

78-825

Timbercrest 1st Add

COMPARED

544

AMENDMENT

TO

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR TIMBERCREST FIRST ADDITION
IN THE CITY OF COUNCIL BLUFFS, IOWA

WHEREAS, Timbercrest Venture, Ltd., an Iowa limited partnership, as the "Declarant", placed of record certain covenants, conditions and restrictions on certain real property, which is more particularly described as follows:

Lots 1 through 56, inclusive, in Timbercrest First Addition, in Council Bluffs, as surveyed platted and recorded in Pottawattamie County, Iowa,

WHEREAS, said Covenants, Conditions and Restrictions for Timbercrest First Addition, dated the 1st day of May, 1976, were recorded in Book 76 at Page 21188, in the Office of the Recorder of Pottawattamie County, Iowa, said Covenants, Conditions and Restrictions hereinafter referred to as the "Covenants, and

WHEREAS, Article II, Paragraph A, of the Covenants, provided as follows:

"ARTICLE II
CHITECTURAL CONTROL

A. The Architectural Committee shall originally consist of five persons appointed by Declarant. Said original members need not be residents of Timbercrest First Addition. Upon the resignation, for any reason, of one of the committee members, the remaining members shall promptly appoint a replacement. Until such appointment has been made, the remaining members shall exercise the committee's authority. All future members, other than the original five members appointed by Declarant, must be property owners in the Timbercrest First Addition. On or before December 31, 1983, the Committee must vote to replace any member not living in Timbercrest First Addition with a resident of Timbercrest First Addition. Any member not residing in Timbercrest First Addition, must after voting with the Committee to select a resident replacement, resign on or before said date."

WHEREAS, the undersigned, Timbercrest Venture, Ltd., the "Declarant" of the Covenants, now desires to amend Article II, Paragraph A. of the Covenants, pursuant to Article III, Paragraph B of the Covenants, by deleting Article II, Paragraph A., as hereinabove set forth, and in its place substituting therefore the following:

"ARTICLE II
ARCHITECTURAL CONTROL

A. The Architectural Committee shall originally consist of five persons appointed by Declarant. Said original members need not be residents of Timbercrest Addition. Upon the resignation, for any reason of one of the committee members, the remaining members shall promptly appoint a replacement.

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Until such appointment has been made, the remaining members shall exercise the Committee's authority. All future members, other than the original five members appointed by Declarant, must be property owners in Timbercrest Addition. On or before December 31, 1983, the Committee must vote to replace any member not living in Timbercrest Addition with a resident of Timbercrest Addition. Any member not residing in Timbercrest Addition must, after voting with the Committee to select a resident replacement, resign on or before said date."

NOW, THEREFORE, Timbercrest Venture, Ltd., the "Declarant" of the Covenants, Conditions and Restrictions for Timbercrest First Addition in the City of Council Bluffs, Iowa, does hereby amend said Covenants, recorded in Book 76 at Page 21188 in the Office of the Recorder of Pottawattamie County, Iowa, by deleting Article II, Paragraph A., and substituting therefore in its place the following:

"ARTICLE II ARCHITECTURAL CONTR

A. The Architectural Committee shall originally consist of five persons appointed by Declarant. Said original members need not be residents of Timbercrest Addition. Upon the resignation, for any reason, of one of the committee members, the remaining members shall promptly appoint a replacement. Until such appointment has been made, the remaining members shall exercise the Committee's authority. All future members, other than the original five members appointed by Declarant, must be property owners in Timbercrest Addition. On or before December 31, 1983, the Committee must vote to replace any member not living in Timbercrest Addition with a resident of Timbercrest Addition. Any member not residing in Timbercrest Addition must, after voting with the Committee to select a resident replacement, resign on or before said date."

Except as herein amended, all provisions of said Covenants, Conditions and Restrictions for Timbercrest First Addition, shall remain in full force and effect.

EXECUTED this 6th day of July, 1977.

TIMBERCREST VENTURE, LTD.,
an Iowa Limited Partnership

By CREATIVE LAND CONSULTANTS, INC.,
a Nebraska corporation, General
Partner

By Glenn L. Buck
Glenn L. Buck, President

ATTEST:

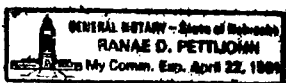
By E.M. Gollehon
E.M. Gollehon, Secretary

COMPARED

STATE OF NEBRASKA)
COUNTY OF DOUGLAS) SS.

On the date last above written, before me, the undersigned, a Notary Public in and for said County, personally came Glenn L. Buck, President of Creative Land Consultants, Inc., a Nebraska corporation, which corporation is to me personally known to be the General Partner of Timbercrest Venture, Ltd., an Iowa limited partnership, and said Glenn L. Buck, the identical person whose name is affixed to the foregoing Amendment, acknowledged the execution thereof to be his voluntary act and deed on behalf of said Corporation for said Limited Partnership.

Witness my hand and notarial seal in Omaha, in said County, on the day last above written.



Ranae D. Pettigrew
Notary Public