

FINAL PLAT OF

STONEYBROOK SUBDIVISION,

PHASE II

OWNERS AND DEVELOPER:

ROBERT J. AND JANI S. MINGS
15141 220TH STREET
COUNCIL BLUFFS, IOWA 51503
AND
KATHLEEN L. MING
22641 JAMES DRIVE
COUNCIL BLUFFS, IOWA

POTTAWATTAMIE COUNTY BOARD OF SUPERVISORS

Robert J. Mings
APPROVED BY CHAIRPERSON DATE 9-23-02

ATTESTED TO BY COUNTY AUDITOR

Maureen J. Drake
COUNTY AUDITOR DATE 9-23-02

POTTAWATTAMIE COUNTY ENGINEER

Jim W. Loh
APPROVED BY ENGINEER DATE 9-24-02

POTTAWATTAMIE COUNTY PLANNING DIRECTOR

John E. Moxley
APPROVED BY DIRECTOR DATE 9-23-02

FILED FOR RECORD
POTTAWATTAMIE CO. IA.
02 OCT -2 AM 8:31
JENN SCOTTINO
RECORDER

6617

INST #
RECORDING FEE
AUDITOR FEE
RMA FEE

OCT 02 2002

Entered for Taxation

Maureen J. Drake
COUNTY AUDITOR

PREPARED BY: CARL H. ROGERS, JR. PHONE: (712) 366-9009
1688 ROLLING HILLS LOOP, COUNCIL BLUFFS, IOWA

PROPRIETOR'S DEDICATION AND STATEMENT

ROBERT J. AND JANI S. MINGS AND KATHLEEN L. MINGS ARE THE SOLE OWNERS AND PROPRIETORS OF THE LAND DESCRIBED IN THE LEGAL DESCRIPTION AND EMBRACED WITHIN THIS PLAT. HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND TO BE KNOWN AS STONEYBROOK SUBDIVISION, PHASE II, LOTS 15 THROUGH 27 INCLUSIVE. AND WE HEREBY RATIFY AND APPROVE OF OUR PROPERTY AS SHOWN ON THIS PLAT, AND STONEYBROOK DRIVE, COBBLESTONE LANE AND MILL RIDGE LANE RIGHTS OF WAY ARE DEDICATED TO POTTAWATTAMIE COUNTY, IOWA.

IN WITNESS WHEREOF WE DO HEREUNTO SET OUR HANDS THIS 4th DAY OF September, 2002.

Robert J. Mings
ROBERT J. MINGS

Jani S. Mings
JANI S. MINGS

Kathleen L. Mings

BK 103 PG 266669

FINAL PLAT OF STONEBROOK SUBDIVISION, PHASE II

COUNTY AUDITOR

OWNERS AND DEVELOPER:

ROBERT J. AND JANI S. MINGS
15141 220TH STREET
COUNCIL BLUFFS, IOWA 51503
AND
KATHLEEN L. MING
22641 JAMES DRIVE
COUNCIL BLUFFS, IOWA

466-9009
COUNCIL BLUFFS, IOWA

POTTAWATTAMIE COUNTY BOARD OF SUPERVISORS

Robert C. Schell
APPROVED BY CHAIRPERSON

9-23-02
DATE

ATTESTED TO BY COUNTY AUDITOR

William G. Decker
COUNTY AUDITOR

9-23-02
DATE

POTTAWATTAMIE COUNTY ENGINEER

Jim W. Decker
APPROVED BY ENGINEER

9-24-02
DATE

POTTAWATTAMIE COUNTY PLANNING DIRECTOR

Wayne E. Moeck
APPROVED BY PLANNING DIRECTOR

9-23-02
DATE

ROBERT J. AND JANI S. MINGS ARE THE SOLE
DESCRIBED IN THE LEGAL
PLAT, HAVE CAUSED THE SAME
KNOWN AS STONEYBROOK
INCLUSIVE, AND WE HEREBY
SHOWN ON THIS PLAT, AND
D MILL, RIDGE LANE RIGHTS
COUNTY, IOWA.

OUR HANDS THIS 4 DAY
OF SEPTEMBER, 2002.

