

101-5803

Bent Tree Estates Phase 3

INST # 1925 **COMPARED**
 RECORDING FEE 15
 AUDITOR FEE -
 RMA FEE 1

FILED FOR RECORD
POTTAWATTAMIE CO. IA.

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JOHN SCIORTINO
RECORDER

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#41
Not Smith Peterson

Preparer Information: Richard A. Heininger, P.O. Box 249, Council Bluffs, IA 51502 (712) 328-1833
 Name Address Telephone

Not Smith Peterson

**FIRST AMENDMENT TO DECLARATION
 OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS
 OF BENT TREE ESTATES, PHASE II, A SUBDIVISION
 IN POTTAWATTAMIE COUNTY, IOWA**

The undersigned, Bluffs Development, L.L.C., an Iowa limited liability company, hereinafter referred to as the "Declarant," hereby amends the Declaration of Covenants, Conditions, Restrictions and Easements of Bent Tree Estates, Phase II, a Subdivision in Pottawattamie County, Iowa, dated June 7, 2000, and recorded June 21, 2000, in Book 100 at Page 57818, as follows:

1. Paragraph 2 of Article I is amended by adding "storage shed or building" to the list of items in the first sentence thereof.
2. Paragraph 18 of Article I is hereby deleted and the following is substituted in lieu thereof.

"No farm animals, livestock, horses or poultry of any kind shall be raised or kept on any lot, other than non-exotic household pets as provided in these covenants. No such pets shall be kept, bred or maintained for commercial purposes. No such pets shall be allowed to run at large. No shelter nor any fence for any animal, livestock, fowl or poultry shall be erected, altered, placed or permitted to remain on any Lot, except for a dog house; provided always that the construction plans, specifications and the location of the proposed structure and fences have been first approved by Declarant, or its assigns. Dog houses shall only be allowed in the area to the rear of the building, concealed from public view. No fences, dog runs or kennels may be constructed or installed on any Lot without the written permission of the Declarant. The plans, proposed site location, and materials to be used in the construction of the fences, dog runs, or kennels shall be provided to Declarant for Declarant's review. The Pottawattamie County Code shall be used in determining

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the number of animals that are allowed per Lot. Each lot owner will be responsible for removing all manure from the property, including dog runs, at least weekly during the months of April through October of each year. Fences enclosing said animals shall be constructed so as to preclude the animals from coming into contact with people or vegetation on an adjoining lot. No exterior lighting shall be constructed so that the lighting shines upon an adjoining lot. No activities with said animals shall be conducted in such a way as to cause excessive noise or dust. Each owner of a lot shall immediately remove any manure left by said animal outside of that owner's lot.

3. Paragraph 21 of Article I is hereby deleted and the following is substituted in lieu thereof:

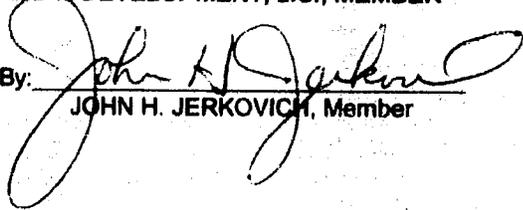
"No structure or dwelling shall be moved from outside Bent Tree Estates, Phase II, to any Lot without the written approval of Declarant."

IN WITNESS WHEREOF, the Declarant has caused this document to be executed this 4th day of August, 2000.

BLUFFS DEVELOPMENT, L.L.C.:

BY: J AND M DEVELOPMENT, L.C., MEMBER

By:


JOHN H. JERKOVICH, Member

STATE OF IOWA)

) ss.

COUNTY OF POTTAWATTAMIE)

On this 4 day of August, 2000, before me, a Notary Public in and for the State of Iowa, personally appeared John H. Jerkovich, to me personally known, who being by me duly sworn, did say that he is one of the members of J and M Development, L.C., (one of the members of Bluffs Development, L.L.C., an Iowa limited liability company), that no seal has been procured by the said limited

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liability company, and that said instrument was signed on behalf of the said limited liability company by authority of its members and the said members acknowledged the execution of the instrument to be the voluntary act and deed of said limited liability company by it voluntarily executed.

Richard A. Heninger

NOTARY PUBLIC IN AND FOR SAID STATE

