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Linn County Iowa
JOAN MCCALMANT RECORDER
BK 4932 PG 148-155

Prepared by: Shannon P. Thompson of Bradley & Riley PC, P.O. Box 2804, Cedar Rapids, IA 52406-2804 (319)
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SIXTH AMENDMENT TO DECLARATION OF SUBMISSION OF PROPERTY TO HORIZONTAL PROPERTY REGIME FOR MAGNOLIA LANE, A CONDOMINIUM

The undersigned, J.D. & D., L.C., (referred to hereafter as "Developer"), hereby causes to be executed and hereby executes this instrument as the Sixth Amendment to the Declaration of Submission of Property To Horizontal Property Regime For Magnolia Lane, A Condominium (referred to hereafter as "Declaration"), all pursuant to Chapter 499B, Code of Iowa, entitled "Horizontal Property Act (Condominiums)" which Declaration was filed in the Office of the Linn County, Iowa, Recorder on November 22, 1999, in Volume 4010 beginning at Page 629. This Sixth Amendment shall take effect when filed for record in the Office of the Recorder, Linn County, Iowa.

ARTICLE I

PURPOSE

The purpose of this Sixth Amendment is to fully describe and define Units 700-1, 700-2, 700-3, 700-4, 700-5 and 700-6, all as required and permitted by Article VI of the Declaration.

ARTICLE II

DESCRIPTION OF UNITS 700-1, 700-2, 700-3, 700-4, 700-5 and 700-6; PRINCIPAL MATERIALS

1. Submission of Units. Units 700-1, 700-2, 700-3, 700-4, 700-5 and 700-6 are hereby submitted to the Horizontal Property Regime for Magnolia Lane, A Condominium.

2. Site Plan. The construction of Units 700-1, 700-2, 700-3, 700-4, 700-5 and 700-6, and associated garage building are not complete. Following complete construction of the Units, the Developer will record a Site Plan to show the location of Units 700-1, 700-2, 700-3, 700-4, 700-5 and 700-6. The Site Plan will also show graphically the proposed location of certain common elements. See Section 1 of Article III of this Amendment.

3. Particulars of Units 700-1, 700-2, 700-3, 700-4, 700-5 and 700-6. Units 700-1, 700-2, 700-3, 700-4, 700-5 and 700-6 are located in a six-plex style building, located as will be shown on the Site Plan. Each of the Units is located on a single level. Further, each Unit includes a one (1) stall garage, located in a separate building as will be shown on Exhibit B-6.

Each Unit adjoins a concrete patio (ground floor Units only) or a deck, which is a limited common element for that Unit and which is located opposite a portion of the exterior living room wall and can be reached by a glass sliding door. The other particulars of the Units and floor

plans are shown by Exhibit C-6 but are summarized as follows: Each Unit contains generally two (2) bedrooms, a living room, dining room, kitchen, one (1) full bath, one (1) bath with shower, laundry room, closets, and a one (1) stall detached garage.

4. Principal Materials. The principal materials of Units 700-1, 700-2, 700-3, 700-4, 700-5 and 700-6 are the same as shown on Exhibit F, attached to the Declaration.

ARTICLE III

EXHIBITS; IDENTIFICATION OF UNITS

1. Exhibits; Units 700-1, 700-2, 700-3, 700-4, 700-5 and 700-6. The location of Units 700-1, 700-2, 700-3, 700-4, 700-5 and 700-6, the number of rooms for each Unit, the approximate dimensions and the approximate area of the Units, the common area to which they have access, and the area and location of all common elements affording access to each Unit are or will be shown and depicted by survey, plans and/or graphically insofar as possible on certain Exhibits attached to the Declaration and on Exhibit B-6, Site Plan, to be recorded after the construction of the Units to show the Units on an as-built basis. Floor Plans for Units 700-1, 700-2, 700-3, 700-4, 700-5 and 700-6 are shown on Exhibit C-6, attached hereto. Floor Plans for the garage building will be shown on Exhibit N, to be attached to Exhibit E-6, Surveyor's Certificate.

2. Complete Plans and Surveyor's Certificate. The complete plans of Units 700-1, 700-2, 700-3, 700-4, 700-5 and 700-6 are the same as shown on Exhibit D, as attached to the Declaration. After completion of construction of the Units, a Surveyor's Certificate will be recorded as Exhibit E-6 to this Sixth Amendment.

