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Fee Amt: \$72.00 Page 1 of 14  
Polk County Iowa  
TIMOTHY J. BRIEN RECORDER  
File# 2005-00056597

BK **10866** PG **324-337**

**RETURN TO:**

**RETURN TO:**

Louis R. Hockenberg, Esq.  
Sullivan & Ward, P.C.  
801 Grand Avenue, Suite 3500  
Des Moines, IA 50309-2719  
(515)247-4702

PREPARED BY: Louis R. Hockenberg, Esq., Sullivan & Ward, P.C., 801 Grand Ave., Ste.3500, Des Moines, IA 50309  
(515) 247-4702

**SUPPLEMENTAL DECLARATION OF SUBMISSION  
OF PROPERTY TO HORIZONTAL PROPERTY  
REGIME FOR VENBURY VILLAS PHASE III**

**SUPPLEMENTAL DECLARATION OF SUBMISSION  
OF PROPERTY TO HORIZONTAL PROPERTY  
REGIME FOR VENBURY VILLAS PHASE III**

This Supplemental Declaration is executed this 12th day of November, 2004, by Venbury Villas, L.L.C., hereinafter referred to as the "Developer".

WITNESSETH:

WHEREAS, the Developer has created a certain condominium regime by executing a Declaration of Submission of Property to Horizontal Property Regime ("Declaration") dated February 11, 2004, and recorded in Book 10389 at Pages 575 through 620, in the Office of the Polk County Recorder, which has been amended by the First Amendment recorded in Book 10470 at Page 948 which created Venbury Villas Phase I, and by the Second Amendment recorded in Book ~~10816~~ at Page ~~320-323~~ in the Office of the Polk County Recorder, and

WHEREAS, the Developer has filed a Supplemental Declaration of Submission to Horizontal Property Regime recorded in Book 10470 at Page 960, which created Venbury Villas Phase II, and

WHEREAS, the Developer has reserved the right to add or delete units to or from Venbury Villas by executing a Supplemental Declaration and by recording the same with the Polk County Recorder's Office, which right the Developer now exercises.

**ARTICLE I**

The Developer hereby submits the following described property to Horizontal Property Regime pursuant to the terms and conditions of the Declaration as set forth above, which property shall be developed and shall be known as "Venbury Villas Phase III":

A PARCEL OF LAND WITHIN LOTS 5 AND 6, VENBURY SQUARE, AN OFFICIAL PLAT, CITY OF ALTOONA, POLK COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHERLY MOST CORNER OF SAID LOT 6; THENCE N43°23'31"W, 211.60 FEET ALONG THE SOUTHWESTERLY LINE OF SAID LOT 6 TO A POINT; THENCE N31°30'22"E, 140.26 FEET TO A POINT; THENCE S84°29'10"E, 80.51 FEET TO A POINT; THENCE S00°00'00"E, 297.37 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 6; THENCE S72°22'28"W, 35.88 FEET ALONG SAID SOUTHERLY LINE TO THE POINT OF BEGINNING AND CONTAINING 37,000 SQUARE FEET MORE OR LESS.

ARTICLE II

Attached hereto are the following exhibits described as follows:

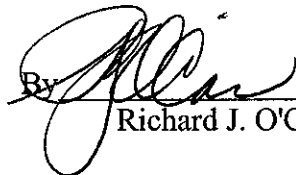
- Exhibit A -- Site Plan
- Exhibit B -- Floor Plans for each Unit
- Exhibit C --Designation of General Common Elements and Limited Common Elements, Interest in Regime Appurtenant to Each Unit, and Voting Rights
- Exhibit D – Designation of Local Addresses for Each Unit

ARTICLE III

Except as set forth herein, the terms and conditions of said Declaration and all Amendments thereto shall apply to Venbury Villas Phase III, in all respects, as though Venbury Villas Phase III were originally subject to said Declaration and all amendments thereto.


IN WITNESS WHEREOF, the undersigned has executed this Supplemental Declaration on the 12 day of NOVEMBER 2004.

VENBURY VILLAS, L.L.C.

By   
 Richard J. O'Connor, Manager

STATE OF IOWA            )  
   )SS:  
 COUNTY OF POLK         )

On this 12 day of November 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 being by me duly sworn, did say that that person is the Manager of said limited liability company, that (no seal has been procured by the) (the seal affixed thereto is the seal of the) 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 RICHARD J. O'CONNOR acknowledged the execution of the foregoing instrument to be the voluntary act and deed of the limited liability company by it voluntarily executed.

  
 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 Supplemental Declaration of Submission of Property to Horizontal Property Regime for Venbury Villas Phase III hereby consents to the terms and conditions hereof, and hereby subordinates its mortgage to the terms and conditions hereof.

