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JAMES A. CAMPBELL
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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. KWAPNIOSKI*
JENNIFER K. SEWELL

* Also Admitted in NE

00507

RECORDED 10:40 AM
BK 300 PG 439-446

File # 446 ps
JAN 31 2003
Carrie Graham
Mills County Recorder

of
Indexed
Recorded
Mills Co

Rainview Subdiv
Plot filed in
Cub A all 190 B

June 13, 2002

Mills County Auditor
Mills County Courthouse
Glenwood IA 51534

Dear Carol:

I have examined an Abstract of Title in two parts, certified to by the Mills County Abstract Company from the government entry down to the 14th day of May, 2002, at 8:00 a.m. Said abstract contains 28 entries and deals with the title to the following described real estate, to wit:

A parcel of land located in part of the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Thirty-three (33), Township Seventy-two (72) North, Range Forty-one (41) West of the 5th Principal Meridian, Mills County, Iowa, said parcel being more fully described as follows: Commencing at the N $\frac{1}{4}$ Corner of said Section 33 and the Point of Beginning; thence S00°33'55"E along the East line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 909.55 feet; thence N89°48'44"W a distance of 650.00 feet; thence S11°58'33"E a distance of 429.60 feet to the South line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$; thence N89°48'44"W along said South line a distance of 752.52 feet to the Southwest Corner of said NE $\frac{1}{4}$ NW $\frac{1}{4}$; thence N00°30'53"W along the West line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 1325.22 feet to the Northwest Corner of said NE $\frac{1}{4}$ NW $\frac{1}{4}$; thence N90°00'00"E along the North line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 1316.30 feet to the Point of Beginning. Note: The East line of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 33 is assumed to bear S00°33'55"E for this description.

Based upon my examination of the abstract, I am of the opinion that title to said property is in **JAMES R. HUGHES and MONICA A. HUGHES**, subject to the following:

I. At entry 6 of the abstract appears an Intergovernmental Agreement creating the Mills County Landfill Association. For further particulars, you are referred to said

300/439

Copies to archive, abstract, auditor, assessor,
and James R. & Monica A. Hughes

Page 2
June 10, 2002

Agreement as recorded in Book 117, Pages 371-385, Miscellaneous Records, Mills County Recorder.

II. Your attention is directed to entry 7, where there appears a Statement and Notice recorded April 16, 1981, in Book 133, Page 77, Miscellaneous Records, which sets out a personal lien against the owner of the land as to possible refunds that may have to be made to the Mills Soil Conservation Commission. The Seller should be required to provide a certification as to the status of the lien, if any there is, from said Commission, so you can ascertain what future liability you may have, if any, based upon any conservation practices that affect the above described property.

III. At entries 8 and 14 of the abstract appears the Flood Plain Management Ordinance passed by the Mills County Board of Supervisors. Said ordinance adopts standards for unincorporated areas of Mills County, Iowa, and provides for permits for building in the controlled areas and penalties for violation of the provisions of said ordinance. Said ordinance regulates and restricts your use and occupancy of the premises; and for further particulars, your attention is called to the same appearing of record in Book 139, Pages 481-493, Miscellaneous Records, and in Book 164, Pages 614-628, Miscellaneous Records.

IV. Entry 15 shows a Notice of Filing of Soil and Water Resource Conservation Plan, recorded in Book 190, Pages 36, Miscellaneous Records.

V. Entry 17 shows the Entrance and Driveway Ordinance passed by the Mills County Board of Supervisors which regulates the installation and location of driveways connecting with the Mills County Secondary Roads. Please examine the access to the above-described property and determine that it is in full compliance with this ordinance.

VI. At entry 18 of the abstract shows the passing of Subdivision Regulations identified as Ordinance No. 99-1, which adopts new subdivision regulations regarding all real estate in Mills County. The above-described property is subject to the rules and regulations of this ordinance. If you are planning on subdividing or making material alterations to the above-described property, please familiarize yourself with its terms and conditions. The Ordinance is dated January 14, 1999, and filed January 29, 1999, in Book 244, Pages 687-727, Miscellaneous Records.

VII. Entry 20 shows Ordinance No. 99-2, filed November 1, 1999, in Book 253, Pages 70-71, Miscellaneous Records, which ordinance adopts the Code of

1/40

Page 3
June 10, 2002

Ordinances for Mills County, Iowa.

VIII. Entry 21 shows a Notice of Pendency of Class Action, dated December 26, 2000, and filed December 27, 2000, in Book 265, Pages 14-17, Miscellaneous Records, directed to all persons who obtained a Septic Tank System Permit from the Mills County Sanitarian between January 1, 1986 through January 1, 1999, and all persons who acquired title to a homestead or other real property in Mills County, Iowa, and which property has a septic system, which was installed between January 1, 1986 through January 1, 1999.

