

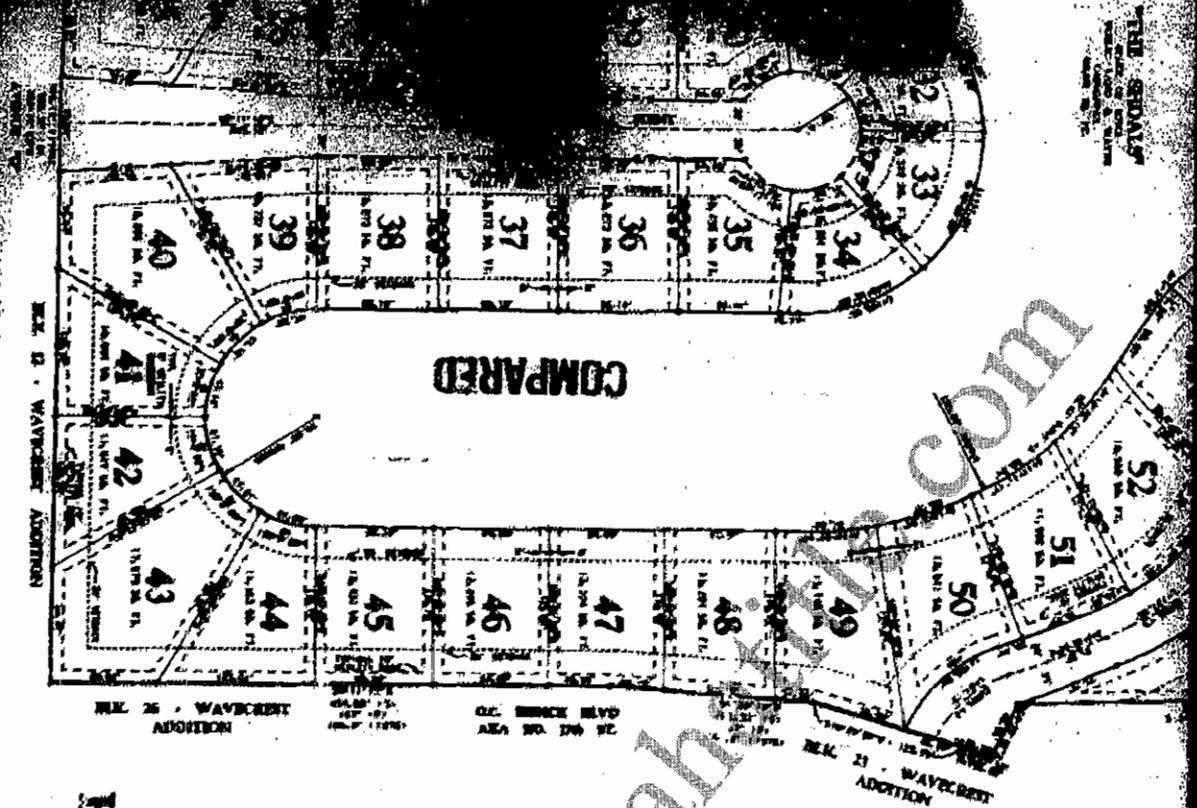
To:

There were two Plats filed
The first one is 94-28371 did
not have cov's but has attorney
opinion attached showing different
Zoning Ordinance's

The second one is
95-16117 cov's included

within this doc

Thanks



COUNTY OF POTLATCHVILLE

On this 1st day of December, 1994, before me, the undersigned, a Notary Public in and for the State of Iowa, hereinafter referred to as "Notary", Patricia S. Settles, City Clerk, who, being by me duly sworn, did say that she is the Mayor and City Clerk, respectively, of the City of Carter Lake, Iowa, and that the seal of the City of Carter Lake, Iowa, is the corporate seal of the corporation, and that the instrument was signed and sealed on behalf of the corporation, by authority of the City Council, as contained in the resolution adopted by the City Council on the 27th day of October, 1994, and that Leonard M. Blegen and Patricia S. Settles acknowledged the execution of the instrument to be their voluntary act and deed of the corporation, by a voluntarily executed.

Leonard M. Blegen
 LEONARD M. BLEGEN, Mayor
Patricia S. Settles
 PATRICIA S. SETTLES, City Clerk

Patricia S. Settles
 Patricia S. Settles, Notary Public in and for the State of Iowa, on 1st day of December, 1994.



APPROVAL OF POTLATCHVILLE COUNTY BOARD OF SUPERVISORS
 THIS FINAL PLAT OF SUBDIVISION'S ADDITION A REPLAT HAS
 APPROVED AND ACCEPTED BY THE POTLATCHVILLE COUNTY BOARD
 OF SUPERVISORS THIS 1st DAY OF _____ 1994.

CHIEF AND DEPUTY BOARD OF SUPERVISORS

APPROVAL OF POTLATCHVILLE COUNTY ENGINEER
 THIS FINAL PLAT OF SUBDIVISION'S ADDITION A REPLAT HAS
 APPROVED AND ACCEPTED BY THE POTLATCHVILLE COUNTY
 ENGINEER THIS 1st DAY OF _____ 1994.

