

Recorded: 12/30/2021 at 7:30:25.0 AM  
County Recording Fee: \$12.00  
Iowa E-Filing Fee: \$3.00  
Combined Fee: \$15.00  
Revenue Tax:  
Polk County, Iowa  
Julie M. Haggerty RECORDER  
Number: 202100135281  
BK: 18930 PG: 360

**WHEN RECORDED RETURN TO:**

Amy S. Beattie  
6701 Westown Parkway, Suite 100  
West Des Moines, Iowa 50266

Preparer Information: Amy S. Beattie, 6701 Westown Parkway, Suite 100, West Des Moines, Iowa 50266 (515) 274-1450

**FIRST AMENDMENT TO  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF  
EAGLE CREEK TOWNHOME ASSOCIATION**

This Amendment is executed this 21<sup>st</sup> day of December 2021, by Eagle Creek Townhome Association, an Iowa corporation, upon unanimous vote of the Owners under the below referenced declaration.

**WITNESSETH:**

**WHEREAS**, Developer has created a certain townhome association for all Lots in Eagle Creek Estates Plat 1, an Official Plat in Altoona, Polk County, Iowa and Lot 1 in Eagle Creek Plat 2, an Official Plat in Altoona, Polk County, Iowa by filing Declaration of Covenants, Conditions, Easements and Restrictions of Eagle Creek Townhome Association, recorded February 2, 2007, in Book 12058, Page 932 of the Polk County Recorder's Office, as amended by Amended and Substituted Declaration of Covenants, Conditions and Restrictions of Eagle Creek Townhome Association, recorded December 29, 2017, in Book 16777, Page 156 of the Polk County Recorder's Office ("Declaration");

**WHEREAS**, pursuant to Article IX, Section 3 of the Declaration, the Declaration may be amended by an instrument recorded in the Office of the Polk County Recorder signed or approved in writing by seventy percent (70%) of the Lot Owners;

**WHEREAS**, seventy percent (70%) or more of the Lot Owners, acting by and through the Eagle Creek Townhome Association, do desire to hereby amend and modify the Declaration.

NOW, THEREFORE, in consideration of the foregoing, the Declaration shall be amended as follows:

#### ARTICLE I

The provisions of Article I, Section 9(i) of the Declaration are hereby deleted in their entirety and the following inserted in lieu thereof:

- (i) Pond pump station.

#### ARTICLE II

The provisions of Article II, Section 6 of the Declaration are hereby deleted in their entirety and the following inserted in lieu thereof:

Section 6. Watering of Common Areas. The Association shall not be responsible for Owner provided water used in any of the Common Areas.

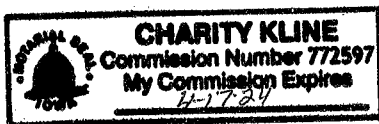
#### ARTICLE III

In all other respects the terms and conditions of the Declaration remain unchanged.

#### EAGLE CREEK TOWNHOME ASSOCIATION

By: Jim Franzen  
Jim Franzen, President

ATTEST:  
By: Allan Orsund  
Allan Orsund, Secretary



#### STATE OF IOWA, COUNTY OF POLK, ss:

On the 21<sup>st</sup> day of December, 2021, before me, a Notary Public in and for the said State, personally appeared Jim Franzen and Allan Orsund, to me personally known, who, being by me duly sworn, did say that they are the President and Secretary, respectively, of Eagle Creek Townhome Association; and that said instrument was signed on behalf of the said association by authority of its members and the said persons acknowledged the execution of said instrument to be the voluntary act and deed of said association by it voluntarily executed.

Charity Kline  
Notary Public in and for said State of Iowa