

2 OF 2
10355
sheet

project **NEW HORIZON SUBDIVISION**

client **New Horizon Presbyterian Church (U.S.A.)**
634 WILLOW AVE, COUNCIL BLUFFS, IOWA 51503

sheet **FINAL PLAT**

DEF _____
 drawn _____
 SCH _____
 designed _____
 MGS _____
 approved _____
 MAY'06 _____
 date revision date



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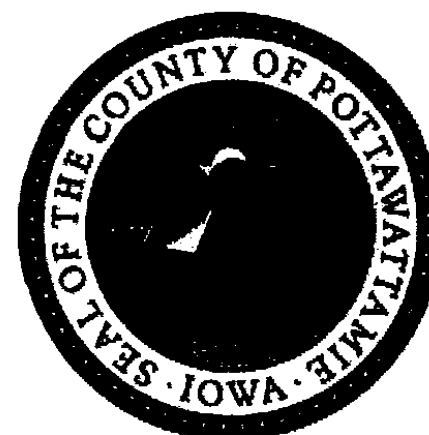
COMPARED

Paula Glade

From: Paula Glade
Sent: Monday, June 19, 2006 10:00 AM
To: Paula Glade
Attachments: image001.png; oledata.mso

MARILYN JO DRAKE
POTTAWATTAMIE COUNTY
AUDITOR
AND ELECTION COMMISSIONER
227 S. 6th St, Room 243
P. O. BOX 649
COUNCIL BLUFFS, IOWA 51502-0649

Gary Herman, First Deputy - Elections
Paula Glade, First Deputy - Real Estate
Donna West, First Deputy - Tax and
Finance
Phone (712) 328-5700
FAX (712) 328-4740



County Auditor's Certification

Pottawattamie County, Iowa

I, Marilyn Jo Drake, Auditor of Pottawattamie County, Iowa, do hereby certify that the subdivision name of the attached platting is unique within Pottawattamie County and is hereby approved.

subdivision: New Horizon Sub Name of new Marilyn Jo Drake

6/19/2006

AFFIDAVIT REGARDING LEGAL DESCRIPTION

State of Iowa, Pottawattamie County): ss

The affiant, under oath, states as follows:

Affiant is a Licensed Land Surveyor,(Iowa #10569) and is on the Staff of HGM Associates, Inc., a Professional Engineering and Architect firm in Council Bluffs, Iowa.


Affiant has assisted in the preparation of the platting documents establishing the New Horizon Subdivision in the City of Council Bluffs, Pottawattamie County, Iowa.

Affiant is fully knowledgeable of and has examined the Legal Description set out in that certain Warranty Deed dated June 16, 2005 and filed June 22, 2005 in Book 105, Page 23725 wherein New Horizon Presbyterian Church (U.S.A.), an Iowa Nonprofit Corporation, is the named Grantee ("Deed Legal Description").

Affiant has fully examined and approved the Legal Description used as the basis of the said platting documents establishing the New Horizon Subdivision in the City of Council Bluffs, Pottawattamie County, Iowa ("Plat Legal Description").

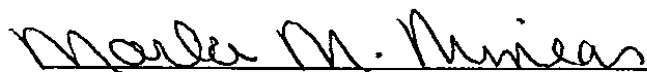
Affiant hereby states and declares that the Deed Legal Description is one and the same as the Plat Legal Description, there being no substantive differences between the two.

That, therefore, the Platting Documents establishing the New Horizon Subdivision in the City of Council Bluffs, Pottawattamie County, Iowa, are fully and completely in accord with Title to the Real Estate conveyed in the said Warranty Deed to the named Grantee, New Horizon Presbyterian Church (U.S.A.), an Iowa Nonprofit Corporation and existing at the time of the presentation of said Platting Documents to Pottawattamie County, Iowa.


Melvin G. Samples - AFFIANT

On this 27th day of July, 2006, before me, a Notary Public, personally appeared Melvin G. Samples, and acknowledged that he is the above named Affiant and that he executed the above Affidavit as his voluntary act and deed.




Notary Public - State of Iowa
Commission Exp: May 15, 2006

CERTIFICATE AND RECEIPT

=====

STATE OF IOWA

} SS.

Pottawattamie County,

The undersigned, Acting City Clerk of the City of Council Bluffs, Iowa, hereby certifies that: Resolution 06-151 and Attachment "A" is as the same appears of record in this office.

Witness my hand and seal of Council Bluffs, Iowa,

this 7th day of August A.D. 2006



Marcia L. Warden
Acting City Clerk of the City of Council Bluffs

=====

INST # 000050
RECORDING FEE 20.00
AUDITOR FEE _____
RMA FEE 1.00 ECOM 1.00

COMPARED

FILED FOR RECORD
POTTAWATTAMIE CO. IOWA
2006 JUL -3 AM 10:32
JOHN SCIORTINO
RECORDER

RESOLUTION NO. 06-151

A RESOLUTION granting final plat approval for New Horizon Subdivision.

WHEREAS, New Horizon Presbyterian Church is requesting final plat approval for a seven lot subdivision to be known as New Horizon, located on approximately 96 acres along Valley View Drive between McPherson Avenue and College Road; and

WHEREAS, the final plat, as presented, is consistent with the preliminary plan approved by City Council Resolution No. 06-66 on February 27, 2006; and

WHEREAS, rezoning the four lots on the east side of Valley View, as shown on the attachment, becomes effective with execution of the final plat; and

WHEREAS, the appropriate City departments and utilities have reviewed the final plat; and

WHEREAS, the Community Development Department recommends final plat approval for a subdivision to be known as New Horizon, as shown on Attachment "A", subject to the following conditions:

1. Prior to executing the final plat, all technical corrections required by the Community Development Department and/or Public Works Department shall be incorporated into the final plat document.
2. Prior to executing the final plat, all required public improvements shall be installed at developer's expense and accepted by the City, or the City shall be in receipt of a performance guarantee in an amount determined by the Public Works Department to be sufficient to finish the public improvements not yet completed and/or certified and accepted by the Public Works Department. The owner has chosen to supply a performance guarantee. Public Works has reviewed and approved the construction drawings and accepted the opinion of probable construction costs. Acceptable bond for that amount shall be received prior to executing the final plat.
3. A grading permit including erosion and sediment control measures has been approved for the proposed subdivision.
4. The developer shall provide the City with two sets of as-built construction drawings and a two-year maintenance bond, upon acceptance of all required improvements.
5. Within the subdivision, all utilities shall be installed underground
6. Complete arrangements with MidAmerican Energy regarding timing, installation and payment for the relocation and installation of lines/conduit and streetlight placement. Power and streetlights shall be in place along Valley View Drive prior to issuance of any building permits in the subdivision. Required clearances are necessary from all existing facilities. Easements necessary for new and continued access to the facilities will be incorporated into the final plat document
7. Marked pedestrian crossing and curb cuts shall be identified and coordinated with the Public Works Department during the permitting process to create an accessible and safe pedestrian experience along Valley View Drive.
8. All applicable permits necessary to meet local, state and federal requirements shall be the developer's responsibility.
9. All easements of record and those proposed for the subdivision shall be incorporated into the final plat with benefactors clearly stated.
10. The Iowa Department of Transportation shall review further subdivision and all building permit applications for possible impacts related to the Council Bluffs Interstate improvement project.

1581

4F

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

That the final plat for a subdivision to be known as New Horizon, as shown on Attachment "A", is hereby approved, subject to the conditions set forth above; and

BK107PG00050

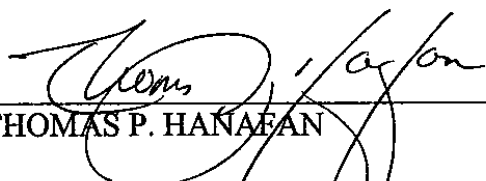
RESOLUTION NO. 06-151

PAGE TWO

BE IT FURTHER RESOLVED

That the Mayor and City Clerk are hereby authorized and directed to endorse the final plat.

ADOPTED
AND June 12, 2006
APPROVED

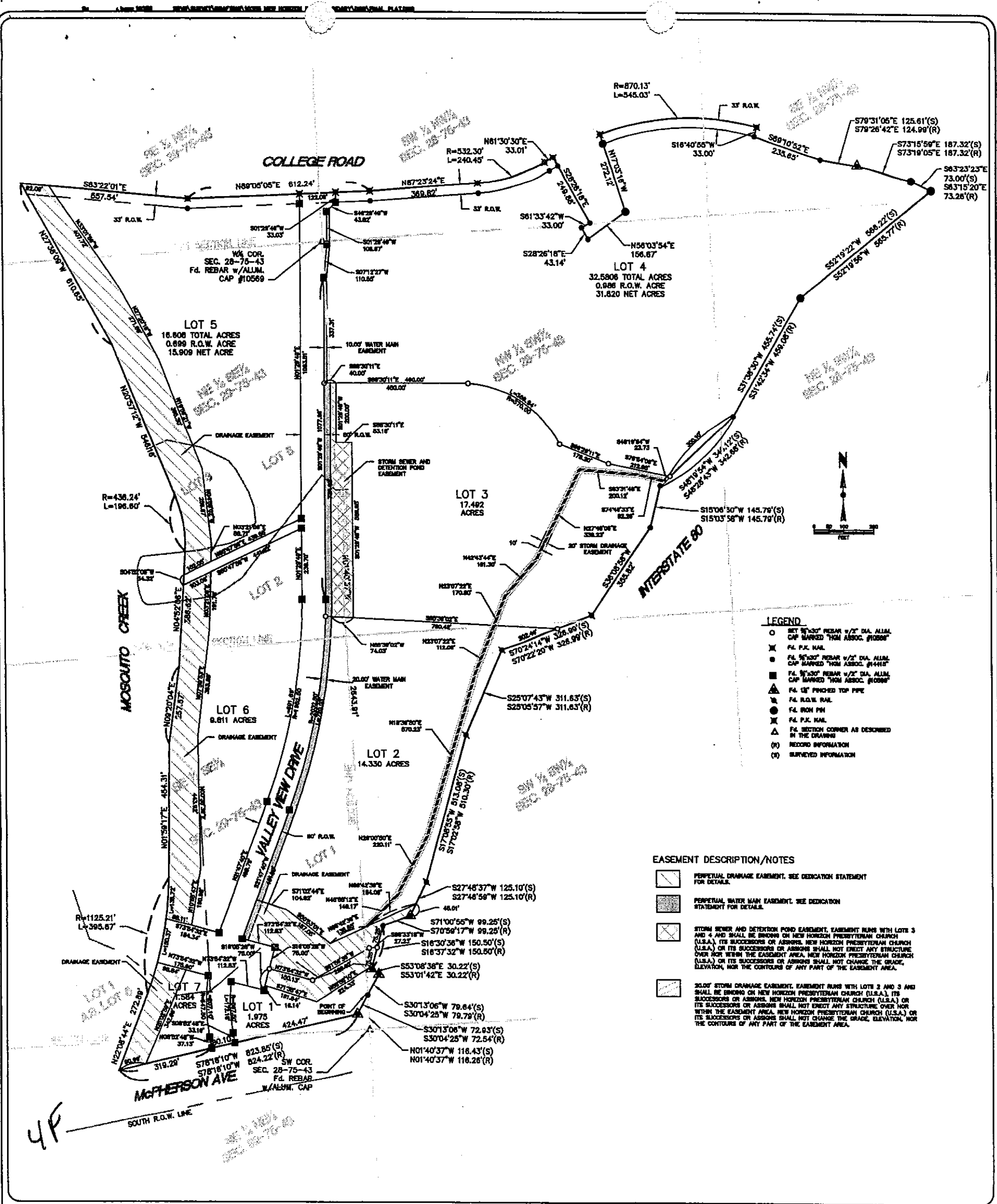


THOMAS P. HANAFAAN Mayor

Attest: 

MARCIA L. WORDEN Acting City Clerk

Planning Case No. SUB-06-014



- LEGEND**
- SET 1/2" DIA. ALUM. CAP MARKED "HOM ASSOC. #10568"
 - ✕ Fd. P.J. NAIL
 - Fd. 1/2" DIA. ALUM. CAP MARKED "HOM ASSOC. #10568"
 - Fd. 1/2" DIA. ALUM. CAP MARKED "HOM ASSOC. #10568"
 - ▲ Fd. 1" FINCHED TOP PIPE
 - ⊥ Fd. R.O.W. RAIL
 - Fd. IRON PIN
 - ⊙ Fd. P.J. NAIL
 - △ Fd. SECTION CORNER AS DESCRIBED IN THE DRAWING
 - (R) RECORD INFORMATION
 - (S) SURVEYED INFORMATION

- EASEMENT DESCRIPTION/NOTES**
- PERPETUAL DRAINAGE EASEMENT. SEE DEDICATION STATEMENT FOR DETAILS.
 - PERPETUAL WATER MAIN EASEMENT. SEE DEDICATION STATEMENT FOR DETAILS.
 - STORM SEWER AND DETENTION POND EASEMENT. EASEMENT RUNS WITH LOTS 3 AND 4 AND SHALL BE BOUND ON NEW HORIZON PRESBYTERIAN CHURCH (U.S.A.), ITS SUCCESSORS OR ASSIGNS. NEW HORIZON PRESBYTERIAN CHURCH (U.S.A.) OR ITS SUCCESSORS OR ASSIGNS SHALL NOT ERECT ANY STRUCTURE OVER NOR WITHIN THE EASEMENT AREA. NEW HORIZON PRESBYTERIAN CHURCH (U.S.A.) OR ITS SUCCESSORS OR ASSIGNS SHALL NOT CHANGE THE GRADE, ELEVATION, NOR THE CONTOURS OF ANY PART OF THE EASEMENT AREA.
 - 30' STORM DRAINAGE EASEMENT. EASEMENT RUNS WITH LOTS 2 AND 3 AND SHALL BE BOUND ON NEW HORIZON PRESBYTERIAN CHURCH (U.S.A.), ITS SUCCESSORS OR ASSIGNS. NEW HORIZON PRESBYTERIAN CHURCH (U.S.A.) OR ITS SUCCESSORS OR ASSIGNS SHALL NOT ERECT ANY STRUCTURE OVER NOR WITHIN THE EASEMENT AREA. NEW HORIZON PRESBYTERIAN CHURCH (U.S.A.) OR ITS SUCCESSORS OR ASSIGNS SHALL NOT CHANGE THE GRADE, ELEVATION, NOR THE CONTOURS OF ANY PART OF THE EASEMENT AREA.

2 OF 2
10355

NEW HORIZON SUBDIVISION
New Horizon Presbyterian Church (U.S.A.)
634 WILLOW AVE, COUNCIL BLUFFS, IOWA 51503
FINAL PLAT

DEF. _____
SCH. _____
MGS. _____
MAY 08 _____

hgm
ASSOCIATES INC.
ENGINEERS ARCHITECTS SURVEYORS
council bluffs omaha

This drawing is being made available for use on this project by agreement with legal counsel. The engineer and architect assume no liability for any use of this drawing or any part thereof except in connection with the terms of the above agreement.



PETERS
LAW FIRM,
P.C.

August 4, 2006

NEW HORIZON PRESBYTERIAN CHURCH
634 Willow Avenue
Council Bluffs, Iowa 51501

Examined by
Peters Law Firm, P.C.

Abstract Opinion No. 4608

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FAX: 712-328-9092

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GLENWOOD, IA 51534
712-527-4877
FAX: 712-527-3418

NEOLA OFFICE
401 FRONT STREET
P.O. BOX 282
NEOLA, IA 51559
712-485-2265

SOUTH OMAHA
LEGAL ASSOCIATES
4828 S. 24TH STREET
SUITE 200
OMAHA, NE 68107
402-731-1711
FAX: 402-731-3363

JAMES A. CAMPBELL*
DENNIS M. GRAY*
JAMES A. THOMAS*
LYLE W. DITMARS*
SCOTT H. PETERS*
JOHN M. McHALE*
JACOB J. PETERS*
LEO P. MARTIN*
SCOTT J. ROGERS*
JON E. HEISTERKAMP*
JOHN M. FRENCH*
MATTHEW G. WOODS
JOHN C. RASMUSSEN*
JOHN D. KWAPNOSKI*
JENNIFER K. SEWELL*
JUSTIN R. WYATT*
STEFANIE A. MARTINEZ*
*Also Admitted in NE

To Whom It May Concern:

As requested, an examination of the Abstract of Title has been completed and this Attorney's Opinion of Title is here submitted regarding the following described real estate situated in Pottawattamie County, Iowa:

A parcel of land being part of the NW $\frac{1}{4}$ Section 28, part of the SW $\frac{1}{4}$ Section 28, part of Lots 1, 2, 3 and 6 of Auditor's Subdivision of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29, part of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 29, part of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29, part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 32 all in Township 75, Range 43, Pottawattamie County, Iowa, more particularly described as follows:

Commencing at the SW corner of said Section 28; thence along the West line of said SW $\frac{1}{4}$ of Section 28, N 01° 40' 37" W, 116.43 feet to the Northwestern right-of-way line of Interstate Highway #80 and the True Point of Beginning; thence along said Northwestern right-of-way line, S 30° 13' 06" W, 72.93 feet to the Northerly right-of-way line of McPherson Avenue (Old Highway #6); thence along said Northerly right-of-way line, S 78° 18' 10" W, 823.85 feet to a point on the centerline of Mosquito Creek; thence along said centerline the following 8 courses:

- 1) N 22° 08' 44" E, 272.89 feet to the beginning of a curve, concave Westerly, having a radius of 1125.21 feet;
- 2) Northerly along said curve, through a central angle of 20° 09' 28", 395.87 feet;
- 3) N 01° 59' 17" E, 454.31 feet;
- 4) N 09° 20' 04" E, 257.57 feet;
- 5) N 04° 52' 06" E, 386.62 feet to the beginning of a curve, concave Westerly, having a radius of 436.24 feet;
- 6) Northerly along said curve, through a central angle of 25° 49' 17", 196.60 feet;
- 7) N 20° 57' 12" W, 546.16 feet;
- 8) N 27° 38' 09" W, 610.65 feet to a point on the centerline of College Road;

Thence along said centerline the following 5 courses:

- 1) S 83° 22' 01" E, 557.54 feet;
 - 2) N 89° 05' 05" E, 612.24 feet;
 - 3) N 87° 23' 24" E, 369.82 feet to the beginning of a curve, concave Northerly, having a radius of 532.30 feet;
 - 4) Easterly along said curve, through a central angle of 25° 52' 54", a distance of 240.45 feet;
 - 5) North 61° 30' 30" E, 33.01 feet;
- Thence S 28° 26' 18" E, 249.88 feet; thence S 61° 33' 42" W, 33.00 feet; thence S 28° 26' 18" E, 43.14 feet; thence N 56° 03' 54" E, 156.87 feet; thence N 17° 03' 16" W, 272.12 feet to the centerline of College Road and a point on a non-tangent curve, concave Southerly, to which point a radial line bears N 19° 12' 25" W, 870.13 feet; thence along said centerline and Easterly along said curve, through a central angle of 35° 53' 19", a distance of 545.03 feet; thence S 16° 40' 55" W, 33.00 feet to the Southerly right-of-way line of College Road; thence along said Southerly right-of-way line the following 4 courses:
- 1) S 69° 10' 52" E, 235.65 feet;
 - 2) S 79° 31' 05" E, 125.61 feet;
 - 3) S 73° 15' 59" E, 187.362 feet;
 - 4) S 63° 23' 23" E, 73.00 feet to the Northwesterly right-of-way line of Interstate Highway #80;
- Thence along said Northwesterly right-of-way line the following 13 courses:
- 1) S 52° 19' 22" W, 566.22 feet;
 - 2) S 31° 38' 30" W, 455.74 feet;
 - 3) S 48° 19' 54" W, 346.12 feet;
 - 4) S 15° 06' 30" W, 145.79 feet;
 - 5) S 36° 08' 58" W, 355.82 feet;
 - 6) S 70° 24' 14" W, 326.99 feet;
 - 7) S 25° 07' 43" W, 311.63 feet;
 - 8) S 17° 08' 55" W, 513.08 feet;
 - 9) S 27° 48' 37" W, 125.10 feet;
 - 10) S 71° 00' 55" W, 99.25 feet;
 - 11) S 16° 30' 36" W, 150.50 feet;
 - 12) S 53° 08' 38" E, 30.22 feet;
 - 13) S 30° 13' 06" W, 79.64 feet to the True Point of Beginning.

EXCEPTING THEREFROM:

A parcel of land situate in part of the NW¹/₄ SW¹/₄ and in part of the SW¹/₄ NW¹/₄, Section 28; in part of Lots 1 and 3 of Auditor's Subdivision of the SE¹/₄ SE¹/₄ and in part of Lot 1 of Auditor's Subdivision of Lot 6 Auditor's Subdivision of the SE¹/₄ SE¹/₄, in part of the Auditor's Subdivision Lots 2 & 5 in the NE¹/₄ SE¹/₄, and in part of

the SE $\frac{1}{4}$ NE $\frac{1}{4}$ including part of the College Road right-of-way, Section 29; and in part of Lot 1 of Auditor's Subdivision of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 32; all in Township 75, Range 43, in the City of Council Bluffs, Pottawattamie County, Iowa, more particularly described as follows:

Commencing at the SW corner of said Section 28, thence along the Westerly line of said Section 28, N 01° 40' 37" W, 116.43 feet to a point on the Westerly right-of-way line of Interstate 80; thence along said Westerly right-of-way line, S 30° 13' 06" W, 72.93 feet to a point on the Northerly right-of-way line of McPherson Avenue (Old Highway 6); thence along said right-of-way line, S 78° 18' 10" W, 424.47 feet to the True Point of Beginning; thence continuing along said right-of-way line, S 78° 18' 10" W, 80.10 feet; thence N 08° 52' 48" W, 37.13 feet to the beginning of a curve, concave Easterly, having a radius of 647.50 feet; thence Northerly along said curve, through a central angle of 18° 19' 33", a distance of 207.10 feet; thence N 73° 54' 32" W, 175.60 feet to a point on a non-tangent curve, concave Northwesterly, to which point a radial line bears S 73° 26' 40" E, 1125.21 feet, said curve being the centerline of Mosquito Creek Drainage Ditch #22; thence Northeasterly along said curve and along said centerline, through a central angle of 07° 39' 25", a distance of 150.37 feet; thence S 73° 54' 32" E, 184.34 feet; thence N 21° 47' 40" E, 469.79 feet to the beginning of a curve, concave Northwesterly, having a radius of 1952.50; thence Northeasterly along said curve, through a central angle of 20° 17' 51", a distance of 691.69 feet; thence N 01° 29' 49" E, 238.70 feet; thence S 65° 47' 56" W, 441.82 feet to a point on the centerline of Mosquito Creek Drainage Ditch #22; thence along said centerline N 04° 52' 06" E, 34.32 feet; thence N 65° 47' 56" E, 439.58 feet; thence N 01° 29' 49" E, 1083.51 feet to a point on the centerline of College Road; thence along said centerline, N 89° 05' 05" E, 122.09 feet; thence S 01° 29' 49" W, 33.03 feet to a point on the Southerly right-of-way line of College Road; thence S 46° 29' 49" W, 43.82 feet; thence S 01° 29' 49" W, 108.67 feet; thence S 07° 12' 27" W, 110.55 feet; thence S 01° 29' 49" W, 1077.96 feet to the beginning of a curve, concave Northwesterly, having a radius of 2032.50; thence South-westerly along said curve, through a central angle of 20° 17' 51", a distance of 720.03 feet; thence S 21° 47' 40" W, 461.80 feet; thence S 73° 54' 32" E, 112.83 feet; thence S 16° 05' 28" W, 150.00 feet; thence N 73° 54' 32" W, 112.53 feet to a point on a non-tangent curve, concave Easterly, to which point a radial line bears N 81° 29' 46" W, 567.50 feet; thence Southerly along said curve, through a central angle

of 17° 23' 02", a distance of 172.18 feet; thence S 08° 52' 48" E, 33.19 feet to the True Point of Beginning.
Said parcel includes right-of-way for College Road.



The Abstract is in one part, contains Entries numbered 1- 159, both inclusive, last certified to August 8, 2006 at 8:00 .m. All entries of the abstract are certified by Abstract Guaranty Company, Title Guaranty Division Member No. 8146.

The abstract contains a notice at Entry No. 1 that the Abstract is prepared pursuant to Section 614.29 through 614.28 of the Code of Iowa, Chapter 11 of the Iowa Land Title standards of the Iowa State Bar Association and the Abstracting Standards of the Iowa Land Title Association.

All matters of record prior to the date of the recording of the root of title are omitted herefrom except:

1. Plat and surveys.
2. Easements.
3. Party wall and other boundary lines agreements.
4. Unexpired recorded leases.
5. Patents.

TITLE

Subject to the exceptions listed below, we find marketable title to the property to be in **New Horizon Presbyterian Church (U.S.A.)**, pursuant a Warranty Deed dated June 6, 2005, filed June 22, 2005 in Book 105, Page 23725 as disclosed at Entry No. 148.

EXCEPTIONS

1. The following listed Entries are Ordinances/Resolutions of the City of Council Bluffs, Iowa, and affect the property under examination. The Ordinance/Resolution number and the Subject Matter of the Ordinances/Resolutions is noted; however, an examination of the entire enacted Ordinance/Resolution and the Council Bluffs City Code is necessary to obtain full information. Those Entries are the following:

- (a) Entry No. 149 – Ordinance #5323 (Zoning: Chapter 15.23 – “Off-Street Parking” and Chapter 15.20 – “Supplement Use and Site Development Regulations”).
- (b) Entry No. 150 – Resolution #5333 (Zoning: Section 15.24.040 “Fence Regulations”).
- (c) Entry No. 151 – Ordinance #5458 (Zoning: Chapter 15.14 – “C-1/Commercial District”, Chapter 15.15 – “C-2/Commercial District”, and Chapter 15.31 – “Communication Towers”).

- (d) Entry No. 152 – Ordinance #5469 (Zoning: Chapter 15.16 – “C-3/Commercial District”, Chapter 15.18 – “P-C/Planned Commercial District” and Chapter 15.17 – “C-4/Commercial District”).

2. At Entry No. 132 the abstractor notes that it no longer certifies special assessments and/or unpaid fees for services for sewer systems, storm water drainage systems, sewage treatment, solid waste collections, water, and solid waste disposal which may have been certified to the county treasurer for collection unless those charges have been entered on the tax books.

Further, the abstractor notes at Entry No.133 that since the county treasurer of Pottawattamie County provides indices for buildings on leased land and assessments for machinery and equipment in such a manner that it is impossible to determine if there are any assessments that should attach to the real estate, the abstract company cannot certify the attributes of said assessments which are real estate-related.

Finally, at Entry No.135 the abstractor notes that no searches are made for bankruptcy filings as those matters are not filed in Pottawattamie County, Iowa.

3. Entry No. 158 is the City of Council Bluffs Resolution 06-151 and Attachment “A” being the official act of the City of Council Bluffs, Iowa regarding the approval of the New Horizon Subdivision; the Attachment “A” is a true copy of the platting of the subdivision. This Resolution is dated June 12, 2006, and is shown recorded in the Pottawattamie County records as of the 3rd day of July, 2006, at 10:32 o’clock a.m. and appears in the official books of Pottawattamie County in Book 107, Page 00050.

4. Entry No. 159 of the Abstract advises that the abstractor has conducted lien searches in the district and federal courts located in Pottawattamie County covering the past 10 years regarding the titleholder, New Horizon Presbyterian Church (U.S.A.). No liens are noted in regards to said named Titleholder.

5. Entry No.156 advises regarding unpaid special assessments noted at the office of the Pottawattamie County treasurer for 2006 drainage assessments as follows:

- (a) \$303.00 (Lots 2-3-5 AS NE SE 29-75-43);
- (b) \$279.00 (Lots 1-3-6 AS SE SE 29-75-43);
- (c) \$91.00 (Lot 1 AS SW SW 28-75-43); and
- (d) \$211.00 (NW SW 28-75-43).

Said assessments were paid and satisfied as of the 1st day of August, 2006, at 10:20 o’clock 10 .m. by payment in full.

6. Entry No.157 advises that all of the general taxes for the years 2004 and all prior years have been paid. Remaining are the general taxes to be assessed for the year 2005. Those taxes are in the process of being certified by Pottawattamie County, Iowa as to the following seven (7) parcels:

P-001035000004832;

August 4, 2006

P-001035000004834;
P-001035000005209001;
P-001035000005210001;
P-001035000005307;
P-001035000008453; and
P-001035000008454.

Said 2005 Taxes were paid and cleared as of the 7th day of August, 2006, at 10:00 o'clock 9 .m., and the Pottawattamie County Treasurer's approval of the Platting was thereby noted on the Platting Documents.

7. Please note that there are no Restrictive Covenants applicable to the platting of New Horizon Subdivision.

CAUTIONARY INSTRUCTIONS

This examination does not constitute a certification that any building or other improvements situated upon the described property are within the platted boundary lines. Such determination could only be made by survey.

This examination does not constitute a certification that any fences or other apparent boundary line markers are situated upon the platted boundaries of the land. This determination could only be made by survey.

If any person is in possession other than the titleholders named in this opinion, you should make inquiry to determine the nature and extent of the claimed right of possession.

You are charged with notice of any visible easements such as power lines, and if any such easements exist, you should make inquiry to determine the nature and extent of the claimed easement right.

The opinion covers the period shown on the abstractor's certificate only. You take subject to any matters affecting title from the last certificate to closing. You can purchase for yourself from the abstractor a lien search and certificate as of closing. Contact the abstractor or this office for assistance.

Under Iowa law, any person who furnishes labor, services, or materials, incident to the construction of any building or other improvement upon real estate, may file a Mechanic's Lien against the real estate, within ninety days after completion of the improvements, if the improvements have not been paid for. You should therefore satisfy yourself that no recent improvements have been made on the property, or if any such improvements have been made, you should satisfy yourself that all bills, in connection with the improvements, have been paid.

You should assure yourself as to the availability of reasonable and convenient access to the real estate from an existing public right-of-way. You are charged with notice of any rights to access to and from highways and streets which may be designated as "controlled access facilities" by the state and local authorities.

You are charged with notice that the use of any real estate located in the State of Iowa may be subject to restrictions relating to Flood Plain Zoning; these restrictions on use are administered by the Iowa Department of Natural Resources in conjunction with local and federal authorities. In the event the real estate described herein appears to be physically located in an

August 4, 2006

area where there is a potential for flooding from any source, you are directed to consult with the City or County officers having charge of zoning matters to determine whether or not restrictions may apply by virtue of Flood Plain Zoning.

The abstract has not disclosed the existence of hazardous substance, pollutants, contaminants, hazardous wastes, underground storage tanks, drainage wells, active or abandoned water wells, and other environmentally regulated activities. You are cautioned that federal, state and local legislation may, in the event there are environmental and/or public health violations, permit injunctive relief and require removal, remedial actions and/or other "clean up." The cost of such "clean up" may become a lien against the real estate, and a party interested in the real estate may incur personal liability even though said party may not have disposed of any hazardous substances, pollutants, contaminants, or hazardous waste on the real estate or used any underground storage tanks or wells.

You should, therefore, make a careful inspection of the property to determine that such environmental contamination or conditions do not exist. You may also want to consider the following:

- a) Inquire as to past uses of the property to determine if such uses could have resulted in any contamination or future contamination of the property or the groundwater, and ascertain whether any adjoining property has been or is being used for a purpose which has or could result in contamination of the property under examination; and
- b) Make a visual inspection and/or conduct professional testing to confirm the real estate is free of environmental hazards and contamination.

The laws of the U.S.A. relating to bankruptcy provide that all bankruptcy cases are to be filed with the Clerk of the Bankruptcy Court. Since the clerk's office is not in the county in which the real estate is situated, the abstract company cannot certify whether or not the title to the real estate is affected thereby. If a concern should be present regarding the effects of bankruptcy upon the title of the subject real estate, an inquiry should be made to the office of the Clerk of Bankruptcy Court in Des Moines, Iowa.



The Abstract is being retained pending further instructions. If you have any questions, please contact me.

Sincerely yours,

Peters Law Firm, P.C.

By: _____

James A. Campbell

JAC:

Enclosure

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