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN PART OF PARCEL "D" AS SHOWN
SURVEY RECORDED IN BOOK 97, PAGE 30705 IN THE OFF
POTTAWATTAMIE COUNTY RECORDER AND LOCATED IN THE SOUTH
THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 74 NORTH, RANGE
THE FIFTH PRINCIPAL MERIDIAN, POTTAWATTAMIE COUNTY,
PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION
NORTH 0°14'39" EAST, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER
SOUTHWEST QUARTER, A DISTANCE OF 117.60 FEET TO A POINT
NORTHERLY RIGHT OF WAY LINE OF STATE HIGHWAY NO. 92; THENCE
89°58'46" WEST, ALONG THE NORTHERLY RIGHT OF WAY LINE OF
HIGHWAY NO. 92, A DISTANCE OF 559.29 FEET; THENCE NORTH
ALONG THE NORTHERLY RIGHT OF WAY LINE OF SAID STATE HIGHWAY
DISTANCE OF 99.88 FEET TO THE POINT OF BEGINNING; THENCE
NORTH 84°18'36" WEST, ALONG THE NORTHERLY RIGHT OF WAY
STATE HIGHWAY NO. 92, A DISTANCE OF 101.12 FEET; THENCE SOUTH
ALONG THE NORTHERLY RIGHT OF WAY LINE OF SAID STATE HIGHWAY
DISTANCE OF 150.00 FEET; THENCE SOUTH 71°12'33" WEST, ALONG THE
RIGHT OF WAY LINE OF SAID STATE HIGHWAY NO. 92, A DISTANCE
THENCE SOUTH 89°59'49" WEST, ALONG THE NORTHERLY RIGHT OF
SAID STATE HIGHWAY NO. 92, A DISTANCE OF 105.24 FEET TO THE
CORNER OF LOT 1, STONEYBROOK SUBDIVISION, PHASE I, POLK
COUNTY, IOWA; THENCE NORTH 0°00'11" WEST, ALONG THE EAST LINE
1, A DISTANCE OF 23.00 FEET TO THE SOUTHEASTERLY CORNER OF
STONEYBROOK SUBDIVISION, PHASE I; THENCE NORTH 17°08'01" EAST
EASTERLY LINE OF SAID LOT 2, A DISTANCE OF 156.70 FEET TO
NORTHEASTERLY CORNER OF SAID LOT 2; THENCE NORTH 31°18'59"
THE NORTHEASTERLY LINE OF SAID LOT 2, A DISTANCE OF 278.00 FEET
MOST NORTHERLY CORNER OF SAID LOT 2 AND TO A POINT ON THE
RIGHT OF WAY OF LINE OF STONEYBROOK DRIVE; THENCE CONTINUED
31°18'59" WEST, A DISTANCE OF 66.00 FEET TO A POINT ON THE
LINE OF LOT 14 OF SAID STONEYBROOK SUBDIVISION, PHASE I AND
THE NORTHERLY RIGHT OF WAY OF LINE OF SAID STONEYBROOK
NORTH 58°41'01" EAST, ALONG THE SOUTHEASTERLY LINE OF SAID
ALONG THE NORTHERLY RIGHT OF WAY OF LINE OF SAID STONEYBROOK
DISTANCE OF 82.33 FEET TO THE BEGINNING OF A TANGENT CIRCULAR
CONCAVE SOUTHEASTERLY AND HAVING A CENTRAL ANGLE OF 100.00
RADIUS OF 582.26 FEET; THENCE NORTHEASTERLY ALONG THE SOUTHERLY
LINE OF SAID LOT 14 AND ALONG THE NORTHERLY RIGHT OF WAY OF
STONEYBROOK DRIVE, AND ALONG SAID CURVE, AN ARC LENGTH OF

DIRECTOR: Robert J. Mings 8-23-02
DATE

CERTIFY THAT THE FOLLOWING DOCUMENTS WILL BE WITH THE OFFICE OF THE POTTAWATTAMIE COUNTY RECORDER JOINTLY WITH THE FILING OF THE FINAL PLAT:

1. PRIVATE RESTRICTIONS AND/OR COVENANTS, IF ANY, WHICH WILL BE A PART OF THE SUBJECT DEVELOPMENT.

WHEREOF WE DO HEREBY SET OUR HANDS THIS 4th DAY OF September, 2002.

Robert J. Mings
MINGS

Carl H. Rogers, Jr.
MINGS

TRIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED LATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY SONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND NDER THE LAWS OF THE STATE OF IOWA.

Carl H. Rogers, Jr. AUGUST 9 2002
DATE

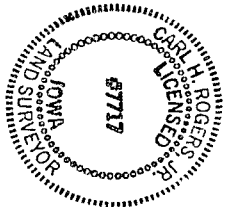
IBER: 7717

RENEWAL DATE IS DECEMBER 31, 2002.

