

COMPARED

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1512-537

Jan 11 1970

STATE OF IOWA, Notary Public  
Filed for record in the office of the  
Notary Public for Pottawattamie County  
Iowa on 1/11/70 11:53 AM

AFFIDAVIT

STATE OF IOWA

Pottawattamie County: ss

We, Jack D. Allen and Donetta Allen, first being duly sworn upon oath, depose and say that we are the owners of the parcel of land indicated on the plat accompanying this Affidavit, and that said subdivision as it appears upon said plat, is with the free consent and in accordance with the desires of the undersigned.

\_\_\_\_\_  
Jack D. Allen

\_\_\_\_\_  
Donetta Allen

Now on this 11 day of January, 1970, there appeared before me, \_\_\_\_\_, a Notary Public in and for Pottawattamie County, Iowa, Jack D. Allen and Donetta Allen, known to me to be the persons named in and making the foregoing statement and acknowledge that they executed the same as their voluntary act and deed.

\_\_\_\_\_  
Notary Public

1512 537

\*NOT  
Complete  
Copy

HOGZETT & BURGETT

OAKLAND, IOWA  
1938C

June 24, 1970

TO WHOM IT MAY CONCERN:

On this date, I have examined the abstract of title to the land platted in

ALLEN'S ADDITION TO THE TOWN OF CARSON, IOWA;

the legal description of which is the following:

Parts of Lots 1 & 2 of the Auditor's Subdivision in the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 2, T-74-N, R-40-W, in the Town of Carson, Pottawattamie County, Iowa, more fully described as follows:

Commencing at the NW corner of Lot 1 of McNeley's Addition to Carson, Iowa, thence south a distance of 563.8 feet, thence S 89° 15' 30" W a distance of 220.56 feet, thence North a distance of 564.1 feet, thence N 89° 25' 00" E a distance of 220.56 feet to the point of beginning.

and I certify that the fee title is in the proprietors, Jack D. Allen and Donetta Allen, and that the land platted is free from encumbrance of any sort and merchantable title exists in the proprietors.

HOGZETT & BURGETT

By Donetta D. Allen

DDH:lc

1512 538

RESTRICTIONS COVERING THE LAND IN  
ALLEN'S ADDITION TO TOWN OF CARSON, IOWA

WHEREAS, the undersigned, JACK D. ALLEN and DONETTA ALLEN, are now the owners in fee of all the property and lots contained in Allen's Addition to the Town of Carson, Pottawattamie County, Iowa, and

WHEREAS, the said Jack D. Allen and Donetta Allen desire to restrict all of the above described property as hereinafter stated for their benefit and for the benefit of all future owners of lots in said Addition.

NOW, THEREFORE, the said Jack-D. Allen and Donetta Allen do hereby create and establish the following restrictions, which shall become binding upon all of the above described property and also upon the owner or owners at any time, to the extent herein indicated and set forth, to-wit:

1. All lots located in said Addition, shall be known, described and used solely as residential lots and no construction shall be permitted on any lot other than for residential purposes.
2. No building shall be erected on any residential building plot nearer than twenty (20') feet to nor farther than thirty (30') feet from the front line, nor near than five (5') feet to any side lot line. The side line restrictions shall not apply to a garage located on the rear one quarter of a lot, except that on corner lots, no structure shall be permitted nearer than twenty (20') feet to the side street line. The restriction with reference to the distance from any side lot line applies to any part of a building, including the eaves or overhang from a roof. In case of a garage constructed on the rear quarter portion of said lots, the side line restriction shall not apply, except that in no instance is any part, including the roof, of any building to over-lap any boundary line.
3. No basement home, cement block home (unless the same be finished with stucco or wood), trailer, mobile home, shack, garage, barn or other outbuilding erected in the platted area shall at any

time, be used as a residence, temporarily or permanently, nor any residence of temporary nature be permitted. The same restrictions apply to any structure or structures being moved upon any lots within the platted area. No building shall be erected on any lot unless the design and location is in harmony with existing structures and locations in the tract and does not violate protective covenants. In any case, no one story dwelling shall be permitted on any lot described herein, having a ground floor square foot area of less than nine-hundred (900) square feet, and no two story dwelling shall be permitted which has a ground floor square foot area of less than seven-hundred (700) square feet. Construction is limited to one story or split level structures, except Lots 8, 9 and 10, where two story construction is permitted. Two family dwellings are permitted on Lots 7 and 8.

4. No obnoxious or offensive trade shall be carried on upon any lot nor shall anything be done therein which may be or become an annoyance or nuisance to the owners in the neighborhood or platted area.

5. No farm animals will be harbored, sheltered or kept within the platted area.

6. A perpetual easement is reserved over the rear five (5') feet of each lot for utility installation or maintenance. The covenants and restrictions are to perpetually run with the land and shall be binding upon all parties or persons claiming under them.

7. If the parties hereto, or any of them, their heirs, assigns or legal representatives shall violate or attempt to violate any of the covenants or restrictions herein, it shall be lawful for any other person or persons owning other lots or lot in said development or Addition, to prosecute any proceedings at law or equity against the person or persons violating or attempting to violate any such covenant or restriction, and to prevent him or them from obtaining or to recover damages or other dues from such violation.

8. In violation of any of these covenants by Judgment or Court Order shall in no way affect any of the other provisions which shall remain in full force and effect.

\_\_\_\_\_  
Jack D. Allen

\_\_\_\_\_  
Donetta Allen

WITNESSES:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

