

106-7083

Bent Tree Estates Phase 5

Preparer

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

DECLARATION  
OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS  
OF BENT TREE ESTATES, PHASE 5, A SUBDIVISION  
IN POTTAWATTAMIE COUNTY, IOWA

THIS DECLARATION, made on the date hereinafter set forth, is made by Western Iowa Land Development, L.L.C., an Iowa limited liability company, hereinafter referred to as the "Declarant."

PRELIMINARY STATEMENT

The Declarants are the owners of certain real property located within Pottawattamie County, Iowa and described as follows:

Lots 1 through 12 in BENT TREE ESTATES, PHASE 5, a  
Subdivision in Pottawattamie County, Iowa.

Such lots are herein referred to collectively as the "Lots" and individually as each "Lot."

The Declarant desires to provide for the preservation of the values and amenities of BENT TREE ESTATES, PHASE 5, as well as for the maintenance of the character and residential integrity of BENT TREE ESTATES, PHASE 5.

NOW, THEREFORE, the Declarant hereby declares Lots 2 through 6 shall be held, sold and conveyed subject to the DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS OF BENT TREE ESTATES, PHASE 1, A SUBDIVISION IN POTTAWATTAMIE COUNTY, IOWA, recorded in the Pottawattamie County Recorder's Office at Book 100 Page 25345, as the same may be amended from time to time. The restrictions, covenants, conditions and easements shall run with such Lots and shall be binding upon all parties having or acquiring any right, title or interest in each Lot, or any part thereof, as is more fully described therein. The Lots are, and each Lot is and shall be subject to all and each of the said conditions and other terms.

NOW, THEREFORE, the Declarant hereby declares Lot 1 and Lots 7 through 12 shall be held, sold and conveyed subject to the DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS OF BENT TREE ESTATES, PHASE II, A SUBDIVISION IN POTTAWATTAMIE COUNTY, IOWA, recorded in the Pottawattamie County Recorder's Office at Book 100 Page 57818, and THE FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS OF BENT TREE ESTATES, PHASE II, A SUBDIVISION IN POTTAWATTAMIE COUNTY, IOWA, recorded in the Pottawattamie County Recorder's Office at Book 101 Page 05803, as the same may be amended from time to time. The restrictions, covenants, conditions and easements shall run with such Lots and shall be binding upon all parties having or acquiring any right, title or interest in each Lot, or any part thereof, as is more fully described therein. The Lots are, and each Lot is and shall be subject to all and each of the said conditions and other terms.

IN WITNESS WHEREOF, the Declarant has caused these presents to be executed this 16th day of July, 2005.  
*August*

WESTERN IOWA LAND DEVELOPMENT, L.L.C.

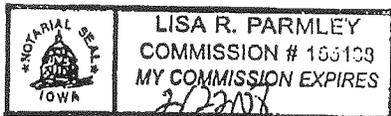
By: *John H. Jerkovich*  
JOHN H. JERKOVICH, Manager/Member

STATE OF IOWA

)  
) ss.

COUNTY OF POTTAWATTAMIE)

*August*  
On this 16th day of July 2005, 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 the Manager and one of the members of Western Iowa Land Development, L.L.C., an Iowa limited liability company, that no seal has been procured by the said limited 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.



*Lisa R. Parmley*  
NOTARY PUBLIC IN AND FOR SAID STATE

104-1443

Bent Tree Estates Phase 5

**COMPARED**

INST # 1451 ✓

FILED FOR RECORD  
POTTAWATTAMIE CO. IA.

RECORDING FEE 10.00

03 JUL 21 AM 10:55

AUDITOR FEE \_\_\_\_\_

RMA FEE 1.00 ECOM 5.00

JOHN SCIORTINO  
RECORDER

\*

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|---------------------------------------------------------------------------------------------------------------|---------|-----------|
| Preparer Information: <u>Richard A. Heininger, P.O. Box 249, Council Bluffs, IA 51502-0249 (712) 328-1833</u> |         |           |
| Name                                                                                                          | Address | Telephone |

FIRST AMENDMENT TO DECLARATION  
OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS  
OF BENT TREE ESTATES, 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, a Subdivision in Pottawattamie County, Iowa, dated November 10, 1999, and recorded in Book 100 at Page 25345, as follows:

to-wit: 1. Article I is amended by adding the following new numbered paragraph,

"23. Mailboxes of the type and design approved by Declarant shall be located within five (5) feet of the edge of the driveway on each lot."

2. Article IV subsection 2 is amended by deleting the first two sentences and inserting the following to-wit:

"The "Owners" of lots 1 through 55 and lots 96 through 106 (referred to as lot or lots) shall be members of this association."

3. Article IV subsection 10 is amended by adding the following new paragraph at the end of subsection 10, to-wit:

"Further in addition to the dues set forth in subparagraph 9 above, the Board of Directors may levy an assessment or assessments for the purpose of making a donation to the Lewis Township Volunteer Fire Department. The assessment or assessments shall not exceed in the aggregate \$100.00 per lot per year unless authorized by majority vote of the members."

51-44

BK 104 PGO 1443

IN WITNESS WHEREOF, Declarant has caused this document to be executed this 14 day of July, 2003.

BLUFFS DEVELOPMENT, L.L.C.

By: J AND M DEVELOPMENT, L.C., Member

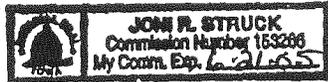
By: John H. Jerkovich  
John H. Jerkovich, Member

STATE OF IOWA

COUNTY OF POTTAWATTAMIE

)  
) ss.  
)

On this 14 day of July, 2003, before me, a Notary Public in and for the said State, personally appeared John H. Jerkovich, to me personally known, who being by me duly sworn did say that that person is a Member of said limited liability company, that (the seal affixed to said instrument is the seal of said)(no seal has been procured by the said) limited liability company and that said instrument was signed (and sealed) on behalf of the said limited liability company by authority of its managers and the said John H. Jerkovich acknowledged the execution of said instrument to be the voluntary act and deed of said limited liability company by it voluntarily executed.



Joni R. Struck  
NOTARY PUBLIC IN AND FOR SAID STATE