Book 2009 Page 4113
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DEBORAH L PEYTON, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

046
FSB

SECOND AMENDMENT TO DECLARATION OF SUBMISSION OF PROPERTY

Recorder's Cover Sheet

Preparer Information:
Frank S. Mitvalsky, P.O. Box 456, Cedar Rapids, (319) 364-1535

Taxpayer Information:
Hughes Development, Inc.
R.A.E. Investments, Inc.
Chad A. and Angela M. Hoyt

Return Address
Frank S. Mitvalsky
P.O. Box 456
Cedar Rapids, IA 52406-0456

Grantors:
Hughes Development, Inc.
R.A.E. Investments, Inc.
Chad A. and Angela M. Hoyt

Grantees:
Hughes Development, Inc.
R.A.E. Investments, Inc.
Chad A. and Angela M. Hoyt

Legal Description:

Lot 8, The Maples, a Subdivision of Lot 8 and Lot 8A of the Lake View First Addition, Part of Section 23, T88N, R5W of the Fifth P.M., Delaware County, Iowa

and

Lot 4, The Maples, a Subdivision of Lot 8 and Lot 8A of the Lake View First Addition, Part of Section 23, T88N, R5W of the Fifth P.M., Delaware County, Iowa

Document or instrument number if applicable:

SECOND AMENDMENT TO DECLARATION OF SUBMISSION OF PROPERTY TO HORIZONTAL PROPERTY REGIME FOR THE MAPLES, A CONDOMINIUM

WHEREAS, the undersigned Developer executed the Declaration of Submission of Property to Horizontal Property Regime for The Maples, a Condominium, and filed the same for record on August 9, 2000, in Book 2000 at Page 2401, and following, in the records of the Recorder of Delaware County, Iowa, and

WHEREAS, the undersigned Developer executed the First Amendment to Declaration of Submission of Property to Horizontal Property Regime for The Maples, A Condominium, and filed the same for record on April 30, 2007, in Book 2007 at Page 1313, and following, in the records of the Recorder of Delaware County, Iowa,

NOW THEREFORE, the Developer, pursuant to such authority and with the consent signatures hereto affixed, hereby executes this instrument to serve as the Second Amendment to Declaration of Submission of Property to Horizontal Property Regime for The Maples, a Condominium.

ARTICLE I

PURPOSE

1. The purpose of this Amendment is to submit and convey to the condominium form of ownership and use, pursuant to Iowa law, the land(s) described in Article II hereof, and the improvements constructed or to be constructed thereon, it being understood that the original Declaration of Submission of Property to Horizontal Property Regime for The Maples, A Condominium, as supplemented by the First Amendment thereto, and as hereby supplemented by

this Second Amendment, shall constitute one Declaration and that the lands and improvements originally submitted, as supplemented and enlarged, shall constitute one condominium regime within the purview of Chapter 499B of the Code of Iowa.

ARTICLE II

DESCRIPTION OF LAND AND BUILDINGS

1. Land and Buildings. The land(s) hereby submitted to the Horizontal Property Regime, subject, however, to all applicable easements and to the terms and provisions of the condominium documents, are situated in Delaware County, Iowa, and legally described as follows:

Lot 8, The Maples, a Subdivision of Lot 8 and Lot 8A of the Lake View First Addition, Part of Section 23, T88N, R5W of the Fifth P.M., Delaware County, Iowa

NOTE: The current owners of this land, Chad A. Hoyt and Angela M. Hoyt, have consented to this submission, as shown by their signatures to this instrument.

AND

Lot 4, The Maples, a Subdivision of Lot 8 and Lot 8A of the Lake View First Addition, Part of Section 23, T88N, R5W of the Fifth P.M., Delaware County, Iowa

2. Plat and Site Plan. The land(s) being submitted by this Second Amendment are shown on Exhibit "A" of the original Declaration. Such land(s) constitute a portion of the "additional lands" described and referred to in Article I, Paragraph 3 of the original Declaration. There is attached hereto as Exhibit "BBB," and made a part hereof, a Site Plan showing the location and dimensions of the buildings hereby submitted to the Horizontal Property Regime. Exhibit "BBB" further shows graphically the location, dimensions and area of certain common elements, either as they exist or as they are proposed.

3. Access. Exhibit "BBB" shows the location of 254th Street and 207th Avenue, which are private roads in the Lake View First Addition Road Association, and provide ingress and egress from the building and land.

4. Particulars of Townhome Buildings. The townhome buildings constructed or to be constructed upon the land(s) submitted by this Second Amendment are as follows:

Lot 8 – Similar to those described in Article II, paragraph 4 of the First Amendment to the original Declaration, in that the buildings are of a general ranch style.

Lot 4 – Similar to those described in Article II, paragraph 4 of the original Declaration in that the buildings are two-story structures.

ARTICLE III

LEGAL DESCRIPTION OR IDENTIFICATION OF TOWNHOMES, GARAGES, AND THE COMMON ELEMENTS BY PLAN AND NUMBER; CERTIFICATES

1. Plans and Exhibits Attached – Townhome Buildings and Garages. The location of each townhome and garage within the building, and number of rooms for each townhome and the dimensions thereof, and the area of the townhomes, the common area to which each townhome has access, the particulars of the townhome building and the dimensions, area and location of all common elements affording access to the townhome, or otherwise, are all shown and depicted by survey, plans, and/or graphically insofar as possible, by the following exhibits attached hereto and made a part hereof:

Exhibit "BBB"	Site Plan
Exhibit "CCC-1 – CCC-4"	Survey of Floor Plan with detail of typical townhome for Lot 8
Exhibit "CCC-5 – CCC-11"	Survey of Floor Plan with detail of typical townhome for Lot 4

2. Complete Plans and Certificate: That, pursuant to Section 499B.6 of the Code of Iowa, Exhibit "CCC" is a full and exact copy of the building plans for the townhomes added by this Second Amendment to the Condominium Regime, and Exhibit "EEE" attached hereto is a Certificate of the Land Surveyor stating that Exhibits "BBB", "CCC-1 – CCC-4" and "CCC-5 – CCC-11" constitute correct representations and legal descriptions of the land, buildings, and other improvements as proposed or as they now exist and that there can be determined therefrom the identification, location and dimensions and size, insofar as possible, for each townhome and/or the common elements of the Condominium Regime.

ARTICLE IV

PERCENTAGE INTEREST IN COMMON ELEMENTS AND VOTING RIGHTS

1. Exhibit "DDD" is attached hereto and made a part hereof. This Exhibit "DDD" revises Exhibit "D" of the original Declaration and Exhibit "DD" of the First Amendment thereto.

IN WITNESS WHEREOF, the undersigned have caused this instrument to be executed this 28th day of October, 2009.

HUGHES DEVELOPMENT, INC.

