

PRELIMINARY-SUBJECT TO CHANGE UNTIL RECORDED

**AMENDMENT TO
DECLARATION OF USE RESTRICTIONS, COVENANTS
AND BUILDING SPECIFICATIONS**

PREPARER

INFORMATION: B. McMurray
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RETURN TO: Vista Real Estate and Investment Corporation
2400 86th Street, Suite 24, Urbandale, IA 50322
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GRANTORS: Ashley Acres, LLC

LEGAL

DESCRIPTION: Ashley Acres Plats 1, 2, and 3, Waukee, Dallas County, Iowa.

Dallas County Iowa Recorder

**THIRD AMENDMENT TO
DECLARATION OF USE RESTRICTIONS, COVENANTS AND
BUILDING SPECIFICATIONS APPLICABLE TO ASHLEY ACRES,
WAUKEE, DALLAS COUNTY, IOWA**

A THIRD AMENDMENT to Declaration of Use Restrictions, Covenants and Building Specifications Applicable to Ashley Acres, Waukee, Dallas County, Iowa, as filed on September 28, 2021 in Book 2021, Page 28547 in the Office of the Dallas County Recorder, (hereinafter referred to as the "Declaration").

WHEREAS, the Declarant is desirous of amending said Declaration pursuant to provisions of **Section A. Duration** and **Section D. Additional Property** of **Article V. Term of Covenants; Severability** of said Declaration.

NOW THEREFORE, the Declarant hereby amends the Declaration as follows:

1. "Lots" (individually "Lot") shall mean Lots 1-98 in Ashley Acres Plat 1, Lots 1-85 in Ashley Acres Plat 2, and Lots 1-42 in Ashley Acres Plat 3, Official Plats, now included in and forming a part of the City of Waukee, Dallas County, Iowa.
2. Article I, Definitions, Section D. definition of "Property," is hereby amended to read in its entirety as follows:

D. "Property" shall mean Ashley Acres Plat 1, Ashley Acres Plat 2 and Ashley Acres Plat 3, Official Plats, now included in and forming a part of the City of Waukee, Dallas County, Iowa.
3. Article I, Definitions, Section E. definition of "Common Area Lot," is hereby amended to read in its entirety as follows:

E. "Common Area Lot" shall mean Outlots Y and Z in Ashley Acres Plat 1, an Official Plat, now included in and forming a part of the City of Waukee, Dallas County, Iowa, Outlots W and X in Ashley Acres Plat 2, an Official Plat, now included in and forming a part of the City of Waukee, Dallas County, Iowa and Outlot Y in Ashley Acres Plat 3, an Official Plat, now included in and forming a part of the City of Waukee, Dallas County, Iowa.
4. Article II, General Use Restrictions and Building Specifications, Section B. Architectural Standards, Design and Construction, Item 7. Minimum House Sizes is hereby amended to include the following minimum home size requirements applicable to Lots 1-42 in Ashley Acres Plat 3 only:

Minimum Home Size Requirements for Ashley Acres Plat 3:

Lots 33 through 34:

- a. One-story dwellings must have a finished floor area of at least one thousand five hundred (1,500) square feet above grade.
- b. One and one-half story dwellings must have a combined finished floor area of at least one thousand eight hundred fifty (1,850) square feet above grade.
- c. Two-story dwellings must have a combined finished floor area of at least one thousand nine hundred fifty (1,950) square feet above grade.

Lots 35 through 38:

- a. One-story dwellings must have a finished floor area of at least one thousand five hundred fifty (1,550) square feet above grade.
- b. One and one-half story dwellings must have a combined finished floor area of at least one thousand eight hundred fifty (1,850) square feet above grade.
- c. Two-story dwellings must have a combined finished floor area of at least one thousand nine hundred fifty (1,950) square feet above grade.

Lots 1 through 32 and 39 through 42:

- a. One-story dwellings must have a finished floor area of at least one thousand six hundred (1,600) square feet above grade.
- b. One and one-half story dwellings must have a combined finished floor area of at least two thousand (2,000) square feet above grade.
- c. Two-story dwellings must have a combined finished floor area of at least two thousand two hundred (2,200) square feet above grade.

IN WITNESS WHEREOF, the Declarant has caused this Third Amendment to the Declaration to be executed as of this ____ day of _____, 2022.

Ashley Acres, LLC, an Iowa limited liability company
By Vista Real Estate and Investment Corporation, Its Manager

By: _____
David J. Harmeyer, President

STATE OF IOWA
COUNTY OF POLK

This record was acknowledged before me this ____ day of _____, 2022, by David J. Harmeyer in his capacity as President of Vista Real Estate and Investment Corporation, as Manager of Ashley Acres, LLC.

Signature of Notary Public