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Chase MS

When recorded return to:
Jeremy C. Sharpe
2000 Financial Center
Des Moines, Iowa 50309

FILED FOR RECORD
POLK COUNTY, IOWA

98 SEP 28 A 9: 30.4

TIMOTHY J. BRIEN

Prepared by: Jeremy C. Sharpe, 2000 Financial Center, 666 Walnut, Des Moines, IA 50309-3589, 515-243-7100

CERTIFICATE OF PROPRIETOR

STATE OF IOWA)
) SS
COUNTY OF POLK)

KNOW ALL MEN BY THESE PRESENTS:

The undersigned hereby states, acknowledges and certifies that Savannah Homes, Inc. is the proprietor and record fee title owner of the real estate described in Exhibit "A" attached hereto to be platted as Valley Green Townhomes. The undersigned further acknowledges and certifies that the subdivision of said real estate is with the consent and in accordance with the desires of said owner.

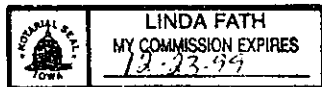
Dated this 15 day of September, 1998.

Savannah Homes, Inc.

By *Ted A. Grob*
Ted A. Grob, President

STATE OF IOWA)
) SS
COUNTY OF POLK)

On this 15th day of September, 1998, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Ted A. Grob, to me personally known, who being by me duly sworn, did say that his is the President of said corporation executing the within and foregoing instrument; that said instrument was signed on behalf of said corporation by authority of its Board of Directors; and that the said Ted A. Grob as such officer acknowledged the execution of said instrument to be the voluntary act and deed of the corporation by it and by him voluntarily executed.



Linda Fath

Notary Public in and for the State of Iowa

EXHIBIT A

Lots 9, 10, 11, 12, 13 and 14 in RAAZ PLACE, an Official Plat, now included in and forming a part of the City of West Des Moines, Polk County, Iowa.

To become Valley Green Townhomes

d:\s0749\08\crt-prop-savannah.doc

BK8018PG280

EXHIBIT A

Lots 9, 10, 11, 12, 13 and 14 in RAAZ PLACE, an Official Plat, now included in and forming a part of the City of West Des Moines, Polk County, Iowa.

To become Valley Green Townhomes

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BK8018PG282

Return to City Clerk:
CITY OF WEST DES MOINES
P.O. Box 65320
WEST DES MOINES, IA 50265-0320

98.07.27.16

FILED FOR RECORD
POLK COUNTY, IOWA

98 SEP 28 A 9: 30.4

TIMOTHY J. BRIEN

**RESOLUTION ACCEPTING BOND IN LIEU OF PUBLIC IMPROVEMENTS
AND RELEASING FINAL PLAT FOR RECORDATION**

WHEREAS, a final plat was submitted to the City Council of West Des Moines, Iowa, at a meeting held on July 27, 1998, said plat being described as follows:

Valley Green Townhomes

Legal Description:

Lots 9, 10, 11, 12, 13, and 14, Raaz Place, an Official Plat in the City of West Des Moines, Polk County, Iowa.

WHEREAS, the City Council of West Des Moines has reviewed the Preliminary Plat for Valley Green Townhomes, and approved it on July 9, 1998, and;

WHEREAS, the Final Plat that was submitted for review was determined to be generally consistent with the Preliminary Plat for Valley Green Townhomes, that was reviewed and approved by the City Council on July 9, 1998, and;

WHEREAS, the West Des Moines City Council adopted a resolution which approved the final plat for Valley Green Townhomes, at their meeting on July 27, 1998, subject to any conditions of approval and was contingent upon construction and acceptance of all public streets and utilities, and;

WHEREAS, Savannah Homes, the purchaser of said subdivision, Valley Green Townhomes, has submitted sufficient assurances to the City to insure the construction of all public streets and associated improvements prior to the issuance of any occupancy permits on the property, and;

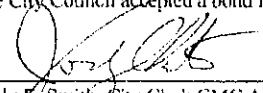
WHEREAS, all public improvements for the plat shall be constructed and then approved by the City Council prior to the issuance of any occupancy permits within the plat.