COUNTY ENGINEER

LAND SUPERVISOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY REGISTERED SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

Donald Lee Dyer
 DONALD LEE DYER, C.E., REG. NO. 5412 IOWA
 MY REGISTRATION RENEWS DATE 31 DECEMBER 31, 1995

1/7/94 DATE



KENNY'S D SURVEYING

3011 7TH AVENUE
 COUNCIL BLUFFS, IOWA 51501
 REGISTRATION NO. 46597D

94-28071

BLA FEE \$ 1.00

11966

COMPARED

PORTLAND WATER MOUNTAIN
 ELEV 570.5
 W/ BRASS CAP - F. W. HANN
 8/13/80

PORTLAND COUNTY AUDITOR

AT OF DINGERSON ADDITION A REPEAT
 AND ACCEPTED BY PORTLAND
 ON THIS 13 DAY OF
 1994

[Signature]
 COUNTY AUDITOR

GENERALIST
 SUPERVISOR'S APPROVAL A REPEAT
 PORTLAND COUNTY, OREGON
 IN BOOK _____ PAGE _____
 COUNTY RECORDER

DISTRICT COURT CERTIFICATE

THE RECORDS OF MY OFFICE
 HAVE BEEN SEARCHED AND THE
 INSTRUMENT DESCRIBED IN THE LEGAL
 NOTICE HAS BEEN FOUND TO BE
 VALID AND CORRECT AND IS
 FREE FROM ALL JUDICIAL
 LIENS OR OTHER TYPE LIENS AS OF
 DATE OF January 1, 1994

[Signature]
 CLERK OF THE DISTRICT COURT

CERTIFICATE

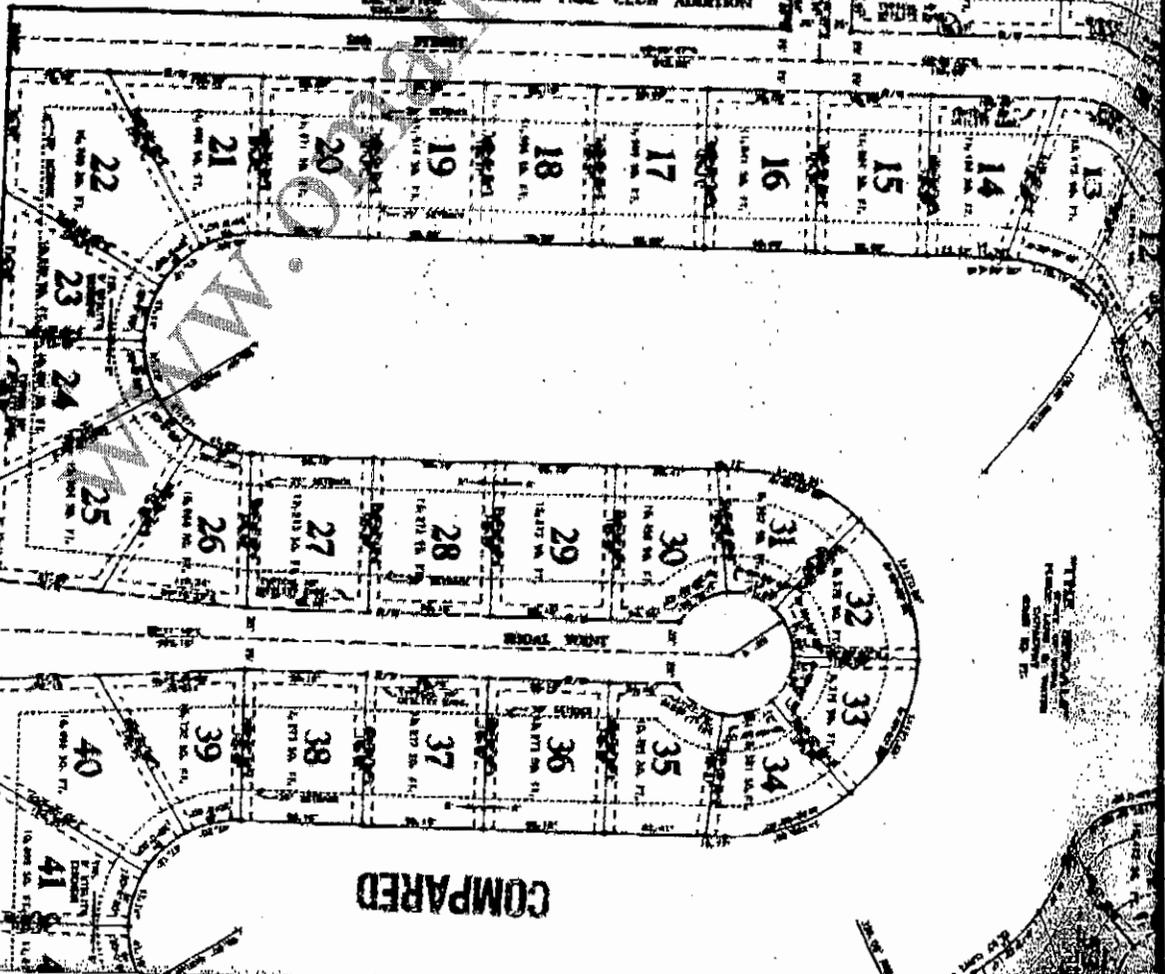
I FIND NO REGULAR OR
 INTEREST AGAINTS THE PROPERTY
 DESCRIBED IN THE INSTRUMENT
 DINGERSON'S ADDITION A REPEAT
 OF THIS OFFICE, 1984.

