

## ATTORNEY'S OPINION

I, Timothy L. Gartin, hereby state that I am an Attorney at Law, duly admitted to the practice of law in the State of Iowa, and a member of the firm of Hastings & Gartin Law Group, LLP, with offices at 627 Main St., Ames, IA 50010. I further state that I have examined the Abstract of Title to the following described real estate, located in Story County, Iowa:

Beginning at the South  $\frac{1}{4}$  Corner of Section 34, Township 83 North, Range 24 West of the 5th P.M., Story County, Iowa; thence  $N00^{\circ}11'08''W$  along the West line of said  $SW\frac{1}{4}$  of the  $SE\frac{1}{4}$ , a distance of 1,315.06 feet to the North line of said  $SW\frac{1}{4}$  of the  $SE\frac{1}{4}$ ; thence  $S89^{\circ}45'19''E$  along said North line, a distance of 1,309.83 feet to the East line of said  $SW\frac{1}{4}$  of the  $SE\frac{1}{4}$ ; thence  $S00^{\circ}38'55''E$  along said East line, a distance of 251.77 feet to the South right-of-way line of Timber Road; thence  $S46^{\circ}02'34''W$  along said line, a distance for 645.44 feet; thence continuing Southerly along a tangential curve concave to the East with an arc length of 54.69 feet, whose radius is 71.16 feet, whose central angle is  $44^{\circ}02'15''$ ; thence  $S02^{\circ}00'08''W$  along the East right -of-way line of Timber Road, a distance of 522.48 feet to the North right-of-way line of 280th Street; thence  $S89^{\circ}54'53''E$  along said line, a distance of 516.15 feet to the East line of said  $SW\frac{1}{4}$  of the  $SE\frac{1}{4}$ ; thence  $S00^{\circ}38'55''E$  along said line, a distance of 40.00 feet to the South line of said  $SW\frac{1}{4}$  of the  $SE\frac{1}{4}$ ; thence  $N89^{\circ}54'53''W$  along said line, a distance of 1,320.40 feet to the point of beginning.

from the date of the root of title thereof, down to and including November 18, 2025, at 8:00 A.M., which abstract was last certified by Abstract & Title Services of Story County. The real estate has been subdivided and is now to be known as **Lowman Subdivision**, Story County, Iowa.

For purposes of reciting the vesting of title in this title opinion, the above referenced legal description is divided into two parcels:

### Parcel 1

Parcel "F" a part of the  $SW\frac{1}{4}$  of the  $SE\frac{1}{4}$  of Section 34, Township 83 North, Range 24 West of the 5<sup>th</sup> P.M., Story County, Iowa, as shown on the Plat of Survey recorded on July 24, 2001, as Inst. No. 01-09954, Slide 104, Page 1.

## Parcel 2

Beginning at the S $\frac{1}{4}$  Corner of Section Thirty-four (34), Township Eighty-three (83) North, Range Twenty-four (24) West of the 5th P.M., Story County, Iowa; thence N00°11'08"W along the West line of said SW $\frac{1}{4}$  of the SE $\frac{1}{4}$ , a distance of 1,315.06 feet to the North line of said SW $\frac{1}{4}$  of the SE $\frac{1}{4}$ ; thence S89°45'19"E along said North line, a distance of 1,309.83 feet to the East line of said SW $\frac{1}{4}$  of the SE $\frac{1}{4}$ ; thence S00°38'55"E along said East line, a distance of 251.77 feet to the South right-of-way line of Timber Road; thence S46°02'34"W along said line, a distance for 645.44 feet; thence continuing Southerly along a tangential curve concave to the East with an arc length of 54.69 feet, whose radius is 71.16 feet, whose central angle is 44°02'15"; thence S02°00'08"W along the East right-of-way line of Timber Road, a distance of 522.48 feet to the North right-of-way line of 280th Street; thence S89°54'53"E along said line, a distance of 516.15 feet to the East line of said SW $\frac{1}{4}$  of the SE $\frac{1}{4}$ ; thence S00°38'55"E along said line, a distance of 40.00 feet to the South line of said SW $\frac{1}{4}$  of the SE $\frac{1}{4}$ ; thence N89°54'53"W along said line, a distance of 1,320.40 feet to the point of beginning,

### **EXCEPT**

Parcel "F" a part of the SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 34, Township 83 North, Range 24 West of the 5<sup>th</sup> P.M., Story County, Iowa, as shown on the Plat of Survey recorded on July 24, 2001, as Inst. No. 01-09954, Slide 104, Page 1.

### **AND EXCEPT**

Parcel "G" a part of the SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 34, Township 83 North, Range 24 West of the 5<sup>th</sup> P.M., Story County, Iowa, as shown on the Plat of Survey recorded on July 24, 2001, as Inst. No. 01-09954, Slide 104, Page 1.

Based upon information within the Abstract of Title, it is my opinion that the fee simple title to Parcel 1 is in **Lowman Bros., Inc.**, that fee simple title to Parcel 2 is in **Walnut Creek Limited Partnership**, and that said real estate is free from all encumbrances, except the following:

1. There is a driveway easement agreement, filed October 25, 2005 as Inst. No. 05-13402 of the county records, and as amended by an instrument filed December 13, 2005 as Inst. No. 05-15377 of the county records.

2. There is a well agreement, filed December 13, 2005 as Inst. No. 05-15378 of the county records. An amended well agreement was filed March 27, 2006 as Inst. No. 06-03380 of the county records.

3. There are restrictive covenants, filed December 13, 2005 as Inst. No. 05-15438 of the county records. Amended covenants were filed March 27, 2006 as Inst. No. 06-03381 of the county records.

4. The Plat of Survey shows an easement for right of way across the South boundary and a portion of the East boundary of the real estate.

5. A portion of the real estate was condemned by Dakota Access, LLC for a permanent easement, filed May 18, 2016 as Inst. No. 16-04224 of the county records. It is unclear where the easement is located.

It is my opinion that the real estate is further subject to easements and restrictions of record and the Zoning and Land Use Ordinances of Story County, Iowa.

Dated this 19th day of December, 2025.

Hastings & Gartin Law Group, LLP

by \_\_\_\_\_  
Timothy L. Gartin  
627 Main St.  
Ames, IA 50010  
515-232-2501  
timothygartin@hglawia.com