By _____
EVAN R. HUGHES, President

By _____
EVAN R. HUGHES, Secretary

_____
CHAD A. HOYT

R.A.E. INVESTMENTS, INC.

By _____
EVAN R. HUGHES, President

By _____
EVAN R. HUGHES, Secretary

_____
ANGELA M. HOYT

STATE OF IOWA)
) ss.
COUNTY OF DELAWARE)

On this 28th day of October, 2009, before me, the undersigned, a Notary Public in and for said state, personally appeared Evan R. Hughes, to me personally known, who being by me duly sworn, did say that he is the President and Secretary of Hughes Development, Inc., that no seal has been procured by the said Corporation; that said instrument was signed on behalf of said Corporation by authority of its Board of Directors; and that the said Evan R. Hughes, President and Secretary, as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of said Corporation, by it, and by them voluntarily executed.

Christine L Tegeler
NOTARY PUBLIC IN AND FOR THE STATE OF IOWA

CHRISTINE L TEGELER
Notarial Seal - Iowa
Commission # 138836
My Commission Expires 3-6-2010

STATE OF IOWA)
) SS.
COUNTY OF DELAWARE)

On this 28th day of October, 2009, before me, the undersigned, a Notary Public in and for said state, personally appeared Evan R. Hughes, to me personally known, who being by me duly sworn, did say that he is the President and Secretary of R.A.E. Investments, Inc., that no seal has been procured by the said Corporation; that said instrument was signed on behalf of said Corporation by authority of its Board of Directors; and that the said Evan R. Hughes, President and Secretary, as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of said Corporation, by it, and by them voluntarily executed.

Christine L Tegeler
NOTARY PUBLIC IN AND FOR THE STATE OF IOWA

CHRISTINE L TEGELER
Notarial Seal - Iowa
Commission # 138836
My Commission Expires 3-6-2010

STATE OF IOWA)
) SS.
COUNTY OF DELAWARE)

On this 28th day of October, 2009, before me, the undersigned, a Notary Public in and for said state, personally appeared Chad A. Hoyt and Angela M. Hoyt, to me known to be the persons named in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.

Christine L Tegeler
NOTARY PUBLIC IN AND FOR THE STATE OF IOWA

CHRISTINE L TEGELER
Notarial Seal - Iowa
Commission # 138836
My Commission Expires 3-6-2010

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EXHIBIT "AAA"

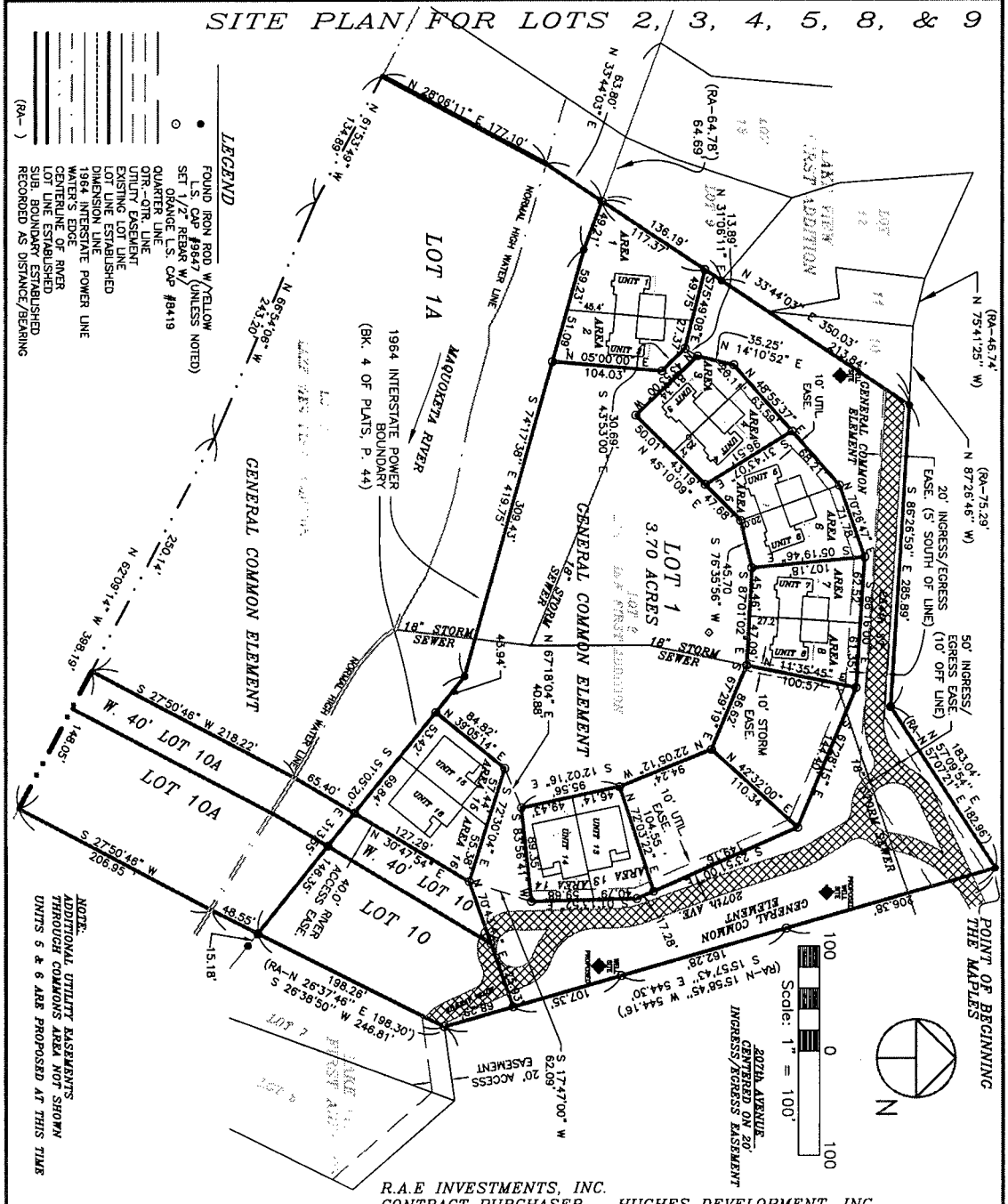
PREPARED BY: J DAVID GIBBS; 105 W. MAIN ST. MANCHESTER, IA 52057 563-927-2434

SITE PLAN

THE MAPLES

A SUBDIVSION OF LOT 8 AND LOT 8A OF THE LAKE VIEW FIRST ADDITION, PART OF SECTION 23, T88N, R5W OF THE FIFTH P.M., DELAWARE COUNTY, IOWA

SITE PLAN FOR LOTS 2, 3, 4, 5, 8, & 9



NOTE: ADDITIONAL UTILITY EASEMENTS THROUGH COMMONS AREA NOT SHOWN UNITS 5 & 6 ARE PROPOSED AT THIS TIME

R.A.E INVESTMENTS, INC.
CONTRACT PURCHASER – HUGHES DEVELOPMENT, INC.
LOT 8 – CHAD A. HOYT & ANGELA M. HOYT 6/19/2009

SURVEY REQUESTED BY: R.A.E. INVESTMENTS, INC.

