$ 61.00

Prepared by: Mark C. Danielson, P.O. Box 2447, Iowa City, IA 52244-2447; Phone: 338-7551

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AMENDMENT TO CONDOMINIUM DECLARATION OF CHERRY STREET COURTYARD CONDOMINIUMS

FILED NO. 003424
BOOK 3346 PAGE 431
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JOHNSON COUNTY RECORDER
IOWA CITY, IOWA

The undersigned, being all of the owners of the units in Cherry Street Courtyard Condominiums, do hereby amend the Condominium Declaration of Cherry Street Courtyard Condominiums, which Declaration is recorded on May 31, 2001, in Book 3069, page 151, records of the Recorder of Johnson County, Iowa, as follows:

1. Article VI, paragraph 3, Designation of Association Directors, is deleted and replaced with the following:

> Declarant shall have the right to name all members of the Board of Directors of Cherry Street Courtyard Condominiums Owner's Association until the earlier of three (3) years after the first unit in the condominium regime has been conveyed to unit purchasers or four (4) months after seventy-five percent (75%) of the units in the condominium regime have been conveyed to unit purchasers, or until the Declarant waives this right, at which time members of the Association shall select the Board of Directors as provided by the Bylaws. Thereafter, the Board of Directors shall be selected in the manner specified by the Bylaws of the Association.

2. Article X, paragraph 2, is deleted and replaced with the following:

> Fire and other hazard insurance shall be purchased by the board as promptly as possible following its election and shall thereafter be maintained in force at all times, the premiums thereon to be paid out of Association assessments. The policy or policies shall be for the benefit of the unit owners, and their respective mortgagees, it not being necessary in the policies to name the owners or mortgagees. The policy or policies shall insure against loss from perils therein covered to all of the improvements in the Project, except as may be separately insured. Such policy or policies shall contain extended coverage, vandalism and malicious mischief endorsements. The improvements to be insured under this clause shall be continually insured to value, and the policy or policies shall contain replacement cost insurance. If reasonably available, the policy or policies shall contain a stipulated amount clause, or determinable cash adjustment clause, or similar clause to permit a cash settlement covering specified value in the event of destruction and a decision not to rebuild. The policy or policies shall also cover personal property owned in common, and shall further contain waiver of subrogation rights by the carrier as to

negligent owners. Payments for losses shall be paid to the Association as the trustee for the owners and their respective mortgagees.

3. Article XII, paragraph 1, subparagraph (b) Resolution is deleted and replaced with the following:

A resolution adopting a proposed amendment may be proposed by either the Board of Directors or by any member of the Association. The resolution must be adopted by at least sixty-seven percent (67%) of all owners entitled to vote, in person or by proxy and fifty-one percent (51%) of the holders of the then outstanding or unreleased mortgages secured by units.

4. Exhibit "B", Bylaws, Article II, paragraph 1, is amended by deleting the first sentence thereof and replacing it with the following:

The organizational meeting of the members of the Association to elect successors of the initial Board of Directors shall be held on the earlier of three (3) years after the first unit in the condominium regime has been conveyed to unit purchasers of four (4) months after seventy-five percent (75%) of the units in the condominium regime have been conveyed to unit purchasers.

5. Exhibit "B", Bylaws, Article VII, paragraph 1 is deleted and replaced with the following:

These Bylaws may be amended, altered, repealed or new Bylaws adopted by the members at a regular or special meeting of the members upon a sixty-seven percent (67%) or larger affirmative vote of all members of the Association.

6. Exhibit "B", Bylaws, Article VIII is amended by adding thereto a new paragraph designated as paragraph 9, as follows:

The Association, through its Board of Directors and Officers, shall make available to all members during ordinary business hours, copies of the Condominium Declaration and all exhibits thereto, including the Articles of Incorporation, Bylaws, minutes of special or annual meetings of the Association and copies of periodic financial statements of the Association.

