

COMPARED.

1068

CONSENT OF PROPRIETORS

Jan 18 50

That we, J. Frederic Schlott and Ruth E. Schlott, husband and wife, and Bruce D. Fleming and Mary Ann Fleming, husband and wife, and Dennis R. Drake and Susan C. Drake, husband and wife, are all the present owners and proprietors of the land described as follows:

Legal Description: That part of the NW 1/4 of Section 24, T 75 N, R 44 W of the 5th P.M., Pottawattamie County, Iowa, more particularly described as follows: (East line of said NW 1/4 assumed North-South in direction.) Commencing at a point on the East line of said NW 1/4 and on the South R.O.W. line of Delong Avenue; thence Westerly along said R.O.W. line for 18.76 feet as measured along the arc of a curve to the left having a radius of 383.79 feet; thence N 86° 10' 35" W along said South R.O.W. line for 1.24 feet to the true point of beginning; thence continuing along said South R.O.W. line of Delong Avenue, N 86° 10' 35" W for 237.16 feet; thence continuing along said South R.O.W. along a curve to the right (having a radius of 284.13 feet and long chord bearing N 71° 59' 05" W for 139.32 feet for an arc distance of 140.75 feet; thence continuing along said South R.O.W. line N 57° 47' 35" W for 71.21 feet; thence S 23° 30' 38" W for 177.70 feet; thence S 67° 11' 35" E for 217.31 feet; thence S 86° 10' 35" E for 289.25 feet; thence N 03° 49' 25" E for 170.0 feet to the point of beginning.

That we do consent to the subdivision and platting the above described property to be known as Schlott's Middle Addition, and that the subdivision as it appears on the plat is with our free consent and in accordance with our desire.

J. Frederic Schlott 1/2/75
 J. Frederic Schlott Dated
 Ruth E. Schlott 1/2/75
 Ruth E. Schlott Dated
 Bruce D. Fleming 1-2-75
 Bruce D. Fleming Dated

Mary Ann Fleming 1-2-75
 Mary Ann Fleming Dated
 Dennis R. Drake 1-23-75
 Dennis R. Drake Dated
 Susan C. Drake 1-23-75
 Susan C. Drake Dated



STATE OF IOWA)
) ss.
 COUNTY OF POTTAWATTAMIE)

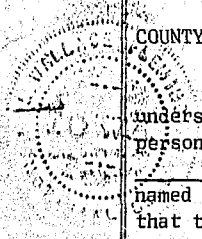
On this 2nd day of January, A.D. 1975, before me the undersigned, a Notary Public in and for said County and said State, personally appeared J. Frederic Schlott, Ruth E. Schlott, Bruce D. Fleming and Mary Ann Fleming to me known to be the identical persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

L. Wallace Fleming L. Wallace Fleming
 Notary Public in and for said County and said State.

STATE OF IOWA, Pottawattamie County
 Filed for recording this 23rd day of February
 1975 at 3:32 P.M. by Clerk J.M. and recorded
 in book 75 page 1585
 J. Wallace Fleming
 Recorder
 Deputy

COMPARED

STATE OF IOWA)
)SS.
COUNTY OF POTTAWATTAMIE)



On this 23 day of January, 1975, A.D., before me the undersigned, a Notary Public in and for said County and said State, personally appeared Bernie R. Osake and Susan C. Osake 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.

Wallace Fleming
Notary Public in and for said County
and said State

CONSENT OF MORTGAGEE

That the Council Bluffs Savings Bank, states that it is the Mortgagee on a mortgage with Bruce D. Fleming and Mary Ann Fleming as Mortgagor and dated August 27, 1973, and recorded in the records of Pottawattamie County at Book 73, Page 15200, and said mortgage being secured by real property located within the proposed subdivision to be known as Schlott's Middle Addition, and more particularly described as Lot 4 in said addition, and we state that we consent to the platting of said addition and that the subdivision as it appears on the plat is with our free consent and in accordance with our desire.