IX. CAVEAT. a) The abstract does not disclose the existence of hazardous substances, pollutants, contaminants, hazardous wastes, underground storage tanks, drainage wells, active or abandoned water wells, and other environmentally regulated activities. Please be aware that federal, state and local legislation may, in the event environmental or public health violations occur, permit injunctive relief and require removal and remedial actions or other clean-up. The cost of such remedies may become a lien against the real estate and you may have personal liability even though you have not disposed of any hazardous substances, pollutants, contaminants, or hazardous wastes on the real estate or used any underground storage tanks or wells. If you are uncertain about which materials may be hazardous, contact the U.S. Environmental Protection Agency or the Iowa Department of Natural Resources for assistance.

b) A title opinion cannot fix or determine the exact boundary lines of a property.

c) Unrecorded easements for items such as overhead wires, driveways, title lines, roadways, utility lines, or other encroachments, especially by adjoining owners, are not revealed in the abstract.

d) Persons in possession of the property, such as tenants, may have certain rights to the property which are not filed of record or shown in an abstract. Iowa law provides that you have notice of such claims, if inquiry of the person or persons in possession would have disclosed those claims.

e) Since the following cannot be determined by examination of the abstract, your attention is called to the fact that you are required to take notice of any facts that would be disclosed by a survey; the right to file mechanics' liens against the premises for labor or materials furnished in connection with improvements thereon within 90

441

Page 4
June 10, 2002

days from the furnishing of the last item; and rights of access to and from highways and streets which may be designed as "controlled access facilities" by state or city authorities.

f) This examiner cannot and does not certify as to any proceedings of record in any other county, including the Bankruptcy Court in Des Moines, Iowa.

g) This examination is based upon the Abstract of Title and the Certificate of the Abstracter that the abstract contains everything in the public records of Mills County, Iowa.

Subject to the foregoing, we find the title marketable.

Very truly yours,

PETERS LAW FIRM

By 

JAT:jy

NOTE: The Abstract of Title is being returned this date to Jim Hughes Real Estate.

(Date)

I received the complete Abstract of Title to the real estate described in this title opinion.

STATEMENT FROM MILLS COUNTY TREASURER

STATE OF IOWA)
) SS:
COUNTY OF MILLS)

PARCEL "A"

Legal Description:

A parcel of land located in part of the NE1/4 NW1/4 of Section 33, Township 72 North, Range 41 West of the 5th Principal Meridian, Mills County, Iowa, said parcel being more fully described as follows:

Commencing at the N1/4 Corner of said Section 33 and the Point of Beginning; thence S00°33'55"E along the East line of said NE1/4 NW1/4 a distance of 909.55 feet; thence N89°48'44"W a distance of 650.00 feet; thence S11°58'33"E a distance of 429.60 feet to the South line of said NE1/4 NW1/4; thence N89°48'44"W along said South line a distance of 752.52 feet to the Southwest Corner of said NE1/4 NW1/4; thence N00°30'53"W along the West line of said NE1/4 NW1/4 a distance of 1325.22 feet to the Northwest Corner of said NE1/4 NW1/4; thence N90°00'00"E along the North line of said NE1/4 NW1/4 a distance of 1316.30 feet to the Point of Beginning. Said parcel contains 34.27 acres, more or less, including presently established right-of-way (1.66 acres), and is subject to easements of record. Note: The East line of the NE1/4 NW1/4 of said Section 33 is assumed to bear S00°33'55"E for this description.

COMES NOW Janette Blackburn and states while under oath that I am the duly elected and qualified Treasurer of Mills County, Iowa, and I have examined the records in respect to the above described real estate which is in Mills County and find the above described property free from certified taxes and certified special assessments.

Dates this 16 day of December 2002.

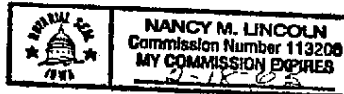
Janette Blackburn
Janette Blackburn
Mills County Treasurer

I, Janette Blackburn, being duly sworn on oath, depose and state that I am the Treasurer for Mills County, Iowa; that I have read the statements and allegations contained in the foregoing Statement and that they are true and correct according to the best of my knowledge and belief.

Janette Blackburn
Janette Blackburn

Subscribed and sworn before me by Janette Blackburn on this 16 day of December 2002.