DATED this 22 day of May, 2002.

TANNER DEVELOPMENT, L.L.C.

By: _____
Gary Stetzel

By: _____
Gwen Johnson

John Rhoades

Kathleen Rhoades

5/28		110 #6	7/18		10 #2
5/28		110 #5	7/18/02		10 #6
6/1		110 #1	7/29/02		10 #1
6/7		120 #2	7/21/02		10 #3
6-7		120 #1	7/21/02		10 #3
6-7		120 #3	7/1		100 #1
6/15		120 #4	7/30		110 #4
6/15		100 #2	7/30/02		100 #5
6/15		100 #3	7/30/02		10 #5
6/28		10 #4	7/30/02		10 #5
7/12		100 #4	7/30/02		100 #6
7/15		110 #3	7/30/02		120 #5
7/15		110 #3	7/30/02		110 #2

STATE OF IOWA)
) SS:
JOHNSON COUNTY)

On this 22 day of May, 2002. before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Gary Stetzel and Gwen Johnson, to me personally known, who being by me duly sworn, did say that they are the members/managers of the Limited Liability Company ("Company") executing the foregoing instrument, that the instrument was signed on behalf of the Company by authority of its members and that Gary Stetzel and Gwen Johnson and members/managers acknowledged the execution of the foregoing instrument to be the voluntary act and deed of the Company, by it and by them voluntarily executed.

Notary Public in and for
said State

CHRISTO[illegible]SEN
Commission[illegible]ber 709026
My Comm. Exp. March 26, 2004

STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

On this 22 day of May, 2002, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared John Rhoades and Kathleen Rhoades, husband and wife, to me known to be the identical persons named in and who executed the foregoing instrument, and acknowledged that they executed said instrument as their voluntary act and deed.

CHRISTOPHER T. EDEN
Commission Number 709026
My Comm. Exp. March 26, 2004

Notary Public in and for
State of Iowa

STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

On this 28 day of May, 2002, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Krista C. Hegland to me known to be the identical person(s) named in and who executed the foregoing instrument, and acknowledged that he/she/they executed said instrument as his/her/their voluntary act and deed.

CHRISTOPHER T. EDEN
Commission Number 709026
My Comm. Exp. March 26, 2004

Notary Public in and for
State of Iowa

STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

On this 28 day of May, 2002, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Michael S. Affleck to me known to be the identical person(s) named in and who executed the foregoing instrument, and acknowledged that he/she/they executed said instrument as his/her/their voluntary act and deed.

CHRISTOPHER T. EDEN
Commission Number 709026
My Comm. Exp. March 26, 2004

Notary Public in and for
State of Iowa

STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

On this 1ST day of JUNE, 2002, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared James WARD Zachar to me known to be the identical person(s) named in and who executed the foregoing instrument, and acknowledged that he/she/they executed said instrument as his/her/their voluntary act and deed.

PAUL A. ZACHAR
Commission Number 708953
My Commission Expires
March 20, 2004

Notary Public in and for
State of Iowa

STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

On this 7th day of June, 2002, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Michelle Robertson to me known to be the identical person(s) named in and who executed the foregoing instrument, and acknowledged that he/she/they executed said instrument as his/her/their voluntary act and deed.

Notary Public in and for
State of Iowa

CHRISTOPHER T. EDEN
Commission Number 709026
My Comm. Exp. March 26, 2004

STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

On this 7 day of June, 2002, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Stephen A. Marek to me known to be the identical person(s) named in and who executed the foregoing instrument, and acknowledged that he/she/they executed said instrument as his/her/their voluntary act and deed.

Notary Public in and for
State of Iowa

CHRISTOPHER T. EDEN
Commission Number 709026
My Comm. Exp. March 26, 2004

STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

On this 7 day of June, 2002, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Sandra S. Kindhart to me known to be the identical person(s) named in and who executed the foregoing instrument, and acknowledged that he/she/they executed said instrument as his/her/their voluntary act and deed.

