

Document 2008 2595

Book 2008 Page 2595 Type 06 039 Pages 4

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LISA SMITH, COUNTY RECORDER
MADISON IOWA

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**FIFTH AMENDMENT TO DECLARATION OF COVENANTS FOR COVERED
BRIDGE ESTATES**
Recorder's Cover Sheet

Preparer Information:

Mark L. Smith, Post Office Box 230, Winterset, (515) 462-3731

Taxpayer Information:

Not Applicable

✓ Return Address

Mark L. Smith
Post Office Box 230
Winterset, IA 50273

Grantors:

Brill Development, Llc

Grantees:

Not Applicable

Legal Description: See Attached

Document or instrument number if applicable: ***Document Number TE***

**FIFTH AMENDMENT TO DECLARATION OF COVENANTS FOR
COVERED BRIDGE ESTATES**

THIS FIFTH AMENDMENT TO DECLARATION is hereby made this 22
day of AUGUST, 2008, by Brill Development, LLC, an Iowa limited
liability company, hereinafter referred to as "**Declarant**."

WHEREAS, the Declaration of Covenants for Covered Bridge Estates was recorded on February 24, 2005, in Book 2005, Page 806 of the Madison County Recorder's Office, and was previously amended by an Amendment to Declaration of Covenants for Covered Bridge Estates recorded on April 27, 2005, in Book 2005, Page 1838, a Second Amendment to Declaration of Covenants for Covered Bridge Estates recorded on August 19, 2005, in Book 2005, Page 3978, a Third Amendment to Declaration of Covenants for Covered Bridge Estates recorded on November 2, 2005, in Book 2005, Page 5310, and a Fourth Amendment to Declaration of Covenants for Covered Bridge Estates recorded on May 7, 2007, in Book 2007, Page 1904 (as amended, the "**Declaration**"); and

WHEREAS, pursuant to Article XV of the Declaration, Declarant has the right to amend the Declaration, and Declarant desires to amend the Declaration as herein provided.

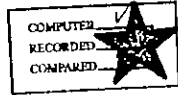
NOW THEREFORE, Declarant hereby amends the Declaration as follows:

1. **ARTICLE I, DEFINITIONS** shall have the following paragraph inserted at the end of the section:

13. **Sign Easement** – shall mean the area located on Lot 1 described in an Easement Exhibit (plat) recorded on July 22, 2005, in Book 2005, Page 3425 of the Recorder's Office of Madison County, Iowa and containing a covered bridge, waterfall, sidewalk, flag poles, flags, landscaping, irrigation and other amenities within the easement area.

2. **ARTICLE IV, COVENANT FOR MAINTENANCE ASSESSMENTS** shall have the following paragraph inserted at the end of the section:

6. **Sign Easement Maintenance.** The Association will insure, maintain, repair, improve and replace all items contained in the Sign Easement as the Association's Board of Directors deems necessary or appropriate and pay all utility bills associated with such items of the easement. The Association will hold harmless, indemnify and defend the owners of Lot 1, their successors and assigns, from any and all legal action brought against such owners as a result of injury or damage that occurs within the Sign