Nancy M. Lincoln
NOTARY PUBLIC IN AND FOR
SAID COUNTY AND STATE



443

MISCELLANEOUS RECORD BOOK 300, MILLS COUNTY, IOWA

Preparer: James A. Thomas, Peters Law Firm, P.C., 10 N. Walnut St., Glenwood IA 51534, 712-527-4877

**PROTECTIVE COVENANTS
RAINSVIEW SUBDIVISION**

Re: A parcel of land located in part of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, Township 72 North, Range 41 West of the 5th Principal Meridian, Mills County, Iowa, said parcel being more fully described as follows: Commencing at the N $\frac{1}{4}$ Corner of said Section 33 and the Point of Beginning; thence S00°33'55"E along the East line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 909.55 feet; thence N89°48'44"W a distance of 650.00 feet; thence S11°58'33"E a distance of 429.60 feet to the South line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$; thence N89°48'44"W along said South line a distance of 752.52 feet to the Southwest Corner of said NE $\frac{1}{4}$ NW $\frac{1}{4}$; thence N00°30'53"W along the West line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 1325.22 feet to the Northwest Corner of said NE $\frac{1}{4}$ NW $\frac{1}{4}$; thence N90°00'00"E along the North line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 1316.30 feet to the Point of Beginning. Said parcel contains 34.27 acres, more or less, including presently established right-of-way (1.66 acres), and is subject to easements of record. Note: The East line of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 33 is assumed to bear S00°33'55"E for this description.

1. All lots herein shall be known, described and used solely as single family, acreage, residential lots.

Minimum square footage per family:

- a. 1100 square feet, ranch style, main floor living area,
 - b. 1250 square feet, split entry style, main floor living area,
 - c. 1650 square feet, tri-level style, main floor and upstairs living area,
 - d. 1650 square feet, one and one-half story style, main floor and upstairs living area,
 - e. 1800 square feet, two story style, main floor and upstairs living area,
 - f. 1400 square feet, multi-level style, main floor and upstairs living area.
2. No trailer, mobile homes, basement, tent, shack, garage, barn or other outbuilding erected in the tract shall at any time be used as a residence temporarily or permanently nor shall any residence of a temporary character be permitted.
 3. The assembly, disassembly or general service work on any car, truck, equipment or other machinery shall be prohibited except in an enclosed garage or shop.
 4. No trailers or mobile homes shall be allowed on the premises on a temporary or permanent basis.
 5. Each owner shall be responsible to maintain their premises free from all junk, abandoned cars and accumulated debris.
 6. No junk yards shall be permitted.
 7. No commercial dog kennels, no hogs or livestock confinement operations shall be permitted. Horses are allowed, two per acre.
 8. All homes constructed to be of lumber, brick, concrete or concrete block and other common house building materials with a two car garage. The two car garage can be under the home, attached or detached. The developer reserves the right to approve or disapprove earth style, earth berm, or component homes in the subdivision.

- 9. The titleholders of a platted lot shall care for their pets so they will not be a nuisance to the neighborhood.
- 10. In constructing the residence and building, all set back buildings shall be within the following specifications: Same as county subdivision ordinance, recorded in Book 244, Pages 687-727, Miscellaneous Records, Mills County, Iowa.
- 11. Titleholders of the property, vacant or improved, shall keep his lot or lots free of weeds and debris.
- 12. No obnoxious or offensive trade shall be carried on nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.
- 13. Nothing contained in this instrument shall in any way be construed as imposing on the undersigned any liability, obligation or requirement for its enforcement.
- 14. The fence in front of the residence shall not exceed four feet in height. Any type of fence constructed behind the residence shall not exceed six feet in height.
- 15. Farming is allowed on the land.
- 16. All satellite dishes over 30 inches in diameter are to be installed behind the house on the respective lots.
- 17. Developer can split Lot 2; all other lots shall be one residence per lot.
- 18. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of twenty-five years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of ten years, unless an instrument signed by a majority of the then owners of the lots has been recorded agreeing to change said covenants in whole or in part.
- 19. If the present or future owners of any of these lots, or their grantees, heirs or assigns, shall violate or attempt to violate any of these covenants, it shall be lawful for any other person or persons owning any part of said real estate to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenant and either to prevent him or them from so doing or to recover damages or other dues for such violation.

Dec. 16, 2002
 Dated:

James R. Hughes

 James R. Hughes

Monica A. Hughes

 Monica A. Hughes

STATE OF IOWA)
) SS:
 COUNTY OF MILLS)

On this 16th day of Dec., 2002, before me, the undersigned, a Notary Public in and for said State, personally appeared James R. Hughes and Monica A. Hughes, to me known to be the identical persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

Marian A. Otto

 MARIAN A. OTTO
 NOTARY PUBLIC IN AND FOR
 SAID COUNTY AND STATE



446