Notary Public in and for
State of Iowa

CHRISTOPHER T. EDEN
Commission Number 709026
My Comm. Exp. March 26, 2004

STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

On this 7 day of June, 2002, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Patrick D. McGhee to me known to be the identical person(s) named in and who executed the foregoing instrument, and acknowledged that he/she/they executed said instrument as his/her/their voluntary act and deed.

Notary Public in and for
State of Iowa

CHRISTOPHER T. EDEN
Commission Number 709026
My Comm. Exp. March 26, 2004

STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

On this 15 day of June, 2002, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Blake A. Hillemeyer to me known to be the identical person(s) named in and who executed the foregoing instrument, and acknowledged that he/she/they executed said instrument as his/her/their voluntary act and deed.

Notary Public in and for
State of Iowa

CHRISTOPHER T. EDEN
Commission Number 709026
My Comm. Exp. March 26, 2004

STATE OF IOWA)
) S$:
COUNTY OF JOHNSON)

On this 15 day of June, 2002, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Sean A. McIntyre to me known to be the identical person(s) named in and who executed the foregoing instrument, and acknowledged that he/she/they executed said instrument as his/her/their voluntary act and deed.

Notary Public in and for
State of Iowa

CHRISTOPHER T. EDEN
Commission Number 709026
My Comm. Exp. March 26, 2004

STATE OF IOWA)
) S$:
COUNTY OF JOHNSON)

On this 15 day of June, 2002, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Bobbie J. Ernst to me known to be the identical person(s) named in and who executed the foregoing instrument, and acknowledged that he/she/they executed said instrument as his/her/their voluntary act and deed.

Notary Public in and for
State of Iowa

CHRISTOPHER T. EDEN
Commission Number 709026
My Comm. Exp. March 26, 2004

STATE OF IOWA)
) S$:
COUNTY OF JOHNSON)

On this 28 day of June, 2002, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Staci L. Anderson to me known to be the identical person(s) named in and who executed the foregoing instrument, and acknowledged that he/she/they executed said instrument as his/her/their voluntary act and deed.

Notary Public in and for
State of Iowa

CHRISTOPHER T. EDEN
Commission Number 709026
My Comm. Exp. March 26, 2004

STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

On this 20 day of June, 2002, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Kathleen K. McFadden to me known to be the identical person(s) named in and who executed the foregoing instrument, and acknowledged that he/she/they executed said instrument as his/her/their voluntary act and deed.

Notary Public in and for
State of Iowa

CHRISTOPHER T. EDEN
Commission Number 709026
My Comm. Exp. March 26, 2004

STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

On this 21 day of June, 2002, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Jin Lee to me known to be the identical person(s) named in and who executed the foregoing instrument, and acknowledged that he/she/they executed said instrument as his/her/their voluntary act and deed.

Notary Public in and for
State of Iowa

CHRISTOPHER T. EDEN
Commission Number 709026
My Comm. Exp. March 26, 2004

STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

On this 21 day of June, 2002, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Sung W. Lee to me known to be the identical person(s) named in and who executed the foregoing instrument, and acknowledged that he/she/they executed said instrument as his/her/their voluntary act and deed.

Notary Public in and for
State of Iowa

CHRISTOPHER T. EDEN
Commission Number 709026
My Comm. Exp. March 26, 2004

STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

On this 8 day of July, 2002, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared James D. Washburn to me known to be the identical person(s) named in and who executed the foregoing instrument, and acknowledged that he/she/they executed said instrument as his/her/their voluntary act and deed.

Notary Public in and for
State of Iowa

CHRISTOPHER T. EDEN
Commission Number 709026
My Comm. Exp. March 26, 2004

STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

On this 12 day of July, 2002, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Andrea L. Bowersox to me known to be the identical person(s) named in and who executed the foregoing instrument, and acknowledged that he/she/they executed said instrument as his/her/their voluntary act and deed.