PROPRIETORS: SEE ABOVE

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF IOWA.

J. DAVID GIBBS, P.E., L.S. LIC. NO. 8419 DATE

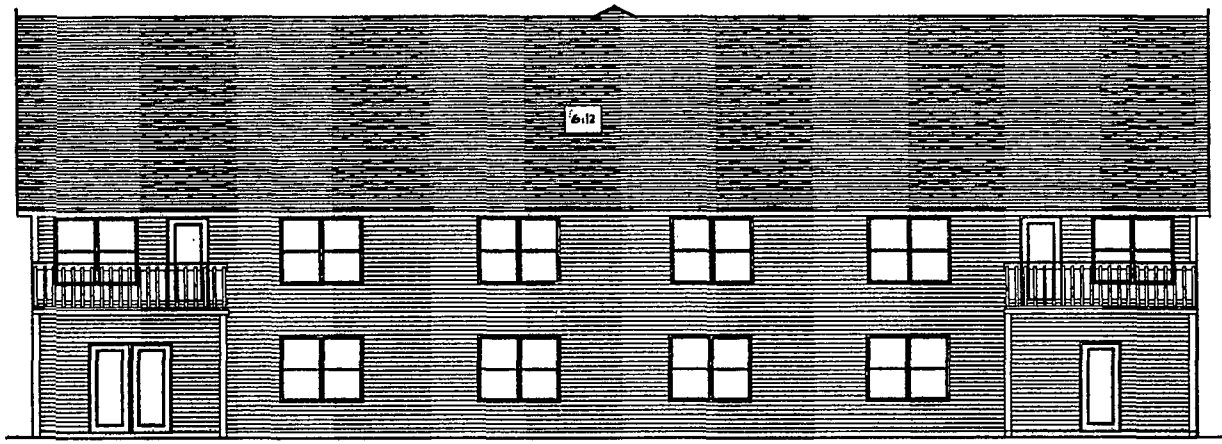
MY LICENSE RENEWAL DATE IS DECEMBER 31, 2010

PAGES OR SHEETS COVERED BY THIS SEAL: 1

GIBBS ENGINEERING & SURVEYING
105 WEST MAIN STREET, MANCHESTER, IA 52057

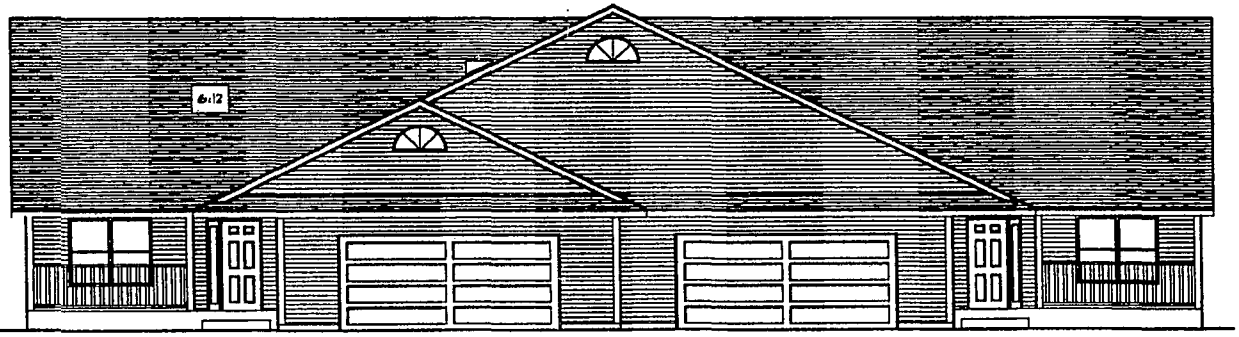
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SCALE: GRAPHIC
DATE: 6/26/2009
DRAWN BY: RLR
CHECKED BY: JDG
FIELD BK: EGPT
REVISED
SHEET 1 OF 1

EXHIBIT "BBB"



REAR ELEVATION

SCALE: 1/4"=1'-0"



FRONT ELEVATION

SCALE: 1/4"=1'-0"

CONTRACTORS RESPONSIBILITIES:

VERIFY ROOF AND FLOOR FRAMING SYSTEMS, STRUCTURAL COMPONENTS, BEARING MATERIALS, STRUCTURAL SIZING, REINFORCING AND LOCATIONS WITH MANUFACTURERS AND OR A QUALIFIED ENGINEER/ARCHITECT PRIOR TO CONSTRUCTION.

VERIFY ALL DOOR AND WINDOW LOCATION, ROUGH OPENINGS, EGRESS AND LIGHTING REQUIREMENTS PRIOR TO ANY CONSTRUCTION.

CONSTRUCTION TYPE:

EXTERIOR WALLS: 2X6
INTERIOR WALLS: 2X4
GARAGE WALLS: 2X4
ROOF SLOPE: 6:12
EAVE OVERHANGS: 24"
GABLE OVERHANGS: 12"

NOTES:

SMOKE DETECTORS MUST BE PROVIDED BY THE ELECTRICIAN, IN EACH SLEEPING ROOM, EACH HALLWAY, OR AREAS USED AS SUCH ON EVERY STORY AND IN BASEMENTS. ALSO, ANY ROOM OPEN TO A HALLWAY (LISTED ABOVE) OR WITH A CEILING HEIGHT OF 24" GREATER THAN THE HALLWAY. ALL DETECTORS SHALL BE POWERED BY HOUSE WIRING WITH BATTERY BACKUP AND ALARMS SHALL BE INTERCONNECTED.

DIVISION WALL BETWEEN ATTACHED GARAGE AND RESIDENCE SHALL BE A 1 HR. RATED ASSEMBLY WITH ONE OPENING PERMITTED. THIS OPENING MUST HAVE A 1/2 HR. RATED DOOR WITH MECHANICAL ENCLOSURE.

ALL ELECTRICAL WORK SHALL MEET N.E.C., STATE, COUNTY, AND OR LOCAL CODE AS REQUIRED.

ALL CONSTRUCTION, PLUMBING, AND HVAC WORK SHALL MEET UNIFORM BUILDING CODE, COUNTY AND LOCAL CODES AS REQUIRED.

UBC

IMPORTANT
THESE DRAWINGS MAY NOT MEET APPLICABLE BUILDING CODES. THESE DRAWINGS ARE NEED TO BE ADOPTED TO YOUR SPECIFIC PROJECT. CHECK WITH LOCAL BUILDING OFFICIALS ABOUT A "PERMIT".