[Signature]
 PORTLAND COUNTY
 TREASURER

CENTER LAKE PLANNING COMMISSION
 AND APPROVED FOR THE CITY
 OF PORTLAND, OREGON, 1984.
[Signature]
 PLANNING COMMISSION

COMPARED

ADD 'A' OF LOT 20
 CANYON LAKE CLUB ADDITION



COMPARED

26372

COMPARED

OWNER'S CERTIFICATE & DEDICATION

KNOW PERSONS BY THESE PRESENTS THAT SAID UNDERSIGNED AND PATRICIA FOSTER, BEING SOLE OWNERS AND PROPRIETORS OF THE LAND DESCRIBED BY THE SUPERVISED CERTIFICATE AND DEDICATED UNDER THIS PLAT HAVE CAUSED THE SAME TO BE SURVEYED AND DIVIDED INTO 158 LOTS AND ONE (1) PUBLIC LAND AND WATER CHANNEL AND ARE NUMBERED AS SHOWN AND WE HEREBY ACCEPT AND APPROVE OF THE DISPOSITION OF THE PROPERTY AS SHOWN ON THIS FINAL PLAT OF UNDERSIGNED'S ADDITION, AND I HAVE GIVEN MY FREE CONSENT AND IN ACCORDANCE WITH MY FREE DESIRE AS REPRESENTATIVE OF THE OWNER AND PROPRIETOR.

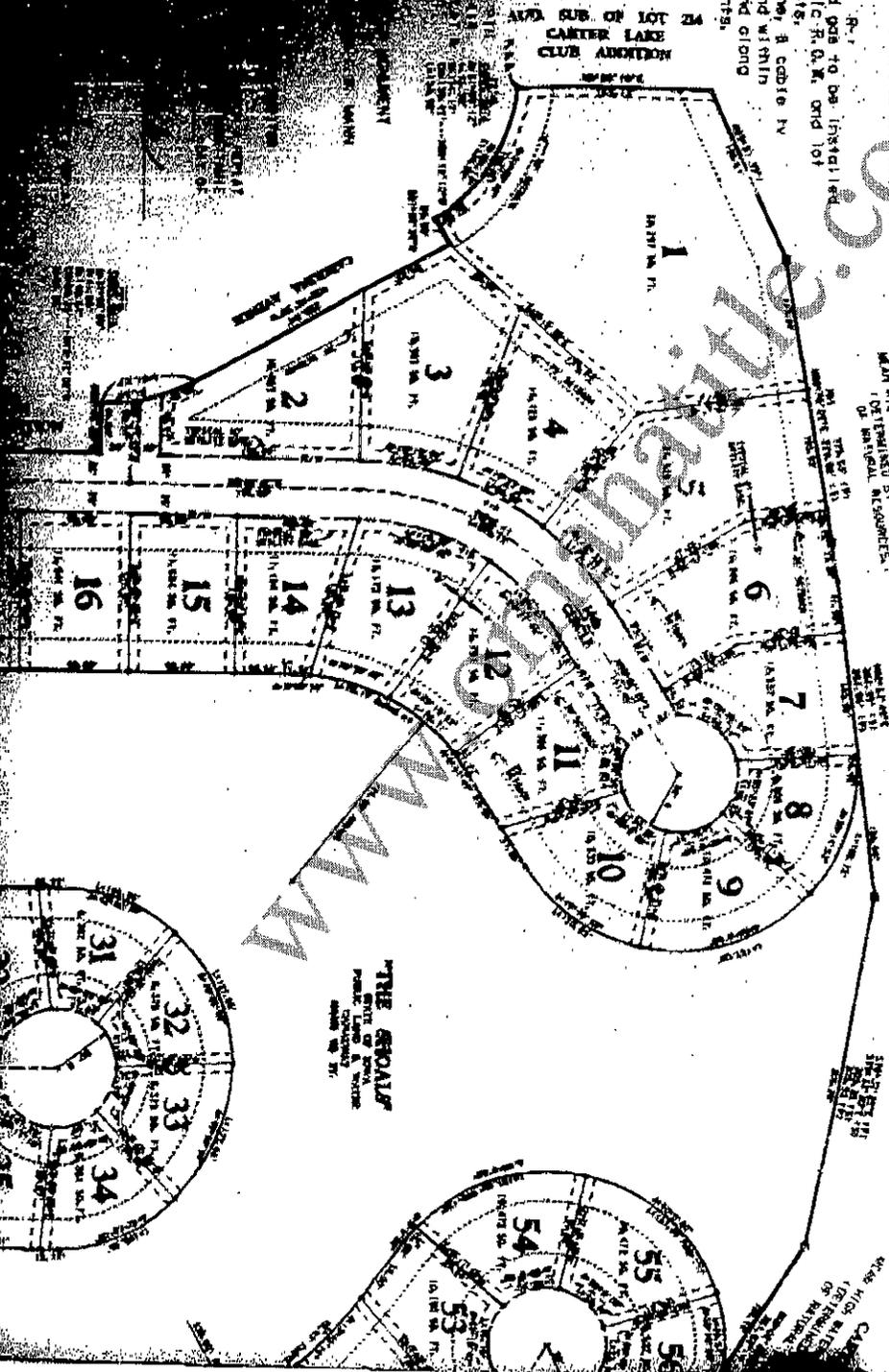
Patricia Foster
PATRICIA FOSTER
GEMESTIS BEAK, EXECUTIVE
B VAND DEVELOPMENT, INC.

- NOTES:**
1. Present zoning: R-1
 2. Sewer, water and gas to be installed within the public R. O. W. and lot utility easements.
 3. Electrically powered, 8 cable tv to be underground within street R. O. W. and along lot-line easements.

