

2-46

BK101PG02191L

WINGATE PLAZA

LOTS 1 THROUGH 6, INCLUSIVE
BEING A PLATTING OF LOTS 22 AND 23,
DIVISION OF THE NW1/4 OF THE SW1/4 OF SECTION 21, TOWNSHIP 75 NORTH,
R1 OF THE 5TH P.M., CITY OF CARTER LAKE, POTTAWATTAMEE COUNTY, IOWA.

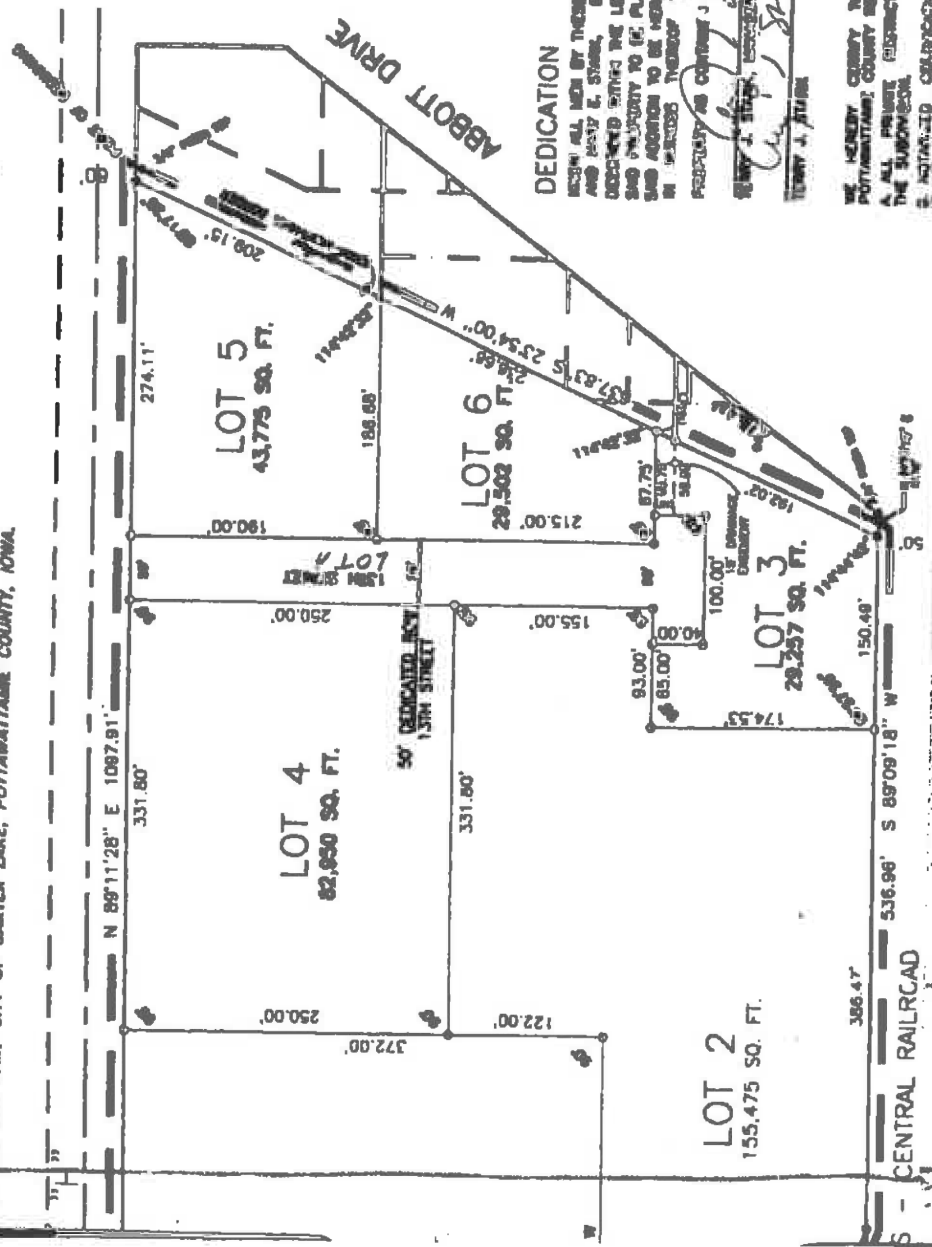
BK101PG02193

RECORDED

RECORDED
JUL 13 11 14:57
L. E. GORSELL

JUL 13 2008

WINGATE PLAZA FINAL PLAT



INST # 720
RECORDING FEE 900
AUDITOR FEE 100
RMA FEE 100

DEDICATION

BEFORE ALL MEN BY THESE PRESENTS THAT WE, THE HOSPITALITY LLC AND MARY E. STONE AND MARY E. STONE, BEING THE SOLE OWNERS OF THE PROPERTY DESCRIBED WITHIN THE LOCAL DESCRIPTION AND DEDICATED HEREIN THIS PLAT, HAVE CAUSED THIS PLAT TO BE PLATTED AND LOTS AND STREETS AS SHOWN AND IN ADDITION TO BE HEREBY MADE AS "WINGATE PLAZA" IN ACCORDANCE THEREOF WE DO HEREBY MERRY AND APPROVE OF THE DISPOSITION OF THE PROPERTY AS SHOWN AND DEDICATED ON THIS 16th DAY OF JULY, 2008.