STEFFEN CONSTRUCTION
HUGHES

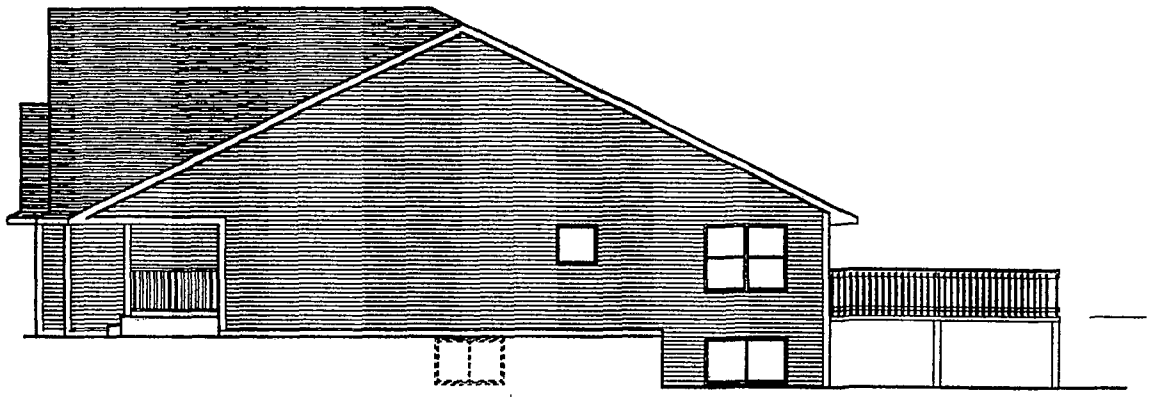
DATE: 12/29/06

REVISIONS:

UBC

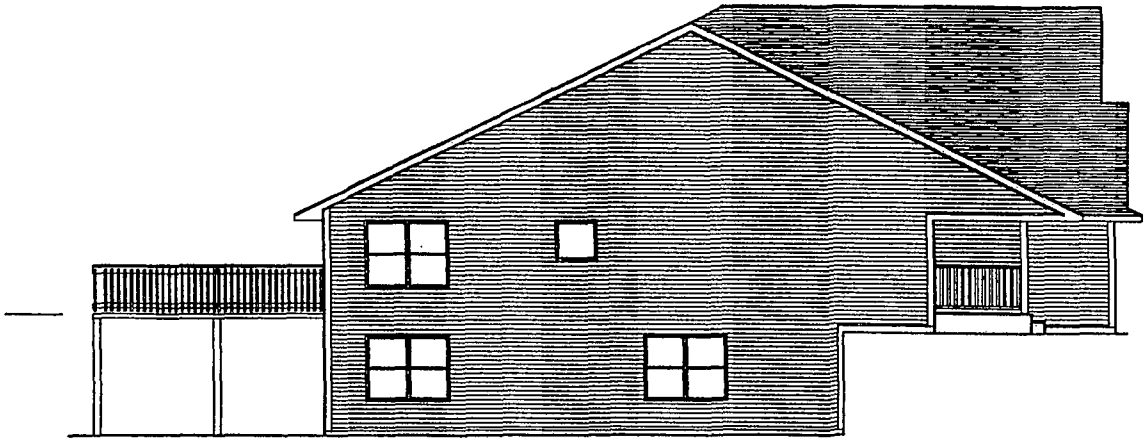
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EXHIBIT "CCC-1"



RIGHT ELEVATION

SCALE: 1/4"=1'-0"



LEFT ELEVATION

SCALE: 1/4"=1'-0"

CONTRACTORS RESPONSIBILITIES:

VERIFY ROOF AND FLOOR FRAMING SYSTEMS, STRUCTURAL COMPONENTS, BEARING MATERIALS, STRUCTURAL SIZING, REINFORCING AND LOCATIONS WITH MANUFACTURERS AND OR A QUALIFIED ENGINEER/ARCHITECT PRIOR TO CONSTRUCTION.

VERIFY ALL DOOR AND WINDOW LOCATION, ROUGH OPENINGS, EGRESS AND LIGHTING REQUIREMENTS PRIOR TO ANY CONSTRUCTION.

CONSTRUCTION TYPE:

EXTERIOR WALLS: 2X6
INTERIOR WALLS: 2X4
GARAGE WALLS: 2X4
ROOF SLOPE: 6:12
EAVE OVERHANGS: 24"
GABLE OVERHANGS: 12"

NOTES:

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DIVISION WALL BETWEEN ATTACHED GARAGE AND RESIDENCE SHALL BE A 1 HR. RATED ASSEMBLY WITH ONE OPENING PERMITTED. THIS OPENING MUST HAVE A 1/2 HR. RATED DOOR WITH MECHANICAL ENCLOSURE.

ALL ELECTRICAL WORK SHALL MEET N.E.C., STATE, COUNTY, AND OR LOCAL CODE AS REQUIRED.

