

01 JUL 16 AM 11:35

JOHN SCIORTINO  
RECORDER

CERTIFICATE OF TREASURER OF POTTAWATTAMIE COUNTY, IOWA

I, JUDY ANN MILLER, TREASURER OF POTTAWATTAMIE COUNTY, IOWA, HEREBY CERTIFY THAT THE LAND INCLUDED IN COUNTRY RIDGE ESTATES, IS FREE FROM CERTIFIED TAXES AND CERTIFIED SPECIAL ASSESSMENTS.

DATED THIS 20th DAY OF June, 2004.

Judy Ann Miller  
JUDY ANN MILLER, TREASURER OF POTTAWATTAMIE COUNTY, IOWA

INST # 958  
RECORDING FEE 150.00  
AUDITOR FEE 1.00  
RMA FEE 1.00

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.

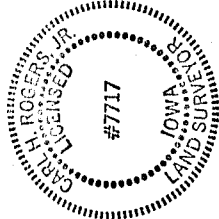
Carl H. Rogers, Jr.  
CARL H. ROGERS, JR. DECEMBER 19, 2000 DATE

LICENSE NUMBER: 7717

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2002.

NUMBER OF SHEETS COVERED BY THIS SEAL: SHEET 1 OF 3, SHEET 2 OF 3, AND SHEET 3 OF 3

JUL 15 2004



ALL RESTRICTIONS AND/OR COVENANTS, IF ANY, WHICH ARE A PART OF THE SUBDIVISION.

HEREOF I DO HEREBY SET MY HAND THIS 18th DAY OF June, 2004.

Gary W. Wright  
GARY W. WRIGHT, PRESIDENT  
MORTGAGE LOANS OF AMERICA, LLC

)} SS  
( POTTAWATTAMIE )

DAY OF June, 2004, BEFORE ME, A NOTARY PUBLIC FOR THE STATE OF IOWA, PERSONALLY APPEARED GARY W. WRIGHT, PERSONALLY KNOWN, WHO BEING BY ME DULY SWORN, DID REQUEST THE EXECUTION OF THIS INSTRUMENT TO BE HIS OWN ACT AND DEED.

Gary W. Wright  
NOTARY PUBLIC IN AND FOR SAID STATE

ROGERS SURVEYING  
1688 ROLLING HILLS LOOP COUNCIL BLUFFS, IOWA

DATE: 12-18-2000  
PHONE: (712) 366-8009  
DRAWN BY: J.A.T.  
REVISED

TITLE: FINAL PLAT OF  
COUNTRY RIDGE ESTATES

CLIENT: MORTGAGE LOANS OF AMERICA, LLC  
2407 SOUTH 133RD PLAZA  
OMAHA, NE 68144

SHEET 1 OF 3

COMPAKED BK102PG03649

RECORDED

A. ALL PRIVATE RESTRICTIONS AND/OR COVENANTS, IF ANY, WHICH WILL BE A PART OF THE SUBDIVISION.

IN WITNESS WHEREOF I DO HEREUNTO SET MY HAND THIS 18th DAY OF June, 2006.

*Gary W. Wright*  
 GARY W. WRIGHT, PRESIDENT  
 MORTGAGE LOANS OF AMERICA, LLC

STATE OF IOWA )  
 COUNTY OF POTTAWATTAMIE ) SS

ON THIS 18th DAY OF June, 2006, BEFORE ME, A NOTARY PUBLIC IN AND FOR THE STATE OF IOWA, PERSONALLY APPEARED GARY W. WRIGHT, TO ME PERSONALLY KNOWN, WHO BEING BY ME DULY SWORN, DID ACKNOWLEDGE THE EXECUTION OF THIS INSTRUMENT TO BE HIS VOLUNTARY ACT AND DEED.

*Kathy Wasson*  
 NOTARY PUBLIC IN AND FOR SAID STATE

THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 35 IS BEAR SOUTH 89°24'06" EAST FOR THIS DESCRIPTION.

THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 35 IS BEAR SOUTH 89°24'06" EAST. ALONG THE LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER AND SAID CENTERLINE OF JUNIPER ROAD, A DISTANCE OF 1009.86 FEET TO THE BEGINNING OF SAID EASEMENT FOR ROAD L-34 RIGHT OF WAY AND FOR AN EASEMENT FOR ROAD L-34 RIGHT OF WAY. SAID EASEMENTS CONTAIN 3.322 ACRES OR LESS. SAID PARCEL IS SUBJECT TO A RIGHT OF WAY EASEMENT FOR JUNIPER ROAD AS RECORDED IN BOOK 100, PAGE 11628 IN THE OFFICE OF THE POTTAWATTAMIE COUNTY RECORDER.

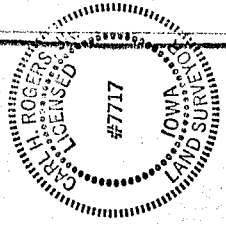
CERTIFICATE OF TREASURER  
 I, JUDY ANN MILLER, TREASURER, CERTIFY THAT THE LAND IS SUBJECT TO CERTIFIED TAXES AND CENSUS

DATED THIS 18th DAY OF June, 2006.

*Judy Ann Miller*  
 JUDY ANN MILLER, TREASURER

I HEREBY CERTIFY THAT I AND THE RELATED SURVEYOR DIRECT PERSONAL SUPERVISOR UNDER THE LICENSE OF THE LAND SURVEYOR UNDER THE LICENSE OF THE LAND SURVEYOR UNDER THE LICENSE OF THE LAND SURVEYOR.

*Carl H. Rogers, Jr.*  
 CARL H. ROGERS, JR.  
 LICENSE NUMBER: 7717  
 MY LICENSE RENEWAL DATE: 12/31/2007  
 NUMBER OF SHEETS COVERED: 1  
 AND SHEET 3 OF 3



**COMPARED**

BK 102 PG 03649

THE NORTHWEST QUARTER OF SAID DISTANCE OF 345.69 FEET; THENCE SOUTH 29°24'15" EAST A DISTANCE OF 345.69 FEET TO A POINT ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF THE NORTHWEST QUARTER; THENCE NORTH 88°07'50" WEST, ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, A DISTANCE OF 170.68 FEET TO THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE NORTH 87°54'46" WEST, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, A DISTANCE OF 226.81 FEET TO A POINT ON THE CENTERLINE OF ROAD L-34; THENCE NORTH 29°42'13" WEST, ALONG SAID CENTERLINE OF ROAD L-34, A DISTANCE OF 131.49 FEET TO THE BEGINNING OF A TANGENT CIRCULAR CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 2022.20 FEET AND A CENTRAL ANGLE OF 14°54'01"; THENCE NORTHWESTERLY, ALONG SAID CENTERLINE OF ROAD L-34 AND ALONG SAID CURVE, AN ARC LENGTH OF 525.90 FEET, WITH A CHORD BEARING AND DISTANCE OF NORTH 22°15'13" WEST, 524.42 FEET TO THE END OF SAID CURVE; THENCE NORTH 14°48'12" WEST, ALONG SAID CENTERLINE OF ROAD L-34, A DISTANCE OF 733.65 FEET TO A POINT ON THE NORTH LINE OF SAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE CONTINUING NORTH 14°48'12" WEST, ALONG SAID CENTERLINE OF ROAD L-34, A DISTANCE OF 1117.95 FEET TO THE BEGINNING OF A TANGENT CIRCULAR CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 1206.23 FEET AND A CENTRAL ANGLE OF 23°59'23"; THENCE NORTHWESTERLY, ALONG SAID CENTERLINE OF ROAD L-34 AND ALONG A PORTION OF SAID CURVE, AN ARC LENGTH OF 251.46 FEET AND WITH A CHORD BEARING AND DISTANCE OF NORTH 8°49'52" WEST, 251.01 FEET TO A POINT ON THE NORTH LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER, SAID POINT ALSO, BEING ON SAID CENTERLINE OF JUNIPER ROAD; THENCE SOUTH 89°24'06" EAST, ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER AND ALONG SAID CENTERLINE OF JUNIPER ROAD, A DISTANCE OF 1009.86 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 41.388 ACRES, MORE OR LESS. SAID PARCEL IS SUBJECT TO AN EASEMENT FOR ROAD L-34 RIGHT OF WAY AND FOR AN EASEMENT FOR JUNIPER ROAD RIGHT OF WAY. SAID EASEMENTS CONTAIN 3.322 ACRES, MORE OR LESS. SAID PARCEL IS SUBJECT TO A RIGHT OF WAY EASEMENT TO REGIONAL WATER AS RECORDED IN BOOK 100, PAGE 11628 IN THE OFFICE OF THE POTTAWATTAMIE COUNTY RECORDER.

NOTE: THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 35 IS ASSUMED TO BEAR SOUTH 89°24'06" EAST FOR THIS DESCRIPTION.

WILL BE A PART OF THE SUBDIVISION.

IN WITNESS WHEREOF I DO HEREBY SET MY HAND THIS June, 2009.

GARY W. WRIGHT, PRI  
MORTGAGE LOANS OI

STATE OF IOWA )  
COUNTY OF POTTAWATTAMIE ) SS

ON THIS 18th DAY OF June, 2009, BEFORE PUBLIC IN AND FOR THE STATE OF IOWA, PERSONALLY APPEARING GARY W. WRIGHT, TO ME PERSONALLY KNOWN, WHO BEING BY ME DULY ADVISED, ACKNOWLEDGE THE EXECUTION OF THIS INSTRUMENT VOLUNTARILY ACT AND DEED.