SHEETS COVERED BY THIS SEAL: SHEET 1 OF 2 AND SHEET 2 OF 2

LINE OF SAID LOT 14 AND ALONG THE NORTHERLY RIGHT OF WAY LINE OF SAID STONEYBROOK DRIVE, AND ALONG SAID CURVE, AN ARC LENGTH OF 46.48 FEET AND HAVING A CHORD BEARING AND DISTANCE OF NORTH 60°58'39" EAST, 46.47 FEET TO THE END OF SAID CURVE AND TO THE SOUTHEASTERLY CORNER OF SAID LOT 14; THENCE NORTH 26°44'31" WEST, ALONG THE NORTHEASTERLY LINE OF SAID LOT 14, A DISTANCE OF 235.59 FEET TO THE NORTHEASTERLY CORNER OF SAID LOT 14; THENCE NORTH 78°59'58" EAST A DISTANCE OF 291.62 FEET; THENCE NORTH 2°46'56" WEST A DISTANCE OF 463.41 FEET TO A POINT ON THE NORTH LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE NORTH 89°27'33" EAST, ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, A DISTANCE OF 581.28 FEET; THENCE SOUTH 1°48'03" EAST A DISTANCE OF 213.42 FEET; THENCE SOUTH 4°12'22" WEST A DISTANCE OF 206.71 FEET; THENCE SOUTH 1°10'24" EAST A DISTANCE OF 221.55 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY OF LINE OF SAID STONEYBROOK DRIVE; THENCE SOUTH 3°02'19" EAST A DISTANCE OF 66.20 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY OF LINE OF SAID STONEYBROOK DRIVE; THENCE SOUTH 7°13'30" WEST A DISTANCE OF 236.60 FEET; THENCE SOUTH 86°47'52" WEST A DISTANCE OF 41.30 FEET; THENCE SOUTH 9°12'14" WEST A DISTANCE OF 250.44 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 18.366 ACRES, MORE OR LESS.

NOTE: THE EAST LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER IS ASSUMED TO BEAR NORTH 0°14'39" EAST FOR THIS DESCRIPTION.



ROGERS SURVEYING	
1688 ROLLING HILLS LOOP COUNCIL BLUFFS, IOWA	
DATE: 8-09-2002	PHONE: (712) 366-9009
TITLE:	DRAWN BY: J.A.T.
FINAL PLAT OF	
STONEYBROOK SUBDIVISION, PHASE II	
CLIENT: ROBERT J. MINGS, 15141 220TH ST. COUNCIL BLUFFS, IOWA 51503	SHEET 1 OF 2

BK103PG26671

Kathleen L. Mings
KATHLEEN L. MINGS

STATE OF IOWA)
) SS:
COUNTY OF POTTAWATTAMIE)

ON THIS 4th DAY OF September, 2002, BEFORE ME, A NOTARY PUBLIC IN AND FOR THE STATE OF IOWA, PERSONALLY APPEARED ROBERT J. MINGS, JANI S. MINGS, AND KATHLEEN L. MINGS, TO ME PERSONALLY KNOWN, WHO BEING BY ME DULY SWORN, DID ACKNOWLEDGE THE EXECUTION OF THE INSTRUMENT TO BE THEIR VOLUNTARY ACT AND DEED.



Dee Davis
NOTARY PUBLIC IN AND FOR SAID STATE

CERTIFICATE OF TREASURER OF POTTAWATTAMIE COUNTY, IOWA

I, JUDY ANN MILLER, TREASURER OF POTTAWATTAMIE COUNTY, IOWA, HEREBY CERTIFY THAT THE LAND INCLUDED IN STONEYBROOK SUBDIVISION, PHASE II IS FREE FROM CERTIFIED TAXES AND CERTIFIED SPECIAL ASSESSMENTS.

DATED THIS 4th DAY OF September, 2002.
Judy Ann Miller
JUDY ANN MILLER, TREASURER OF POTTAWATTAMIE COUNTY, IOWA

WE HEREBY CERTIFY THAT THE FOLLOWING DOCUMENTS WILL BE RECORDED WITH THE OFFICE OF 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.

IN WITNESS WHEREOF WE DO HEREBY SET OUR HANDS THIS 4th DAY OF September, 2002.

Robert J. Mings
ROBERT J. MINGS

Jani S. Mings
JANI S. MINGS

Kathleen L. Mings
KATHLEEN L. MINGS

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED 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.
CARL H. ROGERS, JR. DATE August 9 2002

LICENSE NUMBER: 7717

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2002.