MARY E. STONE
MAYOR E. STONE

MARY E. STONE
THE HOSPITALITY LLC
MARY E. STONE

WE HEREBY CERTIFY THAT THE FOLLOWING DOCUMENTS WILL BE RECORDED WITH THE POTTAWATTAMEE COUNTY RECORDS CONTAINING ALL NECESSARY INSTRUMENTS AND/OR COVENANTS, IF ANY, WHICH WILL BE A PART OF THE SUBDIVISION. IF COME TO THE SUBDIVISION AS IT APPEARS HEREIN WITH THE LOCAL ORDINANCES AND REGULATIONS OF THE CITY OF CARTER LAKE, IOWA.

12193

BK 101 PG 0219

COMPARED

BK 101 PG 0219A

WINGATE PLAZA

LOTS 1 THROUGH 6, INCLUSIVE
BEING A PLATTING OF LOTS 22 AND 23

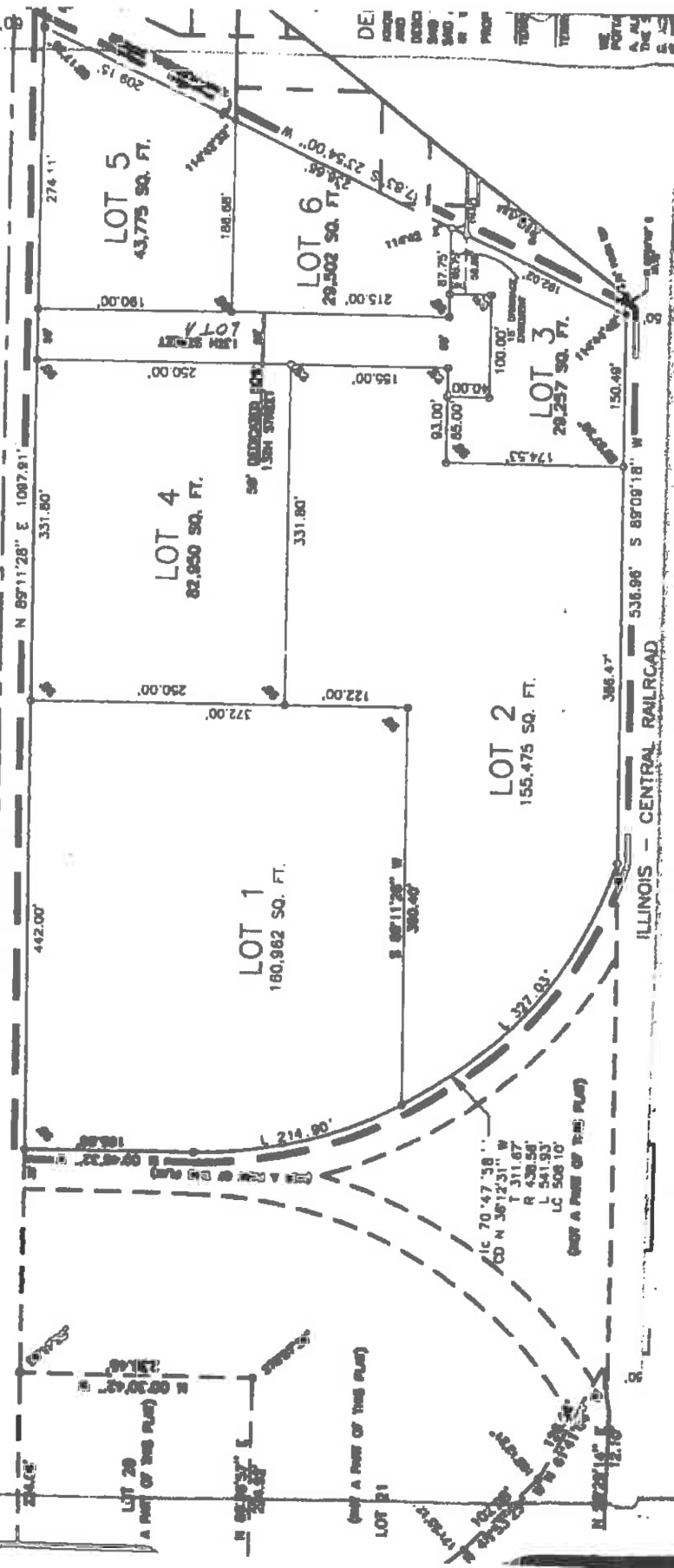
AUDITOR'S SUBDIVISION OF THE NW1/4 OF THE SW1/4 OF SECTION 21, TOWNSHIP 75 NORTH,
RANGE 44 WEST OF THE 5TH P.M., CITY OF CARTER LAKE, POTTAWATTAME COUNTY, IOWA.