MICHELLE "MICKI" UTSLER, COUNTY RECORDER
 MADISON IOWA

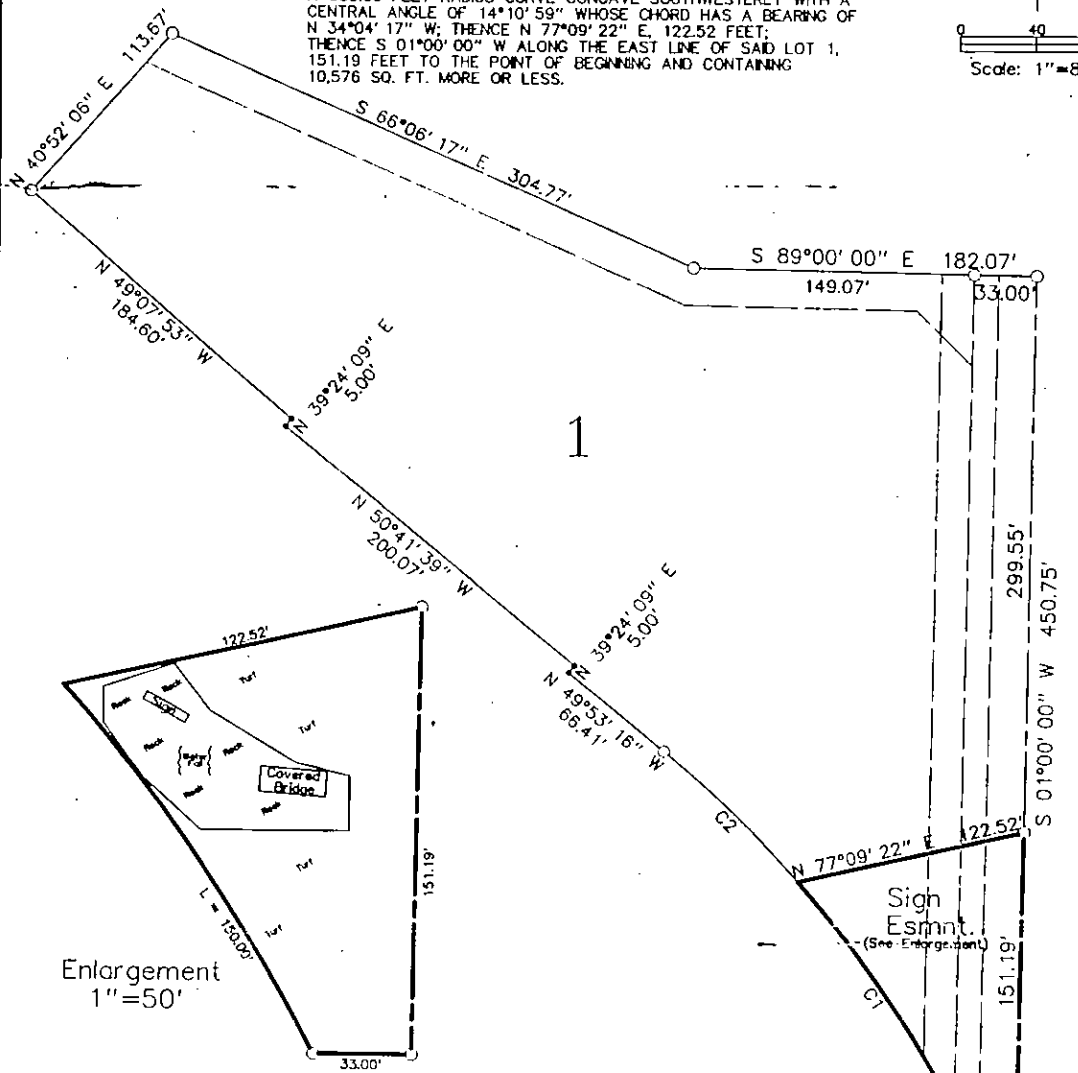
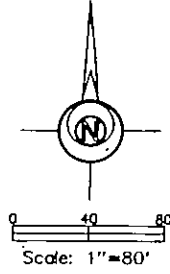
ABACI CONSULTING INC, 101 N. CIRCLE DR., GRIMES, IA 50111, PH.(515)986-5048

EASEMENT EXHIBIT

Legal Description:

AN EASEMENT FOR A SIGN, MONUMENT, APPURTANANCES AND MAINTENANCE THEREOF LOCATED ON LOT 1, COVERED BRIDGE ESTATES, OFFICIAL PLAT, MADISON COUNTY, IOWA IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 1; THENCE N 90°00'00" W ALONG THE SOUTH LOT LINE OF SAID LOT 1, 33.00'; THENCE NORTHWESTERLY 150.00 FEET ALONG THE ARC OF A 605.96 FEET RADIUS CURVE CONCAVE SOUTHWESTERLY WITH A CENTRAL ANGLE OF 14°10'59" WHOSE CHORD HAS A BEARING OF N 34°04'17" W; THENCE N 77°09'22" E, 122.52 FEET; THENCE S 01°00'00" W ALONG THE EAST LINE OF SAID LOT 1, 151.19 FEET TO THE POINT OF BEGINNING AND CONTAINING 10,576 SQ. FT. MORE OR LESS.



Curve Table

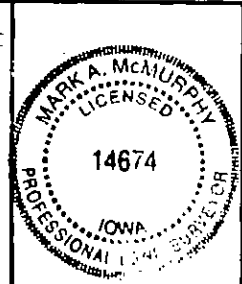
#	Radius	Delta	Length	Chord	Tangent	Chord Bearing
1	605.96'	14°10'59"	150.00'	149.62'	75.39'	N 34°04'17" W
2	605.96'	09°25'56"	99.76'	99.64'	49.99'	N 45°52'44" W

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

Mark A. McMurphy 7-6-05
 MARK A. MCMURPHY, IOWA LICENSE NO 14674 DATE

MY LICENSE RENEWAL DATE IS DECEMBER 31, 2006.

ADDITIONAL PAGES CERTIFIED (NONE UNLESS INDICATED HERE)



SYMBOLS LEGEND:
 R RECORDED DISTANCE
 M MEASURED DISTANCE
 ● CORNER MONUMENT FOUND*
 ○ SET 1/2" DIA. x 30" REBAR WITH 14674 CAP*

* ALL CAPS ARE YELLOW PLASTIC UNLESS OTHERWISE INDICATED.