Dated this 12<sup>th</sup> day of NOV, 2004.

GREAT WESTERN BANK

By [Signature]  
Scott H. Henry, Market President

STATE OF IOWA            )  
  ) SS:  
COUNTY OF POLK        )

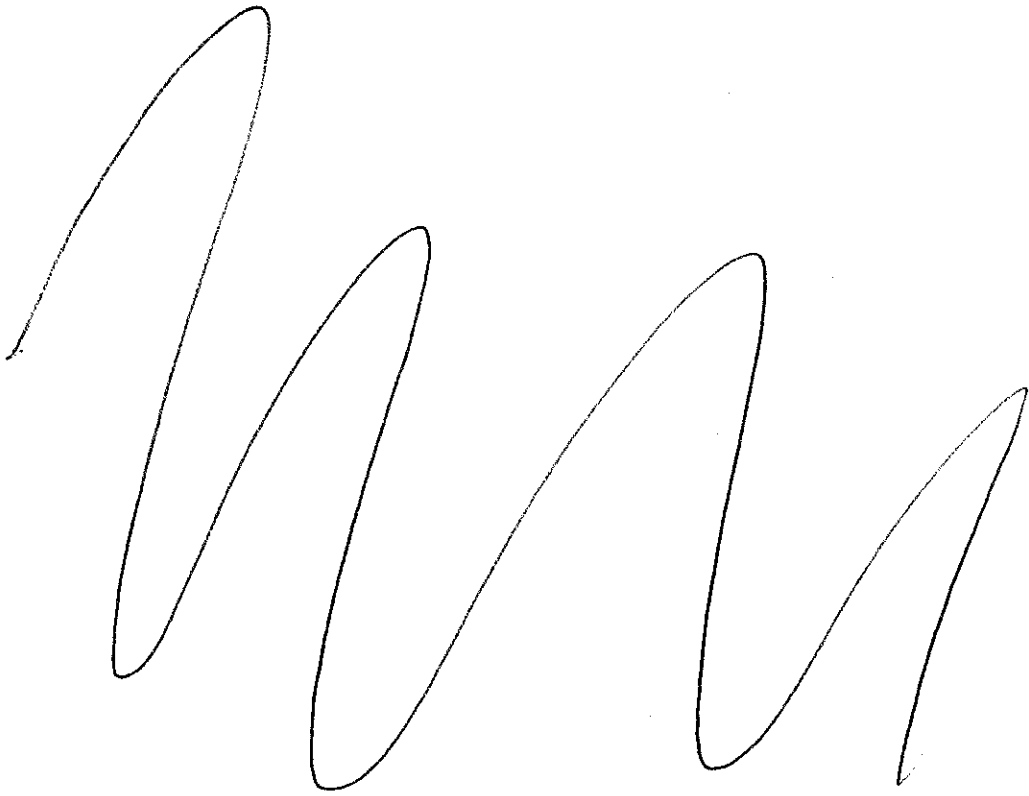
On this 12 day of November, 2004, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Scott H. Henry, to me personally known, who, after being first duly sworn on oath, did depose and state that he is the Market President of Great Western Bank, who executed the foregoing document; that said document was signed on behalf of the corporation with full authority of its managing persons, and that said person executed the document as the voluntary act and deed of the corporation, by it and by them voluntarily executed.