LEGEND:

- PROPERTY CORNER PLUMB
- ALL CORNERS PLUMB AND CAPS MARKED WITH UNLESS SHOWN OTHERWISE
- PROPERTY CORNER SET
- ALL CORNERS SET AND 1/2" OVER TOP MARKED 11820



AVENUE "H"



ILLINOIS - CENTRAL RAILROAD

17800001
KBI
17800001

BK101P502195

COMPARED

BK101P502196

COMPARED

WINGATE PLAZA

LOTS 1 THROUGH 6, INCLUSIVE
BEING A PLATTING OF LOTS 22 AND 23
AUDITOR'S SUBDIVISION OF THE NW1/4 OF THE SW1/4 OF SECTION 21, T1
RANGE 44 WEST OF THE 5TH P.M., CITY OF CARTER LAKE, POTTAWATTAMI

LEGEND

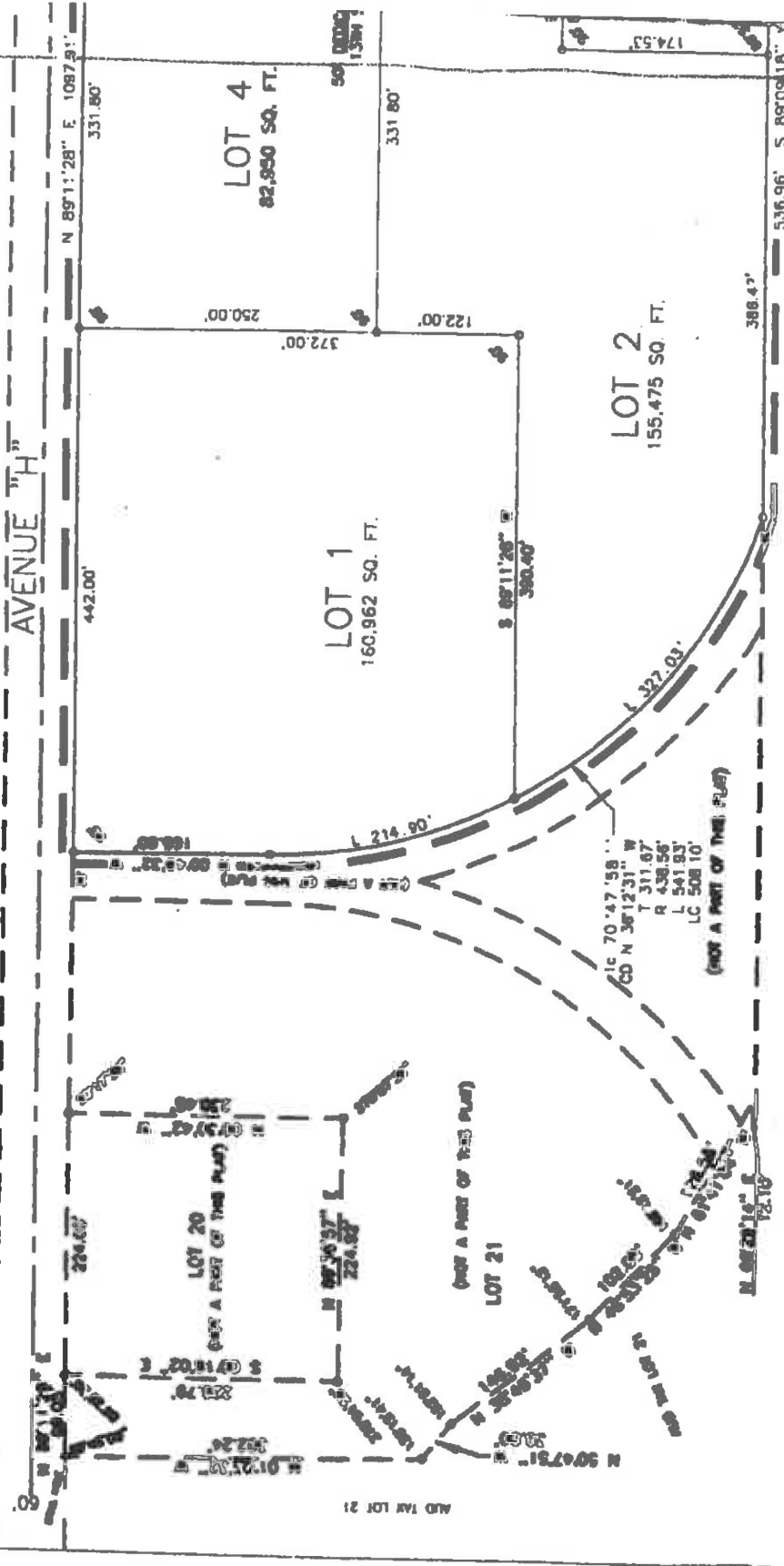
- PROPERTY CORNER PLUMB
- ALL CORNERS PLUMB ARE
- CURB CORNERS PLUMB ARE
- (UNLESS SHOWN OTHERWISE)
- PROPERTY CORNER SET
- ALL CORNERS SET ARE
- 1/2" OPEN TOP 5/8"Ø 11870



Scale 1" = 100'

9TH STREET

AVENUE "H"



536.96' S. R20011A

388.47'

174.53'

18.10'

N 89°20'15" E

100.00'

N 90°47'31" E

100.00'

N 89°11'28" E

100.00'

N 89°11'28" E

100.00'

12100 West Center Road, Suite 522A
Omaha, NE 68144 (402-334-7982)

ILLINOIS - CENTRAL RAILROAD 538.96' S 89°03'18" UNPLATTED

APPROVAL OF CARTER LAKE CITY COUNCIL

STATE OF IOWA)
COUNTY OF POTTAWATTAMIE)

ON THIS 22 DAY OF June 2000, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF IOWA, PERSONALLY APPEARED WANDA C. ROSENBAUGH AND LISA M. REBELE, TO BE PERSONALLY KNOWN, WHO, BEING BY ME DULY SWORN, DID SAY THAT THEY MAKE THE ABOVE AND ACTING CITY CLERK RESPECTIVELY, OF THE CITY OF CARTER LAKE, IOWA, THE FOREGOING INSTRUMENT IS THE COMPANIMATE SEAL, OF THE CORPORATION, AND THAT THE INSTRUMENT WAS SIGNED AND SEALED ON BEHALF OF THE CORPORATION, BY AUTHORITY OF ITS CITY COUNCIL, AS OF 10:00 2000, AND THAT WANDA C. ROSENBAUGH AND LISA M. REBELE ACKNOWLEDGED THE EXECUTION OF THE INSTRUMENT TO BE THEIR VOLUNTARY ACT AND DEED OF THE CORPORATION, BY IT VOLUNTARILY EXECUTED.