GUNDERSEN'S ADDITION

A REPEAT OF PART OF LOT 6 ADDITION'S SUBDIVISION OF PART BLOCK 41 OF WAVECREST ADDITION AND PART OF LOT 213 CARTER LAKE CLUB ADDITION, AND BLOCKS 9, 10 AND 11 WAVECREST ADDITION, AND BLOCK 15 POTTER & GEORGE COMPANY'S ADDITION ALL WITHIN THE CITY OF CARTER LAKE, POLK COUNTY, IOWA

FINAL PLAT
JANUARY 7, 1994



THE GEORGE COMPANY
PLAT TITLE OF THE CITY OF CARTER LAKE
POLK COUNTY, IOWA



COMPARED

LARRY J. MELCHER Attorney at Law

105 S. 17TH - SUITE 717 - OMAHA, NE 68102 TELEPHONE (402) 343-5516 - FAX (402) 343-5349

Approved by public or governing authority

February 21, 1994

FILED
MAY 22 1994
POLICE

TO: Jay Gundersen, President of J&K Investment Corp.

I have examined an abstract of title to the following described real estate, to-wit:
A Replat of Part of Lot 6 Auditor's Subdivision of Part Block 41 of Wavcrest Addition, and Part of Lot 213 Carter Lake Club Addition, and Blocks 8, 9, 10 and 11 Wavcrest Addition, and Block 15 Potter and George Company's Addition, all within the City of Carter Lake, Pottawattamie County, Iowa; described as follows:

Beginning at the Southwest corner Lot 213 Carter Lake Club Addition, thence North 0 degrees 08' 16" East 163.13 feet to the Southerly line of Carter Lake High Water Mark (Elevation 970.5), thence along said line North 65 degrees 39' 55" East 155.69 feet, thence North 80 degrees 59' 03" East 279.82 feet, thence North 82 degrees 51' 45" East 267.99 feet, thence South 79 degrees 33' 30" East 305.35 feet, thence South 58 degrees 02' 35" East 261.62 feet, thence South 87 degrees 37' 40" East 93.29 feet, thence departing said High Water Mark Line South 0 degrees 11' 15" East 315.96 feet, thence South 64 degrees 22' 02" East 48.95 feet to the Westerly Right of Way of O.C. Redick Blvd. thence Southwesterly along said Right of Way on a 256.96 foot radius curve to the left an arc length of 26.28 feet (chord south 19 degrees 17' 15" West - 26.27), thence continue along said Right of way South 16 degrees 29' 56" West 122.99 feet, thence South 4 degrees 20' 16" West 166.32 feet, thence South 0 degrees 11' 15" East 454.82 feet to the North Right of Way of Avenue "Q", thence along said Right of Way North 89 degrees 20' 23" West 968.37 feet, thence departing said Right of Way North 0 degrees 08' 47" West 628.69 feet, thence North 88 degrees 48' 20" West 41.64 feet, thence Northwesterly on a 149.67 feet radius curve to the left an arc length of 81.25 feet (chord North 15 degrees 12' 08" West - 80.25), thence North 30 degrees 43' 56" West 230.04 feet, thence South 61 degrees 06' 30" West 25.00 feet, thence Northwesterly on a 151.17 feet radius curve to the left an arc length of 134.92 feet (chord North 56 degrees 12' 12" West - 130.49) to the Point of beginning, Pottawattamie County, Iowa.

Since Sections 614.29 to 614.38 of the 1971 Code of Iowa, Chapter 11 of the Iowa Land Title Examination Standards to January 31, 1994 at 8:00 A.M.

This abstract is prepared pursuant to Section 614.29 through 614.38 of the Code of Iowa, Chapter 11 of the Iowa Land Title Examination Standards 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: plats and surveys; easements; party wall and other boundary line agreements; unexpired recorded leases; and patents.

Entered for Taxation

COUNTY AUDITOR
34-28376

SUMMARY

Said abstract is in One Part commencing from the Plat/Government consisting of Entries #1 through #90 inclusive and last certified to by Dakota Title and Escrow Company on January 31, 1994, at 8:00 A.M.

From the examination, I find good and merchantable title in:

subject to the following:

1. At entry # 9 of the abstract under examination there is a showing of Zoning Ordinance #9, which was passed on August 3, 1939 and filed November 30, 1940 in Book 864 at Page 211 of the records of Pottawattamie County, Iowa. You are referred to the Plat in City Hall for Zoning District and any amendments thereto and any restriction that the Zoning Ordinance may have on your use of the property under examination.
2. At entry #18 of the abstract under examination there is a showing of Zoning Ordinance, which was passed on April 2, 1951 and filed July 31, 1952 in Book 1073 at Page 5 of the records of the Pottawattamie County, Iowa. You are referred to the Plat in City Hall for Zoning District and any amendments thereto and any restriction that the Zoning Ordinance may have on your use of the property under examination.
3. At entry #30 of the abstract under examination there is a showing of Zoning Ordinance #160, which was passed on August 15, 1968 and filed December 11, 1968 in Book 1477 at Page 124 of the records of the Pottawattamie County, Iowa. You are referred to the Plat in City Hall for Zoning District and any amendments thereto and any restriction that the Zoning Ordinance may have on your use of the property under examination. Amendment to repeal Ordinance #68 of the City of Carter Lake, Iowa, and amending Ordinance #9, as amended by Ordinance #140.
4. At entry #31 of the abstract under examination there is a showing of Zoning Ordinance #202, which passed on October 12, 1974 and filed December 12, 1974 in Book 74 at Page 18547 of the records of the Pottawattamie County, Iowa. You are referred to the Plat in City Hall for Zoning District and any amendments thereto and any restriction that the Zoning Ordinance may have on your use of the property under examination.
5. At entry #73 of the abstract under examination there is a showing of protective covenants for the "WAREHOUSE" Property dated December 28, 1992. These covenants affect the land under examination and extend until December 28, 2012 at which time they automatically renew for ten (10) year periods unless seventy-five percent (75%) of owners vote otherwise. Note, language regarding easements.
6. At entry #85 of the abstract under examination there is a judgment against Melvin J. Gunderson from the District Court of Pottawattamie County Iowa Magistrate #903-1604, Pottawattamie County vs. Melvin J. Gunderson. Fine of \$100.00 and costs of \$25.00.
7. At entry #86 of the abstract under examination there is an Iowa Mechanics Lien #15-16-C, in favor of Eco-Tech, Inc. vs. Genesis Real Estate and Land Development, Inc. in the sum of