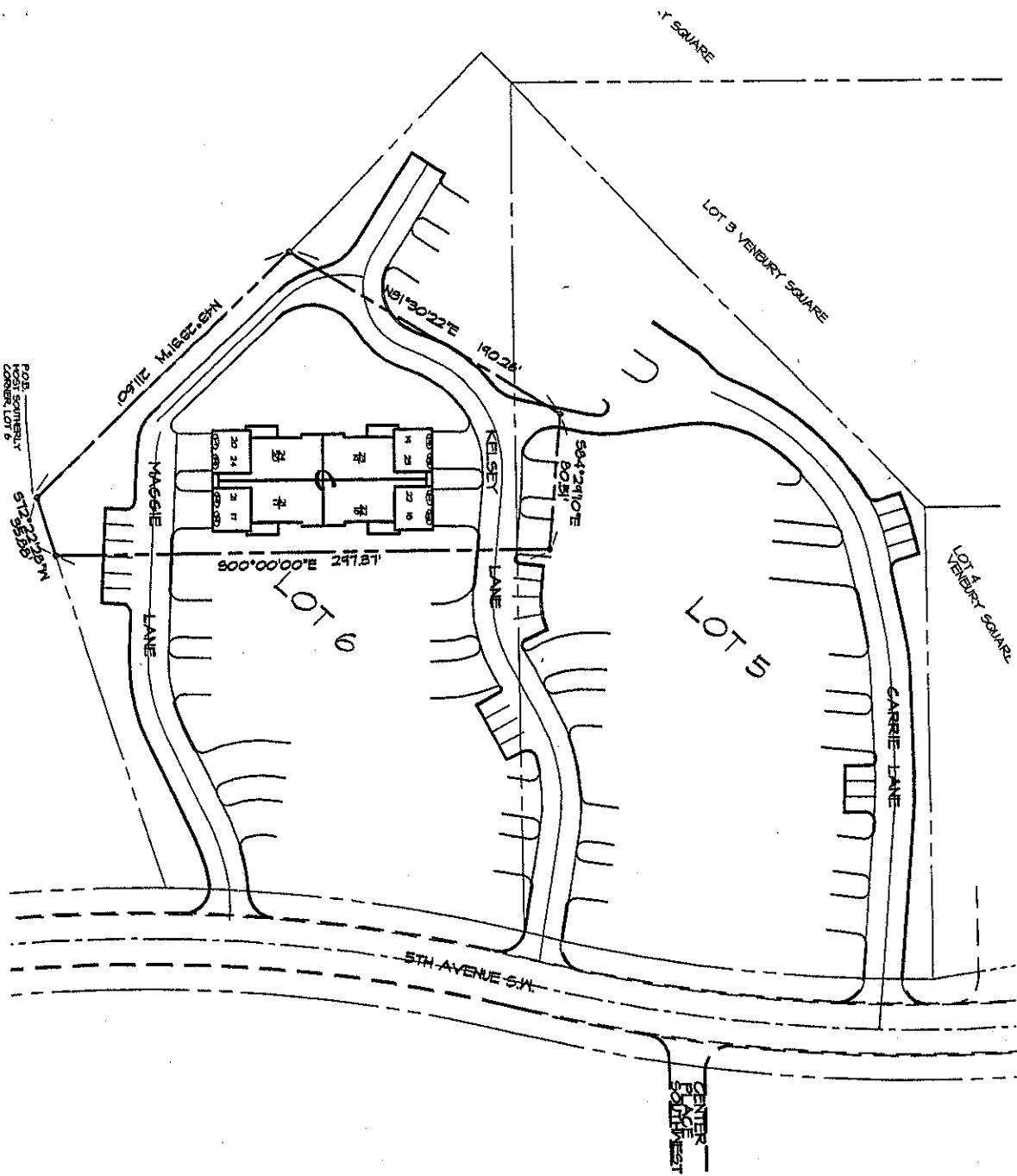
[Signature]  
Notary Public in and for the State of Iowa



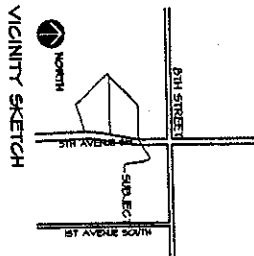
**EXHIBIT "A"**

**SITE PLAN**





**BUILDING SURVEY**  
**VENEBURY VILLAS**  
 PHASE III  
 ALTONA, IOWA



**LEGAL DESCRIPTION**  
 A PARCEL OF LAND WITHIN LOTS 5 AND 6, VENABLE SQUARE, AN OFFICIAL PLAT, CITY OF ALTONA, POLK COUNTY, IOWA THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHERLY MOST CORNER OF SAID LOT 6; THENCE N49°23'31"W, 211.60 FEET ALONG THE SOUTHWESTERLY LINE OF SAID LOT 6 TO A POINT; THENCE N81°30'22"E, 140.26 FEET TO A POINT; THENCE S04°24'07"E, 80.51 FEET TO A POINT; THENCE S00°00'00"E, 241.57 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID LOT 6; THENCE S72°22'28"W, 35.85 FEET ALONG SAID SOUTHERLY LINE TO THE POINT OF BEGINNING AND CONTAINING 37,000 SQUARE FEET MORE OR LESS.

- LEGEND**
- ▲ EXISTING/PROPOSED PLAT BOUNDARY
  - FOUND CORNER
  - SET CORNER W/ 5/8" I.R. CAP #7844
  - IR. IRON ROD
  - G.P. GAS PIPE
  - D. DEEDED DISTANCE
  - H. MEASURED DISTANCE
  - P. PREVIOUSLY RECORDED DISTANCE
  - P.U.E. PUBLIC UTILITY EASEMENT
  - UPPER UNIT UNIT NUMBERING
  - LOWER UNIT UNIT NUMBERING