3. Effect of Amendment. Upon the recording of this Amendment, Units 700-1, 700-2, 700-3, 700-4, 700-5 and 700-6 are Units which are capable of being owned as separate parcels of real estate. Units 700-1, 700-2, 700-3, 700-4, 700-5 and 700-6 shall be the property of the Developer and shall be subject to the Declaration, as amended, as if each Unit had been initially submitted to the Regime by the Declaration. Except as specifically amended hereby, the Declaration shall remain in full force and effect. Pursuant to Article VI, paragraph seven (7) of the Declaration, the fractional interest appurtenant to each Unit previously existing in the regime is revised upon the filing of this amendment from a 1/36th fractional interest to a 1/42th fractional interest, as reflected in paragraph four (4) below and in Exhibit G-6 attached hereto.

4. Identification of Units by Number; Fractional Interest. The Unit number of each Unit existing in the regime and its approximate area are set forth on Exhibit G-6 attached hereto. Exhibit G-6 also sets forth the fractional interest of undivided ownership in the land and other common elements of the regime, which is appurtenant to each Unit as explained in detail in Article V of the Declaration. As additional amendments to this Declaration are filed to identify and define additional Units, Exhibit G-6 will be supplemented to provide information for such Units.

5. Construction of Units 700-1, 700-2, 700-3, 700-4, 700-5 and 700-6. The construction of Units 700-1, 700-2, 700-3, 700-4, 700-5 and 700-6 shall be in accordance with the terms of this Amendment and the Declaration and the plans and exhibits attached hereto, except Developer reserves the right on its own initiative or pursuant to agreement with the purchaser of a particular Unit, or at the instance of mortgagees, any insurance carrier, the architect, or the public

authorities to make or authorize variations therefrom or adjustments of an insubstantial character which are not meaningfully prejudicial to the rights of owners and do not materially affect such rights or the value of a Unit, which variations or adjustments are permitted without the necessity of consent by other owners and shall not constitute an amendment of this Declaration. Variations which do materially affect such rights or value shall include, but not be limited to, a change in the location of the condominium, a reduction by more than ten percent (10%) in size of a Unit and a change in the physical layout of design of a unit, except that slight deviations required by construction or arising from the installation of the walls and/or partitions, changes in the location or design of a non-load bearing partition, closet or other feature within a Unit, and slight variations in the location of the condominium which an accurate survey would show are permitted and the right to make the same are reserved by Developer.

ARTICLE IV

VOTING RIGHTS

The provisions of the first sentence of Section 2 of Article V of the Declaration are superseded. The total number of votes outstanding and entitled to be cast by owners is forty-two (42), which is equal to the number of Units.

IN WITNESS WHEREOF, the undersigned has caused this instrument to be duly executed this 25th day of November, 2002.

J.D. & D., L.C.

