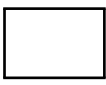


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Kind: CONDOMINIUM AMEND
Recorded: 05/19/2014 at 11:53:14 AM
Fee Amt: \$27.00 Page 1 of 3
Johnson County Iowa
Kim Painter County Recorder
BK **5231** PG **213-215**



n/c

Return to: James D. Houghton, P. O. Box 1147, Iowa City, IA 52244-1147
Document Prepared By: James D. Houghton, AT0003737; 216 Stevens Dr, POB 1147, Iowa City, IA 52244 ~ (319) 341-0641

**AMENDMENT TO DECLARATION
OF CONDOMINIUM FOR APPLEWOOD CONDOMINIUMS
AND
AMENDMENT TO APPLEWOOD COURT HOMEOWNER'S RULES AND
REGULATIONS**

WHEREAS, the Declaration of Submission of Property to the Horizontal Property Regime for Applewood Condominiums was recorded April 23, 1996, in Book 2070, Page 136, Records of the Johnson County Recorder, Iowa City, Iowa.

WHEREAS, Article XIII of the Declaration provides that the Declaration may be amended, modified or rescinded by a resolution setting forth such amendment, modification, or rescission and duly adopted by the affirmative vote of not less than two-thirds of the total voting power of the unit owners.

WHEREAS, the undersigned are the officers of Applewood Condominium Owners Association and are duly authorized following the requirements of proper notice and a conforming vote of the Applewood Condominium Owners Association to execute this Amendment.

NOW THEREFORE, the undersigned, as officers of Applewood Condominium Owners Association, herein make the following amendments:

Article IX(B), as recorded in Book 2070, Page 136, is rescinded and replaced in its entirety with the following:

In order to preserve the owner-occupied character of the Applewood Condominiums project, no unit within Applewood Condominiums shall be rented or leased unless one of the following exceptions applies:

- i) **Grandfather Exception:** A rental unit in existence at the time this Amendment is recorded is grandfathered in as a rental unit provided the Owner of an existing rental unit submits the existing lease to the Board of Directors within 60 days of the recording of this Amendment. This grandfather exception shall terminate if the Owner fails to comply with the provisions set forth in this Amendment, the Owner ceases to lease the unit or the tenants in the rental unit disturb the peaceful enjoyment of other occupants of the Condominium project after due notice and failure to remedy said disturbances, and upon sale or transfer of the unit. Upon

termination of any lease subject to this grandfather exception, the unit shall cease to be a rental unit, and shall either become owner-occupied or placed for sale within 60 days of the termination of said lease.

- ii) **Hardship Exception:** A hardship exception may be granted at the sole discretion of the Board of Directors.

This Amendment shall be effective upon the recording thereof. All of the other provisions of the said existing Declaration of Submission of Property to Horizontal Regime, as amended, for Applewood Condominiums are herein confirmed and shall remain in effect.

WHEREAS, the **Applewood Court Homeowner's Rules and Regulations** were recorded May 24, 2011, in Book 4754, Page 632-640, Records of the Johnson County Recorder, Iowa City, Iowa.

WHEREAS, the undersigned are the officers of Applewood Condominium Owners Association and are duly authorized following the requirements of proper notice and a conforming vote of the Applewood Condominium Owners Association to execute this Amendment.

NOW THEREFORE, the undersigned, as officers of Applewood Condominium Owners Association, herein make the following amendments:

The last two sentences of subsection "**Restriction on unit uses**", as recorded in Book 4754, Page 632-640, is rescinded and replaced in its entirety with the following:

In order to preserve the owner-occupied character of the Applewood Condominiums project, no unit within Applewood Condominiums shall be rented or leased unless one of the following exceptions applies:

- i) **Grandfather Exception:** A rental unit in existence at the time this Amendment is recorded is grandfathered in as a rental unit provided the Owner of an existing rental unit submits the existing lease to the Board of Directors within 60 days of the recording of this Amendment. This grandfather exception shall terminate if the Owner fails to comply with the provisions set forth in this Amendment, the Owner ceases to lease the unit or the tenants in the rental unit disturb the peaceful enjoyment of other occupants of the Condominium project after due notice and failure to remedy said disturbances, and upon sale or transfer of the unit. Upon termination of any lease subject to this grandfather exception, the unit shall cease to be a rental unit, and shall either become owner-occupied or placed for sale within 60 days of the termination of said lease.
- ii) **Hardship Exception:** A hardship exception may be granted at the sole discretion of the Board of Directors.

This Amendment shall be effective upon the recording thereof. All of the other provisions of the said existing Applewood Court Homeowner's Rules and Regulations are herein confirmed and shall remain in effect.

DATED this ____ day of _____, 2014.

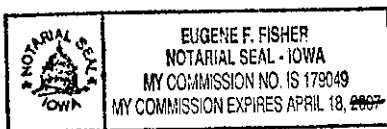
APPLEWOOD CONDOMINIUMS OWNERS ASSOCIATION

Sam D. Crawford
President

Karen Huntley
Secretary

STATE OF IOWA, COUNTY OF JOHNSON) ss:

This record was acknowledged before me on this 14 day of May, 2014, by Sam CRAWFORD, as President, Karen Huntley, as Secretary, of Applewood Condominiums Owners Association.



Eugene F. Fisher
Notary Public in and for the State of Iowa