



PETERS
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P.C.

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GLENWOOD OFFICE
10 NORTH WALNUT
GLENWOOD, IA 51534
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401 FRONT STREET
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JAMES A. CAMPBELL
C. DENNIS LEU
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
MATTHEW G. WOODS
EDWARD D. JORGENSEN

August 12, 1998

Mills County Auditor
Mills County Courthouse
Glenwood IA 51534

Dear Cheryll:

I have examined an Abstract of Title in one part, certified to by the Mills County Abstract Company from the government entry down to the 24th day of July, 1998, at 8:00 a.m. Said abstract contains 53 entries and deals with the title to the following described real estate, to wit:

A parcel of land located in part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26, and in part of Lot 1 of an Auditor's Subdivision being a part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35, all located in Township 73 North, Range 43 West of the 5th Principal Meridian, Mills County, Iowa, said parcel being more fully described as follows:

Commencing at the Northwest Corner of Lot 12 of Park Place Acres and the Point of Beginning; thence S00°19'54"W along the West line of said Lot 12 a distance of 213.27 feet to the Northerly right-of-way line of Fox Road; thence S79°33'03"W along said right-of-way line a distance of 7.74 feet to the beginning of a curve concave Northerly having a central angle of 10°26'57" and a radius of 783.51 feet; thence Westerly along said curve and along said right-of-way line an arc distance of 142.88 with a chord bearing and distance of S84°46'32"W, 142.68 feet; thence N90°00'00"W along said right-of-way line a distance of 142.38 feet; thence N85°06'20"W along said right-of-way line a distance of 275.45 feet to the Southeast Corner of Lot 1 of Park Place Acres Division 2; thence N00°09'45"W along the East line of said Lot 1 and along the East line of Parcel B of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ a distance of 359.78 feet to the Northeast Corner of said Parcel B; thence S89°54'44"W along the North line of Parcels A and B of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ a distance of 343.86 feet to the West line of said SE $\frac{1}{4}$ SE $\frac{1}{4}$; thence N00°13'32"E along said West line a distance of 532.29 feet; thence S87°52'55"E a distance of 866.56 feet; thence S76°27'46"E a distance of 51.01 feet; thence S22°23'56"E a distance of 50.13 feet; thence S13°36'18"E a distance of 43.29 feet;

239/537

*R copy
to J Hughes RE*

*Copies to Aud, Assessor
and Recorder*

*Indexed
Recorded
Mills Co*

FILED

AUG 13 1998 2:30pm

*Dep: \$81.00 pd
Route 242
Mills County Recorder*

*Park Place Acres
Division 3 Subdivision
Parcel Plot C&A
all 179B*

*Opinion etc
in Misc BK 239 p. 537-
p. 551*

thence S01°58'05"W a distance of 70.09 feet; thence S02°03'21"W a distance of 212.74 feet; thence S01°27'58"W a distance of 272.05 feet to the North line of said Lot 12; thence S89°42'50"W along said North line a distance of 17.30 feet to the Point of Beginning. Said parcel contains 16.04 acres, more or less, and is subject to easements of record.
Note: The South line of the SE¼ SE¼ of said Section 26 is assumed to bear S89°54'44"W for this description.

Based upon my examination of the abstract, I am of the opinion that title to said property is in **JAMES R. HUGHES AND MONICA A. HUGHES**, subject to the following:

- I. At entry 40 of the abstract appears a Mortgage in favor of Glenwood State Bank, dated October 14, 1988, and filed October 28, 1988, in Book 168, Pages 434-438, Miscellaneous Records, in the original amount of \$100,000.00, which Mortgage is a lien on the above-described property.
- II. At entry 42 of the abstract appears a Mortgage in favor of Glenwood State Bank, dated January 18, 1990, and filed January 19, 1990, in Book 174, Pages 836-840, Miscellaneous Records, in the original amount of \$400,000.00, which Mortgage is a lien on the property under examination.
- III. At entry 50 of the abstract appears a Mortgage in favor of Glenwood State Bank, dated June 13, 1997, and filed June 16, 1997, in Book 227, Pages 98-102, Miscellaneous Records, in the original amount of \$300,000.00, which Mortgage is a lien on the property under examination.
- IV. At entry 51 of the abstract appears a Mortgage in favor of Glenwood State Bank, dated April 20, 1998, and filed April 21, 1998, in Book 235, Pages 892-896, Miscellaneous Records, in the original amount of \$360,000.00, which Mortgage is a lien on the property under examination.

OTHER ITEMS OF INTEREST

- VI. At entry 23 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.