Kathy M. Hays  
NOTARY PUBLIC IN AND FOR SAID STATE



COMPARED

COMPARED

BK 102 PG. 365-0

BK 102 PG. 364-9

COMPARED

159C09D201 BK

FINAL PLAT OF  
COUNTRY RIDGE ESTATES  
LOTS 1 THROUGH 19

OWNERS: MORTGAGE LOANS OF AMERICA, LLC

PREPARED BY: CARL H. ROGERS, JR. PHONE: (712)366-9009  
1688 ROLLING HILLS LOOP, COUNCIL BLUFFS, IOWA 51503

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, AND PARCEL "E" AS SHOWN ON A PLAT OF SURVEY RECORDED IN BOOK 99, PAGE 457 IN THE OFFICE OF THE POTTAWATTAMIE COUNTY RECORDER AND LOCATED IN PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER AND IN PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, ALL LOCATED IN SECTION 35, TOWNSHIP 76 NORTH, RANGE 43 WEST OF THE 5TH PRINCIPAL MERIDIAN, POTTAWATTAMIE COUNTY, IOWA. ALL THE ABOVE BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 35; THENCE SOUTH 89°24'06" EAST, ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER AND ALONG THE CENTERLINE OF JUNIPER ROAD, A DISTANCE OF 1322.14 FEET TO THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER AND POINT OF BEGINNING; THENCE SOUTH 0°10'08" WEST, ALONG THE EAST LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER, A DISTANCE OF 1327.33 FEET TO THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE SOUTH 0°10'08" WEST, ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, A DISTANCE OF 1012.05 FEET; THENCE SOUTH 29°24'13" EAST A DISTANCE OF 345.69 FEET TO A POINT ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER OF THE NORTHWEST QUARTER; THENCE NORTH 88°07'24" WEST

PROPRIETORS' DEDICATION AND STATEMENT

MORTGAGE LOANS OF AMERICA, LLC, PRESIDENT: GARY THE SOLE OWNER AND PROPRIETOR OF THE LAND DESCRIBED WITHIN THIS PLAT, HAVE TO BE SUBDIVIDED INTO LOTS AND TO BE KNOWN AS ESTATES, LOTS 1 THROUGH 19, INCLUSIVE; AND I HEREBY APPROVE OF OUR PROPERTY AS SHOWN ON THIS PLAT.

IN WITNESS WHEREOF I DO HEREBY SET MY HAND AND SEAL OF SAID CORPORATION, 2009, 11, 19

  
GARY W. WRIGHT  
MORTGAGE LOAN

I HEREBY CERTIFY THAT THE FOLLOWING DOCUMENTS WERE FILED WITH THE OFFICE OF THE POTTAWATTAMIE COUNTY RECORDER CONTEMPORANEOUSLY WITH THE FILING OF THE FINAL PLAT.  
A. ALL PRIVATE RESTRICTIONS AND/OR COVENANTS WILL BE A PART OF THE SUBDIVISION.

IN WITNESS WHEREOF I DO HEREBY SET MY HAND AND SEAL OF SAID CORPORATION, 2009, 11, 19

REVIEWED AND COMPARED  
BK 102PG0396201 BK

FINAL PLAT OF  
COUNTRY RIDGE ESTATES

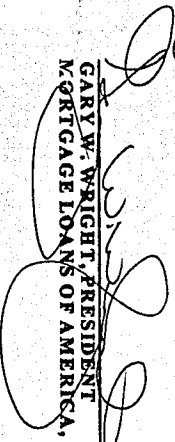
LOTS 1 THROUGH 19

OWNERS: MORTGAGE LOANS OF AMERICA, LLC

RES: DEDICATION AND STATEMENT

LOANS OF AMERICA, LLC, PRESIDENT: GARY W. WRIGHT BEING  
OWNER AND PROPRIETOR OF THE LAND DESCRIBED IN THE LEGAL  
PLAN AND EMBRACED WITHIN THIS PLAT, HAVE CAUSED THE SAME  
TO BE DIVIDED INTO LOTS AND TO BE KNOWN AS COUNTRY RIDGE  
ESTATES LOTS 1 THROUGH 19, INCLUSIVE; AND I HEREBY RATIFY AND  
CONFIRM OUR PROPERTY AS SHOWN ON THIS PLAT.

WHEREOF I DO HEREUNTO SET MY HAND THIS 18<sup>th</sup> DAY  
OF 2006, A.D.

  
GARY W. WRIGHT, PRESIDENT  
MORTGAGE LOANS OF AMERICA, LLC

PROPERTY THAT THE FOLLOWING DOCUMENTS WILL BE RECORDED  
IN THE OFFICE OF THE POTTAWATTAMIE COUNTY RECORDER  
HEREINAFTER REFERRED TO AS THE FINAL PLAT:  
ALL PRIVATE RESTRICTIONS AND/OR COVENANTS, IF ANY, WHICH  
MAY BE A PART OF THE SUBDIVISION.

POTTAWATTAMIE COUNTY BOARD OF SUPERVISORS

Jim Wickman  
APPROVED BY CHAIRPERSON  
DATE 7-2-01

ATTESTED TO BY COUNTY AUDITOR

William D. Drake  
COUNTY AUDITOR  
DATE 7/2/01

POTTAWATTAMIE ENGINEER

Not Applicable - No public improvements  
APPROVED BY ENGINEER  
DATE

POTTAWATTAMIE COUNTY PLANNING DIRECTOR

Shirley M. Hays  
APPROVED BY DIRECTOR  
DATE 7-2-01

① - FOUND "MAZE" NAIL

- (NR) - NON-RADIAL
- (C) - CHORD DISTANCE
- (A) - ARC LENGTH

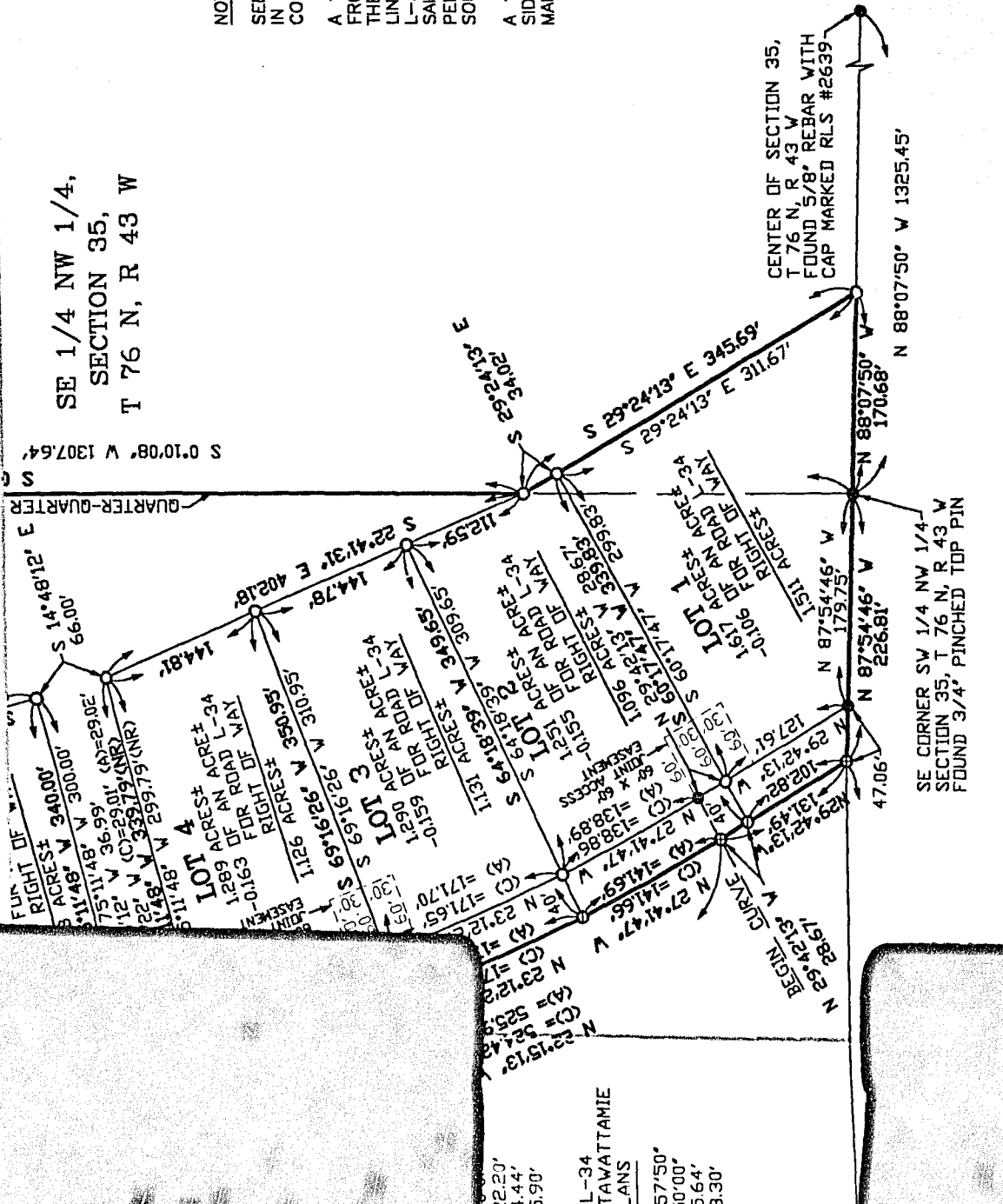
SE 1/4 NW 1/4,  
SECTION 35,  
T 76 N, R 43 W

**NOTES:**

SEE RIGHT OF WAY EASEMENT TO REGIONAL WATER AS RECORDED IN BOOK 100, PAGE 11628 IN THE OFFICE OF THE POTTAWATTAMIE COUNTY RECORDER.

A 10.00 FOOT WIDE PERMANENT EASEMENT IS RESERVED ACROSS THE FRONT OF ALL LOTS, ABUTTING ROAD L-34 AND JUNIPER ROAD, FOR THE INSTALLATION AND MAINTENANCE OF UTILITIES. THE WESTERLY LINE OF SAID 10.00 FOOT WIDE PERMANENT EASEMENT ALONG ROAD L-34 IS COINCIDENT WITH THE EASTERLY RIGHT OF WAY LINE OF SAID ROAD L-34; AND THE NORTHERLY LINE OF SAID 10.00 FOOT WIDE PERMANENT EASEMENT ALONG JUNIPER ROAD IS COINCIDENT WITH THE SOUTHERLY RIGHT OF WAY LINE OF SAID JUNIPER ROAD.

A 10.00 FOOT WIDE PERMANENT EASEMENT ON EACH SIDE OF ALL SIDE LOT LINES IS RESERVED FOR THE INSTALLATION AND MAINTENANCE OF UTILITIES.