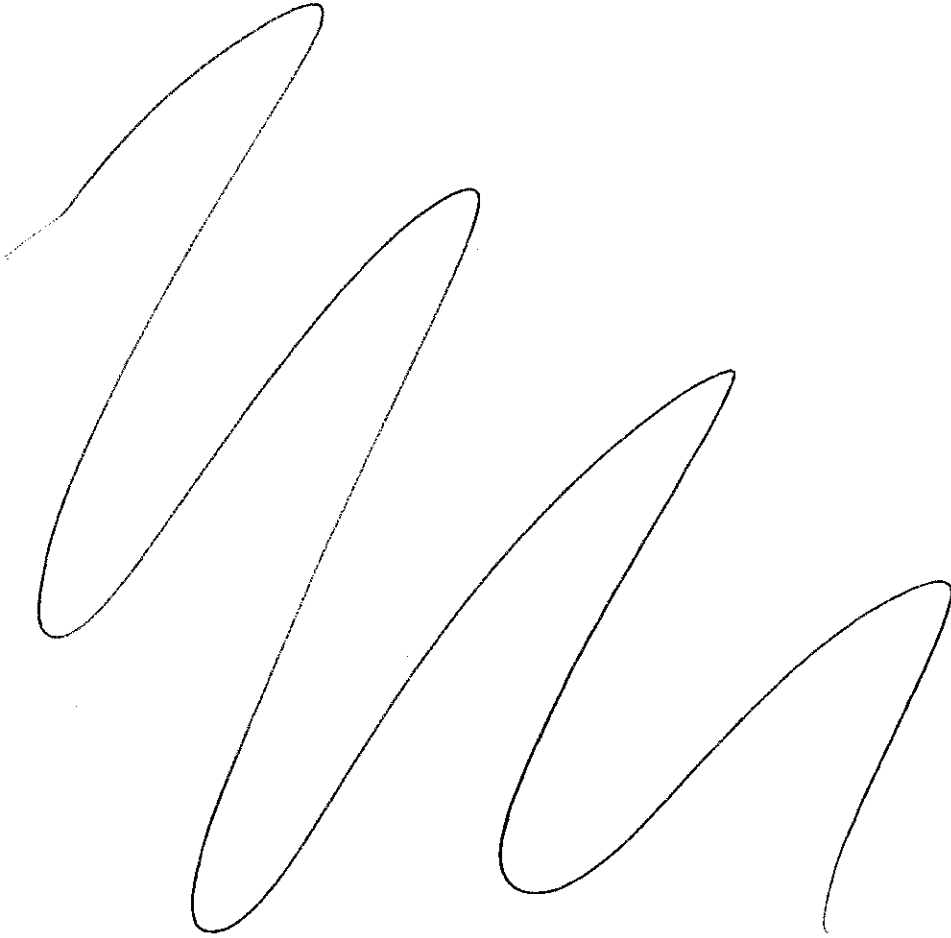
**NORTH**

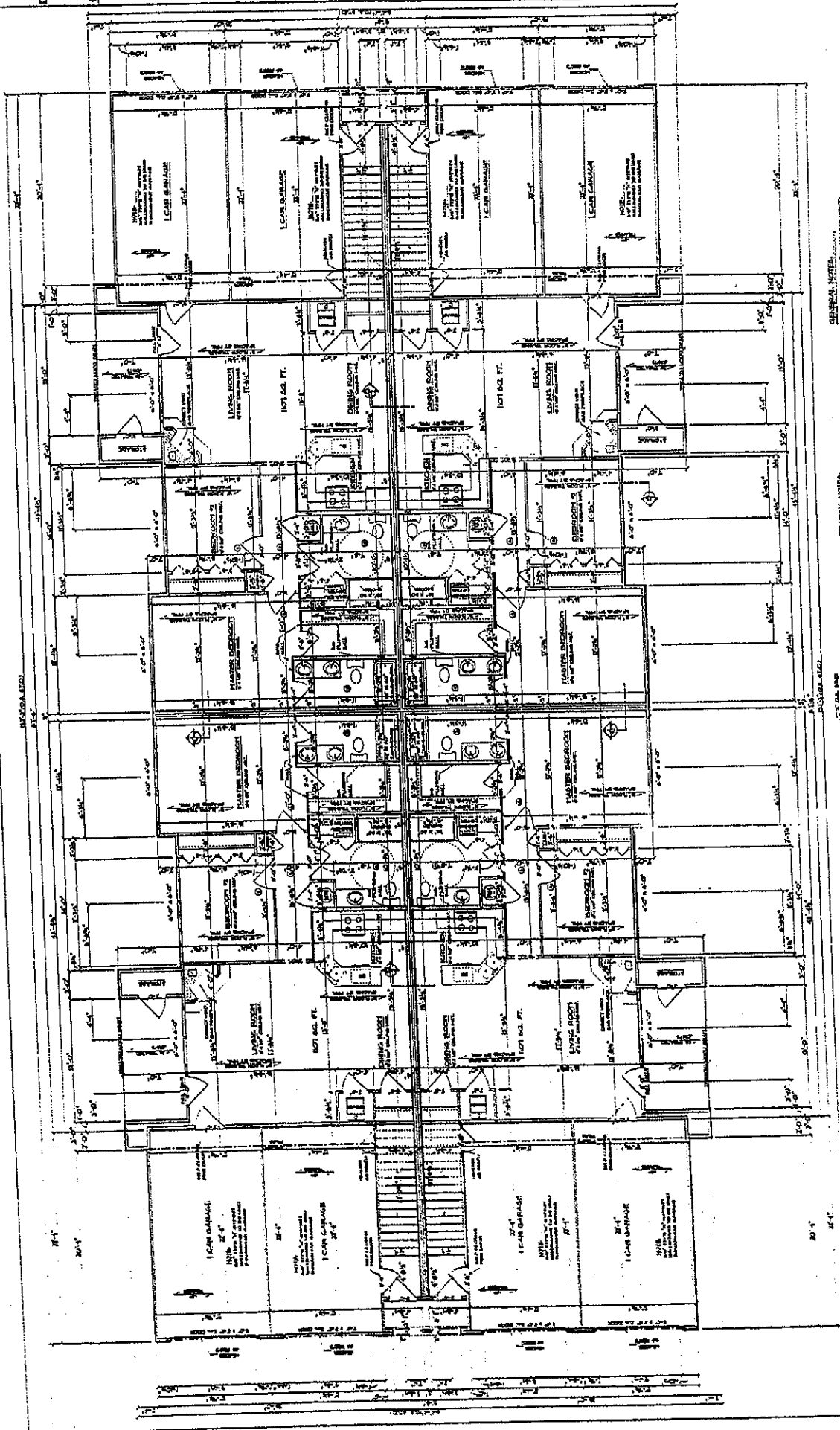
SCALE: 1" = 20'