By: _____
DARRYL T. HIGH, Member

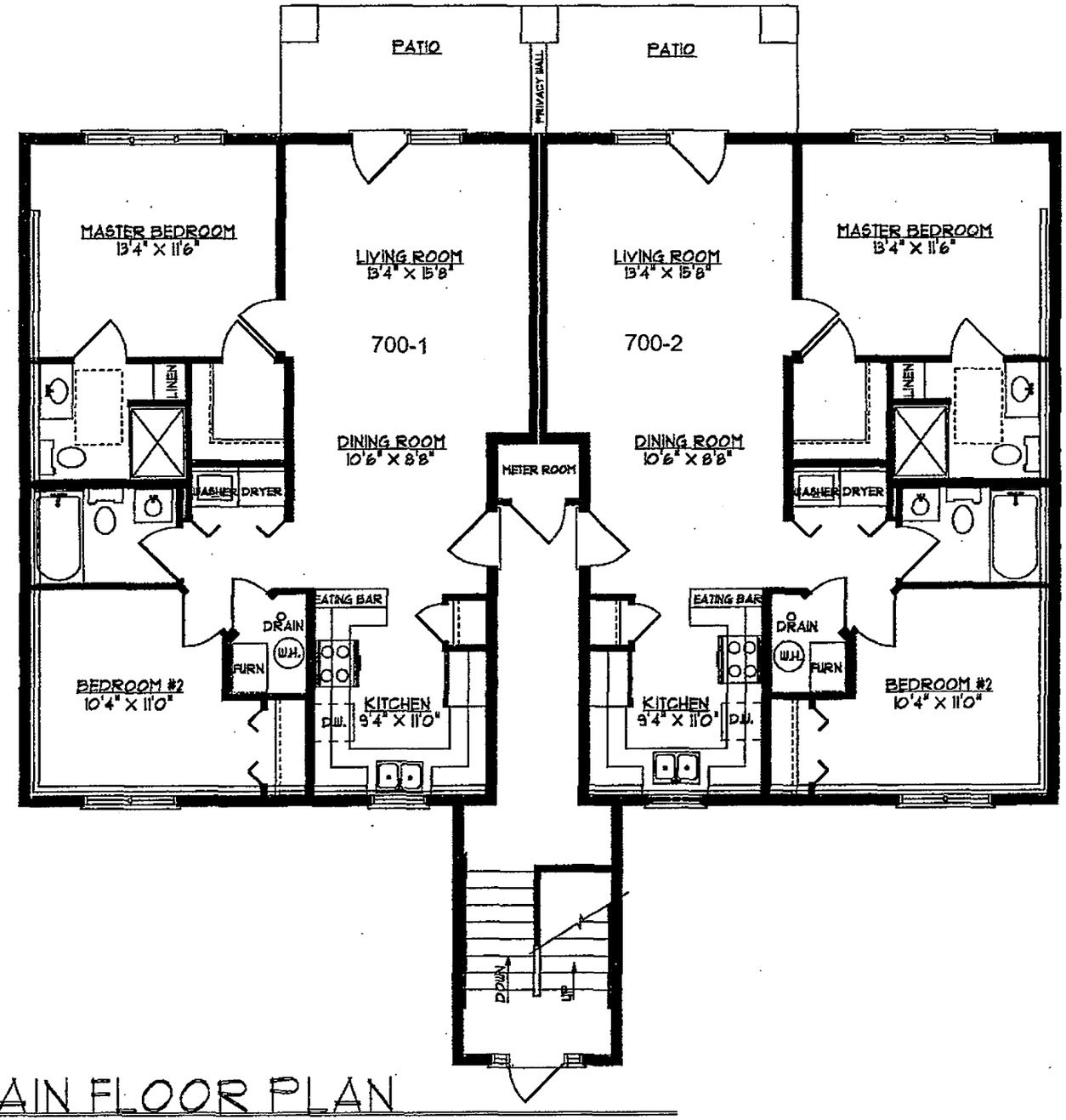
STATE OF IOWA)
) ss:
COUNTY OF LINN)

On this 25 day of NOV., 2002, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared DARRYL T. HIGH to me known to be the person named in and who executed the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.