<b>ROGERS SURVEYING</b>	
1688 ROLLING HILLS LOOP COUNCIL BLUFFS, IOWA	
SCALE: 1" = 100'	PHONE: (712) 366-9009
DATE: 12-18-2000	REVISED
DRAWN BY: J.A.T.	
<b>TITLE:</b>	
FINAL PLAT OF COUNTRY RIDGE ESTATES	
<b>CLIENT:</b>	MORTGAGE LOANS OF AMERICA, LLC 2407 SOUTH 133RD PLAZA OMAHA, NE 68144
SHEET 2 OF 3	

BK 102PG03653

COMPARED

COMPARED

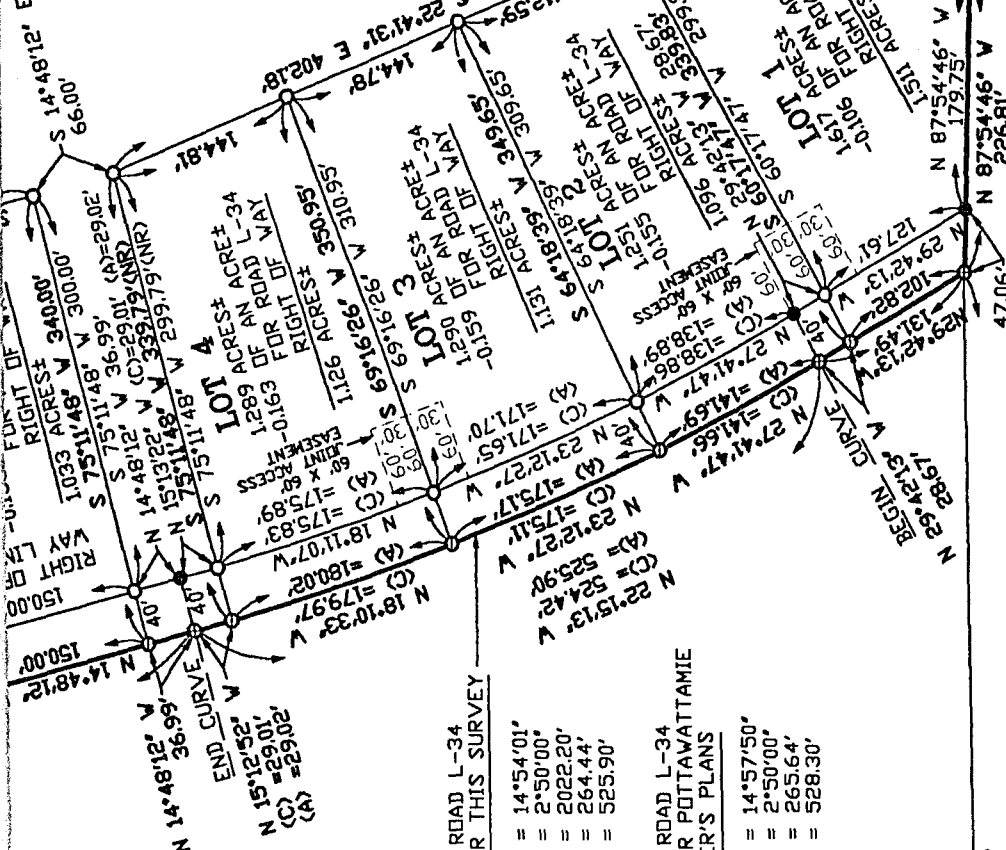
BK 102PG03654

COMPARED

NO. 1  
 SEE IN COI  
 A 1  
 FRC  
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 LINE  
 L-3  
 SAIC  
 PER  
 SOU  
 A 1  
 SIDE  
 MAIN

SE 1/4 NW 1/4,  
 SECTION 35,  
 T 76 N, R 43 W

QUARTER-QUARTER  
 S 0°10'08" W 1307.64'



CENTER OF SECTION 35,  
 T 76 N, R 43 W  
 FOUND 5/8" REBAR WITH  
 CAP MARKED RLS #2639

SE CORNER SW 1/4 NW 1/4  
 SECTION 35, T 76 N, R 43 W  
 FOUND 3/4" PINCHED TOP PIN

SW 1/4 NW 1/4,  
 SECTION 35,  
 T 76 N, R 43 W

CENTERLINE OF ROAD L-34  
 CURVE DATA PER THIS SURVEY

- CENTRAL ANGLE = 14°54'01"
- DEGREE = 2°50'00"
- RADIUS = 2022.20'
- TANGENT = 264.44'
- LENGTH = 525.90'

CENTERLINE OF ROAD L-34  
 CURVE DATA PER POTTAWATTAMIE  
 COUNTY ENGINEER'S PLANS

- CENTRAL ANGLE = 14°57'50"
- DEGREE = 2°50'00"
- TANGENT = 265.64'
- LENGTH = 528.30'

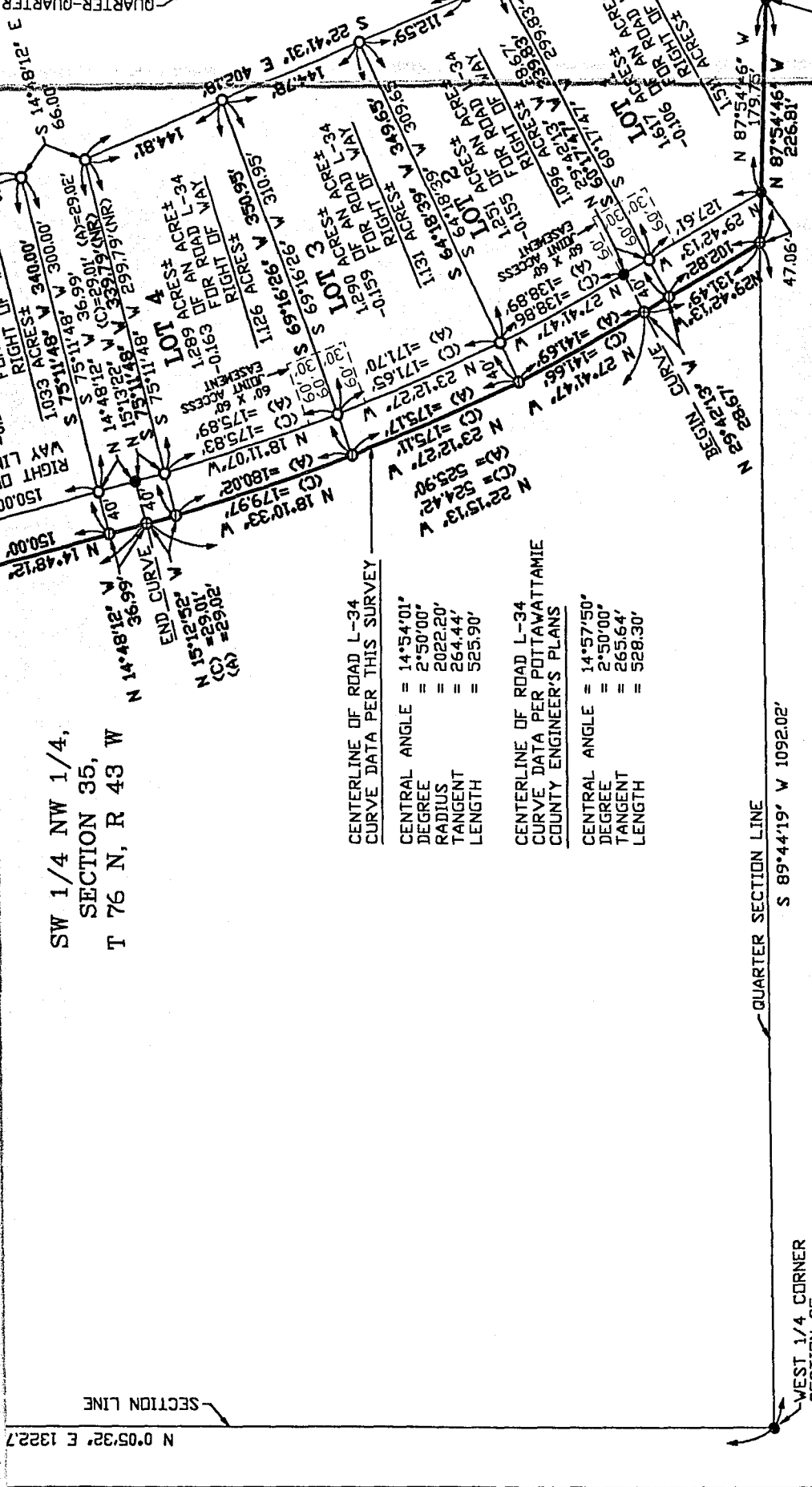
QUARTER SECTION LINE  
 S 89°44'19" W 1092.02'

COMPARED

BK 102PG03654

COMPARED

SW 1/4 NW 1/4,  
SECTION 35,  
T 76 N, R 43 W



CENTERLINE OF ROAD L-34  
CURVE DATA PER THIS SURVEY

CENTRAL ANGLE	=	14°54'01"
DEGREE	=	2°50'00"
RADIUS	=	2022.20'
TANGENT	=	264.44'
LENGTH	=	525.90'

CENTERLINE OF ROAD L-34  
CURVE DATA PER POTTAWATTAMIE  
COUNTY ENGINEER'S PLANS

CENTRAL ANGLE	=	14°57'50"
DEGREE	=	2°50'00"
TANGENT	=	265.64'
LENGTH	=	528.30'

QUARTER SECTION LINE

S 89°44'19" W 1092.02'

WEST 1/4 CORNER  
SECTION 35,  
T 76 N, R 43 W  
FOUND 1" OPEN TOP PIN

SE CORNER SW 1/4 NW 1/4  
SECTION 35, T 76 N, R 43 W  
FOUND 3/4" PINCHED TOP PIN

COMPARED

BK 102PG03655

BK 102PG03654

COMPARED

N 0°05'32" E 1322.7

SECTION LINE

QUARTER-QUARTER



SW CORNER  
NW 1/4 NW 1/4,  
SECTION 35,  
T 76 N, R 43 W  
FOUND 5/8" REDAR WITH  
CAP MARKED R.L.S. #5414

QUARTER-QUARTER SECTION LINE  
S 89°12'08" E 1320.51'

MATCH LINE

CENTERLINE OF  
ROAD L-34

N 14°48'12" W 25.00'  
N 14°48'12" W 264.62'  
N 14°48'12" W 733.65'

N 14°48'12" W 25.00'

S 75°11'48" V 2400.00'

S 75°11'48" V 2400.00'

S 75°11'48" V 2400.00'

S 75°11'48" V 2400.00'

S 75°11'48" V 2400.00'

S 75°11'48" V 2400.00'

LOT 7  
1.553 ACRES±  
-0.243 FOR ROAD L-34  
RIGHT OF WAY W  
1.310 ACRES±

LOT 8  
1.174 ACRES±  
-0.023 FOR ROAD L-34  
RIGHT OF WAY W  
1.151 ACRES±

LOT 9  
1.174 ACRES±  
-0.023 FOR ROAD L-34  
RIGHT OF WAY W  
1.151 ACRES±

LOT 10  
1.174 ACRES±  
-0.023 FOR ROAD L-34  
RIGHT OF WAY W  
1.151 ACRES±

LOT 6  
1.171 ACRES±  
-0.138 FOR ROAD L-34  
RIGHT OF WAY W  
1.033 ACRES±

LOT 5  
1.171 ACRES±  
-0.138 FOR ROAD L-34  
RIGHT OF WAY W  
1.033 ACRES±

LOT 4  
1.171 ACRES±  
-0.138 FOR ROAD L-34  
RIGHT OF WAY W  
1.033 ACRES±

60' X 30' JOINT ACCESS EASEMENT

150.00' LIGHT OF WAY LINE

150.00' LIGHT OF WAY LINE

150.00' LIGHT OF WAY LINE

150.00' LIGHT OF WAY LINE

P

A

R

C

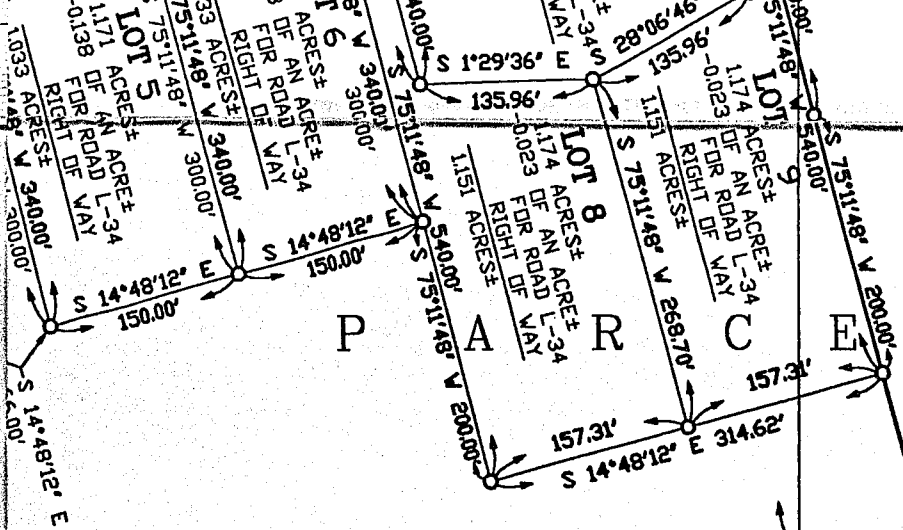
E

SE CORNER  
NW 1/4 NW 1/4,  
SECTION 35,  
T 76 N, R 43 W

MATCH LINE

# FINAL PLAT OF COUNTRY RIDGE ESTATES LOTS 1 THROUGH 19

OWNERS: MORTGAGE LOANS OF AMERICA, LLC



SCALE: 1" = 100'



LEGEND:

- - SET 5/8" REBAR WITH ALUMINUM CAP MARKED L.L.S. #7717
- - FOUND 5/8" REBAR WITH ALUMINUM CAP MARKED L.L.S. #7717, UNLESS OTHERWISE DESCRIBED ON DRAWING
- ⊖ - SET MAZE NAIL
- ⊕ - FOUND MAZE NAIL
- (NR) - NON-RADIAL
- (C) - CHORD DISTANCE

- ⊙ - FOUND WAZE NAIL
- (NR) - NON-RADIAL
- (C) - CHORD DISTANCE
- (A) - ARC LENGTH

SECTION 00,  
T 76 N, R 43 W

SECTION 00,  
N, R 43 W

**PARCEL "D"**

RECORDED IN BOOK 101,  
PAGE 2191 IN THE OFFICE  
OF THE POTTAWATTAMIE  
COUNTY RECORDER.

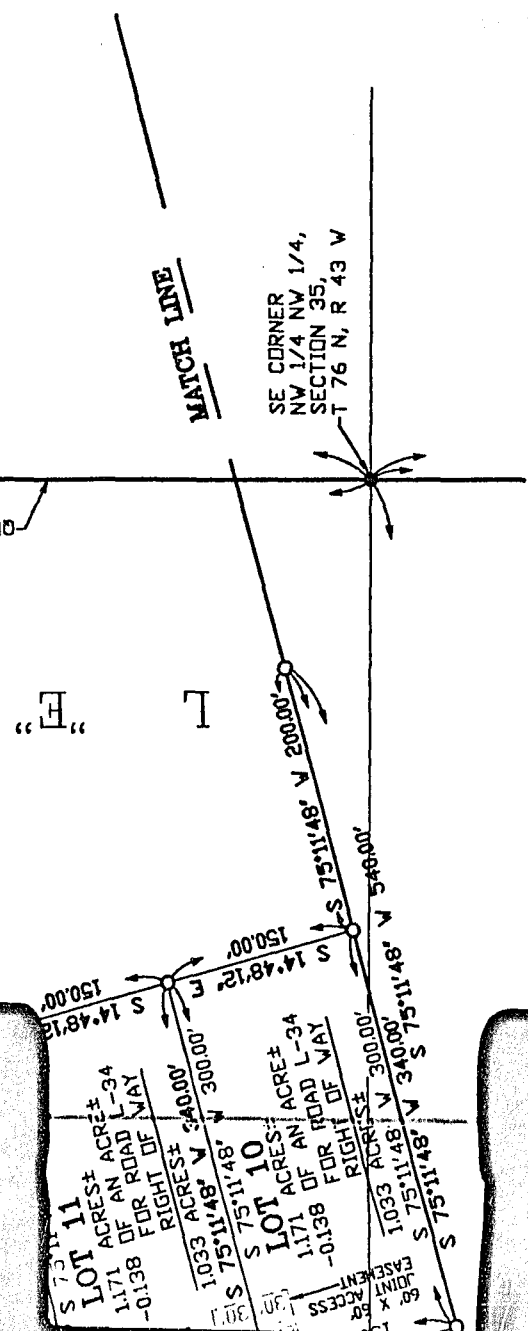
**NOTES:**

SEE RIGHT OF WAY EASEMENT TO REGIONAL WATER AS RECORDED  
IN BOOK 100, PAGE 11628 IN THE OFFICE OF THE POTTAWATTAMIE  
COUNTY RECORDER.

A 10.00 FOOT WIDE PERMANENT EASEMENT IS RESERVED ACROSS THE  
FRONT OF ALL LOTS, ABUTTING ROAD L-34 AND JUNIPER ROAD, FOR  
THE INSTALLATION AND MAINTENANCE OF UTILITIES. THE WESTERLY  
LINE OF SAID 10.00 FOOT WIDE PERMANENT EASEMENT ALONG ROAD  
L-34 IS COINCIDENT WITH THE EASTERLY RIGHT OF WAY LINE OF  
SAID ROAD L-34; AND THE NORTHERLY LINE OF SAID 10.00 FOOT WIDE  
PERMANENT EASEMENT ALONG JUNIPER ROAD IS COINCIDENT WITH THE  
SOUTHERLY RIGHT OF WAY LINE OF SAID JUNIPER ROAD.

A 10.00 FOOT WIDE PERMANENT EASEMENT ON EACH SIDE OF ALL  
SIDE LOT LINES IS RESERVED FOR THE INSTALLATION AND  
MAINTENANCE OF UTILITIES.

S 0°10'08" W  
QUARTER-QUARTER SECTION LINE  
S 0°10'08" W



<b>ROGERS SURVEYING</b>	
1688 ROLLING HILLS LOOP COUNCIL BLUFFS, IOWA	
SCALE: 1" = 100'	PHONE: (712) 366-9009
DATE: 12-18-2000	DRAWN BY: J.A.T.
REVISED	
TITLE: FINAL PLAT OF COUNTRY RIDGE ESTATES	
CLIENT: MORTGAGE LOANS OF AMERICA, LLC 2407 SOUTH 133RD PLAZA OMAHA, NE 68144	SHEET 3 OF 3

PREPARED BK 102 PG 03659

COMPARED

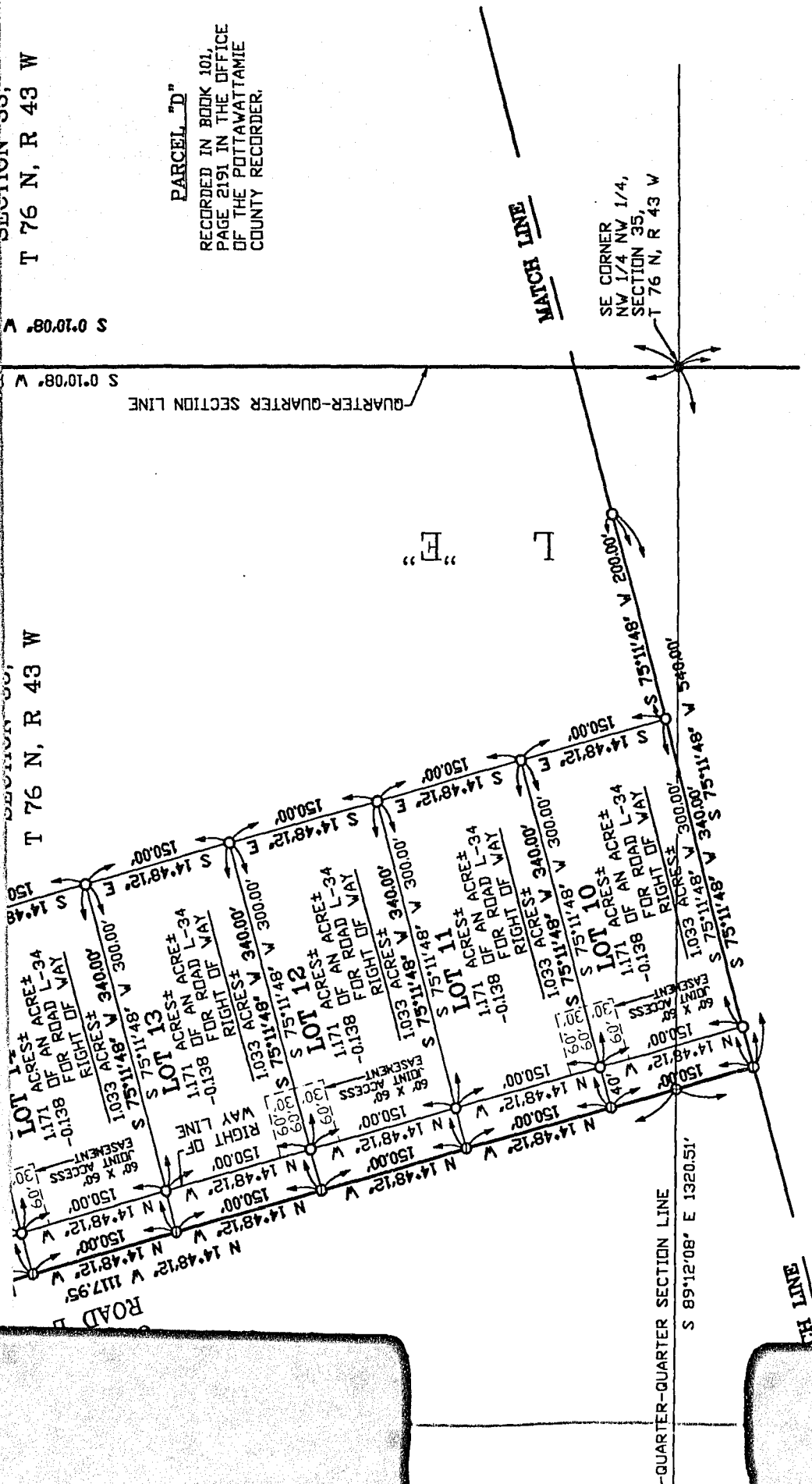
SECTION 30,  
T 76 N, R 43 W

SECTION 30,  
T 76 N, R 43 W

NOTES:  
SEE RIGHT OF OFFICE  
IN BOOK 100,  
COUNTY RECORDER.  
A 10.00 FOOT  
FRONT OF ALL  
THE INSTALLAT  
LINE OF SAID  
L-34 IS COIN  
SAID ROAD L-  
PERMANENT EA  
SOUTHERLY RI  
A 10.00 FOOT  
SIDE LOT LINE  
MAINTENANCE

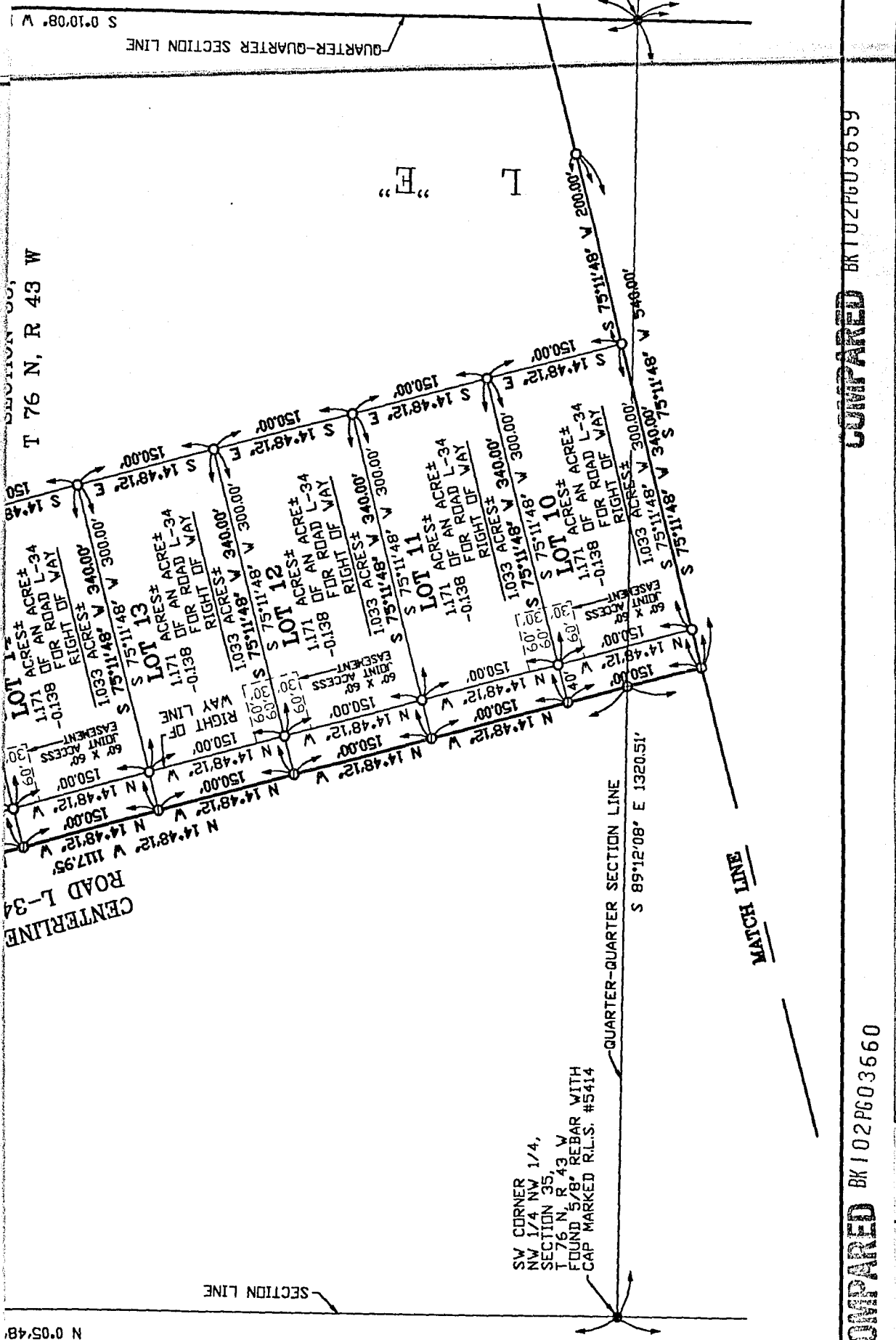
PARCEL "D"  
RECORDED IN BOOK 101,  
PAGE 2191 IN THE OFFICE  
OF THE POTTAWATTAMIE  
COUNTY RECORDER.

1688
SCALE: 1"
DATE: 12-
TITLE:
CLIENT:



COMPARED BK T 76 N, R 43 W 3659

SEBAR WITH  
P.L.S. #5414



T 76 N, R 43 W

CENTERLINE  
ROAD L-34

SW CORNER  
NW 1/4 NW 1/4,  
SECTION 35,  
T 76 N, R 43 W  
FOUND 5/8" REBAR WITH  
CAP MARKED R.L.S. #5414

N 0°05'48"

QUARTER-QUARTER SECTION LINE

SECTION LINE

QUARTER-QUARTER SECTION LINE

MATCH LINE

COMPARED BK 102PG03659

COMPARED BK 102PG03660

"E" L

199309D201XB

COMPARED

NW CORNER,  
SECTION 35,  
T 76 N, R 43 W  
FOUND CONCRETE MONUMENT  
WITH 1/2" REBAR IN TOP

END  
CURVE  
N 3°09'50" E  
(C) = 253.12'  
(A) = 253.59'

S 89°24'06" E 312.28'  
S 89°24'06" E 325.58'  
S 14°48'12" E 34.23'  
S 89°24'06" E 231.95'  
S 89°24'06" E 1322.14'  
S 89°24'06" E 1009.86'

CENTERLINE OF JUNIPER ROAD

RIGHT OF WAY LINE

S 0°35'54" W 25.00'  
94.41'  
94.66'  
94.85'  
25.00'

PARCEL "A"

RECORDED IN BOOK 101  
PAGE 2191 IN THE OFF  
OF THE POTTAWATTAMI  
COUNTY RECORDER.

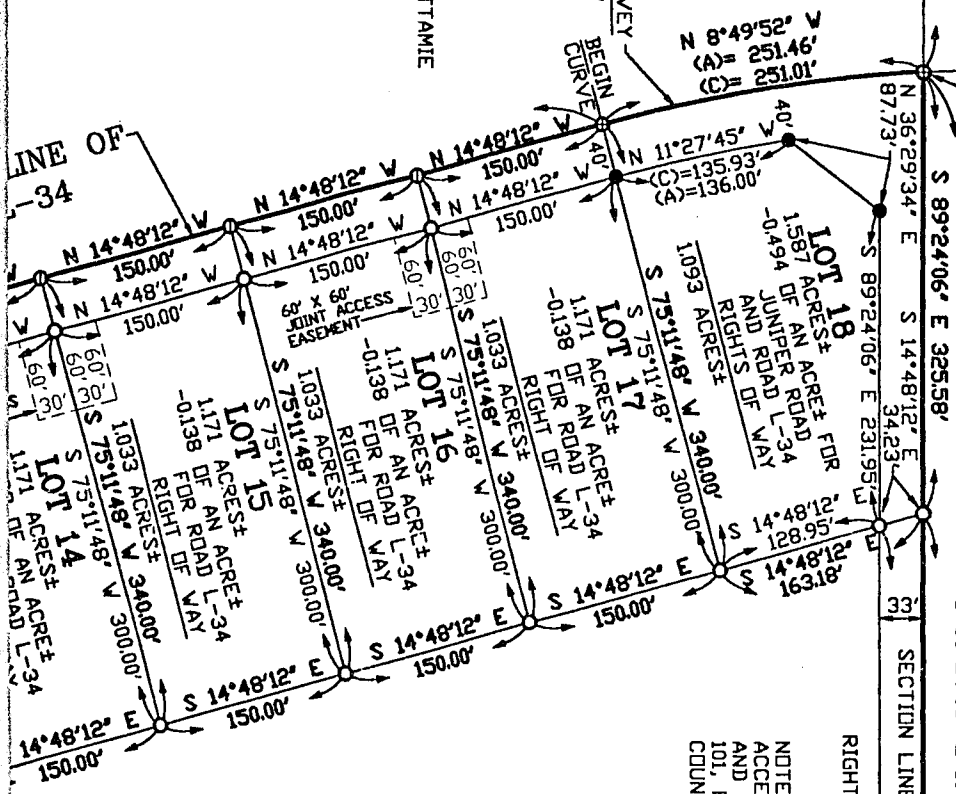
NOTE: LOT 19 IS SUBJECT TO A 2500 FOOT WIDE  
ACCESS EASEMENT FOR THE PURPOSE OF INGRESS  
AND EGRESS FOR PARCEL "A", AS RECORDED IN BOOK  
101, PAGE 2191 IN THE OFFICE OF THE POTTAWATTAMI  
COUNTY RECORDER.

CENTERLINE OF ROAD L-34  
CURVE DATA PER THIS SURVEY  
CENTRAL ANGLE = 23°59'23"  
DEGREE = 4°45'00"  
RADIUS = 1206.23'  
TANGENT = 256.28'  
LENGTH = 505.05'

CENTERLINE OF ROAD L-34  
CURVE DATA PER POTTAWATTAMIE  
COUNTY ENGINEERS PLANS

CENTRAL ANGLE = 24°00'00"  
DEGREE = 4°45'00"  
TANGENT = 256.46'  
LENGTH = 505.41'

LINE OF  
-34



LOT 19  
18,743 ACRES±  
-0.576 OF AN ACRES±  
FOR JUNIPER ROAD  
AND ROAD L-34  
RIGHTS OF WAY  
18,167 ACRES±

NW 1/4 NW 1/4,  
SECTION 35,  
T 76 N, R 43 W

# FINAL PLAT OF COUNTRY RIDGE ESTATES LOTS 1 THROUGH 19

OWNERS: MORTGAGE LOANS OF AMERICA, LLC

JUNIPER ROAD

S 89°24'05" E 684.28'

S 89°24'05" E 675.44'

WAY LINE

S 0°35'54" W 25.00'

33

94.41'

94.66'

94.85'

25.00'

PARCEL "A"

RECORDED IN BOOK 101,  
PAGE 2191 IN THE OFFICE  
OF THE POTTAWATTAMIE  
COUNTY RECORDER.

19 IS SUBJECT TO A 25.00 FOOT WIDE  
EASEMENT FOR THE PURPOSE OF INGRESS  
AND EGRESS FOR PARCEL "A", AS RECORDED IN BOOK  
2191 IN THE OFFICE OF THE POTTAWATTAMIE  
RECORDER.

LOT 19

18.743 ACRES±

-0.576 OF AN ACRE±

FOR JUNIPER ROAD

AND ROAD L-34

RIGHTS OF WAY

18167 ACRES±

W 1/4 NW 1/4,

SECTION 35,

T 76 N, R 43 W

8° W 1294.83'

08° W 1327.83'

NE 1/4 NW 1/4,  
SECTION 35,  
T 76 N, R 43 W



SCALE: 1" = 100'



LEGEND:

- - SET 5/8" REBAR WITH ALUMINUM CAP MARKED L.L.S. #7717
- - FOUND 5/8" REBAR WITH ALUMINUM CAP MARKED L.L.S. #7717, UNLESS OTHERWISE DESCRIBED ON DRAWING
- ⊗ - SET MAZE NAIL
- ⊕ - FOUND MAZE NAIL
- (NR) - NON-RADIAL
- (C) - CHORD DISTANCE

**COMPARED**

**PORTER, TAUKE & EBKE**

A.W. (TONY) TAUKE  
STEPHEN C. EBKE  
ANGELA WEATHERHEAD  
ASSOCIATE

ATTORNEYS AT LAW  
500 WEST BROADWAY, SUITE 201  
P.O. BOX 457  
COUNCIL BLUFFS, IOWA 51502-0457

TELEPHONE (712) 322-5588  
FAX (712) 322-8308  
E-MAIL: PTEBKE@USWEST.NET

RICHARD A. PORTER (1927-1999)

April 20, 2001

JUL 16 2001

Mortgage Loans of America  
2407 South 133<sup>rd</sup> Plaza  
Omaha, Nebraska 68144

Entered for Taxation

*Murray J. ...*

COUNTY AUDITOR

Attention: Douglas Keller

RE: Section 35, Township 76, Range 43

Dear Mr. Keller:

I have examined the abstract of title to:

SEE ATTACHED EXHIBIT "A" FOR FULL LEGAL DESCRIPTION

This abstract does not cover matters included in Chapter 614.29 through 614.38 of the Code of Iowa as amended, the Marketable Title Act and Chapter 11 of the Iowa Land Title Examination Standards and the Abstracting Standards of the Iowa Land Title Association, which are excluded thereunder except plat and surveys, easements, party wall and other boundary line agreements, unexpired recorded leases, and patents, and is certified to May 16, 2000, at 8:00 o'clock A.M. by Abstract Guaranty Company, and is in one part containing 130 entries. From my examination I find marketable title to be in - - -

MORTGAGE LOANS OF AMERICA, L.L.C., subject to the following:

1. Entries #98 and #99 set forth Easements for public highway which appear to affect the property under examination. For further particulars you are referred to the Easements.
2. Entry #111 sets forth a Right-of-Way Easement granted to Regional Water, an Iowa nonprofit corporation, for the installation and maintenance of water lines. For further particulars you are referred to the Easement.
3. Entry #119 sets forth various county zoning ordinances which appear to affect the property under examination. For further particulars you are referred to said ordinances.
4. Entry #120 sets forth a Notice that there may be liability for one who removes, alters or modified soil conserving practice which involved cost sharing funds under Section 467.7(16), Iowa

BK102PG03663



**COMPARED**

Code. You are referred to Book 81, Page 16621 and Page 16937, records of Pottawattamie County, Iowa.

5. Entry #121 sets forth a Hazardous Waste Ordinance which appears to affect the property under examination. You are referred to the entry for further particulars.

6. Entry #122 sets forth a Paunch Manure Ordinance which appears to affect the property under examination. For further particulars you are referred to the Ordinance.

7. Entry #123 sets forth an On-site Wastewater Treatment and Disposal System Ordinance which appears to affect the property under examination. For further particulars you are referred to the Ordinance.

8. Entry #124 sets forth a Private Water Well Ordinance which appears to affect the property under examination. For further particulars you are referred to the Ordinance.

9. Entries #125 set forth various county zoning ordinances which appear to affect the property under examination. For further particulars you are referred to said ordinances.

10. At Entry #127 abstracter states that it is no longer possible for them to certify to special assessments and/or unpaid fees for services for sewer systems, storm water drainage systems, sewage treatment, solid waste collection, water, and solid waste disposal which have been certified to the county treasurer for collection unless these charges have been entered on the tax books, but they will continue to show all those which are on the tax books. Due to this fact, there may be additional fees which were filed after May 31, 1991.

11. At Entry #128 the abstracter states that inasmuch as the office of the County Treasurer indexes buildings on leased land and assessments for machinery and equipment in such a manner it is impossible to determine if there are any which would attach to the real estate under examination, they do not certify to such assessments.

12. Entry #135 sets forth the Order of Court approving the Final Report in probate case #35663 (Elvis Allen Estate), discharging executor and closing estate.

13. Entry #140 sets forth a lien search as against Mortgage Loans of America, L.L.C. and Richard B. Allen, Executor of the Estate of Elvis Allen, deceased and no liens are shown of record.

# COMPARED

Mortgage Loans of America

Page 3

April 20, 2001

14. Entry #141 shows the General Taxes for 1998 and prior years paid.

15. You should determine whether any solid wastes, hazardous substances, pollutants, above or below ground storage tanks, drainage wells, water wells, landfill sites or other environmentally regulated conditions exist on the property. Such conditions are not ordinarily shown in the abstract, but they may result in injunctions, fines, required cleanup, or other remedial actions under federal, state or local laws. These laws may impose liens against the property and personal liability against the owner, even though the owner did nothing to create the condition, and acquired the property without knowing about it. Purchasers should also satisfy themselves as to leasehold interest of any parties in possession of the property under examination.

16. You should determine whether there are any other subdivision ordinances which might require landowners of land in unincorporated areas in the county to comply with regulations regarding set backs, lot area, water supply, sewage disposal, street right-of-way, and other restrictions regarding development on this property.

Yours very truly,



Stephen C. Ebke

SCE:cw

BK102PG03665

**PARCEL E**

A parcel of land located in part of the NW $\frac{1}{4}$  NW $\frac{1}{4}$  and in part of the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 35, Township 76, Range 43, Pottawattamie County, Iowa, more particularly described as follows:

Commencing at the Northwest Corner of said Section 35; thence S 89° 24' 06" E, along the North line of said NW $\frac{1}{4}$  NW $\frac{1}{4}$  and along the centerline of Juniper Road, a distance of 1322.14 feet to the Northeast Corner of said NW $\frac{1}{4}$  NW $\frac{1}{4}$  and point of beginning, thence S 0° 10' 08" W along the East line of said NW $\frac{1}{4}$  NW $\frac{1}{4}$  a distance of 1327.83 feet to the Southeast Corner of said NW $\frac{1}{4}$  NW $\frac{1}{4}$ ; thence S 0° 10' 08" W, along the East line of said SW $\frac{1}{4}$  NW $\frac{1}{4}$ , a distance of 1307.64 feet to the Southeast Corner of said SW $\frac{1}{4}$  NW $\frac{1}{4}$ ; thence N 87° 54' 46" W, along the South line of said SW $\frac{1}{4}$  NW $\frac{1}{4}$ , a distance of 226.81 feet to a point on the centerline of Road L-34; thence N 29° 42' 13" W, along said centerline of Road L-34, a distance of 131.49 feet to the beginning of a tangent circular curve concave Northeasterly and having a radius of 2022.20 feet and a central angle of 14° 54' 01"; thence Northwesterly along said centerline of Road L-34 and along said curve, an arc length of 525.90 feet with a chord bearing and distance of N 22° 15' 13" W, 524.42 feet to end of said curve; thence N 14° 48' 12" W along said centerline of Road L-34, a distance of 733.65 feet to a point on the North line of said SW $\frac{1}{4}$  NW $\frac{1}{4}$ ; thence continuing N 14° 48' 12" W along said centerline of Road L-34, a distance of 1117.95 feet to the beginning of a tangent circular curve concave Easterly and having a radius of 1206.23 feet and a central angle of 23° 59' 23"; thence Northwesterly along said centerline of Road L-34 and along a portion of said curve an arc length of 251.46 feet with a chord bearing and distance of N 8° 49' 52" W 251.01 feet to a point on the North line of said NW $\frac{1}{4}$  NW $\frac{1}{4}$ , said point also being on said centerline of Juniper Road; thence S 89° 24' 06" E along the North line of said NW $\frac{1}{4}$  NW $\frac{1}{4}$  and along said centerline of Juniper Road, a distance of 1009.86 feet to the point of beginning. Said parcel is subject to an Easement for Road L-34 right of way and for Juniper Road right of way.

NOTE: The North line of the NW $\frac{1}{4}$  of said Section 35 is assumed to bear S 89° 24' 06" E for this description.

**PARCEL F**

NE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 35, Township 76, Range 43, Pottawattamie County, Iowa

**PARCEL G**

SE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 35, Township 76, Range 43, Pottawattamie County, Iowa



**COMPARED**

**Mortgage Loans of America, LLC**

No Mortgage Liens exist on Country Ridge Estates. The said real estate is free and clear of any Mortgage Liens.

Gary W. Wright – President  
Mortgage Loans of America, LLC

Ss:  
STATE OF NEBRASKA  
COUNTY OF DOUGLAS

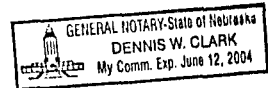
On this 15<sup>th</sup> day of June, 2001, before me the undersigned, a Notary Public in and for said County and State, personally came Gary W. Wright, known to me to be the President of Mortgage Loans of America, LLC, a Nebraska Limited Liability Company, and acknowledged that he executed as the voluntary act and deed of such limited liability company.

Witness my hand and official seal the day and year last above written.

GENERAL NOTARY – State of Nebraska  
Notary Public

Notary

(Seal)



# 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. 2001-06

**WHEREAS**, this Board had approved the preliminary plat of **Country Ridge Estates**, a subdivision situated in **Hazel Dell Township**, by approval of Planning and Zoning Resolution No. 2000-13, dated **November 27, 2000**; 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-2000-08**; 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 **Country Ridge Estates**, 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. Said approval is subject to the following conditions:

1. All lots in Country Ridge Estates shall be connected to the rural water system, except that Lot 7 shall be allowed to utilize the existing well until such time that said well cease to function or cease to be legal, at which time said Lot 7 shall connect to the rural water system and said well plugged in accordance with the County and State regulations.
2. No private water wells shall be constructed in Country Ridge Estates.
3. Lots 18 and 19 shall not be allowed to have entrances onto Juniper Road unless Juniper Road is first hard surfaced. This restriction shall not be construed to prohibit farm machinery from accessing Lot 19 from Juniper Road to row crop the parcel until such time it is developed with a single-family dwelling.
4. A cluster mailbox receptacle servicing all lots in Country Ridge Estates shall be installed within the 66' space accessing Lot 19.

5. Evidence of individual "Soil Erosion Plan" compliance approval from the NRCS shall accompany all applications for zoning and septic permits.

PASSED AND APPROVED JULY 2, 2001.

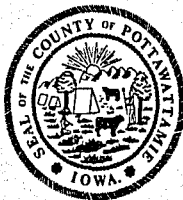
	ROLL CALL VOTE			
	AYE	NAY	ABSTAIN	ABSENT
<u>Tim Wichman</u> Tim Wichman, Chairman	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<u>Delbert King</u> Delbert King	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<u>Betty Moats</u> Betty Moats	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<u>Melvin Houser</u> Melvin Houser	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<u>Bob Williams</u> Bob Williams	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Attest: Marilyn J. Drake  
Marilyn J. Drake, County Auditor  
Pottawattamie County, Iowa

RECORD: After Passage

**COMPILED**

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

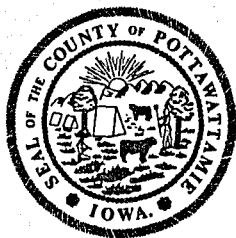


Gary Herman, First Deputy - Elections  
Cheryll Ross, First Deputy - Taxes  
Paula Glade, Second Deputy - Real Estate  
Phone (712) 328-5700  
FAX (712) 328-4740

**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 #2001-06, adopted by the Pottawattamie County, Iowa, Board of Supervisors, in their approval of Country Ridge Estates on July 2, 2001.

Dated this 2<sup>nd</sup> day July, 2001.



*Marilyn Jo Drake*  
Marilyn Jo Drake, County Auditor  
Pottawattamie County, Iowa

**COMPARED**

DECLARATION  
OF COVENANTS, CONDITIONS, AND RESTRICTIONS  
FOR COUNTRY RIDGE ESTATES

THIS DECLARATION, made on the date hereinafter set forth by MORTGAGE LOANS OF AMERICA, LLC, a Nebraska limited liability company, hereinafter referred to as the "Declarant",

WITNESSETH:

WHEREAS, the Declarant is the owner of the following described real property,

- Lots 1 through 19, inclusive, in Country Ridge Estates, a subdivision as surveyed, platted and recorded in Pottawattamie County, Iowa, and

WHEREAS, the Declarant will convey said Lots, subject to certain protective covenants, conditions, restrictions, reservations, liens, and charges as hereinafter set forth,

NOW, THEREFORE, the Declarant hereby declares that all of the Lots described in Article I.C., below, shall be held, sold, and conveyed subject to the following easements, restrictions, covenants, and conditions, all of which are for the purpose of enhancing and protecting the value, desirability and attractiveness of said Lots in the Properties. These easements, covenants, restrictions, and conditions, shall run with said real property, and shall be binding upon all parties having or acquiring any right, title or interest in the above described Lots, or any part thereof, and they shall inure to the benefit of each Owner thereof and the Owners of all other Lots in the Properties.

ARTICLE I  
DEFINITIONS

A. "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of a fee simple title to any Lot which is a part of the Properties, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.

B. "Properties" shall mean and refer to all Lots in Country Ridge Estates, a subdivision as surveyed, platted and recorded in Pottawattamie County, Iowa.

C. "Lot" shall mean and refer to Lots 1 through 19, inclusive, in Country Ridge Estates, a subdivision as surveyed, platted and recorded in Pottawattamie County, Iowa.

D. "Declarant" shall mean and refer to Mortgage Loans of America, LLC, a Nebraska limited liability company, and its successors and assigns.

E. "Architectural Control Committee" shall mean the individual or committee appointed by the Declarant, and its successors and assigns.

ARTICLE II  
ARCHITECTURAL CONTROL

- A. No dwelling, fence, (other than fences constructed by Declarant), wall pathway, driveway, patio, cover or enclosure; deck, swimming pool, television or radio antenna, satellite dishes, solar collecting panels or equipment, tool sheds, or other external improvements, above or below the surface of the ground shall be built, erected, placed, planted, altered, or otherwise maintained or permitted to remain on any Lot, nor shall any grading, excavation, or tree removal be commenced without express written prior approval of the Declarant through its Architectural Control Committee, or its permission by implied approval procured in the manner set forth below.



B. The Declarant, through its Architectural Control Committee, shall consider general appearance, exterior color or colors, architectural character, harmony of external design and location in relation to surroundings, topography, location within the Lot boundary lines, quality of construction, site and suitability for residential purposes as part of its review procedure. Only exterior colors of certain earth tone hues will be acceptable. The Architectural Control Committee specifically reserves the right to deny permission to construct or place any of the above-mentioned improvements which It determines will not conform to the general character, plan and outline for the development of the Properties.

C. Documents submitted for approval shall be clear, concise, complete, consistent and legible. All drawings shall be to scale. Samples of materials to be Included in the Improvement may be required of the applicant at the discretion of the Architectural Control Committee. Submittals for the approval shall be made in duplicate and the comments and actions of the Architectural Control Committee will be identically marked on both copies of said submittals. One copy will be returned to the applicant, and one copy will be retained as part of the permanent records of the Committee. Each applicant shall submit to the Architectural Control Committee the following documents, materials and/or designs.

1. Site plan indicating specific improvement and indicating Lot number, street address, grading, surface drainage and sidewalks.
2. Complete construction plans, including but not limited to, basement and upper floor plans, floor areas of each level, wall sections, stair and fireplace sections and exterior elevations clearly indicating flues or chimneys, type and extent of siding, roofing, other faces and/or veneer materials.
3. Evidence of approval of "Soil Erosion Plan" by the West Pottawattamie County Soil & Water Conservation District.

D. The approval or disapproval of the Architectural Control Committee as required in these Covenants shall be in writing. Failure of the Architectural Control Committee to give either written approval or disapproval of submitted plans within thirty (30) days after receipt of all of the documents required above, by mailing such written approval or disapproval to the last known address of the applicant as shown on the submitted plans, shall operate as a waiver of the requirements for approval by the Architectural Control Committee for the submitted plans.

ARTICLE III  
RESTRICTIONS FOR RESIDENTIAL DWELLINGS

A. Residential Lots. Lots 1 through 19 inclusive, shall be subject to the following restrictions.

1. The Lot shall be used only for residential purposes and no Lot shall contain more than one (1) dwelling unit.
2. Each dwelling unit shall conform to the following requirements,
  - a. Each one story dwelling unit shall contain no less than 1,500 square feet of Living Area above the basement level and exclusive of garage area.
  - b. Each one and one-half or two story dwelling unit shall contain no less than 2,000 square feet of total Living Area above the basement level with a minimum of 1000 square feet on the main floor, exclusive of garage area.
  - c. Other dwelling unit styles not described in a and b above will be permitted only if approved by the Architectural Control Committee and shall not be approved unless they are compatible with other homes to be built in Country Ridge Estates in the opinion of the Architectural Control Committee in its sole and absolute discretion.

- d. All buildings on all Lots shall comply with the setback requirements of the Zoning Code of Pottawattamie County as the same may be amended from time to time. In addition, lots 8 and 9, shall have a minimum set back of 100 feet from the West property line of each respective lot to the front of the dwelling unit.

B. General Restrictions. All dwelling units described in A above shall comply with the following restrictions.

1. All dwelling units shall have attached an enclosed, side-by-side, two (2) car garages minimum which must contain area of not less than four hundred (450) square feet and shall be at approximately the same level as the main floor of the dwelling. Other or additional garages may be permitted at the discretion of the Architectural Control Committee. Each dwelling unit shall have a concrete driveway as wide as the garage opening and a minimum of thirty (30) feet in length. The remainder of the drive can be gravel, concrete, brick, or asphalt upon receiving approval of the Architectural Control Committee.

2. For the purposes of these restrictions, two-story height shall, when the basement is exposed above finish grade, be measured from the basement ceiling on the exposed side(s) to the eave of the structure on the same side(s). Area means finished habitable space, measured to the exterior of the enclosing walls, and does not include porches, stoops, breezeways, courtyards, patios, decks, basements, garages or carports. The maximum height of the dwelling shall be two (2) stories. The basement is not considered a story even if it is one hundred percent (100%) above grade on one or more sides, and essentially below grade on the other sides.

3. Exposed portions of the foundation on the front of each dwelling are to be covered with clay-fired brick even if a portion of those exposed foundations may be perpendicular, or nearly so, to the affronting street. Exposed portions of the foundation on the side of each dwelling facing the street, when said dwelling is located on a corner Lot, are to be similarly covered with clay-fired brick. Exposed portions of the foundation on the rear or sides not facing a street of a dwelling located on a corner Lot, and the exposed portion of the foundation on the sides and rear of every other dwelling shall be covered with clay-fired brick, siding or shall be painted.

4. In the event that a fireplace is constructed as a part of a dwelling on any Lot and said fireplace and/or the enclosure for the fireplace flue, is constructed in such a manner so as to protrude beyond the outer perimeter of the front of the dwelling, the enclosure of the fireplace and flue shall be constructed of, or finished with, clay-fire brick or stone. If the fireplace and/or the enclosure for the fireplace flue is constructed in such a manner so as to protrude beyond the outer perimeter of the side or rear of the dwelling, the enclosure of the fireplace and flue may be constructed of, or finished with, the same material as is the dwelling at the point from which the fireplace and/or the flue protrudes. If more than one fireplace is planned, all shall comply with the above requirements. The part of the pre-fabricated metal furnace flues that protrude from the roof of a dwelling must be painted and no furnace flue may protrude more than five (5) feet from the roof of the dwelling, as measured from the top cap of the flue to the point from which the flue emerges from the roof. All furnace flues must be located on the rear side of the roof ridge.

5. No fences may be built forward of the rear wall of the dwelling without the prior approval of the Architectural Control Committee and, under no circumstances, closer to any adjoining street than the property line. In those instances where the house has more than one rear wall, the Architectural Control Committee shall determine in its discretion which rear wall shall be applicable. Wire or chain-link fences shall be permitted.

6. No structure of a temporary character, trailer, basement, tent, shack, barn or other out building shall be erected on said Lot or used as a residence, temporarily or permanently. No prefabricated or factory built house or residential dwelling built elsewhere shall be moved onto or assembled on any of said Lots. No pre-cut dwelling shall be assembled on any of said Lots. No full or partial subterranean dwellings or log houses shall be constructed or erected on any Lot. No dwelling shall be moved from outside of the Properties onto any of said Lots.

7. No primary flat or mansard roof shall be permitted on any dwelling. All dwellings shall be roofed with roofing materials which have the approval of the Architectural Control Committee in its sole and absolute discretion.

8. No animals, livestock, fowl, or poultry of any kind shall be raised, bred or kept on any Lot, except that dogs, cats, or other household pets maintained within the dwelling may be kept, provided that they are not kept, bred or maintained for any commercial purpose and, provided, that they are kept confined to the Lot of their owner and are not permitted to run loose outside the Lot of the Owner. In addition, one horse per whole acre of land owned may be kept on the Lot.

9. All outbuildings or accessory building shall conform to the architectural design, color, and use of materials as the residence, and shall be harmonious and compatible with the subdivision. The construction of the residence must be completed or commenced prior to the erection of the outbuildings. Blueprints, plot plan, and material lists must be submitted to the Architectural Control Committee for review, and written approval by the Architectural Control Committee must be granted prior to the commencement of any construction. The use of any accessory building shall be "personal" in nature and not related to any commercial and must comply with any local, county, or city jurisdiction. Outbuildings must be completed with a period of six (6) months after start of construction. The Architectural Control Committee will use the criteria listed above in its approval/disapproval process, but is not limited solely to the listed criteria.

10. No incinerator, or trash burning shall be permitted on any Lot. No garbage, trash can or container shall be permitted to remain outside of any dwelling unless completely screened from view from every street and from all other lots in the subdivision. No garden, lawn or maintenance equipment of any kind whatsoever shall be stored or permitted to remain outside of any dwelling except while in actual use. No clothesline shall be permitted outside of any dwelling at any time. Any exterior air conditioning condensing units or heat pump units shall be placed in the rear or side yard of the dwelling and in no case closer than ten (10) feet to the neighboring property line.

11. No automobile, boat, camping trailer, van-type campers, auto-drawn trailer of any kind, mobile home, motorcycle, snowmobile, or other self-propelled vehicles shall be stored or maintained outside of the garage or outbuilding. For purposes of the preceding provision, "stored or maintained outside of the garage or outbuilding" shall mean, parking the vehicle or trailer on the driveway, or any part of the Lot, outside of the garage for four (4) or more consecutive days. All repair or maintenance work on automobiles, boats, camping trailers, van-type campers, auto-drawn trailers of any kind, mobile homes, motorcycles, snowmobiles or other self-propelled vehicles done on the premises must be done in the garage. The dedicated street right-of-way located between the pavement and the lot line of any residential Lot shall not be used for the parking of any vehicle, boat, camper, or trailer. Automobiles and other self-propelled vehicles parked out-of-doors within the premises above-described, or upon the streets thereof, must be in operating condition.

12. All Lots shall be kept free of rubbish, debris, merchandise and building material; however, building materials may be placed on Lots when construction is started on the main residential structure or outbuilding intended for such Lot. In addition, vacant Lots where capital improvements have not yet been installed shall not be used for dumping of earth or any other waste materials, and shall be maintained level and smooth enough for machine mowing. No vegetation on vacant Lots, where capital improvements have not yet been installed, shall be allowed to reach more than a maximum height of twelve (12) inches. The owner of record of vacant Lots will be responsible to maintain vegetation below the maximum height. Construction on the Dwelling of each Lot shall commence within a two (2) year period after the lot has been transferred from Declarant to the new owner.

13. Except for the purpose of controlling erosion on vacant Lots, no field crops shall be grown upon any Lot at any time for commercial use or purposes.
14. No noxious or offensive activity shall be carried on upon any Lot, nor shall anything be done thereon which may be, or may become, an annoyance or nuisance to the neighborhood, including, but not limited to, odors, dust, glare, sound, lighting, smoke, vibration and radiation.
15. A dwelling on which construction has begun must be completed within one (1) year from the date the foundation was dug for said dwelling.
16. Small vegetable gardens and rock gardens shall be permitted only if maintained in the designated rear yard of any Lot, behind the dwelling on said Lot. Further, vegetable gardens and rock gardens must be approved by the Architectural Control Committee.
17. No residential dwelling shall be occupied by any person as a dwelling for such person until the construction of such dwelling has been completed, except for minor finish details as determined and approved by the Architectural Control Committee.
18. No streamers, poster, banners, balloons, exterior illumination or other rallying devices will be allowed on any Lot in the promotion or sale of any Lot, dwelling or property unless approved by the Architectural Control Committee in writing. No advertising sign or posters of any kind shall be erected or placed on any of said Lots, except that residential "For Sale" signs, not exceeding six (6) square feet in size, shall be permitted and, provided further, that such restriction as to sign size shall not apply to any sign erected by the Declarant, or his agents, in his development of Country Ridge Estates or signs approved by the Architectural Control Committee in writing.
19. None of said Lots shall be subdivided, split or in any manner combined with any other Lot, or portion of any other Lot, without approval of the Architectural Control Committee in writing and shall be subject to the Pottawattamie County Subdivision Ordinance.
20. The front, side and rear yards of all Lots shall be sodded or seeded, and one (1) tree, not less than two (2) caliper inches in diameter, shall be planted in the front yard of each residence. No trees shall be planted in the dedicated street right-of-way located between the pavement and the lot line. All yards shall be sodded or seeded and the trees planted immediately after final grading has been completed. A cover crop, such as oats or rye grass, must be used for temporary protection when delays prevent final grading activities.
21. No solar collecting panels or equipment, no wind generating power equipment shall be allowed on the Lots. No television antenna, no antenna of any kind or nature, no satellite dish shall be allowed on the Lots unless completely screened from view from every street in a manner approved by the Architectural Control Committee.
22. All homes built in Country Ridge Estates shall be connected to the rural water system, except that Lot 7 shall be allowed to utilize the existing well until such time that said well cease to function or cease to be legal, at which time said Lot 7 shall connect to the rural water system and said well plugged in accordance with the County and State regulations.
23. No private water wells shall be constructed in Country Ridge Estates.
24. Lots 18 and 19 shall not be allowed to have entrances onto Juniper Road unless Juniper Road is first hard surfaced. This restriction shall not be construed to prohibit farm machinery from accessing Lot 19 from Juniper Road to row crop the parcel until such time it is developed with a single family dwelling.

# COMPARED

25. A cluster mailbox receptacle servicing all lots in Country Ridge Estates shall be installed within the 66' space accessing Lot 19.

26. Evidence of individual "Soil Erosion Plan" compliance approval from the NRCS shall accompany all applications for zoning and septic permits.

C. Lot Seven (7) in Country Ridge Estates subdivision has an existing house and buildings in place. The existing house and buildings do not meet the new covenant requirements for size and set-backs and are hereby grandfathered. However, any change or construction regarding the existing home and building by current owners or subsequent owners must comply with the covenants in place, but cannot be disapproved solely on the grounds of the pre-existing grandfathered items of size and setbacks.

## ARTICLE IV

### Easements and Licenses

A. A perpetual license and easement is hereby reserved in favor of various utilities and their successors and assigns, to erect and operate, maintain, repair, and renew cables, conduits, and other instrumentalities and to extend wires for the carrying and transmission of electric current for light, water, heat and power and for telephone and telegraph and message services and cable television under an 10-foot strip of land adjoining the rear boundary lines of said Lots, and said license is being granted for the use and benefit of all present and future owners of said Lots. No permanent buildings shall be placed in perpetual easement ways, but the same may be used for gardens, shrubs, landscaping and other purposes that do not then or later interfere with the aforesaid uses or rights herein granted.

B. All telephone, cable television and electric power service lines from property line to dwelling shall be underground.

C. All Lot owners acknowledge the pre-existing easements in favor of the Rural Water District.

## ARTICLE V

### GENERAL PROVISIONS

A. The Declarant, or its assigns, or any Owner of a Lot within the Properties, shall have the right to enforce by proceeding at law or in equity, all restrictions, conditions covenants, and reservations, now or hereafter imposed by the provisions of this Declaration, either to prevent or restrain any violation of same, or to recover damages or other dues for such violation. Failure by the Declarant or by any Owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

B. The Covenants and restrictions of this Declaration shall run with and bind the land for a term of twenty-five (25) years from the date this Declaration is recorded. This Declaration may be amended by the Declarant, or any person, firm, corporation, partnership, or entity designated in writing by the Declarant, in any manner it shall determine in its full and absolute discretion for a period of five (5) years from the date hereof. Thereafter this Declaration may be amended by an instrument signed by the Owners of not less than ninety percent (90%) of the lots in the Properties.

C. Invalidation of any one of these covenants by judgment or court order shall in no way effect any of the other provisions hereof which shall remain in full force and effect.

IN WITNESS WHEREOF, the Declarant has caused these presents to be executed this 24th day of December, 2000.

DECLARANT:

MORTGAGE LOANS OF AMERICA, LLC,  
A Nebraska limited liability company

BY:

*[Handwritten Signature]*  
\_\_\_\_\_  
Gary W. Wright, President

STATE OF NEBRASKA )  
                                  ) ss  
COUNTY OF DOUGLAS )

On this 24<sup>th</sup> day of December, 2000, before me the undersigned, a Notary Public in and for said County and State, personally came Gary W. Wright, known to me to be the President of Mortgage Loans of America, LLC, a Nebraska limited liability company, and acknowledged that he executed as the voluntary act and deed of such limited liability company.

Witness my hand and official seal the day and year last above written.

(Official Seal)

*[Handwritten Signature]*  
\_\_\_\_\_  
GENERAL NOTARY-State of Nebraska  
Notary Public

