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BRANDY MACUMBER, COUNTY RECORDER
MADISON COUNTY IOWA

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**AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, AND
RESTRICTIONS
Recorder's Cover Sheet**

Preparer Information: Kyle Weber, 101 ½ W Jefferson, Winterset, IA 50273, Phone: (515) 462-3731

Taxpayer Information: Lakeshore Estate Homeowners Association, 3084 120th St, Cumming, Iowa, 50061

Return Document To: Kyle Weber, 101 ½ W Jefferson, Winterset, IA 50273, Phone: (515) 462-3731

Grantors: See Page 2

Grantees: See Page 2

Legal Description: See Page 2

Document or instrument number of previously recorded documents:

Return to and Prepared by: Kyle A. Weber, PO Box 230, Winterset, IA 50273; Ph#: 515-462-3731

**SECOND AMENDMENT TO DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS FOR
LAKESHORE ESTATES PLAT NO. 1
MADISON COUNTY, IOWA**

This Second Amendment to Declaration of Covenants, Conditions and Restrictions for Lakeshore Estates Plat No. 1 is made and entered into by 75% or more of the Lot Owners of Lakeshore Estates Plat No. 1.

WHEREAS the Declaration of Covenants, Conditions and Restrictions for Lakeshore Estates Plat No. 1 was recorded as part of the subdivision proceedings of Lakeshore Estates Plat No. 1, Madison County, Iowa, in Book 2008, Page 2636 of the Recorder's Office of Madison County, Iowa, on August 28, 2008.

WHEREAS 75% or more of all Lot Owners desire to amend said Declaration of Covenants, Conditions and Restrictions.

WHEREAS a vote was taken of the Lot Owners by Lakeshore Estates Association, Inc. in a special meeting and 75% or more of the Lot Owners approved the Amendment.

NOW THEREFORE, said Declaration of Covenants, Conditions and Restrictions for Lakeshore Estates Plat No. 1 is hereby amended as follows:

1. Section 3 of Article X is hereby stricken, and the following substituted in lieu thereof:

Section 3. The covenants and restrictions of this Declaration shall run with and bind the land for a term of twenty (20) years from the Date that this Declaration is recorded after which time they shall be automatically extended for successive periods of ten (10) years, unless by vote of not less than seventy-five percent (75%) of the then owners of the lots at a special meeting at which a quorum of fifty percent (50%) of the then owners of the lots is present, it is agreed to delete said Covenants, Conditions, and Restrictions, in whole or in part. This Declaration may be amended by an instrument signed by owners of not less than seventy-five percent (75%) of the

then owners of the lots at a special meeting at which a quorum of fifty percent (50%) of the then owners of the lots is present.

- 2. Section 2 of Article VII is hereby amended to include new paragraph (B) which reads as follows:

Section 2. Use of Properties

(B) All lots in the development shall be and are restricted exclusively to single-family residential use. No trade or business activities are allowed within a dwelling located thereon unless and so long as the existence or operation of the business activity is not apparent or detectable by sight, sound or smell from the exterior of the dwelling unit; the business activity does not regularly involve persons or vehicles coming into the development who do not reside in the development; the business activity does not involve having any tools of a particular trade stored or placed in any area which can be seen from another lot or the common property; the business activity conforms to all zoning requirements for the development; the business activity does not require the use of common property and the business activity does not constitute a nuisance or hazard as may be determined in the sole discretion of the board of directors.

All other subsections in Section 2, Article VII are unchanged and remain in full effect.

- 3. "Declarant" now means the number of lot owners in Lakeshore Estates Plat No. 1 required to amend the Declaration of Covenants, Conditions, and Restrictions for Lakeshore Estates Plat No. 1, Madison County, Iowa.
- 4. In all other respects, said Covenants, Conditions, and Restrictions for Lakeshore Estates, Plat No. 1, Madison County, Iowa, are ratified and confirmed.

Dated this 24 day of March 2023.

Nicole Banegas
Nicole Banegas, President of the
Lakeshore Estates Owners'
Association

STATE OF IOWA :
 : SS
COUNTY OF Warren :

On the 24th day of March, 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared Nicole Banegas, President of the Lakeshore Estates Owners' Association, to me known to be the identical person named in and who executed the foregoing instrument and acknowledged that she executed the same as her voluntary act and deed.

Rebecca Anthony
Notary Public in and for the State of Iowa