94-28377

\$31,003.81, plus eighteen percent (18%) interest. Dated December 22, 1993 and recorded December 27, 1993.

8. At entry #87 of the abstract under examination there is an Iowa Mechanics Lien #15-16-D, in favor of Eco-Tech, Inc. vs. J&K Investment Corporation, in the sum of \$31,003.81, plus eighteen percent (18%) interest. Dated December 22, 1993 and recorded December 27, 1993.

9. At entry #88 of the abstract under examination there is a showing of a lawsuit in the District Court of the State of Iowa In and For Pottawattamie County, case number 65930, filed September 3, 1993, caption: Troy and Nichols, Inc., a Louisiana Corporation, Plaintiff, vs. Anthony James Firmature, Samuel Joseph Firmature, Calvin Davenport, John L. Grimes, Alice V. Grimes, Edward J. Palandri, Laura L. Palandri, Carroll L. Piercy, James L. Piercy, K.S.E., Inc., a Nebraska Corporation authorized to do business in Iowa, Peoples National Bank, f/k/a First Bank National Association, and all their unknown heirs, devisees, grantees, assignees, successors in interest and their unknown spouses and the unknown claimants of the described real estate situated in Pottawattamie County, Iowa, to-wit: the property under examination.

10. At entry #90 of the abstract under examination there is a showing of tax assessment Parcel #5-60-44-9936-000-000, 1992 County Taxes, second half unpaid, and Parcel #5-60-44-9963-1-000, 1992 County Taxes, not assessed. No certification is made as to Special Assessments except those certified to the office of the County Treasurer.

11. The laws of the U.S.A. relating to bankruptcy provided 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.

12. 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 Water, Air, and Waste Management in conjunction with local and federal authorities. In the event the real estate described herein appears to be physically located in an 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.

13. Please satisfy yourself by phoning the City Clerk, Board of Supervisors, or any other taxing body with the power to adopt a resolution of necessity for special assessments have been adopted covering the above described real estate as those are now liens as to the date of adoption but will not appear in the abstract until certified by the County Auditor to the County Treasurer.

COMPARE:

14. Not as an objection but as a suggestion, purchasers should inspect the premises for the presence of easements or encroachments, if any, not a matter of record, and for the presence of persons other than titleholders who might hold a leasehold or other interest therein not as a matter of record, and purchaser should ascertain whether there have been any improvements, material or labor furnished to or in connection with said premises within the last ninety (90) days and not paid, which might be made the basis for a Mechanic's Lien now undisclosed, and purchaser should have said property surveyed if not familiar with its boundaries.

Respectfully submitted,



Larry J. Melcher
Attorney at Law

WWW.OMAHATITLE.ORG

Doc

95-16117

www.Omahatitle.com

Anderson

Amended

COMPAREL

RECORDING FEE \$ 330.00
RMA FEE \$ 1.00

7140 ✓

STATE OF IOWA, Pottawattamie County
Filed for record this 15th day of December
1994 at 2:30 o'clock P.M. and accepted
by Book 93 page 16117
John Sciorino
Recorder

OWNER'S CERTIFICATE

STATE OF IOWA)
COUNTY OF POTTAWATTAMIE) SS.

The undersigned do hereby certify that the foregoing and accompanying plat is a subdivision of the following described real estate situated in the City of Carter Lake, Pottawattamie County, Iowa, which real estate is more particularly described on Exhibit "A" attached hereto and by this reference made a part hereof. The undersigned plattors hereby state that they are the sole and only owners and proprietors in fee simple of said real estate as shown in the accompanying plat.

The subdivision of the above-named real estate as it appears on the plat is made with the full knowledge and free consent of the undersigned proprietors and it is in accordance with the desires of the undersigned proprietors that the above-mentioned real estate be subdivided and that said subdivision be known as (Amended) Gundersen's Addition.

DATED this 15 day of December, 1994.

THE SHOALS DEVELOPMENT CO., INC.

By: *Duane H. Menke*
DUANE H. MENKE
President and Secretary

Entered for
Mary Jo ...
DEC 22 1994

COUNTY AUDITOR

C. Jean Gundersen
C. JEAN GUNDERSEN

COMPARED

Duane H. Menke

 DUANE H. MENKE

Charles E. Davidson

 CHARLES E. DAVIDSON

Sandra E. Davidson

 SANDRA E. DAVIDSON

John H. Jerkovich

 JOHN H. JERKOVICH

Merlin D. Harder

 MERLIN D. HARDER

STATE OF IOWA)
) ss.
 COUNTY OF POTTAWATTAMIE)

On this 15th day of December, 1994, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Duane H. Menke, to me personally known, who being by me duly sworn, did say that he is the President and Secretary of The Shoals Development Co., Inc., executing the within and foregoing instrument; that no seal has been procured by the said corporation; that said instrument was signed on behalf of said corporation by authority of its Board of Directors; and that said Duane H. Menke, as such officers acknowledged the execution of said instrument to be the

COMPARED

voluntary act and deed of said corporation, by it and by him voluntarily executed.



