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**RETURN TO:**

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Polk County Iowa  
TIMOTHY J. BRIEN RECORDER  
File# 2004-00113907  
BK **10470** PG **948-959**

FIRST AMENDMENT TO DECLARATION  
OF SUBMISSION OF PROPERTY  
TO HORIZONTAL PROPERTY REGIME  
FOR VENBURY VILLAS

FIRST AMENDMENT TO DECLARATION OF  
SUBMISSION OF PROPERTY TO  
HORIZONTAL PROPERTY REGIME  
FOR VENBURY VILLAS, L.L.C.

This First Amendment to Declaration of Submission of Property to Horizontal Property Regime for Venbury Villas is made and executed this 5<sup>th</sup> day of April, 2004, by Venbury Villas, L.L.C., hereinafter referred to as the "Developer"

WITNESSETH:

WHEREAS, the Developer caused a certain Declaration of Submission of Property to Horizontal Property Regime ("Declaration") to be executed on February 11, 2004, which is recorded in Book 10389 at Pages 575 through 620, in the office of the Polk County Recorder, and

WHEREAS, pursuant to said Declaration, the Developer reserved the right to amend the Declaration prior to the Developer's passage of control, as described in Article IV of the said Declaration, and

WHEREAS, the Developer now wishes to amend said Declaration pursuant to the terms and conditions thereof, as hereinafter set forth.

**ARTICLE I**

The property affected by said Declaration is hereby described below, to be known as "Venbury Villas Phase I"

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 6; THENCE S72°22'28"W, 103.79 FEET ALONG THE SOUTHERLY LINE OF SAID LOT 6 TO A POINT; THENCE N00°00'00"W, 287.28 FEET TO A POINT; THENCE N77°49'33"E, 53.45 FEET TO A POINT; THENCE S79°56'10"E, 85.35 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF 5TH

AVENUE SOUTHWEST; THENCE SOUTHERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 970.00 FEET AND A CHORD BEARING OF S13°09'09"W, AN ARC LENGTH OF 30.38 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE TO A POINT OF REVERSE CURVATURE; THENCE SOUTHERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1030.00 FEET AND A CHORD BEARING OF S07°47'18"W, AN ARC LENGTH OF 225.15 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING AND CONTAINING 31,089 SQUARE FEET MORE OR LESS.

## ARTICLE II

On Page 2 of said Declaration the following is to be inserted:

"ARTICLE I

DEFINITIONS"

## ARTICLE III

In substitution of the site plan, designated as Exhibit "A" to the Declaration, a revised site plan is hereby attached showing the location of each of the 8 Units.

Additionally, attached hereto and marked as Exhibit A-1 is a designation of each local address for each of the 8 Units.

## ARTICLE IV

The provisions of Article II Sections 2, 3, and 4 are deleted and the following are inserted in lieu thereof.

2. Description of Building. The building has a frame exterior and is set upon a concrete foundation which has a colonial style exterior. Submitted hereto are 8 Units, all contained in the one building, with 4 Units being on the first floor and 4 Units being on the second floor.

3. Description of Residential Condominium Units. The Units are one story plans consisting of approximately 1105 square feet, exclusive of the stairway that provides

access to the second floor Units. The floor plans for each unit are attached hereto marked Exhibit "B", and by this reference made a part hereof.

4. Access to Common Elements. Each Unit has immediate access to the outdoors. The second floor units, being Units, being Units 5, 6, 7 and 8 have access through separate stairways, which are located between the garage Units on the end of the building. Units 1, 2, 3 and 4 have direct access to the outdoors through the garages and through separate entry doors.

#### ARTICLE V

The provisions of Article IV are deleted and the following is inserted in lieu thereof:

#### ARTICLE IV

##### LIMITED COMMON ELEMENTS

Description. The attached garages for each Unit, the decks, patios and separate stairways to the second floor Units are hereby reserved as limited common elements for the benefit of the Units to which the garages are assigned, to which the decks and patios are attached, and for the stairways providing direct access to the second floor Units, to the exclusion of all other Units. The listing of the ownership interests in the limited common elements is contained in Exhibit "C" attached hereto.

#### ARTICLE VI

In all other respects the terms and conditions of the Declaration remain unchanged.

IN WITNESS WHEREOF, the undersigned has executed this First Amendment on the 5 day of April, 2004.

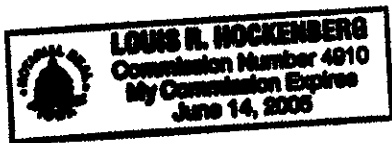
VENBURY VILLAS, L.L.C.

