

03237

FILED Oct. 9, 1997 1:47 P M
RECORDED Misc BK 230 PG 410
MILLS COUNTY RECORDER 412

Indexed
Recorded
Mills Co

RESTRICTIVE COVENANTS

ROBERTA [Signature]
FEE \$ 15.00
RMF \$ 1.00 pd or DEPUTY [Signature]

WHEREAS, Darrell D. Hopp and Carolyn E. Hopp, husband and wife, are the titleholders of the following described real estate:

The North Half of the Southeast Quarter (N 1/2 SE 1/4) of Section Five (5), Township Seventy-two (72) North, Range Forty-two (42) West of the Fifth Principal Meridian, in Mills County, Iowa.

The Northeast Quarter (NE 1/4) of Section Five (5), Township Seventy-two (72) North, Range Forty-two (42) West of the Fifth Principal Meridian, Mills County, Iowa, EXCEPT a part of the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of Section Five (5) described as follows: Beginning at the Northeast corner of said Section 5, thence along the East line of the Northeast Quarter Northeast Quarter S0°22'55"W 355.00 feet, thence departing said line N90°00'00"W 247.00 feet, thence N0°22'55"E 355.00 feet to the North line of the Northeast Quarter, thence along said line N90°00'00"E 247.00 feet to the point of beginning. Note: Bearings are assumed and based on the North line of the Northeast Quarter Section 5, Township 72, Range 42 as bearing N90°00'00"E.

Also EXCEPT a tract of land located in part of the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section Five (5), Township Seventy-two (72) North, Range Forty-two (42) West of the Fifth Principal Meridian, Mills County, Iowa, more fully described as follows: Commencing at the Northeast corner of said Section 5; thence N90°00'00"W along the North line of said Section 5 a distance of 1600.22 feet to the point of beginning; thence S00°12'34"W a distance of 463.01 feet; thence S89°26'11"W a distance of 447.22 feet; thence N48°57'17"W a distance of 237.32 feet; thence N06°50'57"E a distance of 59.74 feet; thence N02°49'21"W a distance of 103.85 feet; thence N01°48'58"E a distance of 148.61 feet to the North line of said Section 5; thence N90°00'00"E along said North line a distance of 621.16 feet to the point of beginning. The North line of said Section 5 is assumed to bear N90°00'00"W for this description.

Also EXCEPT part of the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) in Section Five (5), Township Seventy-two (72) North, Range Forty-two (42) West of the Fifth Principal Meridian, Mills County, Iowa, described as follows: Beginning at the North Quarter corner of Section 5, Township 72 North, Range 42; thence along the North line of the Northwest Quarter Northeast Quarter N90°00'00"E 410.99 feet, thence departing said line S1°48'58"W 148.61 feet, thence S2°47'21"E 103.85 feet, thence S6°50'57"W 59.74 feet, thence N90°00'00"W 405.85 feet to the West line of the Northwest Quarter Northeast Quarter, thence along said line N0°18'05"E 311.58 feet to the point of beginning. Note: Bearings are assumed and based upon the North line of Section 5, Township 72, Range 42 bearing N90°00'00"E.

Also EXCEPT a part of the Northeast Quarter of the Northeast Quarter (NE 1/4 NE 1/4) of Section Five (5), Township Seventy-two (72) North, Range Forty-two (42) West of the Fifth

*Ref: Hopp Subdivision Pl. 250 to 775. 257 & Ord. P. 111777
190, 111777, 111777
12-19-02
Ref: Bylaws of Grace Circle Private Road
208/9-13*

Re: DARRELL HOPP
25097 ELLINGTON Ave. Glenwood 51534

230/410

*Copies to
Auditor, Assessor,
Abstract, Archive*

*Original Plat
10-19-98
4 5L1810*

Principal Meridian, Mills County, Iowa, described as follows: Commencing at the Northeast corner of said Section 5, thence along the North line of the Northeast Quarter N90°00'00"W 247.00 feet to the point of beginning, thence departing said line S0°22'55"W 355.00 feet, thence N90°00'00"E 247.00 feet to the East line of the Northeast Quarter Northeast Quarter, thence along said line S0°22'55"W 170 feet, thence departing said line N90°00'00"W 522.00 feet, thence N0°22'55"E 525.00 feet to the North line of the Northeast Quarter, thence along said line N90°00'00"E 275.00 feet to the point of beginning. Note: Bearings are assumed and based on the North line of Northeast Quarter Section 5, Township 72, Range 42 as bearing N90°00'00"E.

AND WHEREAS, it is the desire of the present owners that certain restrictive and protective covenants with respect to the above tracts of land be made and established prior to the formal subdivision of a portion of the property by a final plat to be entitled "Hopp Subdivision - Phase I";

NOW THEREFORE it is agreed and decreed as follows:

1. Lots are to be used solely for single family residences.
2. Those residences are to be of lumber and other common house building materials.
3. Each residence will contain a minimum of one thousand four hundred (1,400) square feet of finished living area, excluding basements.
4. All septic systems must comply with State of Iowa rules and regulations.
5. No mobile homes will be allowed on the premises on either a temporary or permanent basis.
6. A private road is to be constructed through the proposed subdivision and will be known as Grace Circle. This road is to be maintained by each and every person or entity who owns a lot adjoining the roadway. A maintenance assessment shall be made on an equal basis with each lot owner paying that lot's fractional share of the expenses. The assessment shall not take into consideration the amount of use of Grace Circle by each lot owner.
7. No trailer, mobile home, basement, tent, shack, garage, barn, or other outbuilding erected on the premises may at any time be used as a temporary residence, nor may any residence of a temporary character be permitted.
8. No structure in the proposed subdivision may be occupied as a residence until all exterior construction is fully completed.
9. Commercial businesses which create a nuisance by excessive traffic, noise, or by being unpleasant to the senses are prohibited from the premises.
10. Assembly, disassembly, or general service work on any car, truck, equipment, or other

machinery will be prohibited, except in an enclosed garage; and the storage or parking of cars, trucks, equipment, or other machinery will likewise be prohibited for any period longer than fourteen (14) days. This will not prevent the interior storage of vehicles or equipment.

11. All driveways must be surfaced with a minimum of crushed rock or gravel.

12. No farm livestock or horses will be permitted. All pets must be contained unless supervised.

13. Nothing contained in this instrument shall in any way be construed as imposing upon the present owners, undersigned, any liability, obligation, or requirement for its enforcement. Each lot owner shall have authority to file for appropriate leave to enforce these covenants. At such time as ten (10) lots in the proposed subdivision have been sold and are occupied by new owners, these covenants may be changed by a simple majority vote of the lot owners, with one vote per lot.

14. These covenants are to run with the land and shall be binding upon all parties and all persons claiming under them for a period of twenty-one (21) years from the date these covenants are recorded, after which time these covenants shall be automatically extended for successive periods of ten (10) years unless an instrument signed by a majority of the owners of the lots at that time, in which an agreement is made amending these covenants in whole or in part, has been recorded.

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

Dated this 9 day of Oct, 1997.

Darrell D. Hopp
DARRELL D. HOPP

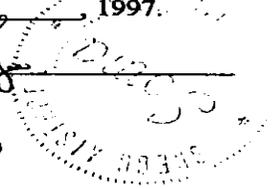
Carolyn E. Hopp
CAROLYN E. HOPP

Subscribed and sworn to before me, a Notary Public in and for said State, by the said Darrell D. Hopp and Carolyn E. Hopp on this 9 day of Oct, 1997.

Ara C. Hopp
NOTARY PUBLIC

My commission expires:

2-19-99



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