NUMBER OF SHEETS COVERED BY THIS SEAL: SHEET 1 OF 2 AND SHEET 2 OF 2

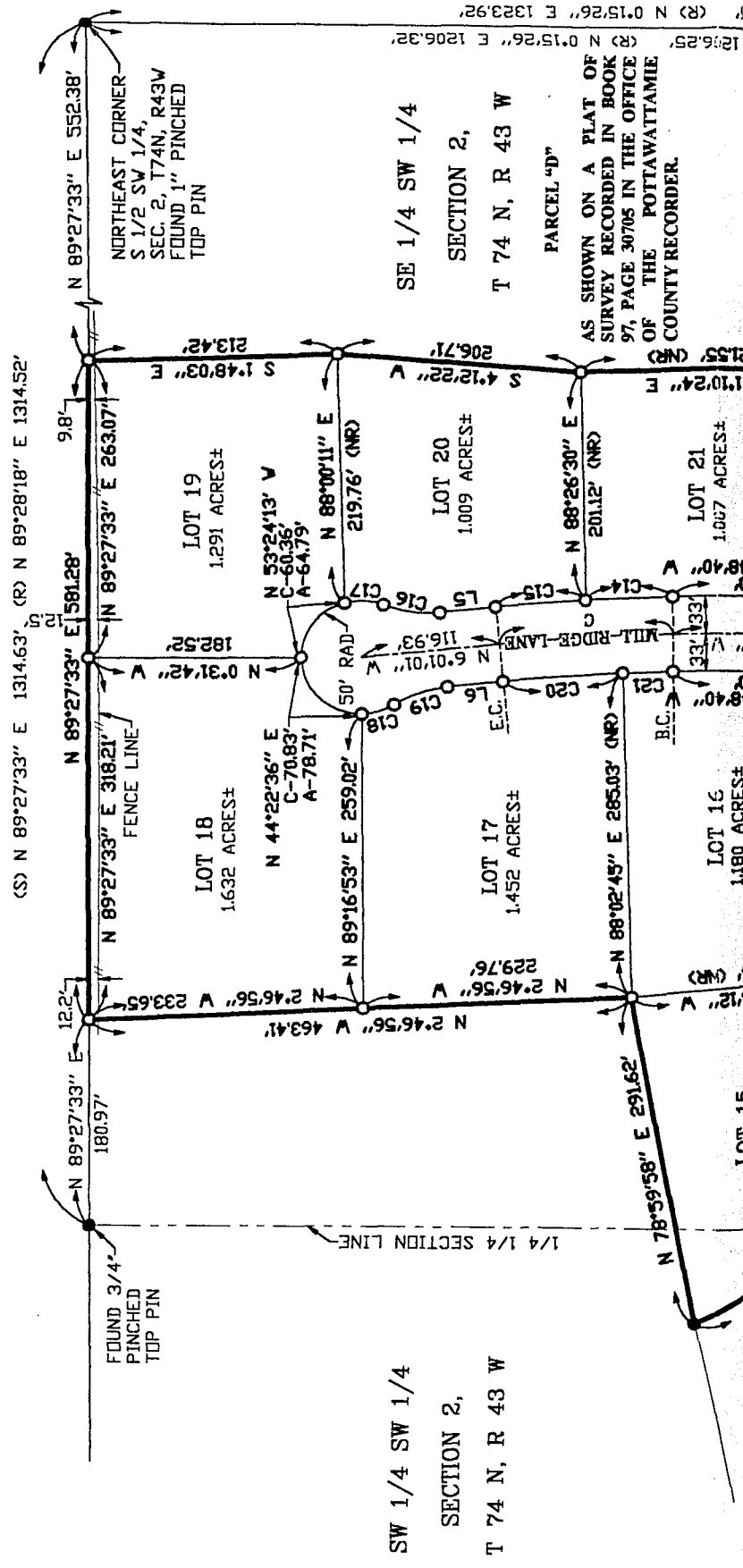
BK 103PG26673

RECORDED

BK 103PG26674

RECORDED

FINAL PLAT OF STONEBROOK SUBDI PHASE II



SW 1/4 SW 1/4
SECTION 2,
T 74 N, R 43 W

SE 1/4 SW 1/4
SECTION 2,
T 74 N, R 43 W

PARCEL "D"
AS SHOWN ON A PLAT OF
SURVEY RECORDED IN BOOK
97, PAGE 30705 IN THE OFFICE
OF THE POTTAWATTAMIE
COUNTY RECORDER.

(S) N 89°27'33" E 1314.63', (R) N 89°28'18" E 1314.52'

N 89°27'33" E 552.38'

NORTHEAST CORNER
S 1/2 SW 1/4,
SEC. 2, T74N, R43W
FOUND 1" PINCHED
TOP PIN

FOUND 3/4"
PINCHED
TOP PIN

LOT 19
1.291 ACRES±

LOT 18
1.632 ACRES±

LOT 20
1.009 ACRES±

LOT 17
1.452 ACRES±

LOT 21
1.027 ACRES±

LOT 16
1.180 ACRES±

LOT 15

(R) N 0°15'26" E 1206.32'
126.25' (R) N 0°15'26" E 1206.32'

1102.24" E
1206.32' (R) N 0°15'26" E 1206.32'

168.40" E
116.93" V
6.01'01" V
33.133'

33.133'
33.133'
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COMPARED

Prepared by: Pottawattamie County, Planning and Development, 223 South 6th Street, Council Bluffs, Iowa 51501 (712) 328-5792
Return to: Pottawattamie County, Planning and Development, 223 South 6th Street, Council Bluffs, Iowa 51501 (712) 328-5792

**PLANNING AND ZONING
RESOLUTION NO. 2002-06**

WHEREAS, this Board had approved the preliminary plat of **Stoneybrook Subdivision, Phase II**, a subdivision situated in **Lewis Township**, by approval of Planning and Zoning Resolution No.2002-03, dated **February 25, 2002**; and

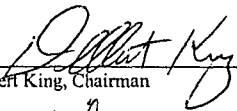

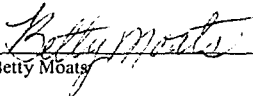
WHEREAS, the final plat and supporting documents required by Chapter 9.10 of the Pottawattamie County, Iowa, Code and Chapter 354, Code of Iowa, has been filed with this Board for its study and consideration under **Case #SUB-97-001**; and

WHEREAS, this Board has examined the final plat and has found it is in substantial compliance with the approved preliminary plat; and

WHEREAS, after careful study, and due consideration this Board has determined that the final plat and supporting documents conform to the requirements of Chapter 9.10 of the Pottawattamie County, Iowa, Code and Chapter 354, Code of Iowa, and it has deemed it to be in the best interest of Pottawattamie County, Iowa, to approve the final plat.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF POTTAWATTAMIE COUNTY, IOWA: That the final plat of **Stoneybrook Subdivision, Phase II**, a residential subdivision in Pottawattamie County, Iowa, be, and the same is hereby approved as the final plat of said subdivision and that the Chairman of the Board of Supervisors is hereby authorized to enter such approval upon said final plat.