By *Richard J. O'Connor*  
Richard J. O'Connor, Manager

STATE OF IOWA            )  
  ) SS:  
COUNTY OF POLK        )

On this 5 day of April, 2004, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Richard J. O'Connor, to me personally known, who, after being first duly sworn on oath, did depose and state that he is the Manager of Venbury Villas, L.L.C., who executed the foregoing document; that said document was signed on behalf of the ~~corporation~~<sup>Company</sup> with full authority of its members; and that said person executed the document as the voluntary act and deed of the ~~corporation~~<sup>Company</sup>, by it and by them voluntarily executed.

*Louis R. Hockenberg*  
Notary Public in and for the State of Iowa



CONSENT

Great Western Bank, being the holder of a mortgage encumbering the property described in the foregoing First Amendment to Declaration of Submission of Property to Horizontal Property Regime for Venbury Villas hereby consents to the terms and conditions thereof, and hereby subordinates its mortgage to the terms and conditions hereof.


Dated this 6 day of April, 2004.

GREAT WESTERN BANK

  
Scott H. Henry, Market President

STATE OF IOWA            )  
                                  ) SS:  
COUNTY OF POLK        )

On this 6 day of April, 2004, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Scott H. Henry, to me personally known, who, after being first duly sworn on oath, did depose and state that he is the Market President of Great Western Bank, who executed the foregoing document; that said document was signed on behalf of the corporation with full authority of its Board of Directors; and that said person executed the document as the voluntary act and deed of the corporation, by it and by them voluntarily executed.

  
Notary Public in and for the State of Iowa

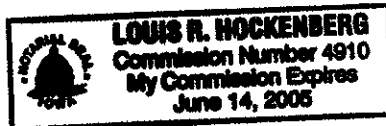


EXHIBIT "A"

SITE PLAN

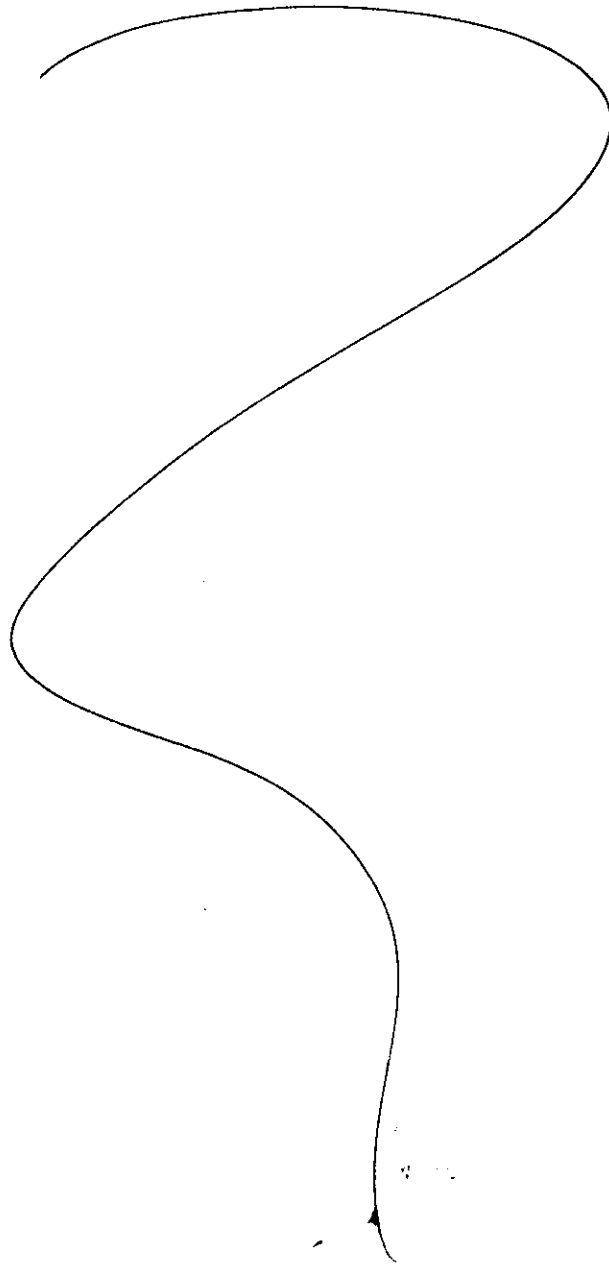






EXHIBIT "A-1"

