

ENTERED FOR
THIS 7 DAY OF July 2004
Joan W. Helsh
Dubby Corkran

FOR PLAT SEE
2004-3159

**PLAT AND CERTIFICATE
FOR
REPLAT OF LOTS 2 AND 3 OF HELEN McCALL
HUNTOON ADDITION PLAT NO. 3
AN ADDITION TO THE CITY OF WINTERSET,
MADISON COUNTY, IOWA**

COMPUTER	<input checked="" type="checkbox"/>
RECORDED	<input checked="" type="checkbox"/>
COMPARED	<input type="checkbox"/>

I, Bob Hendricks, Zoning Administrator of the City of Winterset, Iowa, do hereby certify that the plat to which this certificate is attached is a plat of a subdivision known and designated as Replat of Lots 2 and 3 of Helen McCall Huntoon Addition Plat No. 3, an Addition to the City of Winterset, Madison County, Iowa, and that the real estate comprising said plat is described as follows:

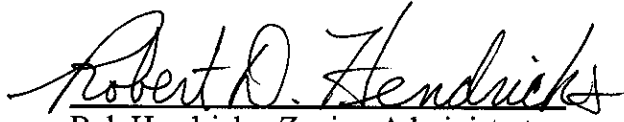
**Lot Two (2) and Lot Three (3) of Helen McCall Huntoon Addition
Plat No. 3 of the City of Winterset, Madison County, Iowa.**

I do further certify that attached hereto are true and correct copies of the following documents which have been submitted in connection with said plat:

1. Dedication of Plat of Replat of Lots 2 and 3 of Helen McCall Huntoon Addition Plat No. 3, Addition to the City of Winterset, Madison County, Iowa;
2. Attorney's opinion;
3. Certificate of County Treasurer of Madison County, Iowa; and
4. Resolution of the City Council of the City of Winterset approving said plat;
5. Mortgagee's Consent to Plat;
6. Owner's Consent to Plat; and
7. Groundwater Hazard Statement

all of which are duly certified in accordance with the Winterset Zoning Ordinance.

Dated this 6th day of July, 2004.


Bob Hendricks, Zoning Administrator

**DEDICATION OF PLAT
OF
REPLAT OF LOTS 2 AND 3 OF HELEN McCALL
HUNTOON ADDITION PLAT NO. 3
AN ADDITION TO THE CITY OF WINTERSET,
MADISON COUNTY, IOWA**

KNOW ALL MEN BY THESE PRESENT:

Heritage Townhomes and Development, L.L.C. does certify that it is the sole owner and proprietor of the following-described real estate:

Lot Two (2) and Lot Three (3) of Helen McCall Huntoon Addition
Plat No. 3 of the City of Winterset, Madison County, Iowa.

That the subdivision of the above-described real estate, as shown by the final plat of Replat of Lots 2 and 3 of Helen McCall Huntoon Addition Plat No. 3, addition to the City of Winterset, Madison County, Iowa is with the free consent and in accordance with the owner's desire as owner of said real estate.

Dated this 2 day of July, 2004.

HERITAGE TOWNHOMES & DEVELOPMENT, L.L.C.

By: Kevin Johnson, Manager
Kevin Johnson, Manager

STATE OF IOWA)
) SS
COUNTY OF POLK)

On this 2nd day of July, 2004, before me, a Notary Public in and for the said state, personally appeared Kevin Johnson, to me personally known, who being by me duly sworn did say that that person is Manager of said limited liability company, that no seal has been procured by the said limited liability company and that said instrument was signed on behalf of the said limited liability company by authority of its managers and the said Kevin Johnson acknowledged the execution of said instrument to be the voluntary act and deed of said limited liability company by it voluntarily executed.

Becky L. Niccum
Notary Public



HOWE, CUNNINGHAM & LOWE, P.L.C.

