

Warren County, Iowa
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BK: PG:
Polly J. Glascock RECORDER
Number: 2018-04337
Fee Amount: \$17.00
Revenue Tax:

Prepared by and Return to: William R. Stiles, 699 Walnut Street, Suite 1600, Des Moines, Iowa 50309 515-246-4551

**SECOND AMENDMENT TO
DECLARATION OF SUBMISSION OF PROPERTY
TO HORIZONTAL PROPERTY REGIME FOR
THE VILLAS AT ORCHARD HILLS**

THIS SECOND AMENDMENT TO DECLARATION OF SUBMISSION OF PROPERTY TO HORIZONTAL PROPERTY REGIME was adopted on February 19, 2018, by the required number of unit owners in the Regime. This Amendment relates to the Declaration of Submission of Property to Horizontal Property Regime for The Villas at Orchard Hills which Declaration was dated January 31, 2006, and filed April 21, 2006, in Book 2006, Page 3985 of the records of the Recorder of Warren County, Iowa ("Declaration"), and first amended on March 26, 2007, which amendment was filed on March 27, 2007 in Book 2007, Page 2865 of the Warren County, Iowa Recorder's office.

WHEREAS, said Declaration and its Amendment affect the following described real estate:

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10, Orchard Hills Villas II, an Official Plat, now included in and forming a part of the City of Norwalk, Warren County, Iowa

WHEREAS, all Units have been sold by the Declarant, Rottlund Homes of Iowa, Inc., and each Unit Owner is a member of the homeowner's association known as "The Villas at Orchard Hills Condominium Owners Association ("Association"). Each Unit Owner is entitled to one vote for Unit owned;

WHEREAS, at the Association's annual meeting held on February 19, 2018, the members took the following enumerated actions to amend the Declaration and this Second Amendment to the Declaration embodies those amendments.

NOW, THEREFORE, pursuant to the authority in the Declaration, a meeting (annual) of the Unit Members of the Association, after notice in compliance with the Declaration including

notice of the proposed Amendments to the Declaration, was held on February 19, 2018, at which a quorum was present and the following amendments were unanimously adopted:

I. **AMENDMENTS.** The following Amendments were adopted:

A. Section 5, subparagraph J was deleted in its entirety and in lieu thereof, the following provision was adopted as Section 5, Subparagraph J:

"Storage of Personal Property. Except as provided in this Declaration or as permitted by the rules and regulations adopted from time to time by the Board of Directors in its sole discretion, no personal property of any kind whatsoever, including but not limited to, recreational vehicles, boats, campers, cabs, trailers, snowmobiles, bicycles, tricycles or motorcycles belonging to any Owner or to any tenant of such Owner or any guest or invitee of any Owner or any tenant shall be stored, placed or kept, temporarily or permanently, in or on the Common Elements, or the limited common elements (including but not limited to all driveways and streets) except as is more particularly described hereinafter. Automobiles may, however, be parked in such areas except for the 24-foot or 28-foot access easement areas. Without limiting the generality of the foregoing, no personal property including but not limited to recreational vehicles, boats, campers, cabs, trailers, snowmobiles, bicycles, tricycles or motorcycles shall be stored inside in a garage unless the particular garage used for such storage is still used for the storage of the appropriate number of automobiles (i.e. one automobile in a one-car garage and two automobiles in a two-car garage). It is not intended that garages shall be used as storage areas, thus requiring automobiles that would otherwise be parked in the garage to be parked in the driveway or in other parking areas of the Regime. Owners shall, however, be allowed to keep normal and customary lawn and patio furniture (but no play equipment, portable basketball hoops, storage sheds, animal runs or shelters, hot tubs, whirlpool baths or spas and other personal property not otherwise hereby allowed) in the patio allocated to such owner's Unit as a Limited Common Element. Flower boxes, planters and pots may be placed on any patio/deck so long as they are maintained by the Owner, provided, however, that the Association shall not be responsible for any damage caused thereto. In the event that the Unit Owner does not adequately maintain such matters, the Association shall have the right to perform such maintenance as the Board of Directors of the Association determines in its reasonable discretion and charge the cost thereof to the particular affected Unit Owner as a special assessment."

B. Section 5, subparagraph N was deleted in its entirety and in lieu thereof, the following provision was adopted as Section 5, Subparagraph N:

"Use of visitor parking is as permitted by the Rules and Regulations."

IN WITNESS WHEREOF, the members of the Association desire said Amendments to be filed as a matter of public record and authorize the Association to execute and file such Amendments as adopted.

The Villas at Orchard Hills Condominium
Owners Association

As HOA President

By:

Silvia Jaeger

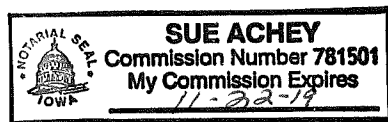
Silvia Jaeger, President

STATE OF IOWA)

)SS:

COUNTY OF POLK)

This instrument was acknowledged before me on this 4 day of June, 2018, by Silvia Jaeger, as President of The Villas at Orchard Hills Condominium Owners Association



Sue Achey
Notary Public in the State of Iowa