BK: 2023 PG: 271

Recorded: 2/14/2023 at 2:18:33.0 PM

Pages 3

County Recording Fee: \$17.00 lowa E-Filing Fee: \$3.00 Combined Fee: \$20.00

**Revenue Tax:** 

BRANDY L. MACUMBER, RECORDER

Madison County, Iowa

Prepared by: Jack A. Aini

**WINTERSET - WEST** 

Record & Return Meister Abstract Corp 11 N Airmont Rd Suite 12 Suffern NY 10901

## **DECLARATION OF RESTRICTION**

THIS DECLARATION OF RESTRICTION, made as of the 1th day of February 2023 (this "Declaration"), by BLUE CARE PROPCO WINTERSET – WEST, LLC, an Iowa limited liability company with an address at 36 Airport Road #206, Lakewood, NJ 08701 (the "Declarant").

## WITNESSETH

WHEREAS, the Declarant is the fee owner of the premises commonly known as 209 W. Jefferson Street, Winterset, IA 50273, as more particularly described on the legal description annexed here to as <u>Schedule A</u> (the "Premises"); and

WHEREAS, the Declarant wishes to set forth hereinafter a declaration of its intention with reference to the Premises.

**NOW, THEREFORE**, for good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, the Declarant hereby declares as follows:

- The Declarant shall not sell, mortgage, assign, lease, convey, transfer, encumber, pledge, hypothecate or otherwise take any action creating a security interest in the Premises without the written consent of TrueStone Iowa Partners LLC, having an address at 10 West 33<sup>rd</sup> Street, 3<sup>rd</sup> Floor, New York, New York 10001. Any such transfer, assignment, or encumbrance without such written consent shall be null and void and of no force and effect.
- 2. This Declaration shall be binding on the heirs, personal representatives, successors, and assigns of the Declarant.
- 3. This Declaration may not be changed or modified orally and may only be terminated, changed, modified, or rescinded with such written consent.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the undersigned has duly executed this Declaration of Restriction as of the day and year first above written.

## BLUE CARE PROPCO WINTERSET - WEST, LLC

By: Blue Care PropCo Holdings, LLC

By: Blue Care Homes, LLC, sole member

By: Truestone Iowa Partners LLC, Member

By: Jack A. Aini

Title: Authorized Signer Phone: 718-265-1544

Email: jackaini@ainilaw.com

STATE OF New York

) ss.:

)

COUNTY OF King

On this 7th day of February 2023 before me, the undersigned, a Notary Public in and for said State, personally appeared JACK AINI personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

STEVEN A. COHEN
NOTARY PUBLIC-STATE OF NEW YORK
No. 02CO6420044
Qualified in Kings County
My Commission Expires 07-26-2025

## SCHEDULE A

Unit #101, #102, #103, #104, #106, #107, #108, #201, #202, #203, #204, #205, #206, #208, #301, #302, #303, #304, #305, #306, #307, and #308 of Jefferson Place in the City of Winterset, Madison County, Iowa, and an undivided 22/23rd interest in the common elements and areas of Jefferson Place as shown in the Declaration of Condominium of Jefferson Place filed for record on April 14, 1995 in Town Lot Deed Record 60 at page 159 in the Madison County Recorder's Office.

Residential and Garage Unit #207 of the Jefferson Place in the City of Winterset, Madison County, Iowa, and an undivided 1/23rd interest in the common elements and areas of Jefferson Place as shown in the Declaration of Condominium of Jefferson Place as shown in the Declaration of Condominium of Jefferson Place filed for record on April 14, 1995 in Town Lot Deed Record 60 at page 159 in the Madison County Recorder's Office.

Also known as All Units in Jefferson Place as shown in the Declaration of Condominium of Jefferson Place filed for record on April 14, 1995 in Town Lot Deed Record 60 at page 159 in the Madison County Recorder's Office, being located on Lots 6, 7, and 8 in Block 9 of the Original Town of Winterset.

And

Lots 6, 7, and 8 in Block 9 of the Original Town of Winterset.