

105-13734

Deerfield replat one

Preparer

Informallon Deborah L. Petersen of Reilly, Petersen, Hannan & Dreismeler, 215 S. Main St., P.O. Box 1016, Council Bluffs, IA 51502, (712) 328-1575

Individual's Name

Street Address

City, State Zip Code

Phone

DEBORAH L. PETERSEN ISBA # 8314

SPACE ABOVE THIS LINE FOR RECORDER

AMENDMENT TO COVENANTS

WHEREAS, the undersigned is the owner of the following described real estate situated in Pottawattamie County, Iowa:

Lots 1, 2, 3, 4, 6, 10, 12, 13, 14, 16, 17, 22, 23, 24, 25, 26, 27, and 29, Deerfield Subdivision, being a replat of Lot 2, Auditor's Subdivision, a subdivision located in the NE 1/4 of the SW 1/4 of Section 5, Township 74, Range 43 West of the 5th P.M., Council Bluffs, Pottawattamie County, Iowa;

WHEREAS, the undersigned is the Developer of said Deerfield subdivision;

WHEREAS, the Developer desires to replat six of the above referenced lots (Lots 1, 2, 3, 27, 28, and 29) into eight lots and allow the construction of duplex town homes thereon;

WHEREAS, such action was unanimously approved at a meeting of the members of Deerfield Homeowners, Inc. on April 6, 2004;

NOW, THEREFORE, the Declaration of Restrictions and Covenants for Deerfield dated the 3rd day of October, 1997, and filed for record in the office of the Recorder of Pottawattamie County, Iowa, in Book 98 at page 14576, are hereby amended as follows:

Article III, Section 1, shall be amended to read as follows:

ARTICLE III

Section 1.

Use of Land. None of the Lots may be improved, used or occupied for other than single-family private residential purposes, and no duplex, flat or apartment house, although intended for residential purposes, may be erected thereon, except one duplex town home per Lot may be erected on Lots 1, 2, 3, 4, 5, 6, 7, and 8. No Lot (except for Lots 1, 2, 3, 27, 28, and 29) shall be further subdivided. No residential building which has previously been at another location shall be moved onto the Lot. No trailer or other exterior structure erected on any Lot shall at any time be used fro human habitation; provided, however, that nothing herein shall prevent the Developer from erecting temporary buildings and using such temporary buildings or any residence for model, office, sales or storage purposes during the development of the Properties.

Article III, Section 3, shall be amended by adding the following subsection:

d. As to town homes constructed on Lots 1, 2, 3, 4, 5, 6, 7, and 8, the town homes will be required to have the following minimum square footage, whenever practicable in light of the unique topography, existing trees and other native growth, and the other provisions of these covenants, conditions and restrictions, to-wit:

1. One Story Town Homes: 1600 square feet of enclosed floor area will be required on the ground level.
2. One and one-Half Story Town Homes: 1900 square feet of enclosed floor area will be required above the basement level, with at least 1500 square feet of enclosed floor area required on the first floor.
3. Two Story Town Homes: 2300 square feet of enclosed floor area will be required above the basement level, with at least 1500 square feet of enclosed floor area required on the first floor.
4. Each Town Home shall include at least an attached two car garage.

In all other respects the Declaration of Restrictions and Covenants for Deerfield dated the 3rd day of October, 1997, shall remain in full force and effect.

THE J CORPORATION,

By George T. Jacobs
GEORGE T. JACOBS, Its President

STATE OF IOWA, COUNTY OF POTTAWATTAMIE, ss:

On this 9th day of November, 2004, before me, the undersigned, a Notary Public in and for said County and State, personally appeared GEORGE T. JACOBS, to me personally known, who, being by me duly sworn, did say that he is the President and Secretary of said corporation executing the within and foregoing instrument, that no seal has been procured by the said corporation; that said instrument was signed on behalf of said corporation by authority of its Board of Directors; and that the said George T. Jacobs, as such officers acknowledged the execution of said instrument to be the voluntary act and deed of said corporation, by it and by him voluntarily executed.

Marsha D. Weberg
NOTARY PUBLIC

