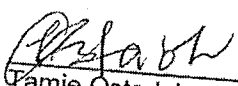
The following Protective Covenants shall apply to all the lots included in the Auditor's Final Plat for the property described as Linn Village Subdivision.

1. If the present or future owners of any of said lots, or their 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.
2. Each residence must have a minimum of 1100 square feet on the main level for a single story home and 600 square feet for a multi story home.
3. No noxious or offensive activity shall be conducted on any lot.
4. No boat, recreational vehicle, camping trailer, snowmobile, auto drawn trailer or any kind, garden tractor or heavy equipment shall be stored outside of the garage or left exposed on any parcel at any time.
5. Day care for more than four children shall not be provided at any time in any dwelling in the addition.
6. No woven or barbed wire fences shall be permitted. Any fences or walls shall not be higher than six feet nor extended forward of the back of the foundation of the dwelling on any lot, and no posts or braces shall be on the outside of the fence or wall.
7. All lots shall be kept free of weeds and debris including unused building materials.
8. No temporary structure may be erected on any lot for use as a residence.
9. No animals of any kind other than household pets may be kept on any lot, and household pets may not be sheltered outside the dwelling house. No dogs owned by owners of lots shall be allowed to run free.
10. No repairs of automobiles or other motor vehicles will be permitted outside of garages on any lot at any time.

- 11. All telephone and electric power service lines shall be underground.
- 12. If required by City of Glenwood, each individual lot owner shall be responsible for the installation and maintenance of sidewalks in the public street adjacent to the lot, which sidewalk must be installed and maintained according to all applicable ordinances.
- 13. No storage building larger than 100 square feet shall be constructed on any lot. Prior City approval shall be obtained if necessary.
- 14. No incinerator or trash burner shall be allowed on any lot by homeowners. No fuel tanks shall be permitted to remain outside of the house on any lot.
- 15. Landscaping: Upon completion of home construction, owner is to install and maintain on Maple species tree of minimum three inch caliper to be located in the front yards at twenty feet from the curb and not within twenty feet of the driveway. The rear yard must include one tree of the Spruce species, minimum two inch caliper, to be located not within fifteen feet from the home or not within fifteen feet of the property side lot line. These trees must be in accordance with the approved list of Chapter 151 of the Code of Ordinances, City of Glenwood.

Signed this 31 day of DEC, 2007.

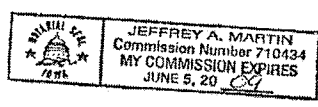
  
Eric Osterloh

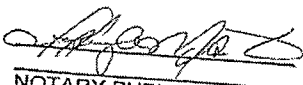
  
Tamie Osterloh

STATE OF IOWA  
COUNTY OF MILLS

} SS:

On this 31<sup>st</sup> day of Dec, 2007, before me, the undersigned, a Notary Public in and for said State, personally appeared Eric Osterloh and Tamie Osterloh, to me known to be the identical persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.



  
NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE