

**RETURN TO:**

Robert J. Lukes, Esq.  
Attorney Registration No. 65006  
Moss & Barnett  
4800 Norwest Center  
90 South Seventh Street  
Minneapolis, MN 55402  
Telephone: (612) 347-0300

FILED FOR RECORD  
POLK COUNTY, IOWA

99 MAY 19 P 2: 06.8

TIMOTHY J. BRIEN  
RECORDER

INST # 102754  
RECORDING FEE 16.00  
AUDITOR FEE 5.00

*Chy.*

*Rev.*

*17599.20*

**DECLARATION  
FILED**

**SPECIAL WARRANTY DEED**

*Commonwealth-Willow Park Apts.*

For the consideration of Ten Dollars (\$10.00) and other valuable consideration, Family Mortgage Service Corporation No. 20, a Maryland corporation ("Grantor"), does hereby convey to BBMY II Willow Park LP, a Minnesota limited partnership ("Grantee"), the following described real estate in Polk County, Iowa:

See Exhibit A attached hereto ("Real Estate")

subject to easements, restrictions, covenants, and reservations of record, if any.

Grantor does hereby covenant with Grantee and its successors in interest and warrants and defends the Real Estate against the lawful claims of all persons claiming by, through or under them for any act of Grantor that may encumber the Real Estate. No warranty is made by Grantor for any matter affecting the Real Estate not done, performed or acquiesced to by Grantor. Each of the undersigned hereby relinquishes all rights of dower, homestead and distributive share in and to the Real Estate.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

Dated: May 18, 1999

Family Mortgage Service Corporation No. 20,  
a Maryland corporation

Entered upon transfer books and for  
taxation this 20 day of May  
1999. My fee \$ 5 collected  
by recorder.  
MICHAEL A. MAURO  
Auditor

By: *William J. Monacelli*  
William J. Monacelli  
Its: Vice President

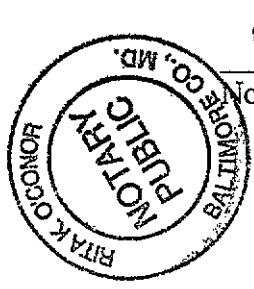
REAL ESTATE TRAN 17599.20  
POLK CO 1  
TAX FB *CS* \$17599.20  
TIN 17599.20  
NOTEN DECEMBER 5 19 99  
699

*Ray*  
*520.99*

STATE OF MARYLAND )  
 ) ss.  
COUNTY OF BALTIMORE )

On this 14th day of May, 1999, before me, a notary public in and for said county, personally appeared William J. Monacelli to me personally known, who being by me duly sworn did say that that person is a Vice President of said corporation, Family Mortgage Service Corporation No. 20, and that said instrument was signed on behalf of the said corporation by authority of its board of directors and the said Vice President acknowledged the execution of said instrument to be the voluntary act and deed of said corporation by it voluntarily executed.

COMMISSION EXPIRES:  
5/2/00



Rita K. O'Connor  
Notary Public

EXHIBIT A

Commencing at the Northeast corner of Section 33, Township 78 North, Range 24 West of the 5th P.M., Des Moines, Polk County, Iowa, thence South  $0^{\circ}37' 1/2''$  East, along the East line of the Northeast  $1/4$  of said Section 33, 454.85 feet, to the Point of Beginning, thence continuing South  $0^{\circ}37' 1/2''$  East, 965.15 feet, thence North  $90^{\circ}00'$  West parallel with and 1420.0 feet South of the North line of the Northeast  $1/4$  of said Section 33, 948.0 feet, thence North  $0^{\circ}37' 1/2''$  West parallel with and 948.0 feet West, of the East Line of the Northeast  $1/4$  of said Section 33, 967.15 feet, thence South  $89^{\circ}25' 3/4''$  East, 948.0 feet to the point of beginning.

Together with ingress and egress Easement, filed of record in Book 5258, page 932.