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UBC

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STEFFEN CONSTRUCTION
HUGHES

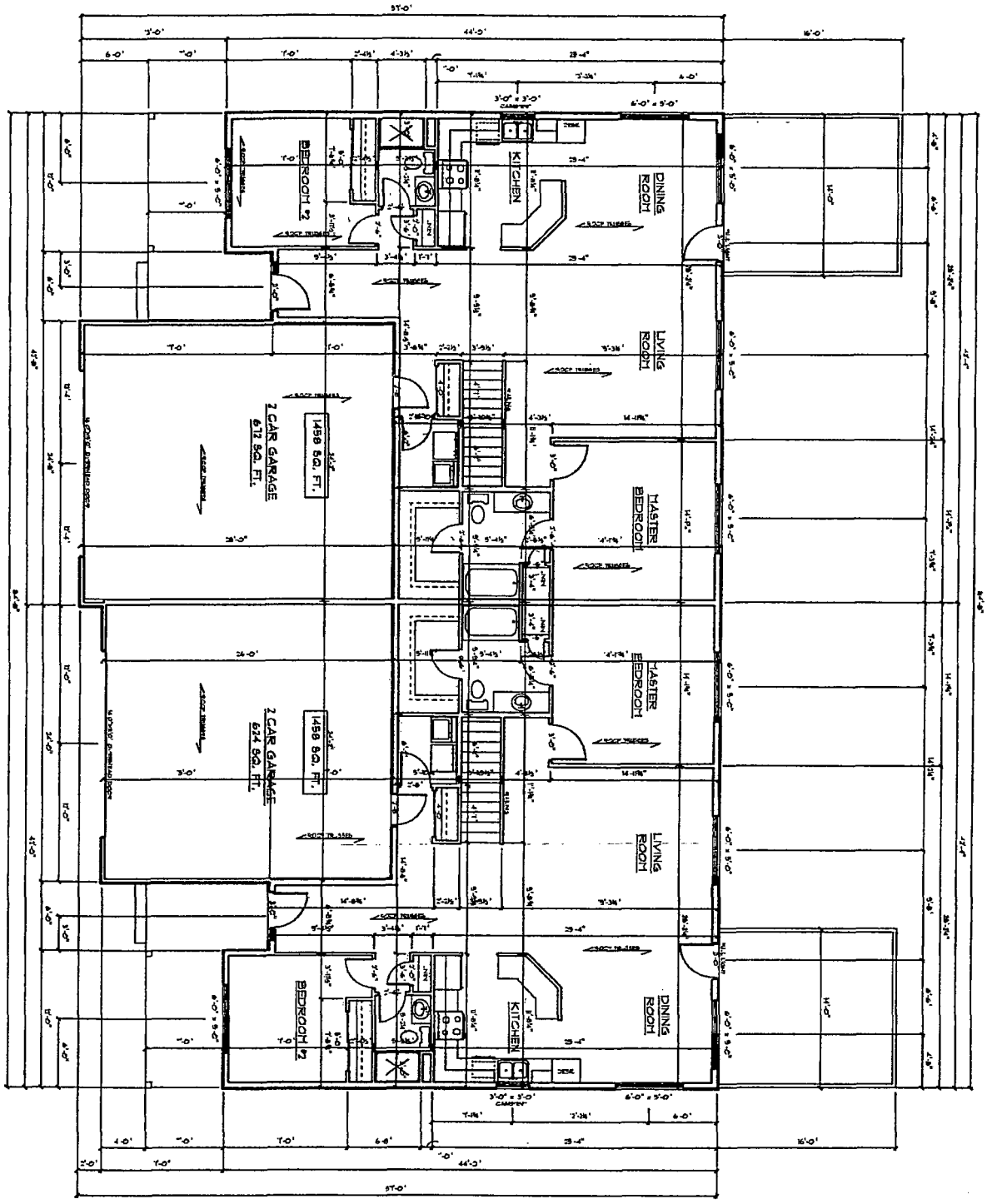
DATE: 12/29/06

REVISIONS:

UBC

2

EXHIBIT "CCC-2"



3

UBG

DATE: 12/29/06

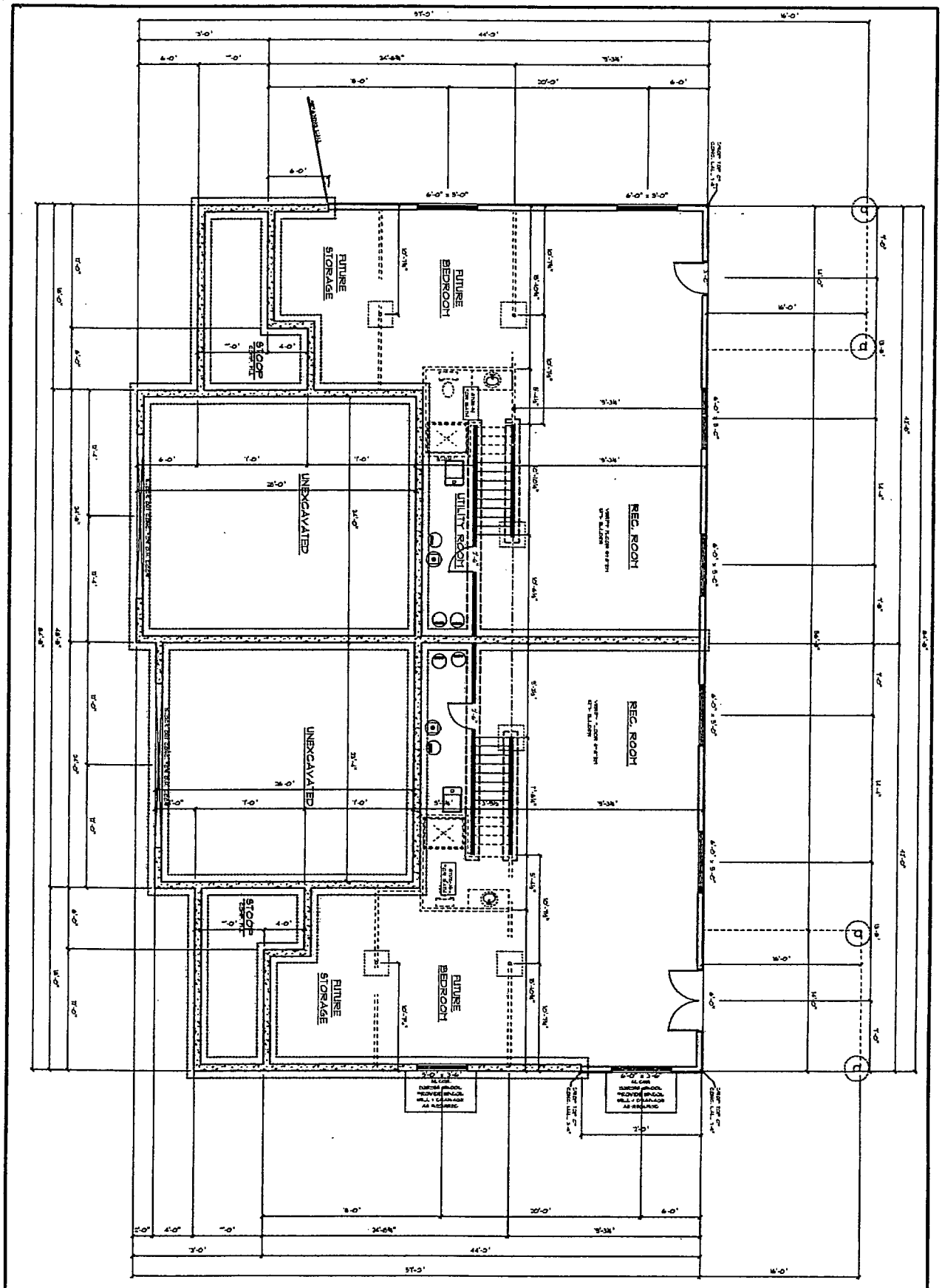
REVISIONS:

STEFFEN CONSTRUCTION
HUGHES

IMPORTANT
THESE DRAWINGS MAY NOT MEET APPLICABLE BUILDING CODES.
THESE DRAWINGS MAY NEED TO BE ADAPTED TO YOUR SPECIFIC PROJECT.
CHECK WITH LOCAL BUILDING OFFICIALS ABOUT A PERMIT.