WANDA C. ROSENBAUGH, WANCOR
LISA M. REBELE, ACTING CITY CLERK
SUBSCRIBED AND SIGNED TO BEFORE ME THIS 22 DAY OF June 2000.
Lisa M. Rebele
NOTARY PUBLIC, MY COMMISSION EXPIRES ON 3-31-03



APPROVAL OF THE CITY OF CARTER LAKE PLANNING COMMISSION
THIS FINAL PLAN OF "WINDMILL PLAZA", A REPLAT, WAS APPROVED AND ACCEPTED BY THE CITY OF CARTER LAKE PLANNING COMMISSION ON THIS 10th DAY OF July 2000.
[Signature]
CHAIRMAN, CITY OF CARTER LAKE PLANNING COMMISSION

LOUIS SURVEYING
12100 West Center Road, Suite 522A
Omaha, NE 68144 (402-334-7982)



DKT01FG02196

LEGAL DESCRIPTION

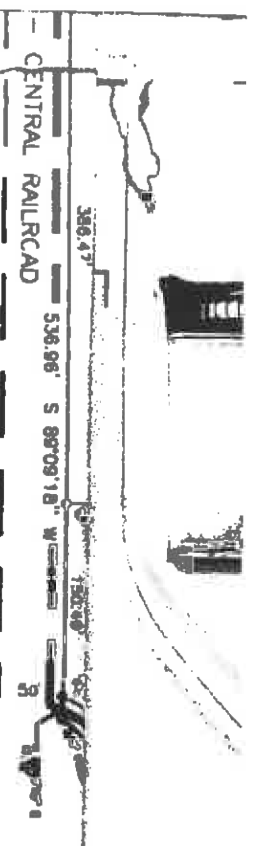
A PARCEL OF LAND BEING ALL OF LOTS 22 AND 23, AUDITOR'S SUBDIVISION C NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 75 NORTH, RANGE 44 WEST OF THE 5TH P.M. POTTAWATTAMIE COUNTY, IOWA, SAID PARCEL BEING DESCRIBED AS FOLLOWS, BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 23, WITH THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID LOT 23, WITH NEBRASKA BORDER S 23°24'00" W, 637.83 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF THE ILLINOIS CENTRAL RAILROAD, THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE, S 89°03'18" W, 538.96 FEET TO THE BEGINNING OF 1872130' CURVE, CONCAVE NORTH-EASTWARD, TO WHICH POINT A PARCEL, THE CENTRAL ANGLE OF 70°47'58" S, 541.83 FEET; THENCE NORTH-WESTWARD ALONG CURVE, THROUGH A POINT ON SAID SOUTHERLY RIGHT-OF-WAY LINE OF SAID LOT 23, THENCE ALONG SOUTHERLY RIGHT-OF-WAY LINE, N 87°11'28" E, 1087.81 FEET TO THE POINT BEGINNING.

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS PLAN AND SURVEY WERE MADE BY ME OR UNDER MY PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE OF THE STATE OF IOWA. I FURTHER CERTIFY THAT THE NON PAYERS WITH PLATISTIC STAMPED P.L.S. NO 11873 HAVE BEEN SET ON ALL LOT CORNERS AND ANGLE POINTS.
DATE *June 29, 2000*
LOUIS R. WINDOMMANT IOWA REG. NO 11873
BY REGISTRATION RENEWAL DATE IS DEC. 31, 2000

CERTIFICATE OF TREASURER OF POTTAWATTAMIE

I, JUDY ANN MILLER, TREASURER OF POTTAWATTAMIE COUNTY, IOWA, HEREBY CERTIFY THAT THE LAND INCLUDED IN WINDMILL PLAZA IS FREE FROM CERTIFIED TAXES AND CERTIFIED SPECIAL ASSESSMENTS.
DATED THIS 10th DAY OF July 2000.
Judy Ann Miller
JUDY ANN MILLER, TREASURER OF POTTAWATTAMIE COUNTY, IOWA
[Signature]
Reports



DESCRIPTION

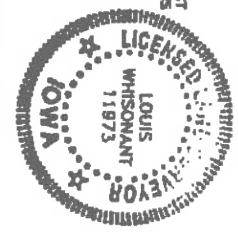
LAND BEING ALL OF LOTS 22 AND 23, AUDITOR'S SUBDIVISION OF THE TIER OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 75 NORTH, RANGE 10 WEST, POTTAWATTAMIE COUNTY, IOWA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE INTERSECTION OF THE NORTHEAST CORNER OF SAID LOT 23, SAID PARCEL BEING THE SOUTHERLY RIGHT-OF-WAY LINE OF AVENUE "H" BOBROW, S 23°30'00" W, AS ESTABLISHED; THENCE ALONG SAID LINE OF THE ALBION CENTRAL RAILROAD, THENCE ALONG SAID NORTHERLY LINE, S 89°18'00" W, 637.83 FEET TO THE BEGINNING OF A 438.06 FEET THENCE NORTHEASTLY TO WHICH POINT A RADIAL LINE BEARS S 07°47'58" W, 341.83 FEET THENCE N 07°48'31" W, 183.80 FEET SAID SOUTHERLY RIGHT-OF-WAY LINE OF AVENUE "H", THENCE ALONG SAID 1-OF-4-WAY LINE, N 89°11'28" E, 1097.81 FEET TO THE POINT OF

LAND CONTAINING AN AREA OF 2.079 ACRES, MORE OR LESS.