ATTORNEYS AT LAW

2824 104TH STREET

URBANDALE, IOWA 50322-3813

TELEPHONE (515) 278-4200

FACSIMILE (515) 278-4655

RICHARD D. HOWE

MICHAEL J. CUNNINGHAM

CHIP LOWE

JEFFREY A. KELSO

June 4, 2004

City of Winterset
124 W. Court Ave.
Winterset, Iowa 50273-1534

**RE: Revised Preliminary Title Opinion
Replat of Lots 2 and 3 of Helen McCall Huntoon Addition Plat No. 3
Our File No.: 6823.05-HER**

Ladies and Gentlemen:

At your request I have examined the Abstracts of Title No. 1890200 and 1890300, prepared by Madison County Abstract Company, for a parcel of real property situated in Madison County, Iowa, and legally described as follows, to-wit:

Lot Two (2) and Lot Three (3) of Helen McCall Huntoon Addition
Plat No. 3 of the City of Winterset, Madison County, Iowa.

from the root of title until May 26, 2004 at 8:00 a.m. and we find the record title in:

Heritage Townhomes & Development, L.L.C.

subject to the following:

1. Real estate taxes for the fiscal year 2002/2003 and all prior years paid in full; the tax list for the fiscal year 2003/2004 shows first installment, paid; second installment, paid.

2. Open End Mortgage dated May 6, 2004 granted by record titleholder, Heritage Townhomes and Development, L.L.C. to Exchange State Bank (Winterset Office), an Iowa Corporation securing credit in the amount of \$250,000.00. Said Mortgage was filed for record in the Office of the Recorder, Madison County, Iowa on May 6, 2004 in Book 2004 at Page 2075.

HOWE, CUNNINGHAM & LOWE, P.L.C.

City of Winterset

June 4, 2004

Page Two

3. Right of Way Easements dated October 26, 1993 and filed with the Office of the Recorder, Madison County, Iowa on November 30, 1993 in Deed Record 58 at Page 748 and in Deed Record 58 at Page 751, granting Midwest Gas the perpetual right to construct, repair, lay, re-lay, operate, maintain and remove natural gas pipeline and appurtenances thereto. I note that the grantors of said easement, Kenneth J. Fish and Dorothy I. Fish, do not appear in the chain of title hereto which may or may not affect the rights of the claimed easement holder.

4. Fire Ordinance dated March 4, 1968 and filed for record in the Office of the Recorder, Madison County, Iowa on March 6, 1968 in Deed Record 39 at Page 95 stating the that subject real estate is located within a Fire District.

5. Personal lien examination for the past ten (10) years made only in Madison County, Iowa against Heritage Townhomes & Development, L.L.C. Said examination shows no personal liens.

6. Zoning ordinances of Madison County, Iowa and the City of Winterset.

7. We make no examination for taxes or special assessments not spread on the books on the date of the abstract continuation noted above.

8. Please note that the search of judgments extends only for a period of ten (10) years. Judgments rendered prior to that time, especially for child support, alimony, etc. may be valid liens against this property even though not shown in the abstract. Independent inquiry in this regard may be warranted.

9. Many matters from which you must protect yourself do not appear in an abstract of title. In purchasing real estate, you are required by law to take notice of and protect yourself from any matters affecting this property that you can observe from ordinary careful physical examination of the property itself and by inquiry of the seller. The most important of these matters are:

A. Rights of any parties you find in possession of any part of the property, especially including renters.

B. Improvements, alterations, or repairs made within the past 90 days for which mechanic's liens might still be filed.

C. Easements such as for driveways, utilities, drainage, or the rights of others over and across any part of this property.

HOWE, CUNNINGHAM & LOWE, P.L.C.

City of Winterset
June 4, 2004
Page Three

D. Taxes; assessments for improvements such as paving, sewer, sidewalks, etc.; sewer rental; or any other public utility charges unpaid or that may become a claim against this property that have been so recent as to not have been certified to the County Treasurer and would, therefore, not appear in the Abstract of Title. Determine now who is liable for such taxes for matters previously incurred but which may not be presently spread on the books. In addition, the abstract has limited searches for delinquent personal property taxes to the township in which the property is located. If you are concerned about the potential delinquency of predecessors, title searches should be made in all townships of residence of the sellers or their predecessors.