[Handwritten Signature]

NOTARY PUBLIC IN AND FOR SAID STATE

My Commission Expires: 2/22/96

STATE OF IOWA)
COUNTY OF POTTAWATTAMIE) SS.

On this 16th day of December, 1994, before me, the undersigned, a Notary Public in and for said State, personally appeared C. Jean Gundersen, to me personally known to be the identical person named in and who executed the within and foregoing instrument, and acknowledged that she executed the same as her voluntary act and deed.

[Handwritten Signature]

NOTARY PUBLIC IN AND FOR SAID STATE

My Commission Expires:

(SEAL)

STATE OF IOWA)
COUNTY OF POTTAWATTAMIE) SS.

On this 16th day of December, 1994, before me, the undersigned, a Notary Public in and for said State, personally appeared Charles E. Davidson and Sandra E. Davidson, husband and wife, to me personally known to be the identical persons named

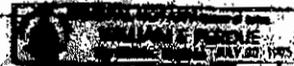
COMPARED

in and who executed the within and foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

William E. Pordue
NOTARY PUBLIC IN AND FOR SAID STATE

(SEAL)

My Commission Expires:



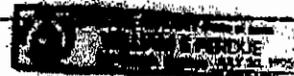
STATE OF IOWA)
) SS.
COUNTY OF POTTAWATTAMIE)

On this 14 day of December, 1994, before me, the undersigned, a Notary Public in and for said State, personally appeared John H. Jerkovich, to me personally known to be the identical person named in and who executed the within and foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.

William E. Pordue
NOTARY PUBLIC IN AND FOR SAID STATE

(SEAL)

My Commission Expires:



STATE OF IOWA)
) SS.
COUNTY OF POTTAWATTAMIE)

On this 16 day of December, 1994, before me, the undersigned, a Notary Public in and for said State, personally

COMPARED

appeared Merlin D. Harder, to me personally known to be the identical person named in and who executed the within and foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.

William C. Partridge
NOTARY PUBLIC IN AND FOR SAID STATE

(SEAL)

My Commission Expires:



STATE OF IOWA)
COUNTY OF POTTAWATTAMIE) ss.

On this 15th day of December, 1994, before me, the undersigned, a Notary Public in and for said State, personally appeared Duane H. Menke, to me personally known to be the identical person named in and who executed the within and foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.



William C. Partridge
NOTARY PUBLIC IN AND FOR SAID STATE

My Commission Expires: 2/22/96

COMPARED**EXHIBIT "A"**

A replat of part of Lot 6, Auditor's Subdivision of part Block 41 of Wavecrest Addition; and part of Lot 213, Carter Lake Club Addition, and Blocks 8, 9, 10 and 11, Wavecrest Addition, and Block 15, Potter & George Company's Addition; all within the City of Carter Lake, Pottawattamie County, Iowa; described as follows:

Beginning at the Southwest corner of Lot 213 Carter Lake Club Addition, thence N 0°08'16"E 163.13 feet to the Southerly line of Carter Lake High Water Mark (Elevation 970.5), thence along said line N 65°39'55"E 155.69 feet, thence N 80°55'05"E 279.82 feet, thence N 82°53'45"E 267.99 feet, thence S 79°33'30"E 305.35 feet, thence S 58°02'35"E 261.62 feet, thence S 87°37'40"E 93.29 feet, thence departing said High Water Mark Line S 0°11'15"E 315.96 feet, thence S 64°22'02"E 48.96 feet to the Westerly R.O.W. of O.C. Redick Blvd., thence Southwesterly along said R.O.W. on a 256.96 foot radius curve to the left an arc length of 26.28 feet (chord S 19°17'15"W-26.27'), thence continue along said R.O.W. S 16°29'56"W 122.99 feet, thence S 4°20'16"W 166.32 feet, thence S 0°11'15"E 454.82 feet to the North R.O.W. of Avenue "Q", thence along said R.O.W. N 89°07'57"W 968.42 feet, thence departing said R.O.W. N 0°06'47"W 625.39 feet, thence N 88°49'20"W 41.64 feet, thence Northwesterly on a 149.67 foot radius curve to the left an arc length of 81.25 feet (chord N 15°12'08"W-80.25'), thence N 30°45'56"W 250.04 feet, thence S 61°06'30"W 25.00 feet, thence Northwesterly on a 151.17 foot radius curve to the left an arc length of 134.92 feet (chord N 56°12'12"W 130.49') to the Point of Beginning. Said parcel contains 30.23 acres, more or less.

SHE/Kashub to CHIZ 22944

95-16122

COMPARED

CONSENT OF MORTGAGEE TO PLATTING

Western Security Bank is the holder of one mortgage on property that is part of the plat to which this Consent of Mortgagee is attached. The first mortgage was executed by The Shoals Development Co., Inc., on October 14, 1994, and filed for record October 17, 1994, and recorded in the Pottawattamie County Recorder's Office at Book 95, Page 9458. Said mortgage covers a portion of the real estate which is shown on said plat. The real estate as described on the Owner's Certificate attached to this plat, to which the Consent of Mortgagee is attached, is described as certain real estate which is being laid out into lots as designated by the attached plat, (Amended) Gundersen's Addition to the City of Carter Lake, Pottawattamie County, Iowa, pursuant to Chapter 354, Code of Iowa, 1993, as amended.