**CEC** CIVIL ENGINEERING CONSULTANTS, INC.  
 2400 86TH STREET, UNIT 12, DES MOINES, IOWA 50322-4379  
 PHONE: 515.276.4884 FAX: 515.276.7084

**EXHIBIT "B"**

**FLOOR PLANS FOR EACH UNIT**



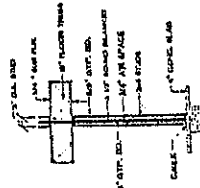


**GENERAL NOTES:**

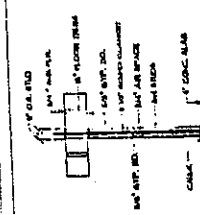
1. CONSULT THE ARCHITECT FOR ALL NOTES.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.
4. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
5. ALL MATERIALS SHALL BE OF THE HIGHEST QUALITY AND SHALL BE APPROVED BY THE ARCHITECT.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.

**FINISHES AREA:**

1. ALL WALL FINISHES SHALL BE AS NOTED.
2. ALL FLOOR FINISHES SHALL BE AS NOTED.
3. ALL CEILING FINISHES SHALL BE AS NOTED.
4. ALL PARTITION WALLS SHALL BE 1/2" G.C. WITH 1/2" GYP. BOARD ON BOTH SIDES.
5. ALL INTERIOR DOORS SHALL BE 1 3/4" G.C. WITH 1/2" GYP. BOARD ON BOTH SIDES.
6. ALL INTERIOR DOORS SHALL BE 1 3/4" G.C. WITH 1/2" GYP. BOARD ON BOTH SIDES.
7. ALL INTERIOR DOORS SHALL BE 1 3/4" G.C. WITH 1/2" GYP. BOARD ON BOTH SIDES.
8. ALL INTERIOR DOORS SHALL BE 1 3/4" G.C. WITH 1/2" GYP. BOARD ON BOTH SIDES.
9. ALL INTERIOR DOORS SHALL BE 1 3/4" G.C. WITH 1/2" GYP. BOARD ON BOTH SIDES.
10. ALL INTERIOR DOORS SHALL BE 1 3/4" G.C. WITH 1/2" GYP. BOARD ON BOTH SIDES.