'S CERTIFICATE

BY THIS MY SURVEY WERE MADE BY ME OR UNDER MY DIRECT PERSON AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF IOWA. I FURTHER CERTIFY THAT FROM PINS WITH PLASTER CAPS AS TO 11975 HAVE BEEN SET ON ALL LOT CORNERS AND ANGULAR POINTS.

Louis R. Whisonant
 LOUIS R. WHISONANT IOWA REG. NO. 11973
 BY REGISTRATION RENEWAL, DATE IS DEC. 31, 2000



TREASURER OF POTTAWATTAMIE COUNTY, IOWA.

INCLUDED IN "TIMING PLAN" IS FREE FROM CERTIFIED TAXES AND ASSESSMENTS.

John M. Miller, Jr.
 JOHN M. MILLER, JR.
 TREASURER OF POTTAWATTAMIE COUNTY, IOWA

A. ALL PLANNED RESTRICTIONS AND/OR COVENANTS, EASES, RIGHTS AND/OR INTERESTS IN THE PROPERTY OF THE DONOR SHALL BE SUBJECT TO THE FOLLOWING:

B. THE DONOR'S OBLIGATION OF DONATION SHALL BE SUBJECT TO THE FOLLOWING:

C. A WRITTEN STATEMENT FROM THE DONOR'S HOLDERS OR LESS HOLDERS, IF ANY, THAT THE PLAN IS PROVIDED WITH THEIR FREE CONSENT AND IN ACCORDANCE WITH THEIR OBLIGATION.

D. A NOTARIZED PARALLEL RELEASE FROM THE DONOR'S HOLDERS OR LESS HOLDERS, IF ANY, FOR ALL AREAS CONVEYED TO THE CONFESSED BODY OR DEPOSITED TO THE PUBLIC.

E. CERTIFIED RESOLUTION OF EACH CONFESSED BODY APPROVED BY THE SUPERVISOR ON BEHALF OF THE CONFESSED BODY.

F. THE HENRY COUNTY THAT HE WILL SELL ALL EQUA OPPORTUNITY AND FACT RECORDING OFFICERS OPERATING WITH REGULAR, STATE AND LOCAL CREDITORS.

David K. Sutton
 DAVID K. SUTTON
 NOTARY PUBLIC, BY COMMISSION EXPIRES ON 10-21-01

ACKNOWLEDGMENT OF NOTARY

STATE OF IOWA)
 COUNTY OF POLK)
 I, *David K. Sutton*, Notary Public, do hereby certify that the foregoing was acknowledged before me this 10th day of June, 2000, by *David K. Sutton*, Manager for Tim Hospitality, LLC, and he has voluntarily acted and deed of said subscribed and sworn to before me this 10th day of June, 2000.



STATE OF IOWA)
 COUNTY OF POLK)
 I, *Denise E. Sutton*, Notary Public, do hereby certify that the foregoing was acknowledged before me this 10th day of June, 2000, by *David K. Sutton*, Manager for Tim Hospitality, LLC, and they have voluntarily acted and deed as subscribers of the Henry A. Stark and Mary E. Stark Trusts.

David K. Sutton
 DAVID K. SUTTON
 NOTARY PUBLIC, BY COMMISSION EXPIRES ON 10-21-01

BK101PG02197

Prepared by: Clifford S. Swartz, Attorney at Law, 550 36th Street, Suite 200, Des Moines, Iowa 50312 (515) 274-1450
Return to: Clifford S. Swartz, Attorney at Law, 550 36th Street, Suite 200, Des Moines, Iowa 50312

CONSENT OF RECORD TITLEHOLDER

The undersigned, Terry J. Stark, first duly sworn, deposes and states that he is the Manager of TAM Hospitality, L.L.C., legal fee titleholder to that property hereinafter legally described in Exhibit "A", attached hereto, and by this reference incorporated and made a part hereof, to be a part of the preliminary and final plat entitled "WINGATE PLAZA", to become, subsequent to recording of the same, an Official Plat included in and forming a part of the City of Carter Lake, Pottawattamie County, Iowa.

The undersigned, on behalf of TAM Hospitality, L.L.C., voluntarily executed this consent to platting, to be received, filed, and made a part of the permanent record pursuant to the subdivision and zoning ordinances of the City of Carter Lake, Iowa, as well as records of Pottawattamie County, Iowa, to evidence the undersigned's consent to the preliminary and final plat of WINGATE PLAZA PLAT, an Official Plat, now included in and forming a part of the City of Carter Lake, Pottawattamie County, Iowa.

The undersigned owner states that this Plat has been prepared with its free consent and in accordance with its desire.

