
Prepared by and Return to: Christopher J. Langpaul, Hubbard Law Firm, P.C., 2900 100th St., Suite 209, Urbandale, IA 50322; Phone: (515) 222-1700

**AMENDMENT TO
DECLARATION OF RESIDENTIAL COVENANTS, CONDITIONS
AND RESTRICTIONS**

THIS AMENDMENT TO DECLARATION OF RESIDENTIAL COVENANTS, CONDITIONS AND RESTRICTIONS (the “Amendment”) is made this ____ day of _____, 2018 (the “Effective Date”), by Grove Development, LLC, an Iowa limited liability company (“Owner” and “Declarant”). This Amendment relates to the Declaration of Residential Covenants, Conditions and Restrictions dated August 14, 2012 and recorded December 7, 2012 in Book 14564 Page 521 in the records of the Recorder of Polk County, Iowa, as amended (collectively, the “Declaration”).

WHEREAS, pursuant to Article XXIII, Section 2 of the Declaration, the Declaration grants to Declarant the irrevocable right to subject additional land to the terms and conditions of the Declaration at any time without approval or consent of the Association or any other person; and

WHEREAS, pursuant to Article XXV of the Declaration, the Declaration further states “...until the Declarant has sold all of the Lots, it may make amendments or modifications to this Declaration without the consent of any other Owners of other party.”; and

WHEREAS, Grove Development, LLC is the successor to Kidman Farm Development, LLC (the original Declarant) and Grove Development, LLC still owns Lots within the development; and

WHEREAS, Grove Development, LLC owns the following real estate (the “Additional Property”) which is legally described after platting as follows:

Lots 1 – 40 in The Grove Plat 4, an Official Plat, in and forming a part of the City of Ankeny, Polk County, Iowa

WHEREAS, Grove Development, LLC desires to add the Additional Property to the Declaration upon the filing of this Amendment and to make the additional amendments to the Declaration stated below; and

NOW, THEREFORE, pursuant to the authority described in the Declaration, Declarant hereby takes the following action set forth more fully below.

1. Addition of Property. Declarant hereby adds the Additional Property to the Declaration, which Additional Property shall be subject to and governed by all of the terms and conditions of the Declaration, as amended, and the current Owners of the Additional Property, and all future owners of Lots within the Additional Property, shall automatically become members of the Association in the same manner as described in the Declaration and are hereby subjected to the same terms, conditions, duties and assessments as described in the Declaration.
2. Modifications to the Building Area Design and Construction. With regard to the Additional Property, the following requirements are imposed upon the following Lots and shall modify those requirements found in Article III Sections A and B of the Declaration:

Lots 1-32 in The Grove Plat 4:

- a. One and one-half story, two story, split-level, and split foyer dwellings must have a finished area of not less than 1,630 square feet.
- b. One story or ranch dwellings must have a finished area of not less than 1,330 square feet.

Lots 33-40 in The Grove Plat 4:

- c. One story dwellings must have a main floor finished area of not less than 1,600 square feet.
- d. One and one-half story, split-level, and split foyer dwellings must have a main floor finished area of not less than 1,800 square feet.
- e. Two story dwellings must have a main floor finished area of not less than 2,200 square feet.

3. Additional Restrictions on Lots 33-40 in The Grove Plat 4. The following additional terms, conditions and restrictions are imposed on Lots 33-40 in The Grove Plat 4, and shall control over any terms that may be in conflict elsewhere in the Declaration:
 - a. Exterior lighting installed on any Lot shall either be indirect or such a controlled focus and intensity as not to disturb the resident of adjacent Lots.

- b. Walls, fences and hedges not exceeding six (6) feet in height are permitted along rear Lot lines and side Lot lines behind the centerline of the house built on a Lot.
 - c. Approved fencing material shall be limited to the following: black vinyl chain link, black wrought iron/aluminum, tan or white PVC, brick or stone.
 - d. No wood fencing shall be allowed on any Lot.
 - e. Exterior foundations exposed above finish grade, which are not faced with brick or stone, must be painted.
 - f. Vinyl or steel sidings shall not be allowed. LP Smart Side and Concrete Fiber Cement are acceptable siding materials.
 - g. Roof materials shall be a minimum of 30-year warranty laminated or textured shingles. Wood shakes, wood shingles, slate or concrete barrel tile are also allowed.
 - h. Exterior paint colors must be earth tone or neutral colors.
 - i. All dwellings shall have at least a two-car attached garage.
 - j. All dwellings shall have a minimum of two hundred (200) square feet of stone or brick on the front elevation.
4. No Other Changes. Except as set forth in this Amendment, all other provision set forth in the Declaration remain unchanged and in full force and effect.

[signature page follows]

**SIGNATURE PAGE TO
AMENDMENT TO
DECLARATION OF RESIDENTIAL COVENANTS, CONDITIONS
AND RESTRICTIONS**

OWNER & DECLARANT

GROVE DEVELOPMENT, LLC

By: _____
Terry J. Lutz, Manager

STATE OF IOWA, COUNTY OF POLK:

This record was acknowledged before me this _____ day of _____, 2018, by
Terry J. Lutz as Manager of Grove Development, LLC.

Signature of Notary Public