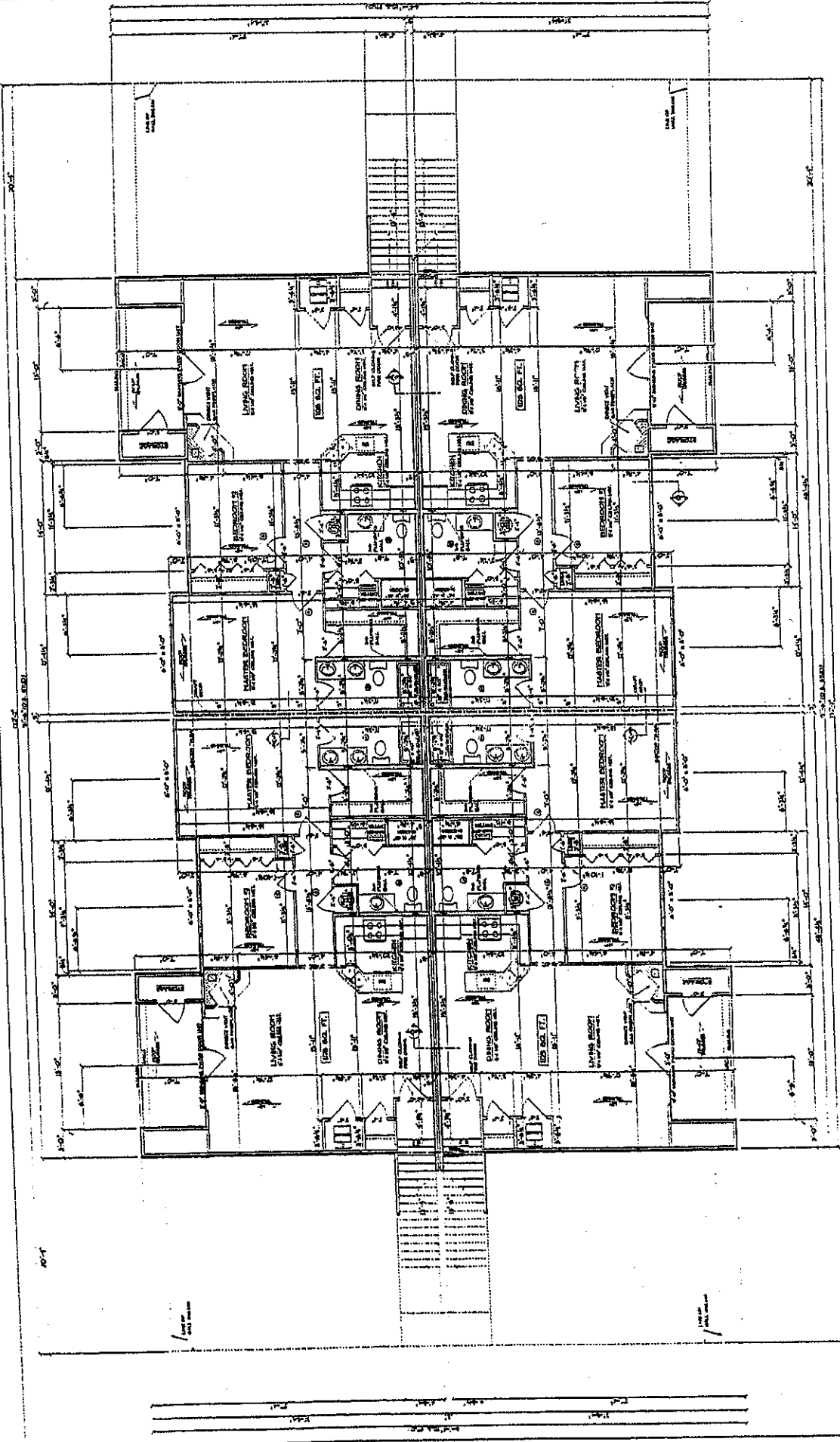
PARTY WALL DETAIL 'B'  
 SCALE: 1/4" = 1'-0"



PARTY WALL DETAIL 'A'  
 SCALE: 1/4" = 1'-0"

MAIN FLOOR PLAN  
 SCALE: 1/4" = 1'-0"



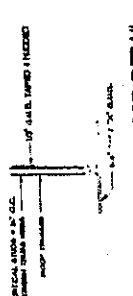
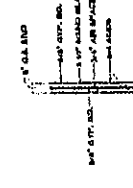


**GENERAL NOTES**

1. CONSULT WITH CONTRACTOR AND GENERAL CONTRACTOR FOR ALL DETAILS.
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES TO REMAIN.
5. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
6. ATTACHED MATERIALS SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.
7. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES TO REMAIN.
9. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
10. ATTACHED MATERIALS SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.
11. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

**FINISHING NOTES**

1. ALL WALL FINISHES SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.
2. ALL FLOOR FINISHES SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.
3. ALL CEILING FINISHES SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.
4. ALL LIGHT FIXTURES SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.
5. ALL ELECTRICAL FIXTURES SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.
6. ALL MECHANICAL FIXTURES SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.
7. ALL PAINTWORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.