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- VII. At entry 24 of the abstract appears a Subdivision Ordinance enacted by the Board of Supervisors of Mills County, Iowa, which provides rules and regulations for the subdivision of land in Mills County, Iowa, prescribes minimum standards for the design and development of said land, establishes procedures for approval of preliminary and final plats and requires certain improvements as a condition of such approval. For further particulars, you are referred to the many provisions of said ordinance which was filed April 27, 1973 in Book 102, Pages 84-101, Miscellaneous Records.
- VIII. At entry 30 of the abstract appears an Intergovernmental Agreement creating the Mills County Landfill Association. For further particulars, you are referred to said Agreement as recorded in Book 117, Pages 371-385, Miscellaneous Records, Mills County Recorder.
- IX. Your attention is directed to entry 31, where there appears a Statement and Notice recorded April 16, 1981, in Book 133, Page 77, Miscellaneous Records, which sets out a personal lien against the owner of the land as to possible refunds that may have to be made to the Mills Soil Conservation Commission. The Seller should be required to provide a certification as to the status of the lien, if any there is, from said Commission, so you can ascertain what future liability you may have, if any, based upon any conservation practices that affect the above described property.
- X. At entries 34 and 37 of the abstract appear the Flood Plain Management Ordinance passed by the Mills County Board of Supervisors. Said ordinance adopts standards for unincorporated areas of Mills County, Iowa, and provides for permits for building in the controlled areas and penalties for violation of the provisions of said ordinance. Said ordinance regulates and restricts your use and occupancy of the premises; and for further particulars, your attention is called to the same appearing of record in Book 139, Pages 481-493, Miscellaneous Records, and in Book 164, Pages 614-628, Miscellaneous Records.
- XI. Entry 49 shows the Entrance and Driveway Ordinance passed by the Mills County Board of Supervisors which regulates the installation and location of driveways connecting with the Mills County Secondary Roads. Please examine the access to the above-described property and determine that it is in full compliance with this ordinance.
- XII. 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

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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.

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.

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August 11, 1998

Subject to the foregoing, we find the title marketable.

Very truly yours,

PETERS LAW FIRM

By: *J. Peters*

JAT:jy

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CONSENT TO PLATTING

Re: A parcel of land located in part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26, and in part of Lot 1 of an Auditor's Subdivision being a part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35, all located in Township 73 North, Range 43 West of the 5th Principal Meridian, Mills County, Iowa, said parcel being more fully described as follows:

Commencing at the Northwest Corner of Lot 12 of Park Place Acres and the Point of Beginning; thence S00°19'54"W along the West line of said Lot 12 a distance of 213.27 feet to the Northerly right-of-way line of Fox Road; thence S79°33'03"W along said right-of-way line a distance of 7.74 feet to the beginning of a curve concave Northerly having a central angle of 10°26'57" and a radius of 783.51 feet; thence Westerly along said curve and along said right-of-way line an arc distance of 142.88 feet with a chord bearing and distance of S84°46'32"W, 142.68 feet; thence N90°00'00"W along said right-of-way line a distance of 142.38 feet; thence N85°06'20"W along said right-of-way line a distance of 275.45 feet to the Southeast Corner of Lot 1 of Park Place Acres Division 2; thence N00°09'45"W along the East line of said Lot 1 and along the East line of Parcel B of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ a distance of 359.78 feet to the Northeast Corner of said Parcel B; thence S89°54'44"W along the North line of Parcels A and B of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ a distance of 343.86 feet to the West line of said SE $\frac{1}{4}$ SE $\frac{1}{4}$; thence N00°13'32"E along said West line a distance of 532.29 feet; thence S87°52'55"E a distance of 866.56 feet; thence S76°27'46"E a distance of 51.01 feet; thence S22°23'56"E a distance of 50.13 feet; thence S13°36'18"E a distance of 43.29 feet; thence S01°58'05"W a distance of 70.09 feet; thence S02°03'21"W a distance of 212.74 feet; thence S01°27'58"W a distance of 272.05 feet to the North line of said Lot 12; thence S89°42'50"W along said North line a distance of 17.30 feet to the Point of Beginning. Said parcel contains 16.04 acres, more or less, and is subject to easements of record.

Note: The South line of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 26 is assumed to bear S89°54'44"W for this description.

Comes Now Glenwood State Bank of Glenwood, Iowa and states as follows:

Title to the above-described property is in James R. Hughes and Monica A. Hughes, subject to our mortgages, as follows:

1. Mortgage, dated October 14, 1988, and filed October 28, 1988, in Book 168, Pages 434-438, Miscellaneous Records, in the original amount of \$100,000.00

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STATEMENT FROM THE MILLS COUNTY TREASURER

STATE OF IOWA)
) ss:
COUNTY OF MILLS)

Re: A parcel of land located in part of the SE¼ SE¼ of Section 26, and in part of Lot 1 of an Auditor's Subdivision being a part of the NE¼ NE¼ of Section 35, all located in Township 73 North, Range 43 West of the 5th Principal Meridian, Mills County, Iowa, said parcel being more fully described as follows:

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Note: The South line of the SE¼ SE¼ of said Section 26 is assumed to bear S89°54'44"W for this description.