PASSED AND APPROVED SEPTEMBER 23, 2002.

	ROLL CALL VOTE			
	AYE	NAY	ABSTAIN	ABSENT
 _____ Delbert King, Chairman	●	○	○	○
 _____ Tim Wichman	●	○	○	○
 _____ Betty Moats	●	○	○	○

BK 103PG26678

COMPARED

	ROLL	CALL	VOTE	
	AYE	NAY	ABSTAIN	ABSENT
<u>Melvyn Houser</u> Melvyn Houser	●	○	○	○

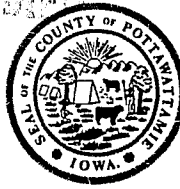
<u>Bob Williams</u> Bob Williams	●	○	○	○
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Attest: Marilyn Jo Drake
Marilyn Jo Drake, County Auditor
Pottawattamie County, Iowa

RECORD: After Passage

BK 103PG26679

MARILYN JO DRAKE
POTTAWATTAMIE COUNTY AUDITOR
AND ELECTION COMMISSIONER
P. O. BOX 649
COUNCIL BLUFFS, IOWA 51502-0649

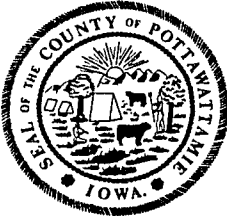


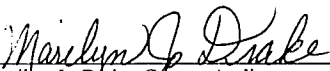
Gary Herman, First Deputy - Elections
Cheryll Ross, First Deputy - Taxes
Paula Glade, Second Deputy - Real Estate
Phone (712) 328-5700
FAX (712) 328-4740

TO WHOM IT MAY CONCERN:

I, Marilyn Jo Drake, County Auditor, Pottawattamie County, Iowa, do hereby certify that the attached is a true and accurate copy of Planning and Zoning Resolution #2002-06, adopted by the Pottawattamie County, Iowa, Board of Supervisors, in their approval of Stoneybrook Subdivision, Phase 2, on September 23, 2002.

Dated this 1st day October, 2002.





Marilyn Jo Drake, County Auditor
Pottawattamie County, Iowa

BK 103PG26680

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COMPARED

The Law Office
of
David E. Richter

222 South 6th Street
Council Bluffs, Iowa 51501

712 322-2002
Fax 712 328-0452

September 11, 2002

Robert J. Mings
15141 - 220th Street
Council Bluffs, IA 51503

Dear Mr. Mings:

Pursuant to your request I have examined the abstract of title in two (2) parts to the following described real estate:

Beginning at the Northeast corner of the South Half (S/2) of the Southwest Quarter (SW/4) of Section 2, Township 74, Range 43, Pottawattamie County, Iowa, thence along the East line of the S/2 SW/4 of Section 2-74-43 South 0 degrees 15'26" West 1206.32 feet, thence along the North line of Highway 92 on the following courses: South 89 degrees 59' 49" West 559.21 feet, thence North 84 degrees 17' 33" West 201.00 feet, thence South 89 degrees 59' 49" West 150.00 feet, thence South 71 degrees 13' 08" West 264.06 feet, thence South 89 degrees 59' 49" West 600.00 feet, thence North 80 degrees 04'37" West 203.04 feet, thence South 89 degrees 59' 49" West 623.00 feet, thence departing said North line of Highway 92 and on the center line of a Creek North 30 degrees 11' 19" East 1410.38 feet, thence along the North line of the S/2 SW/4 of Section 2-74-43 North 89 degrees 28' 11" East 563.99 feet, thence continuing along the North line of the S/2 SW/4 of Section 2-74-43 North 89 degrees 28' 18" East 1314.52 feet to the point of beginning.

Note: The East line of the S/2 SW/4 of Section 2-74-43 is assumed to bear South 0 degrees 15'26" West for this survey plat and legal description except Stoneybrook Subdivison, Phase I, Pottawattamie County, Iowa.

The abstract was last certified to by Dakota Title and Escrow Company as abstract #7747 and consists of 78 consecutively numbered entries extending from the Original Entries to August 26, 2002 at 8:00 o'clock A.M. This examination is conducted under the provisions of the Iowa Marketable Title Act.