NOW THEREFORE comes the City Council of West Des Moines, Polk County, Iowa and directs the City Clerk to release said plat for recordation in accordance with said City Council approval of the final plat on July 27, 1998, and Roll Call No.

98-455

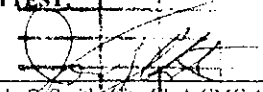
CERTIFICATE

I, Jody E. Smith, City Clerk for said City, hereby certify that at a meeting of the City Council of said City of West Des Moines, held on July 27, 1998, among other proceedings, Roll Call 98-455, approving said plat and on July 27, 1998, the City Council accepted a bond in lieu of the public improvements and released said plat for recordation.

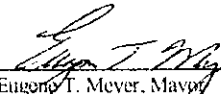


Jody E. Smith, City Clerk CMC/AEE, CMFA

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of July, 1998.

ATTEST:


Jody E. Smith, City Clerk CMC/AEE, CMFA



Eugene T. Meyer, Mayor

(SEAL)

BK8018PG283

LAW OFFICES
BELIN LAMSON McCORMICK ZUMBACH FLYNN
A Professional Corporation
2000 FINANCIAL CENTER
666 WALNUT STREET
DES MOINES, IA 50309-3989
Telephone: (515) 243-7100 Telecopier (515) 282-7615

FILED FOR RECORD
POLK COUNTY, IOWA

98 SEP 28 A 9:30.4

TIMOTHY J. BRIEN
RECORDER

Plat Opinion

September 11, 1998

City of West Des Moines
City Hall
West Des Moines, Iowa 50266

Dear Mayor and Members of the City Council:

This is to certify that I have examined the attached abstract of title last continued by Iowa Title Company in Abstract No. 344894 to August 14, 1998 at 3:31 p.m. covering the following-described real estate:

Lots 9 through 14, inclusive, in RAAZ PLACE, an Official Plat, now included in and forming a part of the City of West Des Moines, Iowa

To be platted as Valley Green Townhomes, and based upon the abstract I report merchantable fee title in the name of

SAVANNAH HOMES, INC.

subject to the following:

1. **MORTGAGE.** Mortgage and Security Agreement in the amount of \$237,500.00 dated August 11, 1998 executed by Savannah Homes, Inc. in favor of Norwest Bank Iowa, National Association recorded August 14, 1998 in Book 7984 at Page 305 of the Polk County, Iowa records.
2. **DEVELOPER AGREEMENT.** Developer Agreement dated July 13, 1998 and recorded July 17, 1998 in Book 7960 at Page 123 of the Polk County, Iowa records between Savannah Homes, Inc., as Developer and the City of West Des Moines, Iowa, whereby the Developer agrees to develop a senior housing project on the property under examination in accordance with the terms of the Developer Agreement. This Developer Agreement is incorporated by reference in the deed by which the City of West Des Moines has conveyed the property to the titleholder. The units to be built on the property under examination by the Developer are to be owner occupied units owned by a family of member of which is 55 years of age or older. **Noncompliance with the provisions of the Developer Agreement as incorporated in the deed to the titleholder would result in an immediate forfeiture of the property back to the City free and clear of any liens or encumbrances that had been placed on the property.**
3. **PLAT.** The plat of Valley Green Townhomes will be replat of Lots 9 through 14 of Raaz Place, which is recorded in Book E at Page 202 of the Polk County, Iowa records. A copy of the plat as it appears in the abstract is attached hereto and should be reviewed for setback requirements, easements, location, area, access to public streets and other matters affecting the property.
4. **SEARCHES:** No searches have been made against anyone outside the chain of title. There appears no liens against the present titleholder except as may be noted in this opinion.
5. **REAL ESTATE TAXES:** 1996-1997 fiscal year taxes: Parcel No. 3932-1 removed from taxation. Parcel No. 3933 removed from taxation. Parcel No. 3935 removed from taxation. Parcel No. 3936 first installment \$236.00 paid; second installment \$236.00 paid. Parcel No. 3937 first installment \$1,128.00 paid; second installment \$1,128.00 paid. West Des Moines 32-0. Note, 1997-1998 fiscal year real estate taxes have not been certified to the County Treasurer as of the date of the abstract continuation, but they are due and a lien on this property.