The undersigned acknowledges the execution of this Consent to Plat this 12th day of July, 2000, in the City of Des Moines, PLK County, Iowa.

TAM HOSPITALITY, L.L.C.

Terry J. Stark
Terry J. Stark, Manager

Entered for Taxation **JUL 13 2000**

Marilyn J. Drake COUNTY AUDITOR

BK101PG02198

COMPARED

STATE OF IOWA :
: ss.
COUNTY OF BUK :

On this 12th day of July, 2000, before me, the undersigned, a Notary Public in and for the State of Iowa personally appeared Terry J. Stark, to me personally known, who being by me duly sworn, did say that he is the Manager of TAM Hospitality, L.L.C., the limited liability company executing the within and foregoing instrument, that no seal has been procured by the limited liability company; that the instrument was signed on behalf of the limited liability company by authority of its Members; and that Terry J. Stark as Manager acknowledged the execution of the foregoing instrument to be the voluntary act and deed of the limited liability company, by it and by him voluntarily executed.

Clayton Swartz
Notary Public in and for said State



BK101P602199

COMPILED

EXHIBIT "A"

A PARCEL OF LAND BEING ALL OF LOTS 22 AND 23, AUDITOR'S SUBDIVISION OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 75 NORTH, RANGE 44 WEST OF THE 5TH P.M., POTTAWATTAMIE COUNTY, IOWA, SAID PARCEL DESCRIBED AS FOLLOWS; BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 23, SAID POINT BEING THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF AVENUE "H" WITH THE IOWA-NEBRASKA BORDER, AS NOW ESTABLISHED; THENCE ALONG SAID IOWA-NEBRASKA BORDER, S 23°54'00" W, 837.83 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF THE ILLINOIS CENTRAL RAILROAD; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, S 89°09'18" W, 536.98 FEET TO THE BEGINNING OF A NONTANGENT CURVE, CONCAVE NORTHEASTERLY, TO WHICH POINT A RADIAL LINE BEARS S 18°23'30" W, 438.56 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 70°47'58", 541.93 FEET; THENCE N 00°48'32" W, 165.80 FEET TO A POINT ON SAID SOUTHERLY RIGHT-OF-WAY LINE OF AVENUE "H"; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, N 89°11'28" E, 1087.91 FEET TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINS AN AREA OF 12.079 ACRES, MORE OR LESS.

BK101PG02200

**BRICK, GENTRY, BOWERS, SWARTZ,
STOLTZE, SCHULING & LEVIS, P.C.**
ATTORNEYS AND COUNSELORS AT LAW
39TH AND INGERSOLL
550 THIRTY-NINTH ST., SUITE 200
DES MOINES, IOWA 50312
TELEPHONE: 515.274.1450
FACSIMILE: 515.274.1488

Amy S. Beattie
Scott R. Bowers
David A. Brick
Steph L. Brick
Steven E. Brick
Kenneth L. Gentry
Walden Gentry
Thomas J. Lewis
Thomas P. Schilling
Mark Schilling
Bruce L. Stoltze
Clifford K. Swartz
David A. Brick
Stephanie L. Brick Deay
Of Counsel
Patrick W. Brick
Also Licensed
in Louisiana
in Nebraska
in Missouri

ATTORNEY'S PLATTING OPINION

July 12, 2000

Mayor and Members of City Council
City of Carter Lake
Carter Lake, Iowa 51510

RE: Wingate Plaza

Dear Ms. Miller:

This will certify that on this date, I have examined the Abstract of Title for the following described real property:

See attached Exhibit "A".

This opinion is prepared for use in connection with the platting of property described above, said property to be known as Wingate Plaza, an Official Plat, to be included in and forming a part of the City of Carter Lake, Pottawattamie County, Iowa. Said opinion may be relied upon by all parties intending to benefit from this opinion, as prescribed in Iowa Code Chapter 354 (2000).

For purposes of rendering this opinion, we have examined the Abstract of Title for the real estate described above as prepared by Abstract Guaranty Company from the Root of Title to the date of June 15, 2000 at 8:00 A.M. Our opinion covers only matters applying herein to that date based on the Iowa Title Standards and the laws of the State of Iowa.

Based on our examination of the Abstract of Title, we find good and merchantable title to be vested of record in TAM Hospitality, L.L.C., an Iowa limited liability company, subject, however, to the following comments and objections:

BK 101 PG02201

1. At Entry No. 28 of the Abstract appears a Construction Mortgage by TAM Hospitality, L.L.C. to Great Western Bank as dated February 8, 1999 and filed of record on July 27, 1999 in Book 100 Page 4755 and a Construction Mortgage at Entry No. 29 by TAM Hospitality, L.L.C. to Great Western Bank as dated February 8, 1999 and filed of record on July 27, 1999 in Book 100 Page 4761. This Mortgage constitutes a first and paramount lien on the property under examination along with other security instruments granted to Great Western Bank with respect to the property under examination.
2. At Entry No. 30 of the Abstract appears a Construction Mortgage by TAM Hospitality, L.L.C. to Union Planters Bank, N.A. as dated July 15, 1999 and filed of record on July 28, 1999 in Book 100 Page 5060 and an additional Construction Mortgage at Entry No. 41 by TAM Hospitality, L.L.C. to Union Planters Bank, N.A. as dated December 30, 1999 and filed of record on January 6, 2000 in Book 100 Page 32763. This Mortgage constitutes a lien on the property under examination along with other security instruments granted to Union Planters Bank, N.A. with respect to the property under examination.
3. You are advised that the real estate taxes for District P-0050800380 in Carter Lake, Pottawattamie County are paid in full up to and including the 1998/99 fiscal year as referenced by the following parcels: 10501002, 10501002002, 10501003, 10501003002, 10501003003, 10501004001, 10503, and 10501003001.
4. You are advised that the abstractor has conducted all necessary searches against the titleholder and all prior titleholders to the date of the latest continuation of the Abstract and finds nothing except as otherwise shown in this opinion.
5. The property is under examination is subject to the zoning ordinances of the City of Carter Lake, Pottawattamie County, Iowa. You should contact the Planning and Zoning Office of that city to determine the exact specification for zoning purposes and to determine whether or not your proposed use is in compliance with said zoning ordinances.
6. An examination of the index in the Pottawattamie County Recorder's Office for federal tax liens, income tax liens, retail sales liens, and unemployment contribution liens reveals that there are no such liens affecting the above-described real estate.
7. You are advised that an examination of the personal property tax files in the Pottawattamie County Recorder's Office have revealed that there are no personal property tax liens affecting the property under examination.

BK 101 PG 02202

CONFIDENTIAL

8. We hereby certify that the property described herein is free from encumbrances, other than set forth in this opinion and that this opinion may be relied upon by the City of Carter Lake, Iowa and such other governmental agencies as Pottawattamie County for purposes of submittal of Wingate Plaza, an Official Plat, in and part of the City of Carter Lake, Pottawattamie County, Iowa.

Respectfully Submitted,

Brick, Gentry, Bowers, Swartz,
Stolze, Schuling & Levia, P.C.

By: Clifford S. Swartz
Clifford S. Swartz

CSS/cf

BK101PG02203

COMPASSED

EXHIBIT "A"

A PARCEL OF LAND BEING ALL OF LOTS 22 AND 23, AUDITOR'S SUBDIVISION OF 1 E NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 75 NORTH, RANGE 44 WEST OF THE 5TH P.M., POTTAWATTAME COUNTY, IOWA, SAID PARCEL DESCRIBED AS FOLLOWS; BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 23, SAID POINT BEING THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF AVENUE "H" WITH THE IOWA-NEBRASKA BORDER, AS NOW ESTABLISHED; THENCE ALONG SAID IOWA-NEBRASKA BORDER, S 23°54'00" W, 837.83 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF THE ILLINOIS CENTRAL RAILROAD; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, S 89°09'18" W, 536.96 FEET TO THE BEGINNING OF A NONTANGENT CURVE, CONCAVE NORTHEASTERLY, TO WHICH POINT A RADIAL LINE BEARS S 18°23'30" W, 438.56 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 70°47'58", 541.93 FEET; THENCE N 00°48'32" W, 185.80 FEET TO A POINT ON SAID SOUTHERLY RIGHT-OF-WAY LINE OF AVENUE "H"; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, N 89°11'28" E, 1097.91 FEET TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINS AN AREA OF 12.079 ACRES, MORE OR LESS.

BK 101PG02204

CONTINUED

Prepared by: Clifford S. Swartz, Attorney at Law, 680 38th Street, Suite 200, Des Moines, Iowa 50312 (515) 274-1488
Return to: Clifford S. Swartz, Attorney at Law, 680 38th Street, Suite 200, Des Moines, Iowa 50312

CONSENT TO PLAT BY MORTGAGEE

As legal holder and owner of all the notes and other evidence of indebtedness secured by a mortgage recorded on February 8, 1999 in Book 100, Page 4755 in the records of the office of the Pottawattamie County Recorder, Pottawattamie County, Iowa, and a mortgage recorded on February 8, 1999 in Book 100, Page 4761 in the records of the office of the Pottawattamie County Recorder, Pottawattamie County, Iowa, the undersigned, GREAT WESTERN BANK and by its duly authorized officers, hereby consents to the preliminary and final plat to be entitled as "WINGATE PLAZA", to become an Official Plat, included in and forming a part of the City of Carter Lake, Iowa, said plat being more particularly described in Exhibit "A" attached hereto and by this reference incorporated and made a part hereof.

The undersigned Mortgagee consents to the preliminary and final platting procedure of said property in Exhibit "A", pursuant to the subdivision and zoning ordinance of the City of Carter Lake, Iowa, and requests that this Consent to Plat, as to the said Exhibit "A", be received, filed, and made a part of the permanent records of the City of Carter Lake, Pottawattamie County, Iowa, as to any and all present and/or subsequent plats, now or hereafter filed, as to said property more fully and legally described in Exhibit "A".

BK 101 PG 02205

The undersigned Mortgagee states that this Plat has been prepared with its full consent and in accordance with its desire.

DATED this 3rd day of July, 2000 in the City of Omaha,
Douglas County, State of Nebraska.

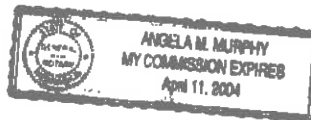
MORTGAGEE
GREAT WESTERN BANK

By Brian Diederichsen
its Commercial Real Estate Loan Officer

STATE OF Nebraska, COUNTY, ss:

On this 3rd day of July, 2000, before me, the undersigned, a Notary Public in and for the State of Nebraska, personally appeared Brian Diederichsen to me personally known, who being by me duly sworn, did say that he/she is Commercial Real Estate Loan Officer of GREAT WESTERN BANK; that no seal has been procured by the corporation; that said instrument was signed on behalf of the corporation by authority of its Board of Directors; and that Brian Diederichsen as such officer acknowledged the executive of the foregoing instrument to be the voluntary act and deed of the corporation, by it and by him/her voluntarily executed.