Ed H. Spetman Jr.
Ed H. Spetman Jr., President
R. B. Graeme
R. B. Graeme, Cashier

STATE OF IOWA)
)SS.
COUNTY OF POTTAWATTAMIE)



On this 20th day of January, 1975, A.D. before me, the undersigned, a Notary Public in and for said County and said State, personally appeared Ed.H. Spetman, Jr. and R. B. Graeme to me personally known, who, being by me duly sworn, did say that they are the President and Cashier, respectively, of said corporation; that the seal affixed thereto is the seal of said corporation; that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors; and that the said Ed H. Spetman Jr. and R. B. Graeme as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.

Joan E. Bergquist
Notary Public in and for said County
and said State
Joan E. Bergquist

OLIVER O. OVER, Sr.
OSCAR O. OVER II
OLIVER O. OVER, Jr.
BRUCE D. FLEMING

COMPARED

TELEPHONE 225-2658
AREA CODE 712

OVER, OVER, OVER & FLEMING

Attorneys and Counselors at Law
604 SOUTH MAIN STREET
COUNCIL BLUFFS, IOWA 51801

February 6, 1975

To: Donald J. Diwoky
Clerk of District Court of Iowa
in and for Pottawattamie County
and Dorothy L. Letner
County Recorder in Pottawattamie
County, Iowa
and Judy Ann Miller
Treasurer of Pottawattamie
County, Iowa
and TO WHOM IT MAY CONCERN:

I have examined the abstract of title to the property platted as Schlott's Middle Addition to the City of Council Bluffs, Iowa, and described as follows:

That part of the NW 1/4 of Section 24, T 75 N, R 44 W of the 5th P.M., Pottawattamie County, Iowa, more particularly described as follows: (East line of said NW 1/4 assumed North-South in direction.) Commencing at a point on the East line of said NW 1/4 and on the South R.O.W. line of DeLong Avenue; thence Westerly along said R.O.W. line for 18.76 feet as measured along the arc of a curve to the left having a radius of 383.79 feet; thence N 86° 10' 35" W along said South R.O.W. line for 1.24 feet to the true point of beginning; thence continuing along said South R.O.W. line of DeLong Avenue, N 86° 10' 35" W for 237.16 feet; thence continuing along said South R.O.W. along a curve to the right (having a radius of 284.13 feet and long chord bearing N 71° 59' 05" W for 139.32 feet for an arc distance of 140.75 feet; thence continuing along said South R.O.W. line N 57° 47' 35" W for 71.21 feet; thence S 23° 30' 38" W for 177.70 feet; thence S 67° 11' 35" E for 217.31 feet; thence S 86° 10' 35" E for 289.25 feet; thence N 03° 49' 25" E for 170.0 feet to the point of beginning.

COMPARED

To: Donald J. Diwocky, et al
Page 2
February 6, 1975

The abstract of title consists of one part with Entries 1 through 15, inclusive, commencing with the root of title in 1932 and continued to December 13, 1974 at 8:00 A.M., when it was last certified to by Title Guaranty Company of Council Bluffs, Iowa. Entries 13, 14 and 15 are filed as shown without certification on January 31, 1975 by Title Guaranty Company. The abstract is prepared pursuant to Chapter 614.29 through 614.38 of the 1971 Code of Iowa, Chapter XI of the Iowa Land Title Examination Standards, and the Abstracting Standards of the Iowa Land Title Association. Therefore, all matters of record prior to the date of recording of the root of title are omitted from the abstract except the following:

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

Based upon the examination of the abstract of title described above, I find that the said Schlott's Middle Addition consists of Lots 1 through 4, inclusive, and merchantable legal title in fee simple to said lots to be in the following parties; to-wit: Lots 1 and 3 in J. Frederic Schlott, as shown by a Warranty Deed dated September 2, 1943 and filed October 4, 1943 and recorded in Book 893, Page 81; Lot 2 in Dennis R. Drake and Susan C. Drake, as joint tenants, as shown by a Warranty Deed dated January 23, 1975 and filed January 27, 1975 and recorded in Book 75, Page 872; Lot 4 in Bruce D. Fleming and Mary Ann Fleming, husband and wife, as joint tenants, as shown by a Warranty Deed dated August 25, 1973 and filed August 29, 1973 and recorded in Book 73, Page 15176, and subject only to the following:

