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11-8-79

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Dec 12 1979

STATE OF IOWA, Pottawattamie County

I do hereby certify that the foregoing is a true and correct copy of the original as the same appears of record in the office of the County Recorder.

11-8-79

No. 11-8-79

By _____

Notary Public

My Comm. Expires _____

**AMENDMENT TO
AMENDED AND SUBSTITUTED PROTECTIVE AND RESTRICTIVE
COVENANTS FOR SPENCER'S MOUNTAIN SUBDIVISION**

Spencer's Mountain, Inc., an Iowa corporation, the owner of all of the lots in Spencer's Mountain Subdivision for which the final plat and associated documents were recorded in the office of the Pottawattamie County Recorder on June 20, 1978 in Book 78, commencing at Page 25078, except Lot 36 thereof, Linneus Stang and Virginia R. Stang, husband and wife, owners of said Lot 36, and Heritage Federal Savings and Loan Association of Denison, the mortgagees of said real estate, being the only interested parties, hereby amend the amended and substituted protective and restrictive covenants for Spencer's Mountain Subdivision as follows:

1. They amend paragraph 7 of the subheading "Other Restrictions And Covenants" in said amended and substituted protective and restrictive covenants for Spencer's Mountain Subdivision to read as follows:

"7. No part of any building shall be located within 25 feet of the right of way of any public road or within 10 feet of the side boundary line of any contiguous lot under other ownership or within 20 feet of any rear lot line or within 25 feet from any water line shown on the plat of the subdivision on a corner lot. No part of any building shall be located within 25 feet of the right of way of any public road which that building faces nor within 15 feet of any public road parallel to its side. In addition, all buildings must comply with the zoning and building ordinances of Pottawattamie County, Iowa. Eaves, steps and open porches shall be considered part of any building for the purpose of this provision."

2. The subheading "Permanent Easements" is amended to add the following provision:

"1. Spencer's Mountain, Inc. reserves to itself an easement for the purposes of constructing and maintaining an underground water storage reservoir and conduit, pipes and other necessary installations required in connection with that reservoir over the following described real estate: Beginning at a point

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to the southerly lot line of Lot 42 which is 10.13 feet southerly from the southeast corner of said Lot 42 measured along an arc of 104.13 feet with a chord South 89° 02' 47" East 30.00 feet; thence continuing along said arc of 100 feet ending at the east line of said Lot 42; thence along the east line North 0° 1' 32" East 30.00 feet; thence South 89° 41' West 104.13 feet to the point of beginning. That easement shall be perpetual."



SPENCER'S MOUNTAIN, INC., an Iowa corporation

By Gail O. Frazier
Gail O. Frazier, President

By Nancy M. Frazier
Nancy M. Frazier, Secretary

Linneaus Stang
Linneaus Stang

Virginia R. Stang
Virginia R. Stang



HERITAGE FEDERAL SAVINGS AND LOAN ASSOCIATION OF DENISON

By G. W. Halverson
G. W. Halverson, Its President

STATE OF IOWA)
COUNTY OF Pottawattamie) ss.

On this 17th day of October, 1979, before the undersigned, a notary public in and for the State of Iowa, personally appeared Gail O. Frazier and Nancy M. Frazier, to me personally known, who being by me duly sworn, did say that they are the President and Secretary, respectively, of Spencer's Mountain, Inc.; that the seal affixed to the foregoing instrument is the seal of the said corporation and that said

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instrument was signed and sealed on behalf of said corporation by authority of the Board of Directors and the said Earl G. [unclear] [unclear] [unclear] acknowledged the execution of said instrument to be the voluntary act and deed of said corporation by it voluntarily

Joseph P. [unclear]
Notary Public

STATE OF IOWA)
COUNTY OF Harrison) ss.

On this 19 day of October, 1979, before me, the undersigned, a notary public in and for the State of Iowa, personally appeared Linneus Stang and Virginia R. Stang, husband and wife, who are the identical persons named in and who executed the foregoing instrument and acknowledged that they executed the same as their act and deed.

John J. [unclear]
Notary Public

STATE OF IOWA)
COUNTY OF Crawford) ss.

On this 31st day of October, 1979, before me, the undersigned, a notary public in and for the State of Iowa, personally appeared G. W. Halverson, to me personally known, who being by me duly sworn, did say that he is the President of Heritage Federal Savings and Loan Association of Denison; that the seal affixed to the foregoing instrument is the seal of said corporation and that said instrument was signed and sealed on behalf of said corporation by

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... of the ... and ...
... to be the ...
... it ...

NOTARY PUBLIC