_____
Notary Public in and for the State of Iowa

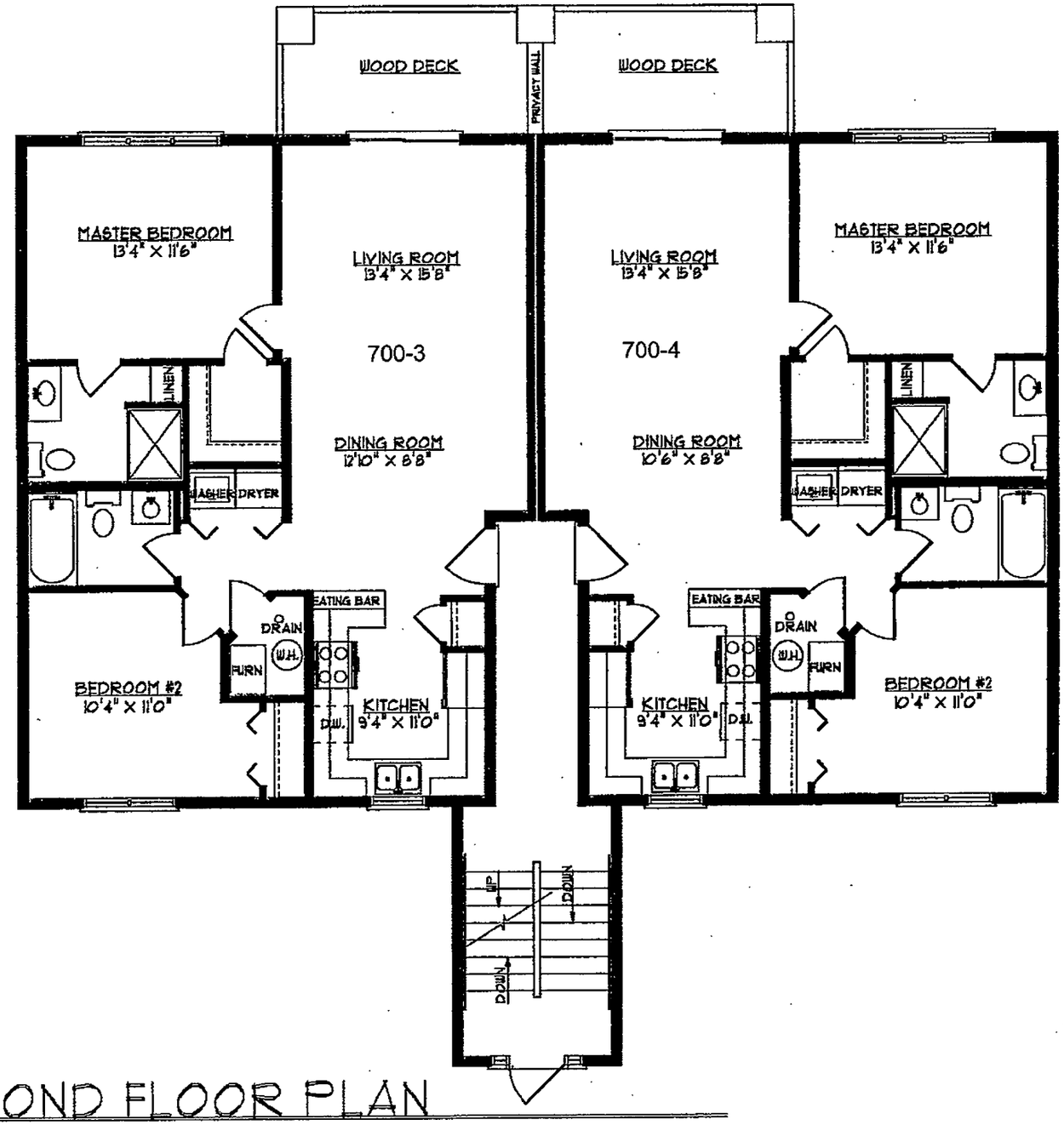
LYNETTE M. OTTE
Commission Number 225968
My Commission Expires
12/10/02

EXHIBIT C-6 (page 1 of 3)