UBG

EXHIBIT "CCC-3"



4

STEFFEN CONSTRUCTION
HUGHES

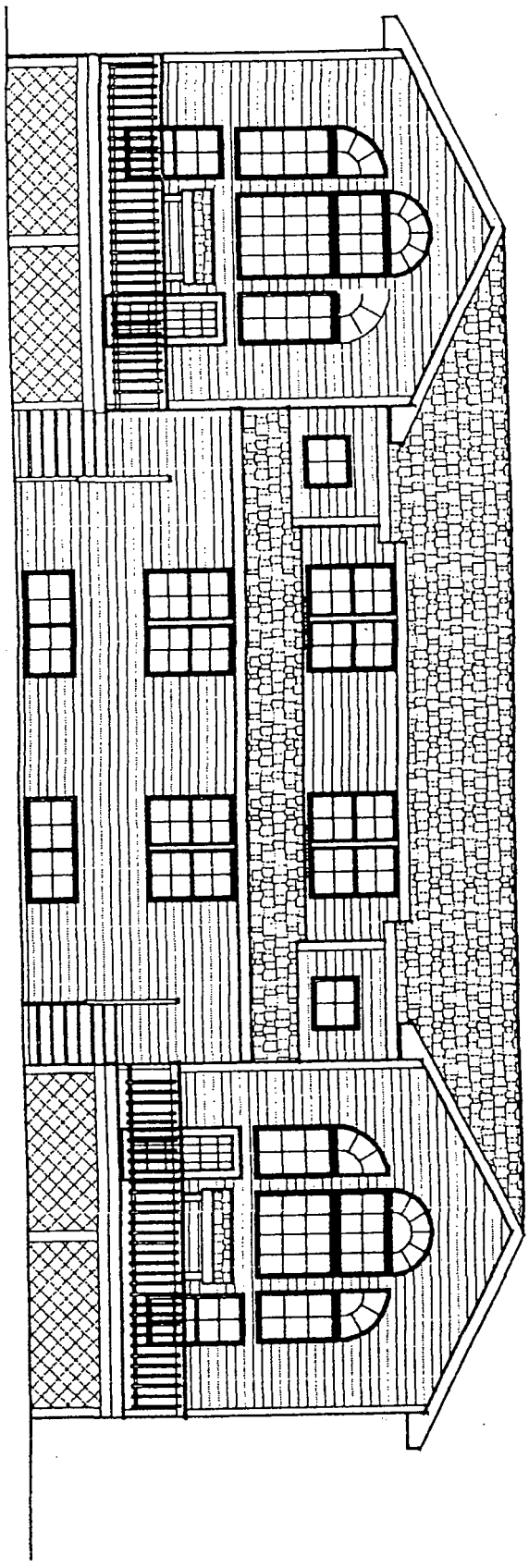
DATE: 12/29/06

REVISIONS:

IMPORTANT
THESE DRAWINGS MAY NOT MEET APPLICABLE BUILDING CODES.
THESE DRAWINGS MAY NEED TO BE ADAPTED TO YOUR SPECIFIC PROJECT.
CHECK WITH LOCAL BUILDING OFFICIALS ABOUT A PERMIT.

EXHIBIT "CCC-4"

EXHIBIT "CCC-5"



REAR ELEVATION 'A'

EXHIBIT "CCC-6"

REAR ELEVATION 'B'

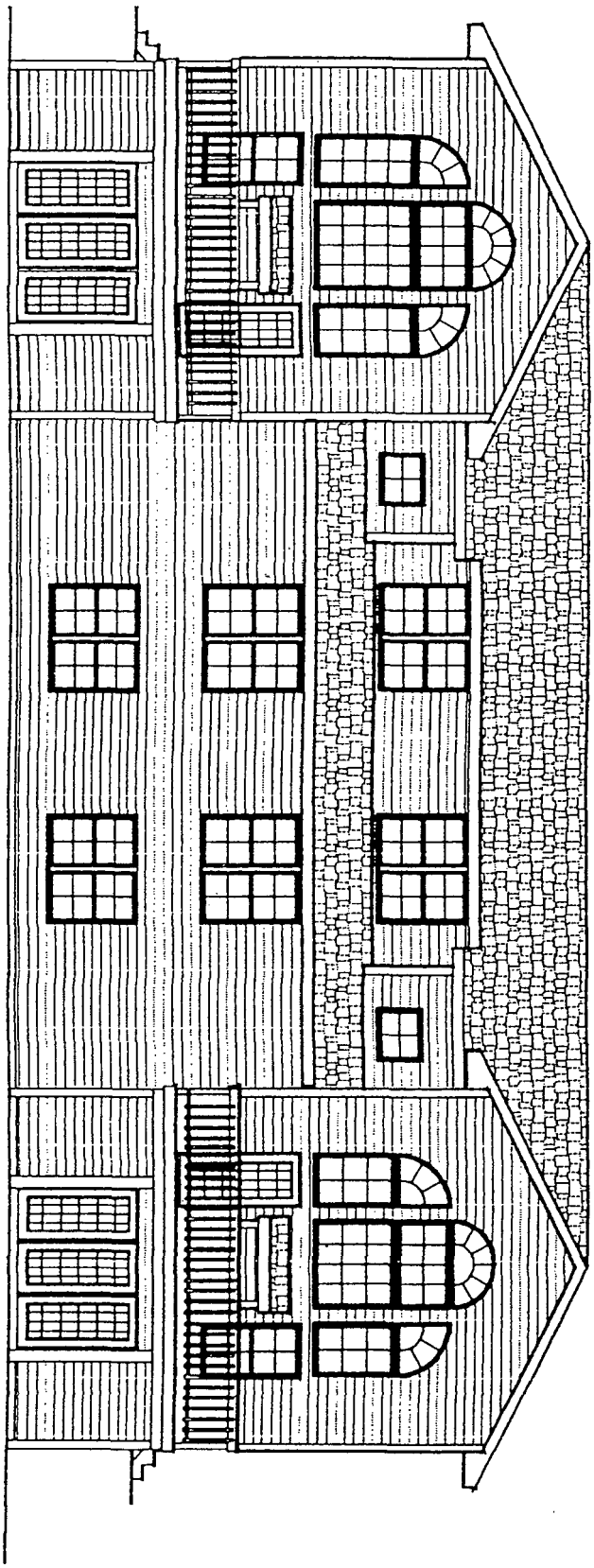


EXHIBIT "CCC-7"

REAR ELEVATION 'C'