Angela M. Murphy
Notary Public in and For Said State



BK101PG02206

CONFIDENTIAL

EXHIBIT "A"

A PARCEL OF LAND BEING ALL OF LOTS 22 AND 23, AUDITOR'S SUBDIVISION OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 75 NORTH, RANGE 44 WEST OF THE 5TH P.M., POTTAWATTAMIE COUNTY, IOWA, SAID PARCEL DESCRIBED AS FOLLOWS; BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 23, SAID POINT BEING THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF AVENUE "H" WITH THE IOWA-NEBRASKA BORDER, AS NOW ESTABLISHED; THENCE ALONG SAID IOWA-NEBRASKA BORDER, S 23°54'00" W, 837.83 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF THE ILLINOIS CENTRAL RAILROAD; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, S 89°09'18" W, 538.98 FEET TO THE BEGINNING OF A NONTANGENT CURVE, CONCAVE NORTHEASTERLY, TO WHICH POINT A RADIAL LINE BEARS S 18°23'30" W, 438.56 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 70°47'58", 541.93 FEET; THENCE N 00°48'32" W, 185.60 FEET TO A POINT ON SAID SOUTHERLY RIGHT-OF-WAY LINE OF AVENUE "H"; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, N 89°11'28" E, 1097.91 FEET TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINS AN AREA OF 12.079 ACRES, MORE OR LESS.

BK101PG02207

Prepared by: Clifford B. Swartz, Attorney at Law, 550 38th Street, Suite 200, Des Moines, Iowa 50312 (515) 274-1450
Return to: Clifford B. Swartz, Attorney at Law, 550 38th Street, Suite 200, Des Moines, Iowa 50312

CONSENT TO PLAT BY MORTGAGEE

As legal holder and owner of all the notes and other evidence of indebtedness secured by a mortgage recorded on July 28, 1999 in Book 100, Page 5060 and January 6, 2000 in Book 100, Page 32763 in the records of the office of the Pottawattamie County Recorder, Pottawattamie County, Iowa, the undersigned, UNION PLANTERS BANK, N.A. and by its duly authorized officers, hereby consents to the preliminary and final plat to be entitled as "WINGATE PLAZA", to become an Official Plat, included in and forming a part of the City of Carter Lake, Iowa, said plat being more particularly described in Exhibit "A" attached hereto and by this reference incorporated and made a part hereof.

The undersigned Mortgagee consents to the preliminary and final platting procedure of said property in Exhibit "A", pursuant to the subdivision and zoning ordinance of the City of Carter Lake, Iowa, and requests that this Consent to Plat, as to the said Exhibit "A", be received, filed, and made a part of the permanent records of the City of Carter Lake, Pottawattamie County, Iowa, as to any and all present and/or subsequent plats, now or hereafter filed, as to said property more fully and legally described in Exhibit "A".

The undersigned Mortgagee states that this Plat has been prepared with its full consent and in accordance with its desire.

BK 101 PG 02208

DATED this 23rd day of JUNE, 2000 in the City of URANDALE
Polk County, State of Iowa.

MORTGAGEE
UNION PLANTERS BANK, N.A.

By Paul A. Pick
its VICE PRESIDENT.

STATE OF Iowa, Polk COUNTY, ss:

On this 23rd day of JUNE, 2000, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Paul A. Pick to me personally known, who being by me duly sworn, did say that he/she is Vice President of UNION PLANTERS BANK, N.A.; that no seal has been procured by the corporation; that said instrument was signed on behalf of the corporation by authority of its Board of Directors; and that Paul A. Pick as such officer acknowledged the executive of the foregoing instrument to be the voluntary act and deed of the corporation, by it and by him/her voluntarily executed.



Tracey L. Petersen
Notary Public in and For Said State

BK101PG02209

CONFIDENTIAL

EXHIBIT "A"

A PARCEL OF LAND BEING ALL OF LOTS 22 AND 23, AUDITOR'S SUBDIVISION OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 21, TOWNSHIP 75 NORTH, RANGE 44 WEST OF THE 5TH P.M., POTTAWATTAME COUNTY, IOWA, SAID PARCEL DESCRIBED AS FOLLOWS; BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 23, SAID POINT BEING THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF AVENUE "H" WITH THE IOWA-NEBRASKA BORDER, AS NOW ESTABLISHED; THENCE ALONG SAID IOWA-NEBRASKA BORDER, S 23°54'00" W, 637.83 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF THE ILLINOIS CENTRAL RAILROAD; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, S 89°09'18" W, 536.96 FEET TO THE BEGINNING OF A NONTANGENT CURVE, CONCAVE NORTHEASTERLY, TO WHICH POINT A RADIAL LINE BEARS S 18°23'30" W, 438.56 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 70°47'58", 541.93 FEET; THENCE N 00°48'32" W, 185.80 FEET TO A POINT ON SAID SOUTHERLY RIGHT-OF-WAY LINE OF AVENUE "H"; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, N 89°11'28" E, 1097.91 FEET TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINS AN AREA OF 12.079 ACRES, MORE OR LESS.

BK101PG02210