BK 103PG26681

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6
COMPARED

Robert J. Mings
Attorney's Abstract of Title Opinion
September 11, 2002
Page 2

TITLE

Basing my opinion solely on the entries shown in the abstract, I find marketable title to the property to be in KATHLEEN L. MINGS as to an undivided one-half interest, and in ROBERT J. MINGS and JANI S. MINGS, husband and wife, as joint tenants with full rights of survivorship as to an undivided one-half interest.

LIENS AND ENCUMBRANCES

1. It is shown at Entry #60 that the property is subject to a mortgage in the original principal sum of \$400,000.00 in favor of Glenwood State Bank dated May 15, 1998 and filed for record in the office of the Pottawattamie County, Iowa Recorder on May 20, 1998 in Book 98, Page 49712, which mortgage constitutes a first mortgage lien upon the property.
2. At Entry #62 it is shown that the property is subject to a mortgage in the original principal sum of \$400,000.00 in favor of Glenwood State Bank dated September 24, 1998 and filed for record in the office of the Pottawattamie County, Iowa Recorder on October 14, 1998 in Book 99, Page 19307. However, there is no entry in the abstract to show whether or not the Addition referred to in the mortgage is included in or is a part of the real estate under examination and, therefore, no opinion is given as to the status of said mortgage.
3. It is shown at Entry #78 that the Pottawattamie County Treasurer refers to the property as Parcel #49-16-2-15154 and that 2001 taxes in the sum of \$538.00 are UNPAID which taxes concern the period July 1, 2001 to July 1, 2002 and become due and payable in the years 2002 and 2003.

The abstracter certifies that a lien search, including liens in District and Federal Courts transcribed to Pottawattamie County, Iowa has been made as to Kathleen L. Mings, Robert J. Mings and Jani Mings as of August 26, 2002, and there are no unpaid taxes, tax liens, mechanics' liens, attachments or unsatisfied judgments and no judgments or suits are pending which are liens or affect title to the above described real estate except as shown herein.

CAUTIONARY NOTES

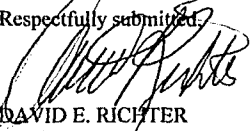
This examination does not constitute a certificate as to any special assessments and/or unpaid fees for services for sewer systems, storm water drainage systems, sewage treatment, solid waste

BK 103PG26682

COMPARED

collection, water and solid waste disposal which may have been certified to the County Treasurer but not yet entered on the tax records for collection, whether there has been any construction or improvement made to the property within the last 90 days for which a mechanic's lien might later be filed or whether the property is subject to certain soil conservation practices established by the West Pottawattamie County Soil Conservation District for which an obligation may exist to maintain permanent soil conservation practices established with public cost-sharing money.

The abstract in two (2) parts is herewith returned.

Respectfully submitted,


DAVID E. RICHTER
DD:dmd

COMPARED

Restrictive Covenants

In order to provide for the proper development of Stoneybrook Subdivision, and each and every lot therein, to protect the owners of such lots, and to insure the future value, beauty, and use of Stoneybrook Subdivision, the undersigned hereby subject of which is for the benefit of such subdivision and each lot therein and for the owners of each lot. These conditions, restrictions and limitations shall insure to the benefit of and pass with the title of each lot and bind the successors in title as the owners of such lots. Each lot shall be held, transferred, sold and conveyed subject to such conditions, restrictions and limitations, which shall be considered a part of the language of each instrument conveying, transferring of, passing any interest in or to any lot incorporated therein.

Therefore, it is hereby mutually agreed:

- (a) All lots described herein shall be used solely as residential lots, and no structure shall be erected on any residential building lot other than single-family dwellings.
- (b) No residential building lot shall be resubdivided into building lots.
- (c) No building shall be moved onto any lot, and all houses shall be of original construction and of a permanent structure.
- (d) No noxious or offensive trade shall be carried on upon any lot, nor shall anything be done thereupon which may be or become an annoyance or nuisance to any other lot owner or the neighborhood.
- (e) No fence, hedge, or boundary wall shall be permitted.
- (f) No outbuilding of any type shall be placed on said lot without written approval of the developer. The developer shall not allow said outbuildings unless the same tend to add to the neighborhood as a whole.
- (g) No vehicles, including but not limited to trailers, buses, campers, motor homes, recreational vehicles, boats, trucks or commercial vehicles shall be stored on said property in excess of 24 hours outside of a garage. All said vehicles shall be parked, maintained or stored inside the residence or other outbuilding and shall not be parked on the street. It is the intent that all automobiles and vehicles be kept inside an enclosed garage whenever possible. No motorized vehicles shall be operated or kept on any lot other than in the street or driveways. No all terrain vehicles shall be operated in the entire boundary of Stoneybrook.
- (h) No incinerator or trash burner shall be allowed on any lot, no fuel tank shall be permitted to remain outside any residence, and except on pick-up days, no

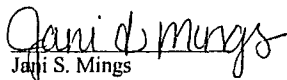
garbage or trash shall be permitted outside of any dwelling unless it is screened from view from any adjoining street or lot as shown on the plat.