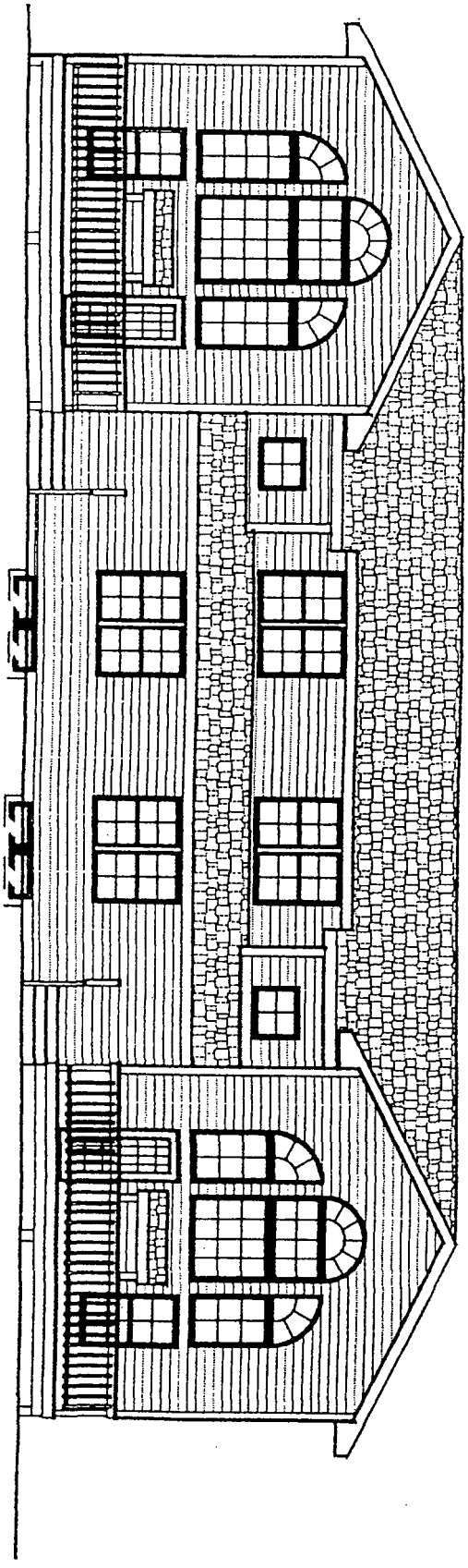
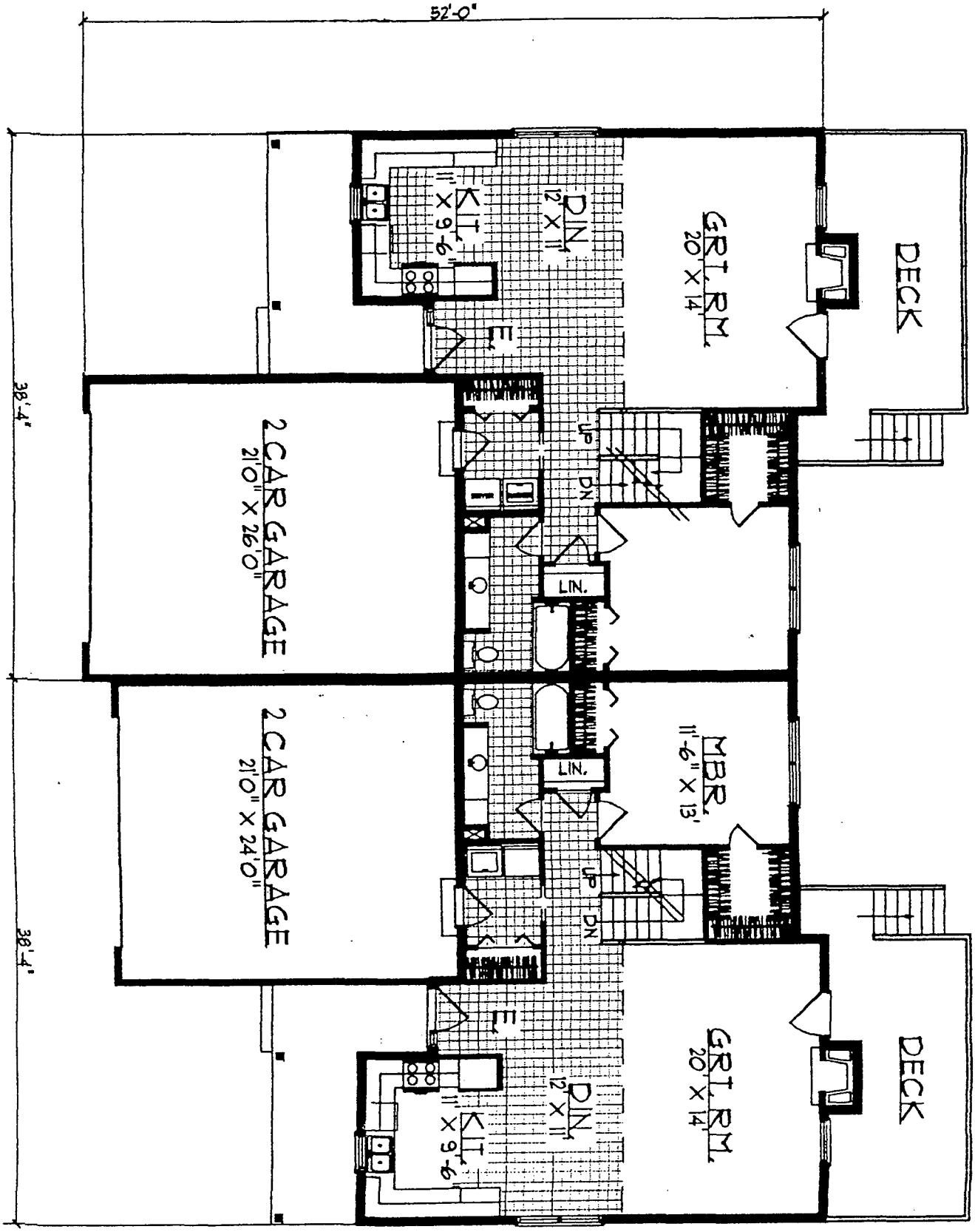


EXHIBIT "CCC-8"



MAIN FLOOR PLAN

1054 SQ. FT. EACH UNIT

EXHIBIT "CCC-9"