1. Entry #8 shows a zoning ordinance #3968 of the City of Council Bluffs, Iowa filed March 23, 1972 and recorded in Book 72, Page 03769. The entry refers you to the plat in City Hall for the zoning district.
2. Entry #9 states that no certification is made by the abstracter for special assessments, other than special assessments certified to the County Treasurer for collection.
3. Entry #10 states that the general taxes for 1973 and all prior years are paid.
4. Entry #12 shows a lien search on the following parties for a period covering the last ten years: J. Frederick Schlott, J. Frederic Schlott, Frederick Schlott, Ruth E. Schlott, Bruce D. Fleming, Mary Ann Fleming,

COMPARED

To: Donald J. Diwoy, et al
Page 3
February 6, 1975

Dennis R. Drake and Susan C. Drake.

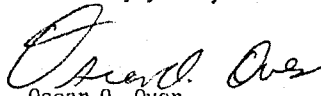
This paragraph is directed to the Clerk of the District Court. The tract of land set out in this opinion is free and clear from all unpaid judgments, attachments, recorded mechanic's liens, or any other liens, and there are no suits pending which will affect the title to said real estate.

This paragraph is directed to the Recorder of Pottawattamie County. The tract of land set out in this opinion is free and clear from any and all encumbrances, except for a mortgage affecting Lot 4 of said addition. Said mortgage is between Bruce D. Fleming and Mary Ann Fleming, as mortgagors, and Council Bluffs Savings Bank, as mortgagee, and recorded in Book 73, Page 15200. The said Council Bluffs Savings Bank has executed a consent of mortgagee, consenting to the platting of the said Schlott's Middle Addition. Title to the property in said addition is in those parties as explained above.

This paragraph is directed to the Treasurer of Pottawattamie County. The tract of land set out in this opinion is free and clear of any and all unpaid taxes and tax liens and the general taxes for the year 1973, payable in three installments, are shown as fully paid.

This examination of abstract is restricted to those items evidenced in the abstract as presented to this office.

Sincerely yours,


Oscar O. Over

000:ls

POTTAWATTAMIE COUNTY
RECORDER'S CERTIFICATE

I, DOROTHY L. LETNER, County Recorder in Pottawattamie County, Iowa, do hereby certify under §409.9, Iowa Code Annotated (1973), that the tract of land platted as Schlott's Middle Addition as shown by the plat in the records of Pottawattamie County at Book 74, Page 11881, has title in fee in the proprietors listed in the Owner's Certificate contained on said plat, and that all persons holding any encumbrances in the property in said subdivision have joined in said Owner's Certificate, all as it appears from the records in this office.

Dorothy L. Letner

DOROTHY L. LETNER, Recorder of
Pottawattamie County, Iowa

POTTAWATTAMIE COUNTY
TREASURER'S CERTIFICATE

I, JUDY ANN MILLER, Treasurer of Pottawattamie County, Iowa, do hereby certify that the tract of land platted as Schlott's Middle Addition as shown by the plat in the records of Pottawattamie County at Book 74, Page 11881, is free and clear from any and all unpaid taxes and tax liens, all as shown by the records of this office.

Judy Ann Miller

JUDY ANN MILLER, Treasurer of
Pottawattamie County, Iowa

POTTAWATTAMIE COUNTY
DISTRICT COURT CLERK'S CERTIFICATE

I, DONALD J. DIWOKY, Clerk of the District Court of Iowa, in and for Pottawattamie County, do hereby certify that the tract of land platted as Schlott's Middle Addition as shown by the plat in the records of Pottawattamie County at Book 74, Page 11881, is free and clear from all judgments, attachments, mechanic's or other liens as appears by the records in this office.