E. The Uniform Commercial Code which may give rights to creditors upon fixtures, such as furnaces and other removable property. These liens will not appear in your Abstract of Title and special inquiry should be made with regard to relatively new items present upon the property. If necessary, a special search should be made of possible filings with the Secretary of State or County Recorder and inquiry should be made of the seller and any supplier who may have provided such improvements.

F. You should determine whether any solid wastes, hazardous substances, pollutants, above or below ground storage tanks, drainage wells, water wells, landfill sites or other environmentally regulated conditions exist on the property. Such conditions are not ordinarily shown in the abstract, but they may result in injunctions, fines, require cleanup, or other remedial actions under federal, state or local laws. These laws may impose liens against the property and personal liability against the owner, even though the owner did nothing to create the condition, and acquired the property without knowing about it.

Howe, Cunningham & Lowe, P.L.C.

By


Jeffrey Ackelso

For the Firm

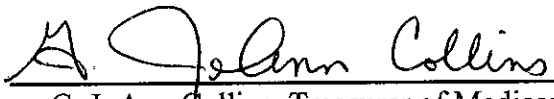
Iowa Title Guaranty No. 7999

**CERTIFICATE OF THE COUNTY TREASURER
OF MADISON COUNTY, IOWA**

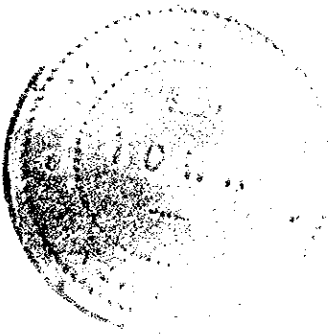
I, G. JoAnn Collins, do hereby certify that I am the duly elected and acting
Treasurer of Madison County, Iowa; that I have searched the records in my office, and
that there are no certified taxes and no certified special assessments forming a lien against
the following described real estate, to-wit:

**Lot Two (2) and Lot Three (3) of Helen McCall Huntoon
Addition Plat No. 3 of the City of Winterset, Madison County,
Iowa.**

Dated at Winterset, Iowa, this 7 day of June, 2004.



G. JoAnn Collins, Treasurer of Madison County, Iowa



**RESOLUTION APPROVING FINAL PLAT
OF
AN ADDITION TO THE CITY OF WINTERSET,
MADISON, IOWA**

WHEREAS, there was filed in the office of the Zoning Administrator of the City of Winterset, a registered land surveyor's plat of a proposed subdivision known as Replat of Lots One and Two of Helen McCall Huntoon Addition Plat No. 3, an Addition to the City of Winterset, Madison County, Iowa; and

WHEREAS, the real estate comprising said Plat is described as follows:

**Lot Two (2) and Lot Three (3) of Helen McCall Huntoon
Addition Plat No. 3 of the City of Winterset, Madison County,
Iowa.**

WHEREAS, there was also filed with said plat a dedication of said plat containing a statement to the effect that the subdivision, as it appears on the plat, is with the free consent and in accordance with the desire of the proprietor Heritage Townhomes and Development, L.L.C.

WHEREAS, said Plat was accompanied by a complete abstract of title and an opinion from the attorney at law showing that title is fee simple in said proprietor and that the platted land is free from encumbrance, and a certified statement from the Treasurer of Madison County, Iowa, that said platted land is free from taxes; and

WHEREAS, the City Council of the City of Winterset, Iowa, finds that said Plat conforms to the provisions of the Zoning Ordinance of the City of Winterset and that the plat, papers and documents presented therewith should be approved by the City Council; and, that said Plat, known as Helen McCall Huntoon Addition Plat No 3., an Addition to

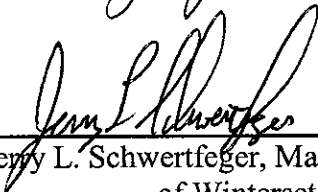
the City of Winterset, Madison County, Iowa, should be approved by the City Council of the City of Winterset, Iowa.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Winterset, Iowa;

1. That said Plat, known as Replat of Lots Two and Three of Helen McCall Huntoon Addition Plat No. 3, an Addition to the City of Winterset, Madison County, Iowa, prepared in connection with said plat and subdivision, is hereby approved.