Notary Public in and for
State of Iowa

CHRISTOPHER T. EDEN
Commission Number 709026
My Comm. Exp. March 26, 2004

STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

On this 15 day of July, 2002, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Elisha N. Nehring to me known to be the identical person(s) named in and who executed the foregoing instrument, and acknowledged that he/she/they executed said instrument as his/her/their voluntary act and deed.

Notary Public in and for
State of Iowa

CHRISTOPHER T. EDEN
Commission Number 709026
My Comm. Exp. March 26, 2004

STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

On this 15 day of July, 2002, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Maria Nehring to me known to be the identical person(s) named in and who executed the foregoing instrument, and acknowledged that he/she/they executed said instrument as his/her/their voluntary act and deed.

Notary Public in and for
State of Iowa

CHRISTOPHER T. EDEN
Commission Number 709026
My Comm. Exp. March 26, 2004

STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

On this 18 day of July, 2002, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Beverly J. Ingham Birtcher to me known to be the identical person(s) named in and who executed the foregoing instrument, and acknowledged that he/she/they executed said instrument as his/her/their voluntary act and deed.

Notary Public in and for
State of Iowa

CHRISTOPHER T. EDEN
Commission Number 709026
My Comm. Exp. March 26, 2004

STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

On this 30 day of July, 2002, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Jason F. Rausch to me known to be the identical person(s) named in and who executed the foregoing instrument, and acknowledged that he/she/they executed said instrument as his/her/their voluntary act and deed.

Notary Public in and for
State of Iowa

CHRISTOPHER T. EDEN
Commission Number 709026
My Comm. Exp. March 26, 2004

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STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

On this 30 day of July, 2002, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Marilyn R. Anderson to me known to be the identical person(s) named in and who executed the foregoing instrument, and acknowledged that he/she/they executed said instrument as his/her/their voluntary act and deed.

Notary Public in and for
State of Iowa

CHRISTOPHER T. EDEN
Commission Number 709026
My Comm. Exp. March 26, 2004

STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

On this 30 day of July, 2002, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Crescent Hicks to me known to be the identical person(s) named in and who executed the foregoing instrument, and acknowledged that he/she/they executed said instrument as his/her/their voluntary act and deed.

Notary Public in and for
State of Iowa

CHRISTOPHER T. EDEN
Commission Number 709026
My Comm. Exp. March 26, 2004

STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

On this 30 day of July, 2002, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Josh Hicks to me known to be the identical person(s) named in and who executed the foregoing instrument, and acknowledged that he/she/they executed said instrument as his/her/their voluntary act and deed.

Notary Public in and for
State of Iowa

CHRISTOPHER T. EDEN
Commission Number 709026
My Comm. Exp. March 26, 2004

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STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

On this 30 day of July, 2002, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Justin A. Balousek to me known to be the identical person(s) named in and who executed the foregoing instrument, and acknowledged that he/she/they executed said instrument as his/her/their voluntary act and deed.

Notary Public in and for
State of Iowa

CHRISTOPHER T. EDEN
Commission Number 709026
My Comm. Exp. March 26, 2004

STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

On this 30 day of July, 2002, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Rose Pederson to me known to be the identical person(s) named in and who executed the foregoing instrument, and acknowledged that he/she/they executed said instrument as his/her/their voluntary act and deed.

Notary Public in and for
State of Iowa

CHRISTOPHER T. EDEN
Commission Number 709026
My Comm. Exp. March 26, 2004

STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

On this 30 day of July, 2002, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Mark J. Konrad to me known to be the identical person(s) named in and who executed the foregoing instrument, and acknowledged that he/she/they executed said instrument as his/her/their voluntary act and deed.

Notary Public in and for
State of Iowa

CHRISTOPHER T. EDEN
Commission Number 709026
My Comm. Exp. March 26, 2004

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