The Shoals Development Co., Inc., as the holder of said mortgage, hereby consents to said platting, and said consent is given pursuant to the provisions of §354.11(2), Code of Iowa, 1993, as amended. This Consent of Mortgagee shall also constitute a partial release of said mortgage as to the street easements or other areas to be conveyed or dedicated to the local governmental unit within which such land is located, as shown on the plat. Said Consent by Western Security Bank shall in no way be deemed a release, either total or partial, of any interests in the remainder of the tract of land not dedicated to

CUMPARED

the local governmental unit that arise out of the mortgage as referred to above and said Consent shall in no way subject Western Security Bank to any expense or liability as a result of said platting procedure.

Dated this 16 day of December, 1994.



WESTERN SECURITY BANK

By: D. C. Robey EX.V.P.
TITLE

BY: _____
TITLE

STATE OF NEBRASKA)
COUNTY OF DOUGLAS) ss.

On this 16 day of December, 1994, before me the undersigned, Notary Public, here and for said County and State, personally appeared D.C. Robey and _____, to me personally known, who being by me duly sworn, did say that they are the Executive and Vice President, respectively, of said corporation executing the within and foregoing instrument; that the seal affixed thereto is the seal of the corporation; that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors; and that the said same and identical, as such officers, acknowledged the execution

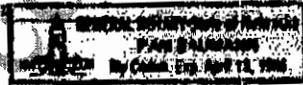
COMPARED

of said instrument to be the voluntary act and deed of said corporation by it and by them voluntarily executed.

Sam Bauman
NOTARY PUBLIC IN AND FOR SAID STATE

(SEAL)

My Commission Expires



WWW.OMAHATITLE.COM

COMPARED**CONSENT OF MORTGAGEE TO PLATTING**

Peoples National Bank is the holder of one mortgage on property that is part of the plat to which this Consent of Mortgagee is attached. The first mortgage was executed by C. Jean Gundersen and Melvin J. Gundersen on October 31, 1994, and filed for record November 7, 1994, and recorded in the Pottawattamie County Recorder's Office at Book 95, Page 11443. Said mortgage covers a portion of the real estate which is now known as Lots 1, 2, 3 and 4 and shown on said plat. The real estate as described on the Owner's Certificate attached to this plat, to which the Consent of Mortgagee is attached, is described as certain real estate which is being laid out into lots as designated by the attached plat, (Amended) Gundersen's Addition to the City of Carter Lake, Pottawattamie County, Iowa, pursuant to Chapter 354, Code of Iowa, 1993, as amended.

Peoples National Bank, as the holder of said mortgage, hereby consents to said platting, and said consent is given pursuant to the provisions of §354.11(2), Code of Iowa, 1993, as amended. Since there are no street easements or other areas to be conveyed or dedicated to the local governmental unit within which such land is located, this Consent of Mortgagee does not constitute a partial release of said mortgage. Said Consent by Peoples National Bank shall in no way be deemed a release, either total or partial, of any interest in the tract of land

BAH/omnecop.ppt(0013-94)12.1494

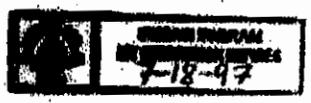
95-16126

COMPARED

land that arise out of the mortgage as referred to above and said Consent shall in no way subject Peoples National Bank to any expense or liability as a result of said platting procedure.

Dated this 16th day of December, 1994.

PEOPLES NATIONAL BANK



By: James L. Beneke, Vice President
TITLE

By: Gary D. Woods, Vice President
TITLE

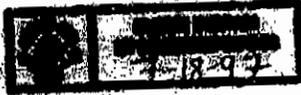


STATE OF IOWA)
) SS
COUNTY OF POTTAWATTAMIE

On this 16th day of December, 1994, before me the undersigned, Notary Public, here and for said County and State, personally appeared James L. Beneke and Gary D. Woods, to me personally known, who being by me duly sworn, did say that they are the Vice-President and Vice-President, respectively, of said corporation executing the within and foregoing instrument; that the seal affixed thereto is the seal of the corporation; that said instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors; and that the said James L. Beneke and Gary D. Woods, as such officers, acknowledged the

COMPARED

execution of said instrument to be the voluntary act and deed of said corporation by it and by them voluntarily executed.



(SEAL)

Jessan Ingram
NOTARY PUBLIC IN AND FOR SAID STATE

My Commission Expires: 7-18-97

www.omahatitle.com

COMPARED

SMITH PETERSON LAW FIRM

EST. 1904
35 MAIN PLACE, SUITE 301
P.O. BOX 249
COUNCIL BLUFFS, IOWA 51502
(712) 328-1833
FAX (712) 328-8320

HAROLD T. BECKMAN
ROBERT V. LAURENTIAL
RICHARD A. HERSFINGER
LAWRENCE J. BECKMAN
COURTNEY G. LAUTNER
STEVEN H. KROHN
W. CURTIS HUBERT
GRANT E. RYAN
JOSEPH D. TROBENTON

RAYMOND A. SMITH (1892-1977)
JOHN LEROY PETERSON (1894-1966)

ASSOCIATES
TERRY D. BRUNDT
T. J. PATTERSON

REGISTERED IN IOWA AND NEBRASKA
LICENSED IN NEBRASKA ONLY

OMAHA OFFICE
2200 West Dodge Road, Suite 215
Omaha, NE 68114
(402) 397-8300
Fax: (402) 397-5519