2. The Zoning Administrator of the City of Winterset, Iowa, is hereby directed to certify this Resolution which shall be affixed to said Plat to the County Recorder of Madison County, Iowa; and attend to the filing and recording of the plat, papers and documents which should be filed and recorded in connection therewith.

Dated at Winterset, Iowa, this 6th day of July, 2004.



Jerry L. Schwertfeger, Mayor of the City
of Winterset

ATTEST:



Mark Nitchals, City Clerk



Prepare by/Return to:
Jeffrey A. Kelso, 2824 104th Street, Urbandale, Iowa 50322 (515) 278-4200

MORTGAGEE'S CONSENT TO PLAT

Re:

Lot Two (2) and Lot Three (3) of Helen McCall Huntoon Addition Plat
No. 3 of the City of Winterset, Madison County, Iowa

COMES NOW, Exchange State Bank., and hereby states, acknowledges, and certifies that it is the mortgagee of the real estate set out above and as appears on the accompanying plat. This plat has been drawn with the mortgagee's consent and accordance.

Dated this 7 day of June, 2004

EXCHANGE STATE BANK

By: Samy Robinson, Exchange
State Bank its A. Vice President

Subscribed and sworn to before me this 7 day of June, 2004.

Christina J. Scheffers
NOTARY PUBLIC—State of Iowa



Prepare by/Return to:
Jeffrey A. Kelso, 2824 104th Street, Urbandale, Iowa 50322 (515) 278-4200

OWNER'S CONSENT TO PLAT

Re:

Lot Two (2) and Lot Three (3) of Helen McCall Huntoon Addition Plat
No. 3 of the City of Winterset, Madison County, Iowa

COMES NOW, Heritage Townhomes and Development, L.L.C., and hereby states, acknowledges, and certifies that it is the proprietor and record titleholder of the real estate set out above and as appears on the accompanying plat. This plat has been drawn with the limited liability company's consent and accordance.

Dated this 7th day of June, 2004

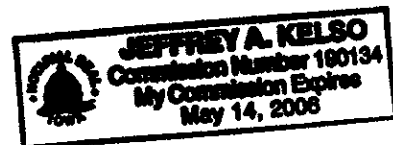
HERITAGE TOWNHOMES AND
DEVELOPMENT, L.L.C.

By: Kevin Johnson, member
Kevin Johnson, member

By: Kim Johnson, member
Kim Johnson, member

Subscribed and sworn to before me this 7th day of June, 2004.

