

Doc. No. **19982**
WOODBURY COUNTY, IOWA
Filed for record, indexed and delivered
to County Auditor & Recorder on

WOODBURY COUNTY, IOWA
Entered upon the transfer book and
for taxation on

REAL ESTATE TRANSFER
TAX PAID
\$ 197.20
PATRICK F. GILL
WOODBURY COUNTY AUDITOR & RECORDER
4-16-02 BY SG
Date

APR 16 2002

APR 16 2002

Time 2:30 PM
Auditor's & Recorder's Fee \$ 26.00 Pd
PATRICK F. GILL, Auditor & Recorder
By [Signature] Designee

Fee \$ 5.00 Pd.
PATRICK F. GILL, Auditor & Recorder
By E Whitehouse Designee

Preparer Information: ROSEMARY SHEEHAN, 614 PIERCE STREET, SIOUX CITY, (712) 277-4561
Individual's Name Street Address City Phone



Address Tax Statement: Jerry J. Johnson
3918 Sylvian Way
Sioux City, Iowa 51104

SPACE ABOVE THIS LINE
FOR RECORDER

SPECIAL WARRANTY DEED

For the consideration of ONE (\$1.00)
Dollar(s) and other valuable consideration, SCI Iowa Funeral Services, Inc., an Iowa corporation,

do hereby Convey to
Jerry J. Johnson

the following described real estate in Woodbury County, Iowa:
All that part of the Southwest (1/4) of the Northwest (1/4) of Section (9), Township (88) North, Range (47) West of the Fifth Principal Meridian, Sioux City, Woodbury County, Iowa, described as follows:

Beginning at the Northwest corner of said Southwest 1/4 of the Northwest 1/4 of said Section 9; thence South along the West line of said Southwest 1/4 of the Northwest 1/4 for 1,319.97 feet to the Southwest 1/4 of the Northwest 1/4; thence with an angle to the left of 91° 26'12" along the South line of said Southwest 1/4 of the Northwest 1/4 for 549.66 feet; thence with an angle to the left of 88° 50'32" for 371.33 feet; thence with an angle to the right of 90° 16'44" for 34.27 feet; thence with an angle to the left of 90° 16'44" for 958.07 feet to the North line of said Southwest 1/4 of the Northwest 1/4; thence with an angle to the left of 92° 01'16" along said North line for 577.76 feet to the point of beginning.

Said described parcel contains 756,105 square feet or 17.358 acres, more or less.

Subject to and together with easements, restrictions and covenants of record, if any.

The grantee accepts the above-described real estate subject to the Use Restrictions set forth on Exhibit A hereto.

Grantors do Hereby Covenant with Grantees and successors in interest to Warrant and Defend the real estate against the lawful claims of all persons claiming by, through or under them, except as may be above stated. 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.

STATE OF _____
COUNTY, _____

Dated: April 1 2002

ss: SCI IOWA FUNERAL SERVICES, INC.

On this _____ day of _____, before me, the undersigned, a Notary Public in and for said State, personally appeared _____

By: [Signature]
Michael L. Decell, Vice President (Grantor)

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.

(Grantor)

(Grantor)

Notary Public

(Grantor)

(This form of acknowledgment for individual grantor(s) only)

(OVER FOR ACKNOWLEDGMENT)

STATE OF TEXAS, COUNTY OF Harris, ss:

On this 1st day of April, 2002, before me, a Notary Public, in and for said State, personally appeared Michael L. Decell, to me personally known, who being by me duly sworn did say that he is the Vice President of said corporation, that no seal has been procured by the said corporation and that said instrument was signed on behalf of the said corporation by authority of its board of directors and the said Michael L. Decell acknowledged the execution of said instrument to be the voluntary act and deed of said corporation by it and by him voluntarily executed.

Angela K. Dalton

Notary Public - State of ~~Iowa~~ Texas



USE RESTRICTIONS

The following is a list of the USE RESTRICTIONS affecting the Property that will be included in the Deed and run with the Property:

- (i) Any warehousing, assembling, manufacturing, distilling, refining, smelting, agricultural or mining operations, except for cattle grazing or normal crop production;
- (ii) Any "second hand" store, Army, Navy, or governmental "surplus" store;
- (iii) Any mobile home or trailer court, labor camp, junkyard, stockyard, or animal raising (except that this provision shall not prohibit the temporary use of construction trailers during the periods of construction, reconstruction, or maintenance);
- (iv) Any fire or bankruptcy sale (unless pursuant to court order) or auction house operation;
- (v) Any dry cleaning outlet (other than pick-up and drop-off facilities only), central laundry or Laundromat; provided, that, such facilities may be used on the Property in connection with laundry services provided solely to owners or occupants of the Property;
- (vi) Any automobile, truck, trailer, heavy equipment, mobile home or recreational vehicle sales, leasing or display, including body repair facilities;
- (vii) Any bowling alley or skating rink;
- (viii) Any pet shop, pet quarters, or veterinary service within 250 feet of Seller's Retained Property;
- (ix) Any mortuary, cemetery or location used to sell or solicit sales of pre-need agreements for cemetery or funeral merchandise or services;
- (x) Any establishment selling or exhibiting pornographic materials;
- (xi) Any gasoline, diesel or other fuel or automotive service stations, or any facility providing automotive repairs or services; provided, that, such facilities may be located on the Property so long as they are no closer than 250 feet to the eastern boundary of the Property and so long as they are part of an office development, are screened such that they cannot be seen from outside the boundary of the Property, and then only to the extent the same provide services to owners or occupants of the Property;
- (xii) Any massage parlor, modeling studio or establishment where women or men are engaged in other salacious activities;
- (xiv) Any public or private nuisance;
- (xv) Any use which generates or causes to be generated any noise or sound that is objectional due to intermittence, beat, frequency, shrillness or loudness;
- (xvi) Any use which generates or causes to be generated any obnoxious odor;
- (xvii) Any use which generates or causes to be generated any noxious, toxic caustic, or corrosive fuel or gas; or any facility used primarily for the storage, use or disposal, whether temporary or permanent, of any Hazardous Substance. For the purposes of this subsection,

"Hazardous Substance" means any substance which is (1) toxic, ignitable, reactive, corrosive, radioactive, flammable, explosive, or a human health or safety hazard, including but not limited to asbestos (friable or non-friable), petroleum products, by-products and wastes, polychlorobiphenyls ("PCB's"), (2) defined as "hazardous substances", "hazardous materials", "toxic substances" or "hazardous wastes" in the Environmental Laws, or (3) prohibited or regulated or which requires redemption under any of the Environmental Laws. "Environmental Laws" means the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA"), the Hazardous Materials Transportation Act, 49 U.S.C. Section 1801, et seq.; the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901, et seq.; the Clean Water Act, 33 U.S.C. Section 1251, et seq.; the Toxic Substances Control Act, 15 U.S.C. Section 2601, et seq.; the Clean Air Act; the Federal Water Pollution Control Act; the Safe Drinking Water Act; the Williams-Steiger Occupational Safety and Health Act, and any other applicable statutes, laws, ordinances, rules and regulations of any federal, state or local governmental or quasi-governmental authority or body having jurisdiction over the property;

(xviii) Any use which generates or causes to be generated any dust, dirt, or fly ash in excessive quantities;

(xix) Any use which generates or causes to be generated any unusual fire, explosion, or other damaging or dangerous hazard including the storage, display or sale of explosives or fireworks;

(xx) Any dumping, disposal, incineration, reduction of garbage or refuse (exclusive of garbage containers properly screened); or

(xxi) Any use which involves the installation of any underground storage tanks.