December 29, 1994

Pottawattamie County Recorder
Pottawattamie County Clerk
Pottawattamie County Auditor and
Pottawattamie County Treasurer
227 South 6th Street
Council Bluffs, IA 51501

RE: Platting Opinion/(Amended) Gundersen's Addition,
Carter Lake, Iowa 51510

We have examined abstract of title to:

A replat of part of Lot 6, Auditor's Subdivision of part Block 41 of Wavecrest Addition; and part of Lot 213, Carter Lake Club Addition, and Blocks 8, 9, 10 and 11, Wavecrest Addition, and Block 15, Potter & George Company's Addition; all within the City of Carter Lake, Pottawattamie County, Iowa; described as follows:

Beginning at the Southwest corner of Lot 213 Carter Lake Club Addition, thence N 0° 08' 16" E 163.13 feet to the southerly line of Carter Lake High Water Mark (Elevation 970.5), thence along said line N 65° 39' 55" E 155.69 feet, thence N 80° 55' 03" E 279.82 feet, thence N 82° 53' 45" E 267.99 feet, thence S 79° 33' 30" E 305.35 feet, thence S 98° 02' 35" E 261.62 feet, thence S 87° 37' 40" E 93.29 feet, thence departing said High Water Mark line S 0° 11' 15" E 315.96 feet, thence S 64° 22' 02" E 48.96 feet to the Westerly

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R.O.W. of O.C. Redick Blvd., thence Southwesterly along said R.O.W. on a 256.96 foot radius curve to the left an arc length of 26.28 feet (chord S 19° 17' 15" W - 26.27'), thence continue along said R.O.W. S 16° 29' 56" W 122.99 feet, thence S 4° 20' 16" W 166.32 feet, thence S 0° 11' 15" E 454.82 feet to the North R.O.W. of Avenue "Q", thence along said R.O.W. N 89° 07' 57" W 968.42 feet, thence departing said R.O.W. N 0° 06' 47" W 675.39 feet, thence N 88° 49' 20" W 41.64 feet, thence Northwesterly on a 149.67 foot radius curve to the left an arc length of 81.25 feet (chord N 15° 12' 08" W - 80.25'), thence N 30° 45' 56" W 250.04 feet, thence S 61° 06' 30" W 25.00 feet, thence Northwesterly on a 151.17 foot radius curve to the left an arc length of 134.92 feet (chord N 56° 12' 12" W 130.49') to the Point of Beginning.

The abstract was last certified to by Missouri River Title Co., Inc. consisting of 122 total entries in two parts and extending from the Root of Title to December 29, 1994, at 2:30 o'clock P.M.

We have conducted our examination under the provisions of the Iowa Marketable Title Act. We find the title at the time of last certification of the abstract as shown by the abstract to be in C. JEAN GUNDERSEN as to Lots 1, 2, 3 and 4; CHARLES E. DAVIDSON and SANDY E. DAVIDSON as to Lot 5; DUANE MENKE as to Lot 6; JOHN H. JERKOVICH as to Lot 14; MERLIN D. HARDER as to Lot 18; and THE SHOALS DEVELOPMENT CO., INC. as to the remainder of the property under examination, subject only to the following:

1. At Entry # 128, Part B, the general taxes for the year 1993 and prior years are shown paid. We assume that the reference to the general taxes for 1993 is a reference to the fiscal year 1993-1994 taxes due and payable in fiscal 1994-1995.
2. At Entry #120, Part B, the abstractor makes the notation that no certification is made for special assessments other than special assessments certified to the County Treasurer and collected pursuant to Iowa law. If you feel that there

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- may be special assessments in the planning stage by the City, County or other governmental authority controlling the property, you should contact the clerk or secretary of that governmental authority to determine if there are any special assessments planned.
3. At Entry #121, Part B, a lien search was shown for the current owners, Sandra E. Davidson, Charles E. Davidson, C. Jean Gundersen, Duane Menke, John J. Jarkovich, and The Shoals Development Co., Inc. for ten years last past.
 4. At Entry #121, Part B, another lien search was shown for J & K Investment Corporation, Genesis Real Estate and Land Development, Genesis Real Estate Development, Genesis Real Estate, M. Jay Gundersen, and Melvin J. Gundersen to October 17, 1994; and for Harvest Real Estate to October 28, 1994.
 5. At Entry #30, Part A, and Entry #31, Part A, the abstractor makes a notation that the property under examination is controlled by the City of Carter Lake Zoning Ordinance.
 6. At Entry #106, Part B, is shown a mortgage from The Shoals Development Co., Inc. to Western Security Bank in the amount of \$850,000.00, dated October 14, 1994. The mortgage was filed for record October 17, 1994, and recorded in Book 95, Page 9458. The mortgage is secured by the property under examination, except Lots 1 through 6, and 14.
 7. At Entry #117, Part B, is shown a mortgage from C. Jean Gundersen and M. Jay Gundersen to Peoples National Bank in the amount of \$110,000.00, dated October 31, 1994. The mortgage was filed for record November 7, 1994, and recorded in Book 95, Page 11443. The balance of the mortgage is due on October 30, 1995, and the mortgage contains six months redemption and sixty days abandonment in the event of a foreclosure, due on sale and acceleration clauses. The mortgage is secured by Lots 1, 2, 3 and 4 in

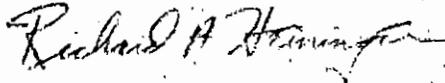
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Gundersen's Addition and by other property (not under examination).

Very truly yours,



RICHARD A. HEININGER
Title Guaranty Division Member #1849
RAV/tp/Post/Check/and

Enclosures

www.omahatitle.com

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