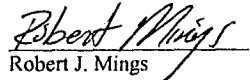
- (i) All garage doors shall remain closed at all times except when necessary for entry or exit.
- (j) No exterior Christmas lights and/or decorations may be erected or maintained on any lot except during a 60-day period beginning November 15th of each calendar year.
- (k) No animals or poultry of any kind other than (2) household pets shall be kept on any part of the premises and all household pets shall be confined to the owners premises. One dog kennel will be allowed if and only if it is no larger than six feet by twelve feet in size, located on the back side of the residence with no more than five feet between the house and residence and is completely hidden from view. All dog kennels shall be kept clean and odor free. No loud or obnoxious animals shall be permitted.
- (l) No signs, billboards, or any other unsightly objects shall be erected, placed or maintained on any lot. No advertising signs shall be allowed except "For Sale" or "For Rent" may be placed on any lot. No business activities shall be conducted on any lot if the conduct of said business activity will result in an unreasonable increase in the traffic flow within the addition, or the presence of unsightly commercial vehicles within the addition. Notwithstanding the foregoing provisions, this paragraph shall not restrict the business activities, advertising, signs and billboards or the construction and maintenance of structures by the developer, its agents and assigns, during the construction and sale period of this addition.
- (m) It is further understood and agreed that the grantor will use discretion in the sale of lots to maintain a high standard of ownership.
- (n) The titleholder of each lot shall keep his lot or lots free of weeds and debris and maintain the exterior of their residence so that it is appealing to other property owners.
- (o) Unused vehicles or equipment shall be removed from the premises and no lot shall be used for the purpose of selling, leasing, showing, or repairing vehicles or equipment for commercial purposes.
- (p) No B.B. or pellet guns shall be discharged within the subdivision.
- (q) No above ground swimming pools shall be permitted. All pools and hot tubs shall be fenced. All pools and hot tubs shall be clean and maintained in operable condition.

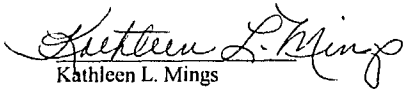
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- (r) All basketball goals shall be freestanding and not attached to the residence. All basketball goals shall be consistent with the standard designs and materials to be selected by the developer or its designee. All backboards shall be clear or white and made of fiberglass, plastic, or other approved materials. All poles shall be an earth tone color and one-piece construction. There shall be no more than one basketball goal per lot. The location of each goal shall be approved by the developer or its designee.
- (s) Each lot owner under these covenants has the right to enforcement thereof. The grantor has no duty or obligation to enforce these covenants and is not obligated to do so.
- (t) Invalidation of any one of these covenants by decree or order of any Court shall in no way effect the validity of any of the other provisions, which shall remain in full force and effect.
- (u) These covenants and restrictions are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 2024, at which time said covenants and restrictions herein shall terminate.
- (v) A perpetual easement is reserved for utility installation, maintenance and drainage over the rear ten feet and side five feet of each lot, or as specified on the final plat.

Grantors further represent that said subdivision is with their fee consent and in accordance with the desires of the undersigned owners and grantors. This 18th day of September, 2002.


Jani S. Mings


Robert J. Mings


Kathleen L. Mings

RE:

LEGAL DESCRIPTION:

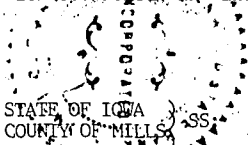
A PARCEL OF LAND LOCATED IN PART OF PARCEL "D" AS SHOWN ON A PLAT OF SURVEY RECORDED IN BOOK 97, PAGE 30705 IN THE OFFICE OF THE POTTAWATTAMIE COUNTY RECORDER AND LOCATED IN THE SOUTH ONE HALF OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 74 NORTH, RANGE 43 WEST OF THE FIFTH PRINCIPAL MERIDIAN, POTTAWATTAMIE COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 2; THENCE NORTH 0°14'39" EAST, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, A DISTANCE OF 117.60 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF STATE HIGHWAY NO. 92; THENCE SOUTH 89°58'46" WEST, ALONG THE NORTHERLY RIGHT OF WAY LINE OF SAID STATE HIGHWAY NO. 92, A DISTANCE OF 559.29 FEET; THENCE NORTH 84°18'36" WEST, ALONG THE NORTHERLY RIGHT OF WAY LINE OF SAID STATE HIGHWAY NO. 92, A DISTANCE OF 99.88 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 84°18'36" WEST, ALONG THE NORTHERLY RIGHT OF WAY LINE OF SAID STATE HIGHWAY NO. 92, A DISTANCE OF 101.12 FEET; THENCE SOUTH 89°58'46" WEST, ALONG THE NORTHERLY RIGHT OF WAY LINE OF SAID STATE HIGHWAY NO. 92, A DISTANCE OF 150.00 FEET; THENCE SOUTH 71°12'33" WEST, ALONG THE NORTHERLY RIGHT OF WAY LINE OF SAID STATE HIGHWAY NO. 92, A DISTANCE OF 264.07 FEET; THENCE SOUTH 89°59'49" WEST, ALONG THE NORTHERLY RIGHT OF WAY LINE OF SAID STATE HIGHWAY NO. 92, A DISTANCE OF 105.24 FEET TO THE SOUTHEAST CORNER OF LOT 1, STONEYBROOK SUBDIVISION, PHASE 1, POTTAWATTAMIE COUNTY, IOWA; THENCE NORTH 0°00'11" WEST, ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 23.00 FEET TO THE SOUTHEASTERLY CORNER OF LOT 2 OF SAID STONEYBROOK SUBDIVISION, PHASE 1; THENCE NORTH 17°08'01" EAST, ALONG THE EASTERLY LINE OF SAID LOT 2, A DISTANCE OF 156.70 FEET TO THE NORTHEASTERLY CORNER OF SAID LOT 2; THENCE NORTH 31°18'59" WEST, ALONG THE NORTHEASTERLY LINE OF SAID LOT 2, A DISTANCE OF 278.06 FEET TO THE MOST NORTHERLY CORNER OF SAID LOT 2 AND TO A POINT ON THE SOUTHERLY RIGHT OF WAY OF LINE OF STONEYBROOK DRIVE; THENCE CONTINUING NORTH 31°18'59" WEST, A DISTANCE OF 66.00 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF LOT 14 OF SAID STONEYBROOK SUBDIVISION, PHASE 1 AND TO A POINT ON THE NORTHERLY RIGHT OF WAY OF LINE OF SAID STONEYBROOK DRIVE; THENCE NORTH 58°41'00" EAST, ALONG THE SOUTHEASTERLY LINE OF SAID LOT 14 AND ALONG THE NORTHERLY RIGHT OF WAY OF LINE OF SAID STONEYBROOK DRIVE, A DISTANCE OF 82.33 FEET TO THE BEGINNING OF A TANGENT CIRCULAR CURVE CONCAVE SOUTHEASTERLY AND HAVING A CENTRAL ANGLE OF 4°34'28" AND A RADIUS OF 582.26 FEET; THENCE NORTHEASTERLY ALONG THE SOUTHEASTERLY LINE OF SAID LOT 14 AND ALONG THE NORTHERLY RIGHT OF WAY LINE OF SAID STONEYBROOK DRIVE, AND ALONG SAID CURVE, AN ARC LENGTH OF 46.48 FEET AND HAVING A CHORD BEARING AND DISTANCE OF NORTH 60°58'38" EAST, 46.47 FEET TO THE END OF SAID CURVE AND TO THE SOUTHEASTERLY CORNER OF SAID LOT 14; THENCE NORTH 26°44'31" WEST, ALONG THE NORTHEASTERLY LINE OF SAID LOT 14, A DISTANCE OF 235.59 FEET TO THE NORTHEASTERLY CORNER OF SAID LOT 14; THENCE NORTH 78°59'58" EAST A DISTANCE OF 291.62 FEET; THENCE NORTH 2°46'56" WEST A DISTANCE OF 463.41 FEET TO A POINT ON THE NORTH LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE NORTH 89°27'33" EAST, ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, A DISTANCE OF 581.28 FEET; THENCE SOUTH 1°48'03" EAST A DISTANCE OF 213.42 FEET; THENCE SOUTH 4°12'22" WEST A DISTANCE OF 206.71 FEET; THENCE SOUTH 1°10'24" EAST A DISTANCE OF 221.55 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY OF LINE OF SAID STONEYBROOK DRIVE; THENCE SOUTH 3°02'19" EAST A DISTANCE OF 66.20 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY OF LINE OF SAID STONEYBROOK DRIVE; THENCE SOUTH 7°13'30" WEST A DISTANCE OF 236.60 FEET; THENCE SOUTH 86°47'52" WEST A DISTANCE OF 41.30 FEET; THENCE SOUTH 9°12'14" WEST A DISTANCE OF 250.44 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 18.366 ACRES, MORE OR LESS.

NOTE: THE EAST LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER IS ASSUMED TO BEAR NORTH 0°14'39" EAST FOR THIS DESCRIPTION.

COMES NOW Larry W. Winum, President of the Glenwood State Bank in Glenwood, Iowa, and in accordance with §354.11 of The Code, 1993, states that the plat filed in respect to the above described real estate is prepared with the consent of the Glenwood State Bank and in accordance with our desire.

GLENWOOD STATE BANK
Larry W. Winum
By Larry W. Winum, President



On the 16th day of September, 2002, before me, the undersigned, a Notary Public in and for said County and said State, personally appeared Larry W. Winum, to me personally known, who, being by me duly sworn, did say that he is the President of said Corporation; that the seal affixed thereto is the seal of said Corporation; that said instrument was signed and sealed on behalf of said Corporation by authority of its Board of Directors; and that the said Larry W. Winum as such officer acknowledged the execution of said instrument to be the voluntary act and deed of said corporation; by it and by him voluntarily executed.

Janet Hall
Janet Hall Notary Public in and for said County and State