COMES NOW Lesta Kahl 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.

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Dated this 13th day of August, 1998.

Lesta Kahl
Lesta Kahl
Mills County Treasurer

I, Lesta Kahl, 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.

Lesta Kahl
Lesta Kahl

Subscribed and sworn to before me by Lesta Kahl on this 13 day of August, 1998.



Nancy M. Clayton
NOTARY PUBLIC IN AND FOR
SAID COUNTY AND STATE

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DEDICATION - PARK PLACE ACRES DIVISION 3 SUBDIVISION

RE: A parcel of land located in part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26, and in part of Lot 1 of an Auditor's Subdivision being a part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35, all located in Township 73 North, Range 43 West of the 5th Principal Meridian, Mills County, Iowa, said parcel being more fully described as follows:

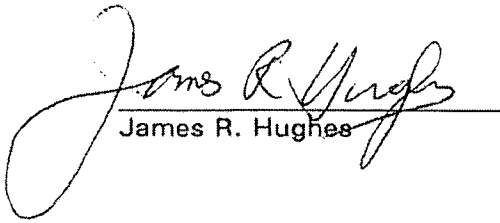
Commencing at the Northwest Corner of Lot 12 of Park Place Acres and the Point of Beginning; thence S00°19'54"W along the West line of said Lot 12 a distance of 213.27 feet to the Northerly right-of-way line of Fox Road; thence S79°33'03"W along said right-of-way line a distance of 7.74 feet to the beginning of a curve concave Northerly having a central angle of 10°26'57" and a radius of 783.51 feet; thence Westerly along said curve and along said right-of-way line an arc distance of 142.88 with a chord bearing and distance of S84°46'32"W, 142.68 feet; thence N90°00'00"W along said right-of-way line a distance of 142.38 feet; thence N85°06'20"W along said right-of-way line a distance of 275.45 feet to the Southeast Corner of Lot 1 of Park Place Acres Division 2; thence N00°09'45"W along the East line of said Lot 1 and along the East line of Parcel B of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ a distance of 359.78 feet to the Northeast Corner of said Parcel B; thence S89°54'44"W along the North line of Parcels A and B of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ a distance of 343.86 feet to the West line of said SE $\frac{1}{4}$ SE $\frac{1}{4}$; thence N00°13'32"E along said West line a distance of 532.29 feet; thence S87°52'55"E a distance of 866.56 feet; thence S76°27'46"E a distance of 51.01 feet; thence S22°23'56"E a distance of 50.13 feet; thence S13°36'18"E a distance of 43.29 feet; thence S01°58'05"W a distance of 70.09 feet; thence S02°03'21"W a distance of 212.74 feet; thence S01°27'58"W a distance of 272.05 feet to the North line of said Lot 12; thence S89°42'50"W along said North line a distance of 17.30 feet to the Point of Beginning. Said parcel contains 16.04 acres, more or less, and is subject to easements of record.

Note: The South line of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 26 is assumed to bear S89°54'44"W for this description.

Come Now James R. Hughes and Monica A. Hughes as owners of Park Place Acres Division 3 and state that the plat of Park Place Acres Division 3 Subbdivision as attached hereto is prepared with our free consent and in accordance with our

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desires. The Park Place Acres Division 3 Subdivision does not have any lands to be dedicated to the public for streets, alleys, parks, school property or other public use.

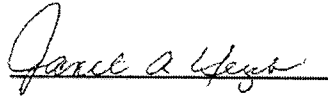

James R. Hughes


Monica A. Hughes

STATE OF IOWA)
) SS:
COUNTY OF MILLS)

On this 12th day of Aug., 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared James R. Hughes and Monica A. Hughes, 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

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PARK PLACE ACRES DIVISION 3
228TH LANE EASEMENT AND MAINTENANCE AGREEMENT
AND
PERPETUAL UTILITY EASEMENT
AND
RESTRICTIVE COVENANTS

Re: A parcel of land located in part of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26, and in part of Lot 1 of an Auditor's Subdivision being a part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35, all located in Township 73 North, Range 43 West of the 5th Principal Meridian, Mills County, Iowa, said parcel being more fully described as follows:

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Note: The South line of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 26 is assumed to bear S89°54'44"W for this description.