[Signature]
NOTARY PUBLIC—State of Iowa



REPLAT OF LOT 2 IN HELEN MCCALL HUNTOON ADDITION
PLAT 3, CITY OF WINTERSET, MADISON COUNTY, IOWA

FOR DEDICATION,
RESOLUTION &
CERTIFICATION SEE
RECORD 2004-3159

Document 2004 3159

Book 2004 Page 3159 Type 06 44 Pages 13

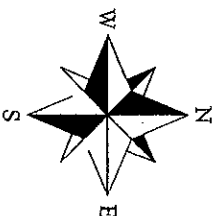
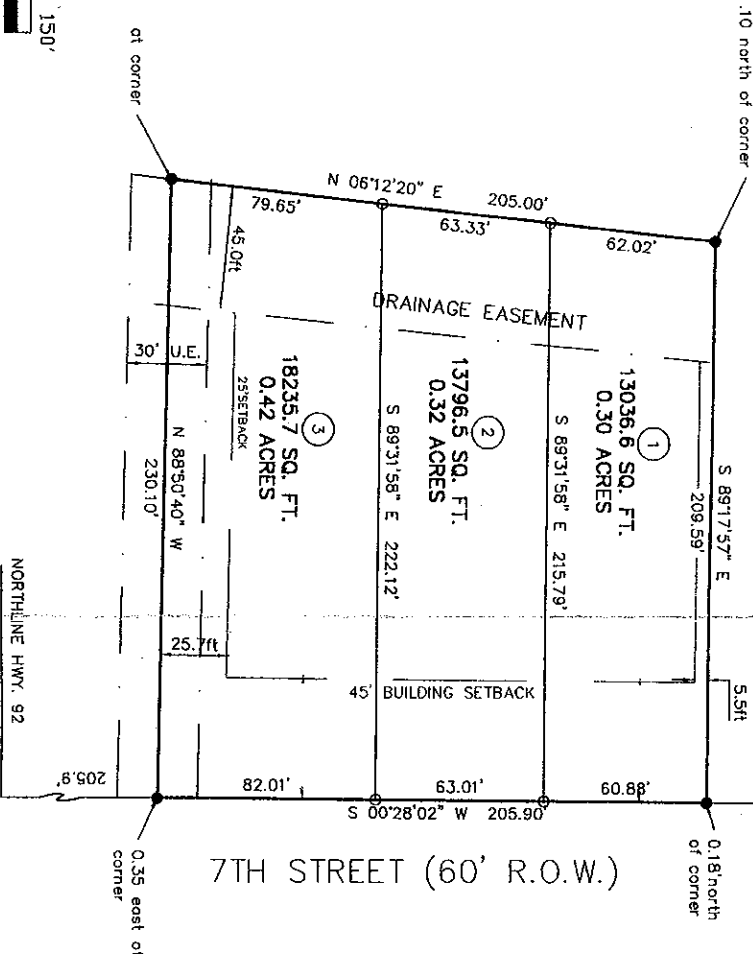
Date 7/07/2004 Time 7:21 AM

Rec Amt \$67.00 Aud Amt \$5.00

MICHELLE "MICKI" UTSLER, COUNTY RECORDER
MADISON IOWA

SURVEYOR:
BOLDMAN LAND SURVEYING L.L.C.
521 WEST GREEN STREET
WINTERSET, IA. 50273
515-462-9242

DEVELOPER:
HERITAGE TOWN HOMES AND DEVELOPMENT L.L.C.
2100 STATE STREET
GRANGER, IA. 50109
515-999-2027



LEGEND

These standard symbols will
be found in the drawing.

- SET 1/2"x24" REB CAP L.S. 13427
- IRON PIN FOUND WITH CAP #6808

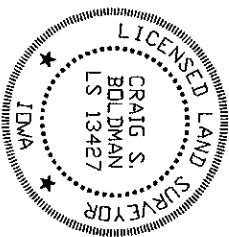
PROPERTY LINE
LOT LINE
EASEMENT
SETBACK

BASIS IF BEARINGS BASED ON FINAL PLAT OF
HELEN MCCALL HUNTOON ADDITION PLAT 3

FINAL PLAT

REQUESTED BY:		BOLDMAN LAND	
Heritage Townhomes		SURVEYING L.L.C.	
SURVEYED		521 WEST GREEN ST	
4/8/9/04		WINTERSET, IA. 50273	
PROJECT NO.		OWNER	
04022		G&G Properties Inc.	
DATE		6/15/04	

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS
PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED
BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT
I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF
THE STATE OF IOWA.
SIGNATURE: *Craig S. Boldman*
NAME: CRAIG S. BOLDMAN
DATE: *6/15/04*
MY LICENSE RENEWAL DATE IS: DECEMBER 31, 2004



FOR DEDICATION,
RESOLUTION &
CERTIFICATION SEE RECORD 2004-3159
RE-PLAT OF LOT 3 IN THE HELEN MCALL HUNTOON ADDITION PLAT 3, CITY OF WINTERSET,
MADISON COUNTY, IOWA.