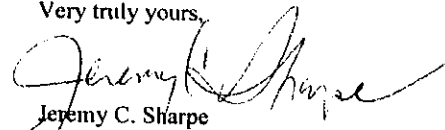
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6. **ZONING:** The property is subject to the zoning ordinances of the City of West Des Moines, Iowa.

GENERAL EXCEPTIONS: There are certain matters which cannot be ascertained from an examination of the abstract and which may affect your use of, enjoyment of and rights in and to the real estate under examination. Accordingly, this title opinion is subject to and you must take notice of the following:

- a. Matters which would be revealed by an accurate survey and inspection of the premises such as encroachments, overlaps, and boundary line disputes. Further, access to public streets and the correctness of lot area and boundary lines cannot be assured by this opinion.
- b. You are charged with notice of the rights of persons in possession of the real estate or any portion thereof.
- c. The real estate under examination is subject to the zoning ordinances of the city or county stated above. You should determine whether the real estate complies with the applicable zoning ordinances.
- d. Persons furnishing labor or materials for improvement of the real estate within the last 90 days may be entitled to file a mechanic's lien if not paid. In such event, your lien or title may be subject to such mechanic's lien.
- e. Special assessments, preliminary assessments, and deficiency assessments are a lien from certification by the city or the county or other taxing jurisdiction to the County Treasurer. The lien for such assessments has priority equivalent to real estate taxes. Such a lien may not be shown in the abstract but may attach against the real estate for work preliminarily approved by the City Council.
- f. Charges for certain municipal services provided by a city prior to your ownership, such as solid waste and sewage disposal, may be a lien against the real estate when certified to the County Treasurer's Office. Such a lien has priority equivalent to real estate taxes.
- g. The abstract does not disclose the existence of hazardous substances, hazardous waste, hazardous materials, pollutants, contaminants, underground storage tanks, drainage wells, active or abandoned water wells and other environmentally-regulated activities. You are cautioned that federal, state and local legislation may permit injunctive relief, and require removal and remedial actions, or other clean up, and may create a lien for the same.
- h. Searches for judgments by the abstracter are limited to a ten-year period, however, certain installment judgments such as child support and alimony rendered in a decree of dissolution more than ten years ago are a lien on the real estate of the obligor for ten years after the installment becomes due.