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228th Lane as shown on the Final Plat is a perpetual, private road and easement located in Park Place Acres Division 3 Subdivision. The owners, their heirs and assigns of Lots 1, 2, 3, 4, and 5 are to have the right to ingress and egress to their respective properties along and over the private road known as 228th Lane as shown on the plat of this subdivision.

228th Lane as shown on the final Plat is to be maintained by the owners of Lots 1, 2, 3, 4 and 5 on an equal basis. One-fifth (1/5) of the expense is to be paid by each lot owner whether you use the road or not. The annual maintenance assessment for 228th Lane shall never exceed \$25.00 per month unless a majority of the property owners agree to raise the \$25.00 per month fee.

The developers of Park Place Acres Division 3 are to surface 228th Lane in 1998 with asphalt or concrete road 20 to 24 feet in width with a 66 foot cul-de-sac.

A perpetual utility easement on 228th Lane and the utilities easements show on the plat, and the right to ingress and egress shall be preserved for the installation and maintenance of all utilities that any of the owners of Lots 1, 2, 3, 4 and 5 shall request.

1. No trailer, mobile homes, basement, tent, shack, garage, barn or other outbuilding erected in the tract shall at any time be used as a residence temporarily or permanently nor shall any residence of a temporary character be permitted.
2. The assembly, disassembly or general service work on any car, truck, equipment or other machinery shall be prohibited except in an enclosed garage.
3. No trailers or mobile homes shall be allowed on the premises on a temporary or permanent basis.
4. Each owner shall be responsible to maintain their premises free from all junk, abandoned cars and accumulated debris.
5. No junk yards shall be permitted.
6. No commercial dog kennels or livestock confinement operations shall be permitted.
7. All homes constructed are to be of lumber, concrete or concrete block

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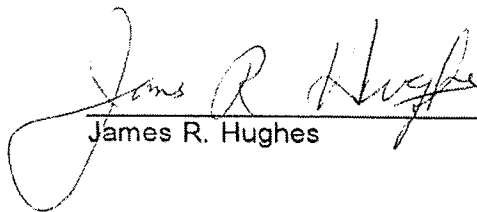
and other common house building materials with a two-car garage. The two-car garage can be under the home, attached or detached. The homes are to be constructed on the site with a minimum of 1750 square foot finished living area. The developer reserves the right to approve or disapprove allowing a factory built home in the subdivision.

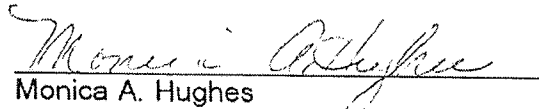
8. No titleholder of a platted lot will have more than five head of livestock on a platted lot, and shall care for the livestock so they will not be a nuisance to the neighborhood. No hogs are allowed.
9. All lots described herein shall be known, described and used solely as single family, acreage, residential lots.
10. All satellite dishes over 30 inches in diameter are to be installed behind the house on the respective lots.
11. In constructing the residence and buildings, all set back buildings shall be within the following specifications:
 - A. The distance from the front line to the residence shall be at least 25 feet.
 - B. The distance from the residence/garage/barn to the side lot or rear lot line shall be a minimum of ten (10) feet from each side.
12. Titleholder of the property, vacant or improved, shall keep his lot or lots free of weeds and debris.
13. No obnoxious or offensive trade shall be carried on nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.
14. Nothing contained in this instrument shall in any way be construed as imposing on the undersigned any liability, obligation or requirement for its enforcement.
15. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of twenty-five (25) years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of ten (10) years, unless an instrument signed by a majority of the then

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owners of the lots has been recorded agreeing to change said covenants in whole or in part.

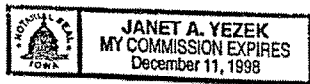
16. If the parties hereto, or any of them, or their heirs or assigns, shall violate or attempt to violate this covenant herein, it shall be lawful for any other person or persons owning any other lots in said development of subdivision, to prosecute any proceeding at law or in equity against the person or persons violating or attempting to violate such covenant either to prevent him or them from so doing or to recover damages or other dues for such violation.
17. Recreational vehicles, boats, tractors, cars and equipment are to be stored in an enclosed utility building or machine shed. All utility buildings are to be attractive and conducive to the neighborhood.
18. Horse barns and riding areas are allowed in Park Place Acres Division 3.

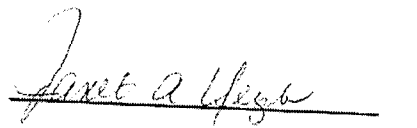

James R. Hughes


Monica A. Hughes

STATE OF IOWA)
) SS:
COUNTY OF MILLS)

On this 17th day of Aug., 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared James R. Hughes and Monica A. Hughes, 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

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