Donald J. Diwoky

DONALD J. DIWOKY, Clerk of District
Court of Iowa, in and for Pottawattamie County



COMPARED

RESTRICTIVE COVENANTS

WHEREAS, J. Frederic Schlott and Ruth E. Schlott, husband and wife and Dennis R. Drake and Susan C. Drake, husband and wife, are now the owners of Lots 1 and 2 in Schlott's Middle Addition, being a platted Subdivision of land located in the NW $\frac{1}{4}$ of Section 24, Township 75 North, Range 44 West of the Fifth P.M., Pottawattamie County, Iowa and

WHEREAS, there is situated upon the said Lots 1 and 2 of said Subdivision a certain underground drainage pipe, as more fully described by the drawing attached hereto, and by this reference made a part hereof, and

WHEREAS, the said J. Frederic Schlott and Ruth E. Schlott and Dennis R. Drake and Susan C. Drake desire to place certain restrictions on the said Lots 1 and 2 of said Subdivision, for their benefit and the benefit of all future owners of said Lots 1 and 2 of said Subdivision:

NOW THEREFOR, the said J. Frederic Schlott and Ruth E. Schlott and Dennis R. Drake and Susan C. Drake do hereby create and establish the following restrictions which shall become binding on the said Lots 1 and 2 of said Subdivision and also shall be binding upon the grantees or owners at any time of the said Lots 1 and 2 of said Subdivision to the extent herein indicated to wit:

That the drainage pipe currently in existence, the location of which is more fully explained by the drawing attached hereto and by this reference made a part hereof, shall remain in said location to insure the proper drainage over said Lot.

That a 15 foot wide swale shall be constructed over the existing drainage pipe as a permanent waterway.

That no construction shall be permitted over the drainage pipe or swale.

That the ground floor of any building must be 3 feet above the bottom of the swale.

These covenants and restrictions are to run with the land and shall be binding on all of the parties and all persons claiming under them.

If either the owner of said Lot 1 or said Lot 2 of said Subdivision or their heirs or assigns shall violate or attempt to violate any of the covenants or restrictions herein, it is agreed that either party may enforce these covenants against the other by any proceeding at law or equity against the party violating or attempting to violate any such restrictions and may prevent the party violating these covenants from so doing or may recover damages for such violation.

By the acceptance of any deed or conveyance to either Lot 1 or Lot 2 of said Subdivision the grantees therein shall agree to bind himself, his heirs, his executors and administrators or grantees to strictly observe and perform and uphold and comply with the foregoing restrictions and covenants.

J. Frederic Schlott
J. Frederic Schlott

Dennis R. Drake
Dennis R. Drake

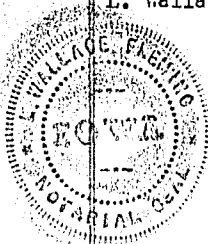
Ruth E. Schlott
Ruth E. Schlott

Susan C. Drake
Susan C. Drake

STATE OF IOWA)
) ss.
COUNTY OF POTTAWATTAMIE)

On this 8th day of February, A.D. 1975 before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared J. Frederic Schlott, Ruth E. Schlott, Dennis R. Drake and Susan C. Drake 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.

