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MADISON COUNTY IOWA

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**AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR HILLCREST SUBDIVISION**

Recorder's Cover Sheet

Preparer Information:

Jerrold B. Oliver, PO BOX 230, Winterset, IA 50273

Taxpayer Information:

Return Address

Jerrold B. Oliver, PO BOX 230, Winterset, IA 50273

Grantors:

David R. Merriam

Carol G. Merriam

Grantees:

Legal Description: Document or instrument number if applicable:

AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR HILLCREST SUBDIVISION

This Amendment to Declaration of Covenants, Conditions and Restrictions for Hillcrest Subdivision is made and entered into by and among David R. Merriam and Carol G. Merriam, husband and wife, hereinafter called "Merriams", and Jeremy Huntsman and Jeanne Huntsman, husband and wife, hereinafter called "Huntsmans".

WHEREAS, Merriams are the proprietors of Hillcrest Subdivision, Plat of the following described real estate:

Parcel A located in the East Half (1/2) of the Northeast Quarter (1/4) of Section Ten (10), Township Seventy-six (76) North, Range Twenty-seven (27) West of the 5th P.M., Madison County, Iowa, described as follows: Commencing at the Northwest corner of the Northeast Quarter (1/4) of the Northeast Quarter (1/4) of said Section Ten (10); thence on an assumed bearing of South 00°27'34" West along the West line of said East Half (1/2) of the Northeast Quarter (1/4) a distance of 245.00 feet to the point of beginning; thence North 90°00'00" East 840.68 feet to the centerline of Madison County Highway G4R; thence Southeasterly 427.63 feet along said centerline on a tangential curve, concave to the Northeast, and having a radius of 1273.38 feet, a central angle of 19°14'34", and a chord 425.62 feet in length bearing South 77° 06'19" East; thence South 00°06'52" West 975.79 feet; thence North 88°38'48" West 314.57 feet; thence South 00°54'43" West 358.16 feet; thence South 40°22'12" East 118.00 feet; thence; North 90°00'00" West 1021.99 feet to the West line of the East Half (1/2) of the Northeast Quarter (1/4) of said Section Ten (10); thence North 00°27'34" East along said West line 1511.40 feet to the point of beginning. Said tract contains 40.00 acres and is subject to a Madison County Highway Easement over the Northeasterly 0.72 acres thereof.

and are the Declarants in said Declaration of Covenants, Conditions and Restrictions for Hillcrest Subdivision.

WHEREAS, Section 3 of Article VIII provides that the Declaration of Covenants, Restrictions and Conditions may be amended by an instrument signed by not less than 75 percent of the lot owners.

WHEREAS, Huntsmans are purchasing three (3) lots in said subdivision.

NOW THEREFORE, the Covenants, Conditions and Restrictions for Hillcrest Subdivision are hereby amended as follows:

1. Article II, Section 4 is hereby amended to read as follows:

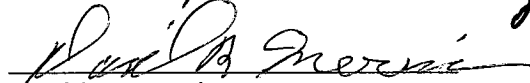
There shall be located on each Lot a single-family residence of at least fifteen hundred (1500) square feet living area, not including basement or walk-out basement, and no other use shall be allowed except single-family residency. No structure shall be erected on any Lot except a single-family residential dwelling structure, a one to six car garage which shall be attached to the residence, and certain accessory buildings provided that accessory buildings, other than garages, may not be erected in excess of 2000 square feet of area, and there shall be only one accessory building on any lot. Accessory buildings may be used for the storage of motor vehicles. No construction shall start on any such dwelling until plans have been approved by the Declarant. No mobile homes or double-wide homes shall be erected or placed on any of the lots, plats or Lots included in the real estate described above. No trailer, basement, tent, shack, garage, barn or other accessory building on the Lot shall at anytime be used as a residence, temporarily or permanently; nor, shall any residence of a temporary character be permitted. The titleholder of each lot, tract or Lot shall keep his lot or lots free of weeds and debris and shall not engage in any activity which is a nuisance.

2. Article III, Section 2 concerning voting rights of homeowners and members of the Homeowners' Association is hereby amended to read as follows:


Section 2. All owners shall be entitled to one vote in the Association for each Lot. When more than one person holds an interest to any Lot, all such persons shall be members. The vote for such Lot shall be exercised as they determine; but, in no event, shall more than one vote be cast with respect to any Lot, provided that the Huntsmans shall only be entitled to one vote until all lots in the subdivision are sold. After all lots in the subdivision are sold the Huntsmans shall be entitled to one vote in the Association for each lot owned. In the event any of the lots being purchased by the Huntsmans are sold to a third party, such third party shall also be entitled to one vote.

3. Article VII, Section 2a is hereby amended to read as follows:
- a) A lot shall be used or occupied for single-family dwelling purposes only, provided that customary incidental home occupations and office of a resident physician, dentist, architect, engineer, attorney, or similiar professional persons shall be permitted. No signs advertising such services shall be permitted. Gardens including the raising of grapes shall be permitted on any lot.
4. In all other respects the Covenants, Conditions and Restrictions for Hillcrest Subdivision are ratified and confirmed.

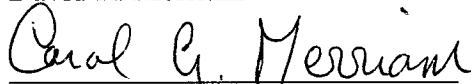
Dated this 17 day of May, 2013.



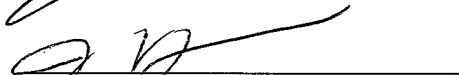
 David R. Merriam



 Jeremy Huntsman



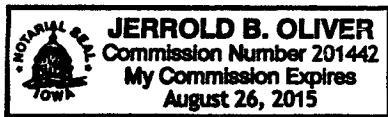
 Carol G. Merriam




 Jeanne Huntsman

STATE OF IOWA, COUNTY OF MADISON

This instrument was acknowledged before me on this 17 day of May, 2013, by David R. Merriam and Carol G. Merriam.






 Notary Public in and for said State

STATE OF IOWA, COUNTY OF Polk

This instrument was acknowledged before me on this 31 day of May, 2013, by Jeremy Huntsman and Jeanne Huntsman.



MATTHEW M. HURN
 COMMISSION NO. 199050
 MY COMMISSION EXPIRES
 OCTOBER 21, 2013



 Notary Public in and for said State