Very truly yours,


Jeremy C. Sharpe
For the Firm
JCS/djd

#2

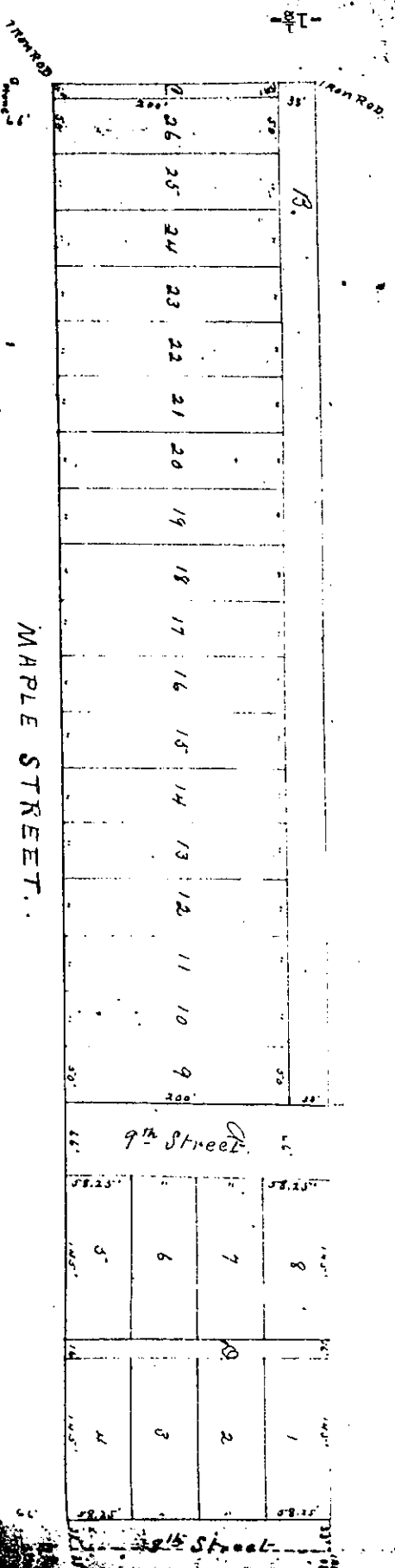
3rd Reg. Plan

Being an Official Plat of Lot N. of Valley Junction.

Shenley certifies that as the owner requests & have surveyed and set stakes at the corners of the lots as shown on this plat that the diagonals marked on this plat are correct and are marked in feet and hundredths of a foot and certify that the location and width of the streets and alleys are as shown on this plat.

Frank S. H. with
County Surveyor

No. 1
S.P.



MAPLE STREET.

CERTIFICATE OF TREASURER OF POLK COUNTY, IOWA

FILED FOR RECORD
POLK COUNTY, IOWA

STATE OF IOWA)
) ss:
COUNTY OF POLK)

98 SEP 28 A 9:30.4

TIMOTHY J. BRIEN
RECORDER

I, Mary Maloney, Treasurer of Polk County, having examined the records of my office, in accordance with the provisions of Section 354.11 of the Code of Iowa pertaining to real properties, specifically LOTS 9 THROUGH 14, INCLUSIVE, IN RAAZ PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF WEST DES MOINES, to be hereinafter designated as:

VALLEY GREEN TOWNHOMES,
an Official Plat,
Polk County, Iowa

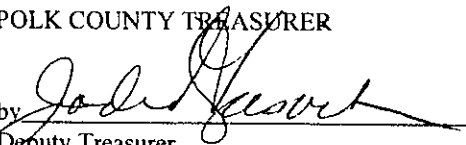
do hereby certify that same is free from all certified taxes, special assessments and special rates and charges.

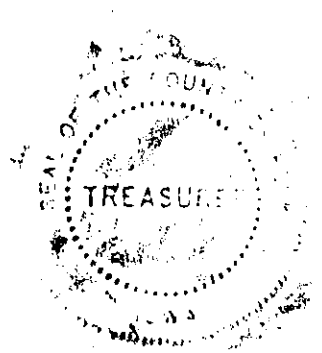
Nor are there any taxes due for Moneys and Credits, Bushels of Grain, Industrial Machinery, Data Processing Equipment, Utilities or Buildings on Leased Land against

SAVANNAH HOMES, INC.,
who is the record title holder
of said real estate.

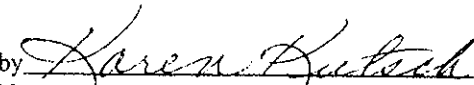
Prepared by Jill Beattie. Dated at Des Moines, Iowa this day, day 16 in the month of SEPTEMBER, 1998.

MARY MALONEY
POLK COUNTY TREASURER

by 
Deputy Treasurer



Subscribed and sworn to before me this day,
DAY 16 in the month of SEPTEMBER, 1998.

by 
Notary Public in and for Polk County, Iowa



(Treasurer's Seal)

(Notary Seal)

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