DESIGNATION OF ADDRESSES

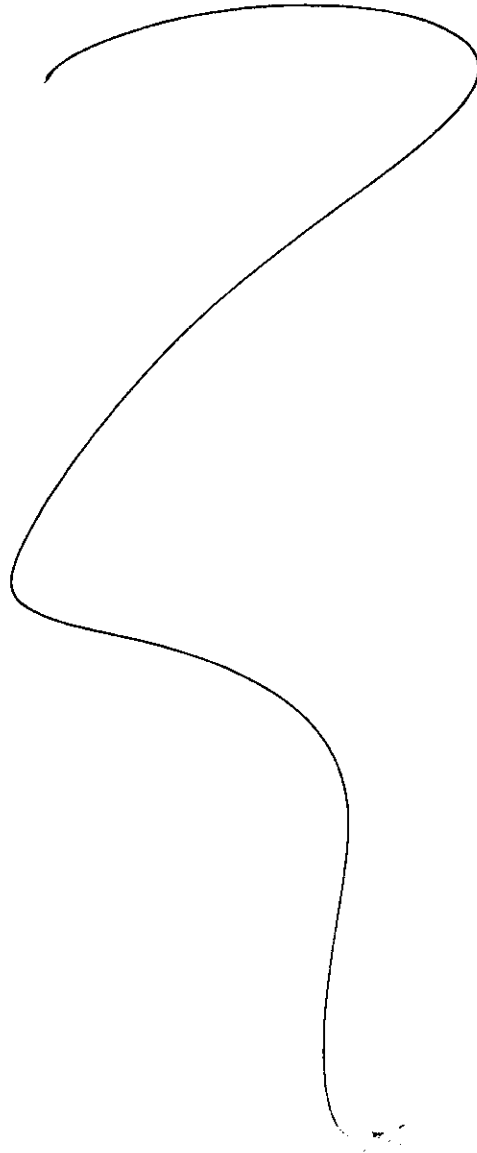


EXHIBIT "A-1"

DESIGNATION OF ADDRESSES

Unit 1 – 501 Meggie Lane, Altoona, Iowa

Unit 2 – 502 Kelsey Lane, Altoona, Iowa

Unit 3 – 508 Kelsey Lane, Altoona, Iowa

Unit 4 – 507 Meggie Lane, Altoona, Iowa

Unit 5 – 503 Meggie Lane, Altoona, Iowa

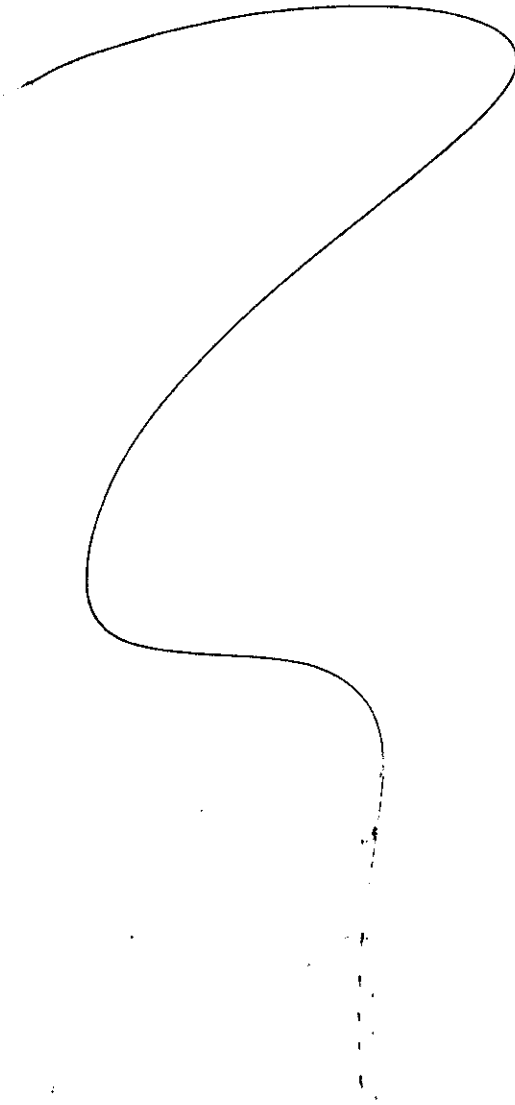
Unit 6 – 504 Kelsey Lane, Altoona, Iowa

Unit 7 – 506 Kelsey Lane, Altoona, Iowa

Unit 8 – 505 Meggie Lane, Altoona, Iowa

EXHIBIT "C"

OWNERSHIP INTEREST IN COMMON ELEMENTS  
APPURTENANT TO EACH UNIT



**EXHIBIT "C"**

Designation of General Common Elements and  
Limited Common Elements, Interest in  
Regime Appurtenant to Each Unit  
and Voting Rights

A. General Common Elements

Appurtenant to each Unit is a 1/8th interest in the general common elements.

B. Undivided Ownership Interest                      Fractional Interest in Regime

Appurtenant to each unit is a 1/8th interest in the condominium regime.

C. Limited Common Elements   Fractional Interest in Limited Common Elements

Appurtenant to each Unit is a certain attached garage and the deck or patio adjacent to each Unit. Appurtenant to the second floor Units (5, 6, 7 and 8) are separate stairway areas.

D. Voting Rights

Appurtenant to each condominium unit is one vote.