

COMPARED

P46

INST # ✓ 1954  
RECORDING FEE 15.00  
AUDITOR FEE 5.00  
RMA FEE 1.00 ECOM 1.00

REAL ESTATE TRANSFER  
TAX PAID  
STAMP#  
\$ 197.60  
JEF  
RECORDER  
7/29/04 Pottawattamie  
DATE COUNTY

FILED FOR RECORD  
POTTAWATTAMIE CO. IA.  
04 JUL 29 AM 10:26  
JOHN SCIORTINO  
RECORDER

Preparer Ref:  
Information Jack E. Ruesch, 25 Main Place #200, Council Bluffs, (712) 325-9000  
Individual's Name Street Address City Phone  
Jack E. Ruesch ISBA # 04756 SPACE ABOVE THIS LINE FOR RECORDER

Address Tax Statement: Woodbury Development Corporation, c/o Marathon Realty, 11222 Davenport Street, Omaha, NE 68154

WARRANTY DEED

For the consideration of One Hundred Twenty Four Thousand Dollar(s) and other valuable consideration, Russell E. Peak and Patricia J. Peak, husband and wife do hereby Convey to Woodbury Development Corporation, an Iowa Corporation the following described real estate in Pottawattamie County, Iowa:

see Exhibit A attached hereto

This deed is given in fulfillment of the real estate contract recorded in Book 93 at Page 36384.

Grantors do Hereby Covenant with grantees, and successors in interest, that grantors hold the real estate by title in fee simple; that they have good and lawful authority to sell and Convey the real estate; that the real estate is free and clear of all liens and encumbrances except as may be above stated; and grantors Covenant to Warrant and Defend the real estate against the lawful claims of all persons except as may be above stated. Each of the undersigned hereby relinquishes all rights of dower, homestead and distributive share in and to the real estate.

Words and phrases herein, including acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine or feminine gender, according to the context.

Dated: 7.22-04

Russell E. Peak  
Russell E. Peak (Grantor)

Patricia J. Peak  
Patricia J. Peak (Grantor)

Entered for Taxation  
Marilyn Jo Drake, COUNTY AUDITOR  
JUL 29 2004

BK 105 PGO 1948

197.60

STATE OF IOWA , POTTAWATTAMIE COUNTY, ss:

On this 7-22-04, before me, the undersigned, a Notary Public in and for said State, personally appeared Russell E. Peak and Patricia J. Peak, husband and wife to me known to be the identical persons named in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.

  
\_\_\_\_\_, Notary Public

(This form of acknowledgment for individual grantor(s) only)



## Exhibit A

Part of Lots 3 and 5, Auditor's Subdivision of the SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 6, T74N, R43W of the 5<sup>th</sup> P.M., Pottawattamie County, Iowa, all more particularly described as follows: Beginning at the point of intersection of the North line of said Lot 5 and the West line of relocated Woodbury Avenue, said point being the NE corner of a tract of land owned by Russell W. Schmitz and hereinafter called "Schmitz Tract"; thence S89°28'02"W (assumed bearing) 86.00 feet on the North line of said Lot 5 and the North line of said "Schmitz Tract"; thence S75°02'05"W 248.22 feet on the North line of said "Schmitz Tract" to the most Westerly corner thereof; thence S74°12'42"W 20.00 feet on the South line of a tract of land owned by Russell E. Peak and Patricia J. Peak; thence N00°31'58"W 87.13 feet to the North line of said Lot 3; thence N89°28'02"E 345.47 feet on the North line of said Lot 3 to the West line of relocated Woodbury Avenue; thence S01°08'33"E 20.00 feet on the West line of relocated Woodbury Avenue to the point of beginning. Containing 15,592 square feet or 0.36 acres.

That part of the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 6, T74N, R43W of the 5<sup>th</sup> P.M., Pottawattamie County, Iowa, described as follows: Commencing at the SE corner of said SW  $\frac{1}{4}$ ; thence S89°59'11"W (assumed bearing) 435.60 feet on the South line of said SW  $\frac{1}{4}$  to the point of beginning; thence continuing S89°59'11"W 63.57 feet on the South line of said SW  $\frac{1}{4}$ ; thence 89°57'42"W 130.00 feet on the South line of said SW  $\frac{1}{4}$ ; thence N00°08'17"W 561.69 feet to a point 195.00 feet South of the South line of Lot 6, Auditor's Subdivision of part of the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of said Section 6; thence N89°28'02"E 629.22 feet on a line 195.00 feet South of and parallel with the South line of Lot 6 of said Auditor's Subdivision to the East line of said SW  $\frac{1}{4}$ ; thence S00°08'03"E 367.33 feet on the East line of said SW  $\frac{1}{4}$  to a point 200.00 feet North of the SE corner of said SW  $\frac{1}{4}$ ; thence S89°59'11"W 435.60 feet on a line 200.00 feet North of and parallel with the South line of said SW  $\frac{1}{4}$ ; thence S00°08'03"E 200.00 feet on a line 435.60 feet West of and parallel with the East line of said SW  $\frac{1}{4}$  to the point of beginning. Containing 268,049 square feet or 6.15 acres, more or less.

Less that portion of the foregoing property previously conveyed to Woodbury Development Corporation by Russell E. Peak and Patricia J. Peak by the Warranty Deed recorded in Book 93 at Page 36395.