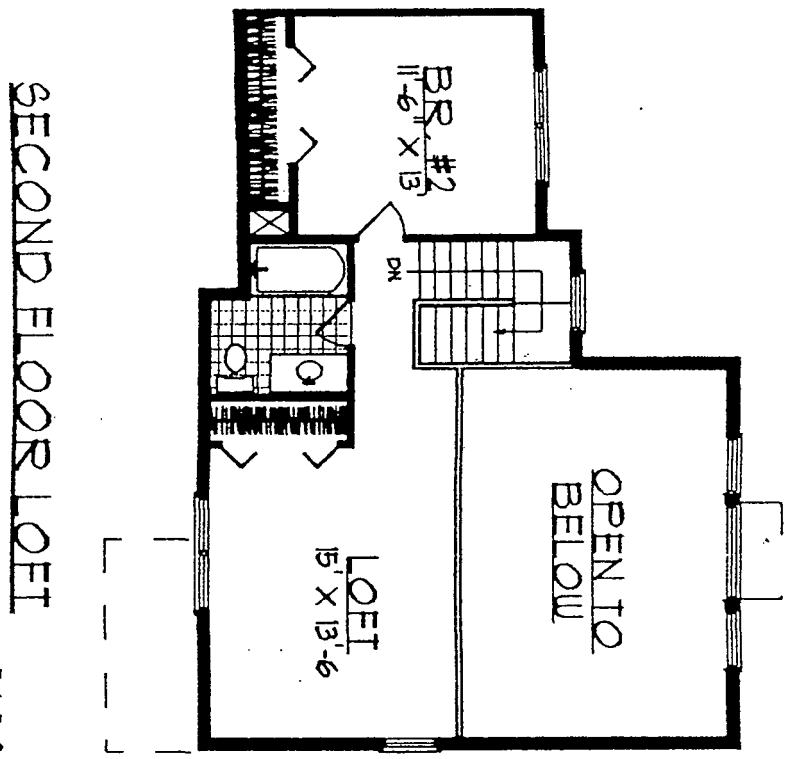
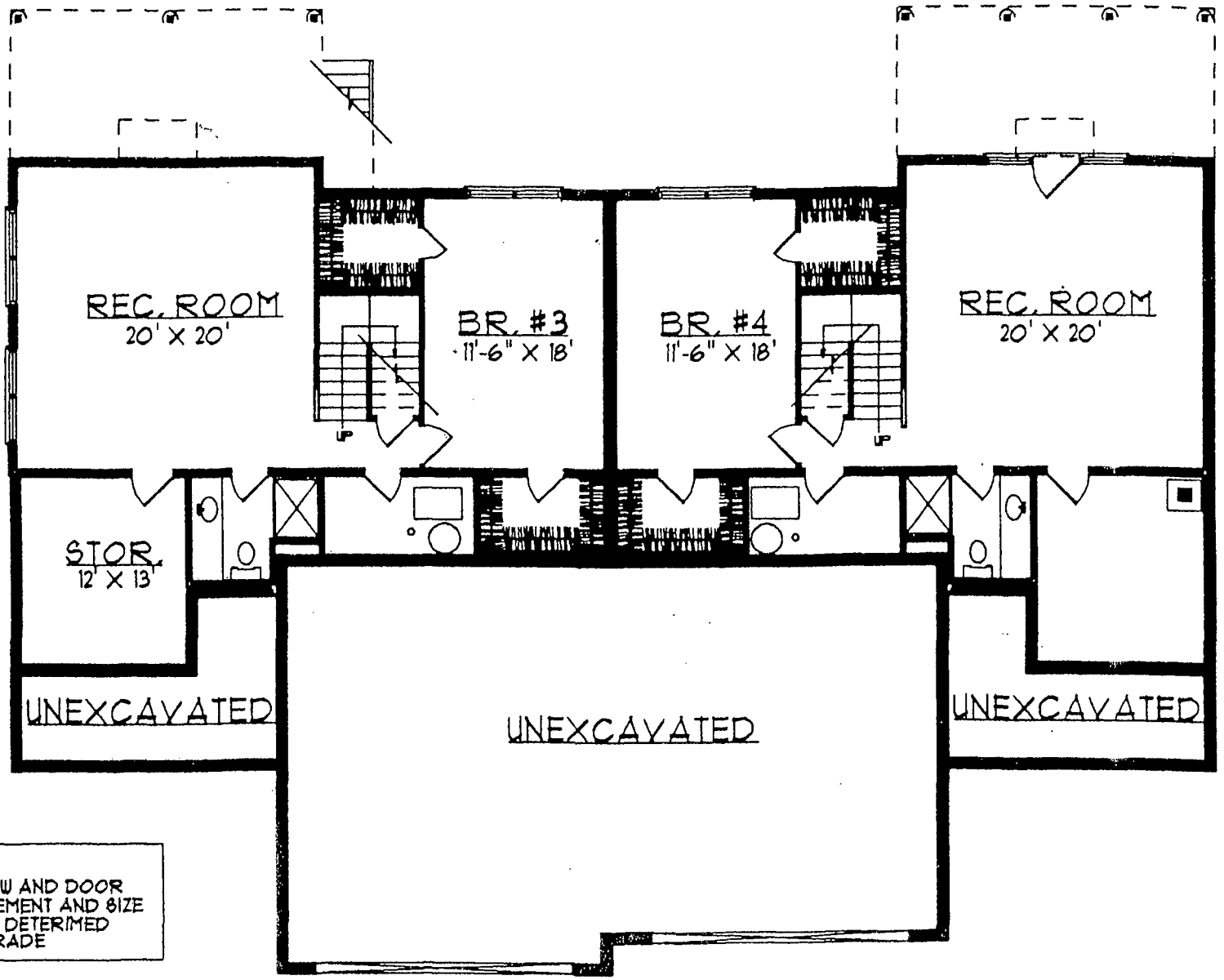


EXHIBIT "CCC-10"



NOTE:
WINDOW AND DOOR PLACEMENT AND SIZE TO BE DETERIMED BY GRADE

FINISHED LOWER LEVEL OPTION

790 SQ. FT. FINISHED EACH UNIT

EXHIBIT "CCC-11"

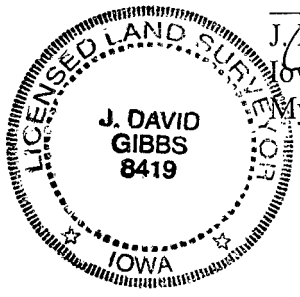
LOT NUMBER	UNIT NUMBER	ADDRESS	PERCENTAGE INTEREST
Lot 2	Unit 1	20530 254th Street	8.333%
	Unit 2	20532 254th Street	8.333%
Lot 3	Unit 3	20540 254th Street	8.333%
	Unit 4	20542 254th Street	8.333%
Lot 4	Unit 5	20550 254th Street	8.333%
	Unit 6	20552 254th Street	8.333%
Lot 5	Unit 7	20560 254th Street	8.333%
	Unit 8	20562 254th Street	8.333%
Lot 8	Unit 13	25481 207th Avenue	8.333%
	Unit 14	25483 207th Avenue	8.333%
Lot 9	Unit 15	25251 207th Avenue	8.333%
	Unit 16	25253 207th Avenue	8.333%
			100.00%

CERTIFICATE

I hereby certify that the Plat of Survey of Land (designated Exhibit "A") submitted to the Horizontal Property Regime and lists of legal descriptions of real estate and easements contained in this Second Amendment to Declaration of Submission of Property to Horizontal Property Regime for The Maples, a Condominium, located in Delaware County, Iowa, to which this Certificate is attached, set forth the legal description and location and dimensions of the land as thus described, and that Exhibits "BBB", "CCC-1 – CCC-4" and "CCC-5 – CCC-11" constitute correct representations and legal descriptions of the land, buildings, and other improvements as proposed or as they now exist and that there can be determined therefrom the identification, location and dimensions and size, insofar as possible, for each townhome and or the common elements of the Condominium Regime.

I further certify that I am a duly licensed land surveyor under the laws of the State of Iowa.

Dated this 28th day of October, 2009.



J. DAVID GIBBS
Iowa License No. 8419
My license renewal date is December 31, 2010

EXHIBIT "EEE"