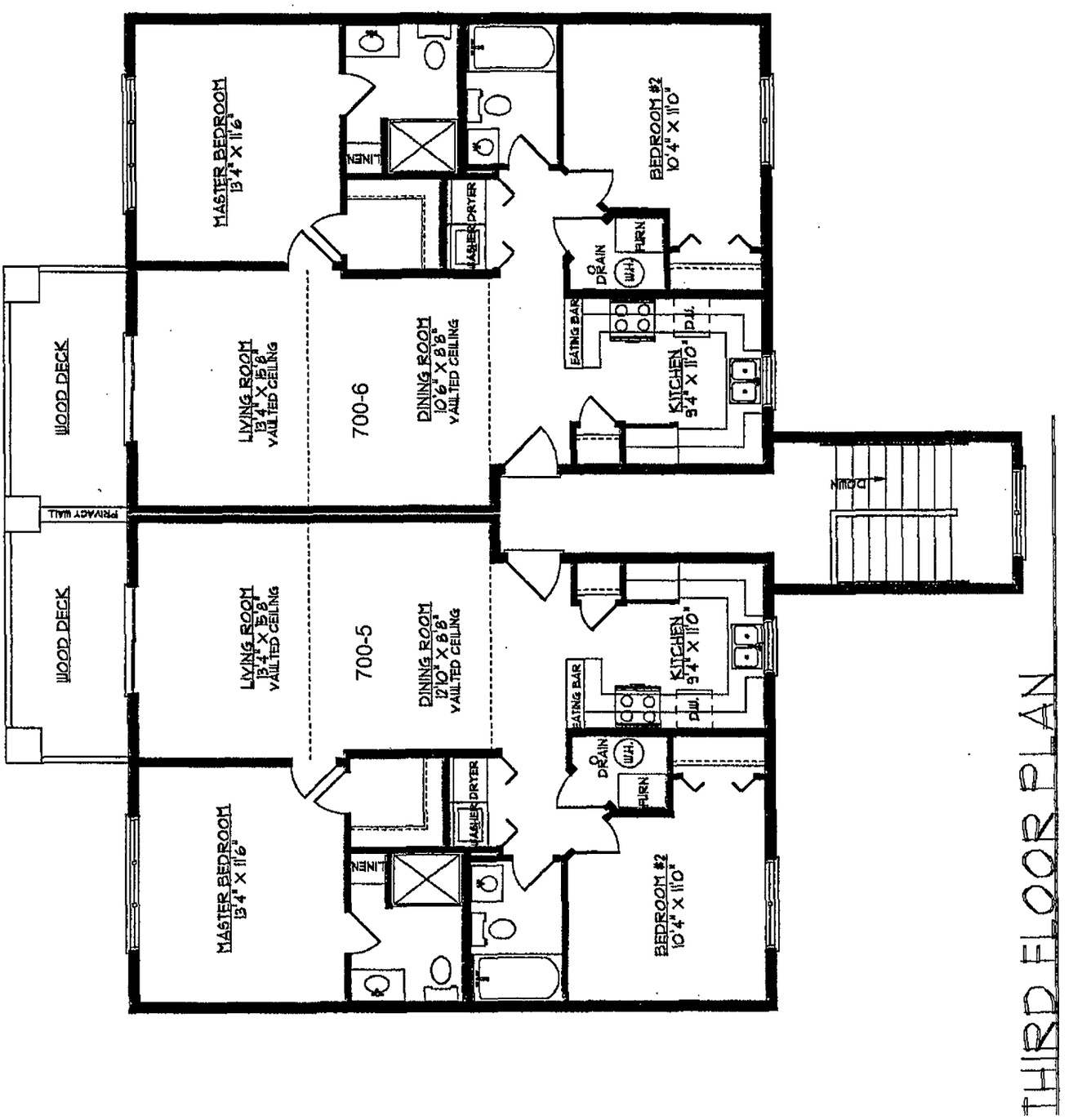


MAIN FLOOR PLAN

EXHIBIT C-6 (page 2 of 3)



SECOND FLOOR PLAN


MASTER BEDROOM
13'4" X 11'6"
LINEN
WASHER
DRYER
BEDROOM #2
10'4" X 11'0"
DRAIN
W.H.
FURN
EATING BAR
KITCHEN
9'4" X 11'0"
D.W.
WOOD DECK
LIVING ROOM
13'4" X 15'8"
VAULTED CEILING
700-6
DINING ROOM
10'6" X 8'8"
VAULTED CEILING
PRIVACY WALL
DOWN
700-5
DINING ROOM
12'10" X 8'8"
VAULTED CEILING
THIRD FLOOR PLAN

UNIT NUMBER	AREA (SQ. FT.)	FRACTIONAL INTEREST IN COMMON ELEMENTS
2500A-1	976-Main Level	1/42
2500A-2	976-Main Level	1/42
2500A-3	976-Second Level	1/42
2500A-4	976-Second Level	1/42
2500A-5	976-Third Level	1/42
2500A-6	976-Third Level	1/42
2500B-1	976-Main Level	1/42
2500B-2	976-Main Level	1/42
2500B-3	976-Second Level	1/42
2500B-4	976-Second Level	1/42
2500B-5	976-Third Level	1/42
2500B-6	976-Third Level	1/42
2500C-1	976-Main Level	1/42
2500C-2	976-Main Level	1/42
2500C-3	976-Second Level	1/42
2500C-4	976-Second Level	1/42
2500C-5	976-Third Level	1/42
2500C-6	976-Third Level	1/42
2500D-1	976-Main Level	1/42
2500D-2	976-Main Level	1/42
2500D-3	976-Second Level	1/42

2500D-4	976-Second Level	1/42
2500D-5	976-Third Level	1/42
2500D-6	976-Third Level	1/42
2500E-1	976-Main Level	1/42
2500E-2	976-Main Level	1/42
2500E-3	976-Second Level	1/42
2500E-4	976-Second Level	1/42
2500E-5	976-Third Level	1/42
2500E-6	976-Third Level	1/42
680-1	1025	1/42
680-2	1025	1/42
680-3	1025	1/42
680-4	1025	1/42
680-5	1025	1/42
680-6	1025	1/42
700-1	976-Main Level	1/42
700-2	976-Main Level	1/42
700-3	976-Second Level	1/42
700-4	976-Second Level	1/42
700-5	976-Third Level	1/42
700-6	976-Third Level	1/42

EXHIBIT G-6 (Page 2)