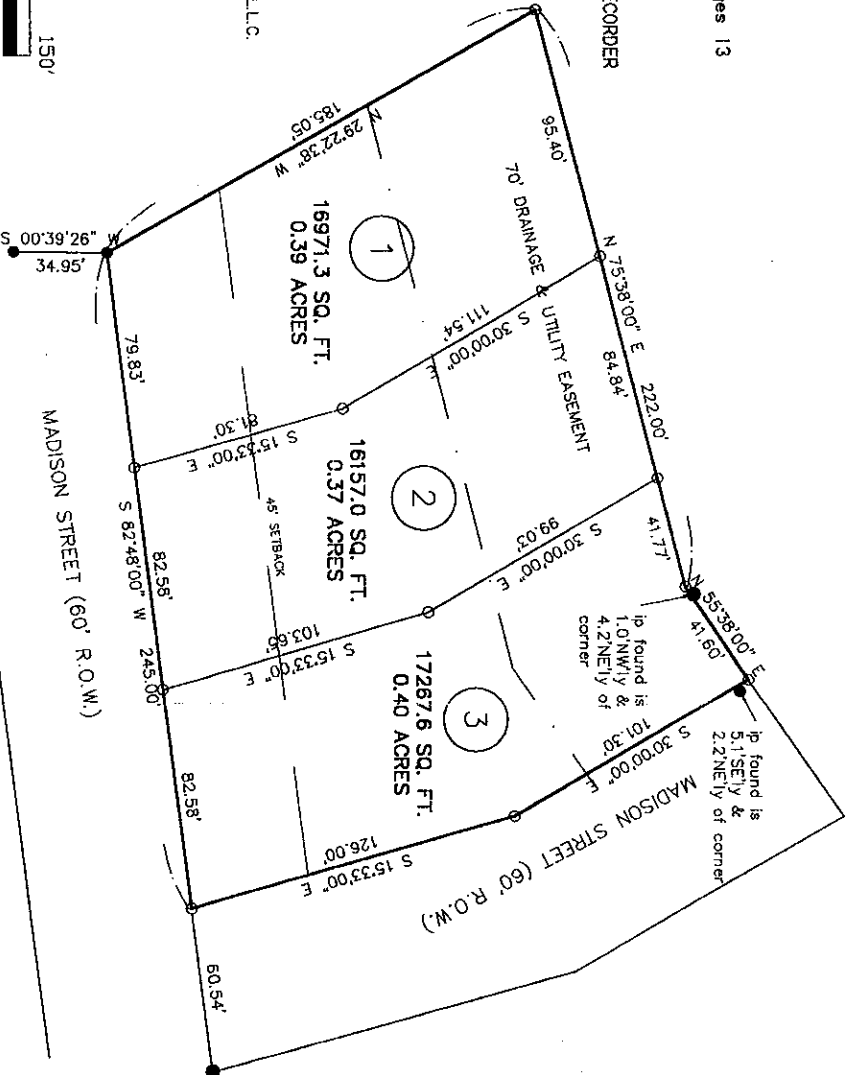
Document 2004 3159

Book 2004 Page 3159 Type 06 44 Pages 13
Date 7/07/2004 Time 7:21 AM
Rec Amt \$67.00 Aud Amt \$5.00

MICHELLE "MICKI" UTSLER, COUNTY RECORDER
MADISON IOWA

SURVEYOR:
BOLDMAN LAND SURVEYING L.L.C.
521 WEST GREEN STREET
WINTERSET, IA 50273
515-462-9242

DEVELOPER:
HERITAGE TOWN HOMES AND DEVELOPMENT L.L.C.
2100 STATE STREET
GRANGER, IA 50109
515-999-2027



7TH STREET
(60' R.O.W.)

MADISON STREET (60' R.O.W.)



10

LEGEND

These standard symbols will
be found in the drawing.

- SET 1/2"x24"REB CAP L.S. 13427
- IRON PIN FOUND WITH CAP #6808

PROPERTY LINE
LOT LINE
EASEMENT
SETBACK

BASIS OF BEARINGS BASED ON FINAL PLAT OF
HELEN MCALL HUNTOON ADDITION PLAT 3

FINAL PLAT

REQUESTED BY:		BOLDMAN LAND SURVEYING, L.L.C.	
Kevin Johnson		521 WEST GREEN ST. WINTERSET, IA 50273	
SURVEYED	SCALE	1"=50'	
4/8/9/04	1"=50'	515/462-9242	
PROJECT NO.	DATE	OWNER	
04022	6/27/04	G&G Properties, Inc	

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

SIGNATURE: *[Signature]*

NAME: CRAIG S. BOLDMAN

DATE: 6/27/04

MY LICENSE RENEWAL DATE IS: DECEMBER 31, 2004