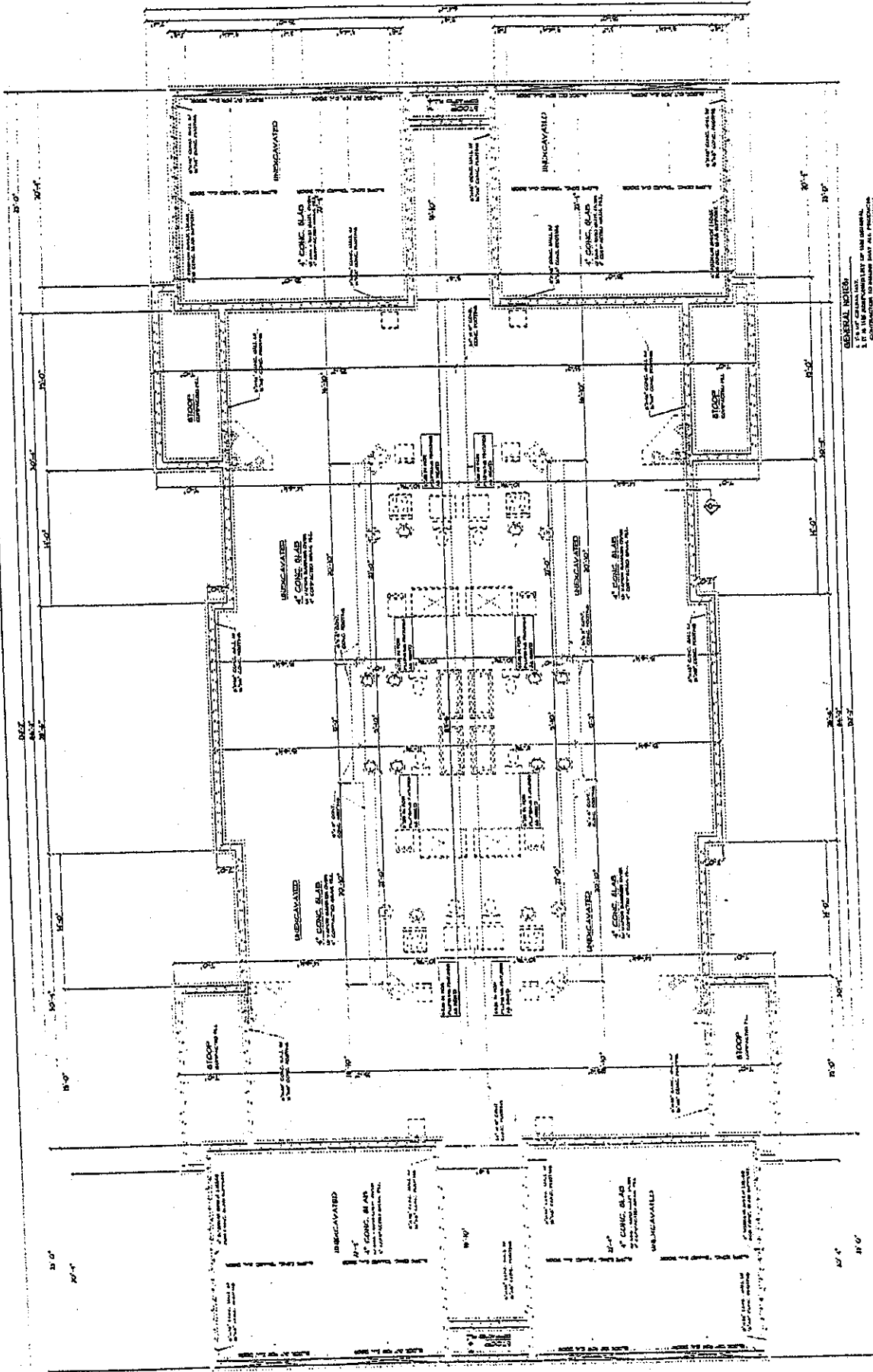


PARTY WALL DETAIL 'A'  
SCALE: 1/4" = 1'-0"

ATTIC DRAFT STOP DETAIL  
SCALE: 1/4" = 1'-0"

SECOND FLOOR PLAN  
SCALE: 1/4" = 1'-0"

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**GENERAL NOTES:**

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES (IBC) AND THE CALIFORNIA BUILDING CODES (CBC).
2. ALL FOUNDATION ELEMENTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI 318 AND ACI 308.
3. ALL FOUNDATION ELEMENTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI 309.
4. ALL FOUNDATION ELEMENTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI 305.
5. ALL FOUNDATION ELEMENTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI 308.2R.
6. ALL FOUNDATION ELEMENTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI 308.3R.
7. ALL FOUNDATION ELEMENTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI 308.4R.
8. ALL FOUNDATION ELEMENTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI 308.5R.
9. ALL FOUNDATION ELEMENTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI 308.6R.
10. ALL FOUNDATION ELEMENTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI 308.7R.