L. Wallace Fleming, Notary Public in and for the State of Iowa



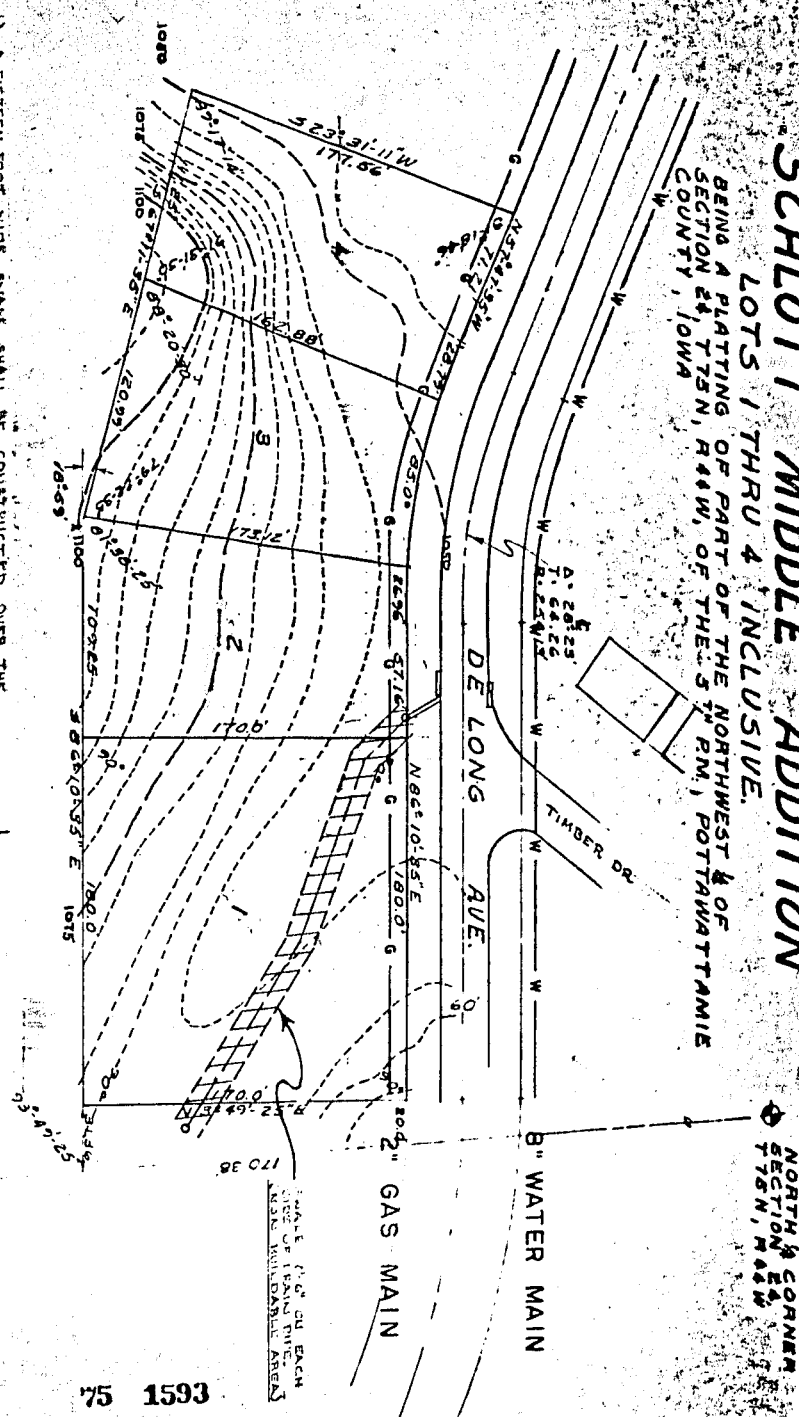
STATE OF IOWA, Pottawattamie County
Filed for record the 12 day of February
1975 at 3:30 o'clock P.M. and recorded
in book 75 page 11585

Dorothy Letner
Recorder
By _____
Deputy

COMPARED

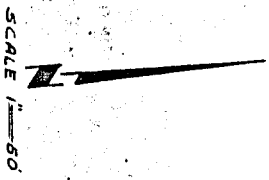
SCHLOTT MIDDLE ADDITION

BEING A PLATTING OF PART OF THE NORTHWEST & OF SECTION 24, T75N, R44W, OF THE 5TH RM., POTTAWATTAMIE COUNTY, IOWA



- NOTE:
- 1) A FIFTEEN FOOT WIDE ESCAPE SHALL BE CONSTRUCTED OVER THE EXISTING DRAINAGE PIPE AS A PERMANENT WATERWAY.
 - 2) NO CONSTRUCTION IS PERMITTED OVER THE DRAINAGE PIPE OR AVAIL.
 - 3) THE GROUND FLOOR OF ANY BUILDING MUST BE THREE (3) FEET ABOVE THE TOP OF THE ESCAPE.

S-21-74



CENTER OF S. 775N, R44W

75 1593

SCALE 1"=50' ON EACH SIDE OF BOUNDARY AREA

NORTH & CORNER SECTION 24, T75N, R44W