Recorded: 9/27/2019 at 3:58:45.0 PM
County Recording Fee: $17.00
Iowa E-Filing Fee: $3.32
Combined Fee: $20.32
Revenue Tax:
Delaware County, Iowa
Daneen Schindler RECORDER
BK: 2019 PG: 2689

DECLARATION OF COVENANTS AND RESTRICTIONS

Date: September 27, 2019

Owner/Grantor: Michael J. Ludwig and Susan J. Ludwig

Prepared by & return to: Jacob Stauffer, 1598 Imperial Center, Suite 2001, West Plains, MO 65775 417-256-4790

Tract: See Exhibit A.

The Owner hereby declares that the Tract shall be held, sold, and conveyed subject to the following restrictions for the purpose of, among other things, insuring the quiet enjoyment of the Tract for the purpose that it is being developed and improved.

1. Benefited Parties/Binding Effect. The rights and obligations established in this Declaration of Restrictions (this "Declaration") shall run with the land and be for the benefit of the Tract and any portion of the Tract and shall run with the land and be binding upon the Tract and any use of the Tract.

2. Use Restrictions on Tract. Owner hereby further declares that the Tract shall not be used for or used to access any business operated as the following: Family Dollar Store, Bill's Dollar Store, Fred's, Dollar Tree, Dollar Zone, Variety Wholesale, Dollar Express, Ninety-Nine Cents Only, Deals, Bonus Dollar, Maxway, Super Ten, Planet Dollar, Big Lots, Walgreens, CVS, Rite Aid, or any Wal-Mart concept including but not limited to Super Wal-Mart, Wal-Mart, Wal-Mart Neighborhood Market, or Walmart Express. Owner also covenants and agrees not to lease, rent, occupy, or allow to be leased, rented or occupied, any part of its Tract to be used or operated for any of the following (a) for any unlawful purpose or in any way which would constitute a legal nuisance to an adjoining owner or occupant; (b) as a discotheque, dance hall or night club; (c) as a massage parlor; (d) funeral parlor; (e) bingo parlor; (f) car wash; (g) any use which emits a strong, unusual, offensive of obnoxious odor, fumes, dust or vapors, or any sound which can be heard outside of any buildings on the Tract, except that any usual paging system be allowed; (h) any assembling, manufacturing, distilling, refining, smelting, or mining operation; (i) any "second hand" store or liquidation outlet; (j) any mobile home park, trailer court, labor camp, junk yard, recycling facility or stock yard; (k) any dumping, disposing, incineration or reduction of garbage (exclusive of garbage compactors located near the rear of any building); (l) any dry cleaners performing on-site cleaning services;; (o) any veterinary hospital or animal raising facilities (except this provision shall not prohibit pet shops and shall not prohibit the provision of veterinary

services in connection with pet shops or pet supplies business); (p) any establishment selling or exhibiting paraphernalia for use with illicit drugs, and establishment selling or exhibiting materials or devices which are adjudicated to be pornographic by a court of competent jurisdiction, and any adult bookstore, adult video store or adult movie theater; (q) any bar or tavern; provided, however, a bar within a restaurant shall be permitted; (r) any pool or billiard hall, gun range or shooting gallery, or amusement or video arcade; (s) any use which creates fire, explosives or other hazards; and (t) facilities for the use of treating addiction including but not limited to inpatient or outpatient substance abuse treatment facilities, pharmacological treatment facilities, safe injection sites and methadone maintenance therapy or clinics..

The Tract may be used for hotels, motels and housing subdivisions.

3. Enforcement. Owner acknowledges that monetary damages would be an inadequate remedy for breach of this Declaration, and that any violation of this Declaration will result in immeasurable and irreparable harm to the other party, warranting an injunction.

4. Duration. The provisions of this Declaration shall run with and bind the land described herein and shall be and remain in effect so long as any part of the Tract is leased by Dollar General Corporation or its lenders, successors or assigns.

IN WITNESS WHEREOF, the Owner has set their hands and seals as of the day, month and year first above written.

Michael J. Ludwig

Susan J. Ludwig

STATE OF Iowa

COUNTY OF Dubuque

This instrument was acknowledged before me on September 27, 2019, by Michael J. Ludwig and Susan J. Ludwig to me personally known or on the basis of satisfactory evidence proved to me to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

TERRIE L. ELLEDGE
Commission Number 115688
My Commission Expires
September 15, 2021

Terrie L. Elledge
Notary Public

Printed Name: Terrie L. Elledge

My Commission Expires:

9-15-2021

EXHIBIT A

The South twenty one (21) acres of the Northeast Quarter (NE¼) of the Southeast Quarter (SE¼), except commencing at a point one thousand seven hundred eighty six (1786.0) feet North and one hundred eighty nine and five-tenths (189.5) feet West of the Southeast corner of the Southeast Quarter (SE¼), and running thence West one hundred (100.0) feet, thence North seventy five (75.0) feet, thence East one hundred (100.0) feet, thence South seventy five (75.0) feet to the point of beginning, in Section Thirty Five (35), Township Eighty Nine (89) North, Range Four (4), West of the Fifth P.M., Delaware County, Iowa.