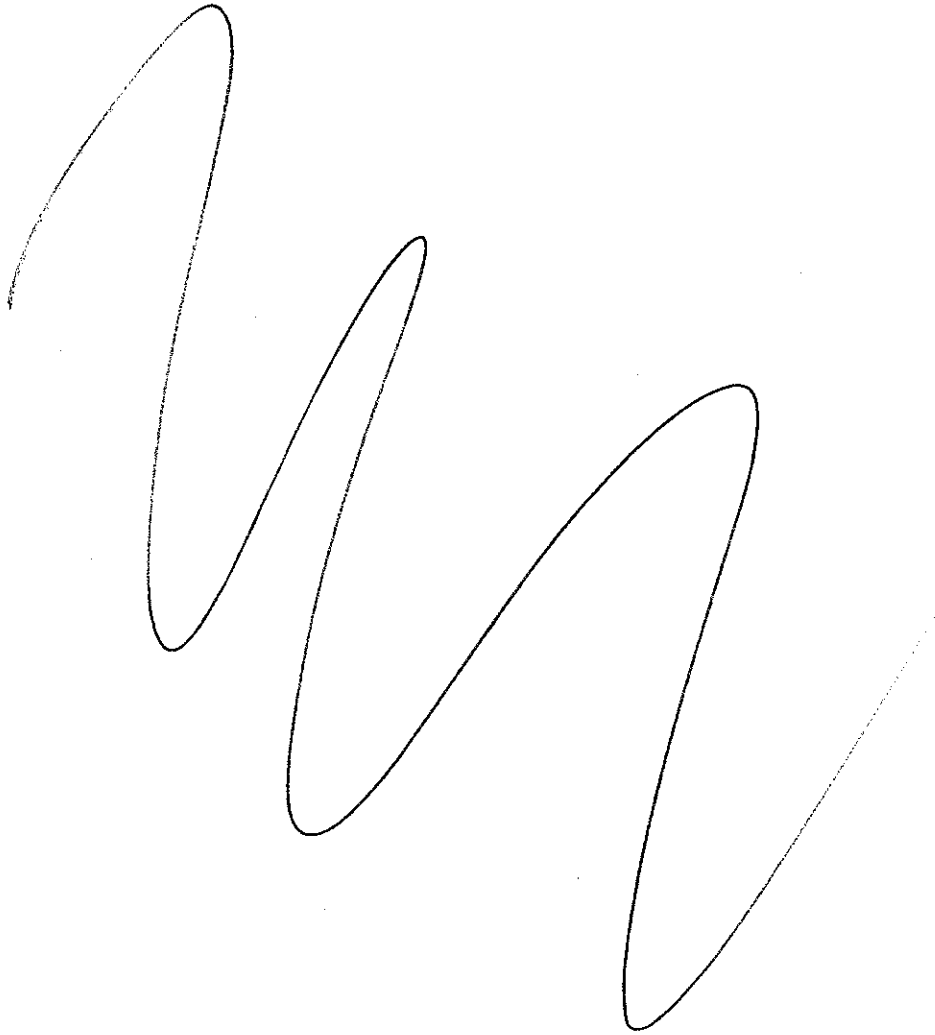
**GENERAL NOTES:**

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2. ALL FOUNDATION ELEMENTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI 318 AND ACI 308.
3. ALL FOUNDATION ELEMENTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI 309.
4. ALL FOUNDATION ELEMENTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI 305.
5. ALL FOUNDATION ELEMENTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI 308.2R.
6. ALL FOUNDATION ELEMENTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI 308.3R.
7. ALL FOUNDATION ELEMENTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI 308.4R.
8. ALL FOUNDATION ELEMENTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI 308.5R.
9. ALL FOUNDATION ELEMENTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI 308.6R.
10. ALL FOUNDATION ELEMENTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE ACI 308.7R.

**FOUNDATION PLAN**

**EXHIBIT "C"**

**DESIGNATION OF GENERAL COMMON ELEMENTS  
AND LIMITED COMMON ELEMENTS, INTEREST IN REGIME  
APPURTENANT TO EACH UNIT, AND VOTING RIGHTS**



## 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 (13, 14, 15 and 16) are separate stairway areas.

D. Voting Rights

Appurtenant to each condominium unit is one vote.

**EXHIBIT "D"**

**DESIGNATION OF LOCAL ADDRESSES FOR EACH UNIT**



**BUILDING D -- UNIT NO.**

**ADDRESS**

|    |                 |
|----|-----------------|
| 25 | 501 Kelsey Lane |
| 26 | 500 Carrie Lane |
| 27 | 506 Carrie Lane |
| 28 | 507 Kelsey Lane |
| 29 | 503 Kelsey Lane |
| 30 | 502 Carrie Lane |
| 31 | 504 Carrie Lane |
| 32 | 505 Kelsey Lane |

