

107-8133

# Ben Tree Estates Phase 6

Preparer

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DECLARATION  
OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS  
OF BENT TREE ESTATES, PHASE 6, 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 17 in BENT TREE ESTATES, PHASE 6, 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 6, as well as for the maintenance of the character and residential integrity of BENT TREE ESTATES, PHASE 6.

NOW, THEREFORE, the Declarant hereby declares Lots 9 through 14 shall be held, sold and conveyed subject to the DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS OF BENT TREE ESTATES, PHASE I, 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 Lots 1 through 8 and Lots 15 through 17 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 20<sup>th</sup> day of October, 2006.

WESTERN IOWA LAND DEVELOPMENT, L.L.C.

By: Robert P. McCarthy  
ROBERT P. McCARTHY, Manager/Member

STATE OF IOWA )  
 ) ss.  
COUNTY OF POTTAWATTAMIE )

On this 20<sup>th</sup> day of October, 2006, before me, a Notary Public in and for the State of Iowa, personally appeared Robert P. McCarthy, 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.

Kris Springer  
NOTARY PUBLIC IN AND FOR SAID STATE

