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LISA SMITH, COUNTY RECORDER  
MADISON COUNTY IOWA

✓ Prepared by: / Return to: Timothy J. Van Vliet, 974 73<sup>rd</sup> Street Ste. 20, Des Moines, IA 50324 Telephone: 515-223-6000

**VARIANCE TO THE DECLARATION  
OF COVENANTS, CONDITIONS AND RESTRICTIONS  
TIMBER RIDGE ESTATES, PHASE II  
MADISON COUNTY, IOWA**

THIS Variance to the Declaration of Covenants, Conditions and Restrictions  
("Declaration") for Timber Ridge Estates, Phase II, an Official Plat, now including in and forming  
a part of Madison County, Iowa, is made this 17<sup>th</sup> day of August, 2015.

WHEREAS, Timber Ridge Estates, Phase II, Madison County, Iowa, is legally described  
in Exhibit "A", attached hereto and by this reference made a part hereof;

WHEREAS, the Declaration was recorded on April 28, 2005, in Book 2005, Page 1880  
of the Office of the Recorder of Madison County, Iowa;

WHEREAS, the Declaration was subsequently amended by an instrument filed October  
13, 2006, in Book 2006, Page 4226 of the Office of the Recorder of Madison County, Iowa;

WHEREAS, the Declarant, Exclusive Properties, L.L.C., as that term is defined in the  
Declaration ("Declarant"), has not waived in writing and still has the powers granted to it by  
Article I, Section 4 of the Declaration;

WHEREAS, the undersigned Douglas Redenius, is the managing member of Declarant;

WHEREAS, a variance to the Declaration has been requested by the owner of Lot

Twenty-eight (28) of Phase II, Timber Ridge Estates, located in the Northeast Quarter (¼) of Section Twenty-nine (29) in Township Seventy-seven (77) North, Range Twenty-six (26) West of the 5<sup>th</sup> P.M., Madison County, Iowa (“Subject Real Estate”);

WHEREAS, the Subject Real Estate has a unique circumstance, which does not allow for sub-surface drainage of a sanitary sewer system. This has been confirmed by a reputable independent third party. Said third party has confirmed that the specific conditions of the Subject Real Estate no longer provide any possibility of utilizing a sub-surface drainage for the sanitary sewer system;

WHEREAS, the Declarant has been provided with the sanitary sewer system plans with a surface drainage for the Subject Real Estate. The Declarant has confirmed that such system is necessary based upon the unique circumstances of the Subject Real Estate, will not negatively impact the Common Areas or other Lots (as those terms are defined in the Declaration) and as such the Declarant consents to a variance to allow the Subject Real Estate to have a sanitary sewer system with surface drainage.

NOW, THEREFORE, the Declarant hereby adopts the variance described herein and to except the Subject Real Estate from compliance with the last sentence of Article IV, Section 10 of the Declaration which provides as follows:

“There shall be no surface drainage of any sanitary sewer system.”

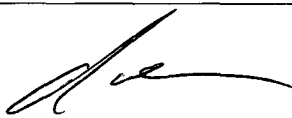
EXCLUSIVE PROPERTIES, L.L.C.

By:

  
Douglas Redenius, Manager

State of IOWA, County of POLK : ss

This record was acknowledged before me on 8/17/2015,  
by Douglas Redenius  
as Manager  
of Exclusive Properties, L.L.C.

  
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NOTARY PUBLIC

