Doc ID: 005520270013 Type: GEN
Recorded: 02/20/2003 at 04:05:24 PM
Fee Amt: $71.00 Page 1 of 13
Instr# 200300060773
Linn County Iowa
JOAN MCCALMANT RECORDER
BK 5045 PG 172-184

Prepared by: Shannon P. Thompson of Bradley & Riley PC, P.O. Box 2804, Cedar Rapids, IA 52406-2804 (319) 365-0101

$71 ck 78496 MH
$5 refund

(Space above this line for recording purposes)

SEVENTH 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 Seventh 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 Seventh Amendment shall take effect when filed for record in the Office of the Recorder, Linn County, Iowa.

ARTICLE I

PURPOSE

The purpose of this Seventh Amendment is to fully describe and define Units 640-1, 640-2, 640-3, 640-4, 640-5, 640-6, 660-1, 660-2, 660-3, 660-4, 660-5 and 660-6, all as required and permitted by Article VI of the Declaration.

ARTICLE II

DESCRIPTION OF UNITS 640-1, 640-2, 640-3, 640-4, 640-5, 640-6, 660-1, 660-2, 660-3, 660-4, 660-5 and 660-6; PRINCIPAL MATERIALS

1. Submission of Units. Units 640-1, 640-2, 640-3, 640-4, 640-5, 640-6, 660-1, 660-2, 660-3, 660-4, 660-5 and 660-6 are hereby submitted to the Horizontal Property Regime for Magnolia Lane, A Condominium.

2. Site Plan. The construction of Units 640-1, 640-2, 640-3, 640-4, 640-5, 640-6, 660-1, 660-2, 660-3, 660-4, 660-5 and 660-6 is not completed. Following construction of the Units, the Developer will record a Site Plan, Exhibit B-7, to show the actual location on an as-built basis of Units 640-1, 640-2, 640-3, 640-4, 640-5, 640-6, 660-1, 660-2, 660-3, 660-4, 660-5 and 660-6. The Site Plan will also show graphically the proposed location of certain common elements. See Section 2 of Article III of this Amendment.

3. Particulars of Units 640-1, 640-2, 640-3, 640-4, 640-5, 640-6, 660-1, 660-2, 660-3, 660-4, 660-5 and 660-6. Units 640-1, 640-2, 640-3, 640-4, 640-5, 640-6, 660-1, 660-2, 660-3, 660-4, 660-5 and 660-6 are located in six-plex style buildings. The location of all Units will be shown on the Site Plan to be filed after completion of the construction of the Units. Each Unit generally has two floors and a finished or unfinished basement. Further, each Unit includes a one (1) stall garage, which is located on the first floor and is accessible directly from the Unit.

Each Unit adjoins a deck or a patio, 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-7 but are summarized as follows: Each Unit contains generally two (2) bedrooms, a living room, dining room, kitchen, one (1) full bath, one (1) half bath, laundry room, closets, a stairway and a one (1) stall garage.

4. Principal Materials. The principal materials of Units 640-1, 640-2, 640-3, 640-4, 640-5, 640-6, 660-1, 660-2, 660-3, 660-4, 660-5 and 660-6 are shown on Exhibit F-5, attached to the Fifth Amendment to the Declaration recorded in the office of the Linn County, Iowa, Recorder on August 21, 2002, in Volume 4789 beginning at Page 279.

ARTICLE III

EXHIBITS; IDENTIFICATION OF UNITS

1. Floor Plans; Units 640-1, 640-2, 640-3, 640-4, 640-5, 640-6, 660-1, 660-2, 660-3, 660-4, 660-5 and 660-6. The location of Units 640-1, 640-2, 640-3, 640-4, 640-5, 640-6, 660-1, 660-2, 660-3, 660-4, 660-5 and 660-6, 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 shown on Exhibit C-7, Floor Plans for Units 640-1, 640-2, 640-3, 640-4, 640-5, 640-6, 660-1, 660-2, 660-3, 660-4, 660-5 and 660-6, attached hereto and made a part hereof.

2. Complete Plans and Surveyor's Certificate. The complete plans of Units 640-1, 640-2, 640-3, 640-4, 640-5, 640-6, 660-1, 660-2, 660-3, 660-4, 660-5 and 660-6 are the same as shown on Exhibit D, as attached to the Declaration of Submission of Property to Horizontal Property Regime for Shelley Lane, a Condominium, which Declaration was filed in the Office of the Linn County, Iowa, Recorder on December 21, 2001, in Volume 4552, beginning at Page 428. After completion of construction of the Units, a Surveyor's Certificate with respect to Units 640-1, 640-2, 640-3, 640-4, 640-5, 640-6, 660-1, 660-2, 660-3, 660-4, 660-5 and 660-6 will be recorded to reflect the location of the Units on an as-built basis. The Surveyor's Certificate shall show other common elements, both limited and general, not shown on Exhibit C-7, Floor Plans. The Surveyor's Certificate will be recorded as Exhibit E-7 to this Amendment.

3. Effect of Amendment. Upon the recording of this Amendment, Units 640-1, 640-2, 640-3, 640-4, 640-5, 640-6, 660-1, 660-2, 660-3, 660-4, 660-5 and 660-6 are Units which are capable of being owned as separate parcels of real estate. Units 640-1, 640-2, 640-3, 640-4, 640-5, 640-6, 660-1, 660-2, 660-3, 660-4, 660-5 and 660-6 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 1/42nd fractional interest to a 1/54th fractional interest, as reflected in paragraph four (4) below and in Exhibit G-7 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-7 attached hereto. Exhibit G-7 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-7 will be supplemented to provide information for such Units.

5. Construction of Units 640-1, 640-2, 640-3, 640-4, 640-5, 640-6, 660-1, 660-2, 660-3, 660-4, 660-5 and 660-6. The construction of Units 640-1, 640-2, 640-3, 640-4, 640-5, 640-6, 660-1, 660-2, 660-3, 660-4, 660-5 and 660-6 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 fifty four (54), which is equal to the number of Units.

IN WITNESS WHEREOF, the undersigned has caused this instrument to be duly executed this 20th day of February, 2003.

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

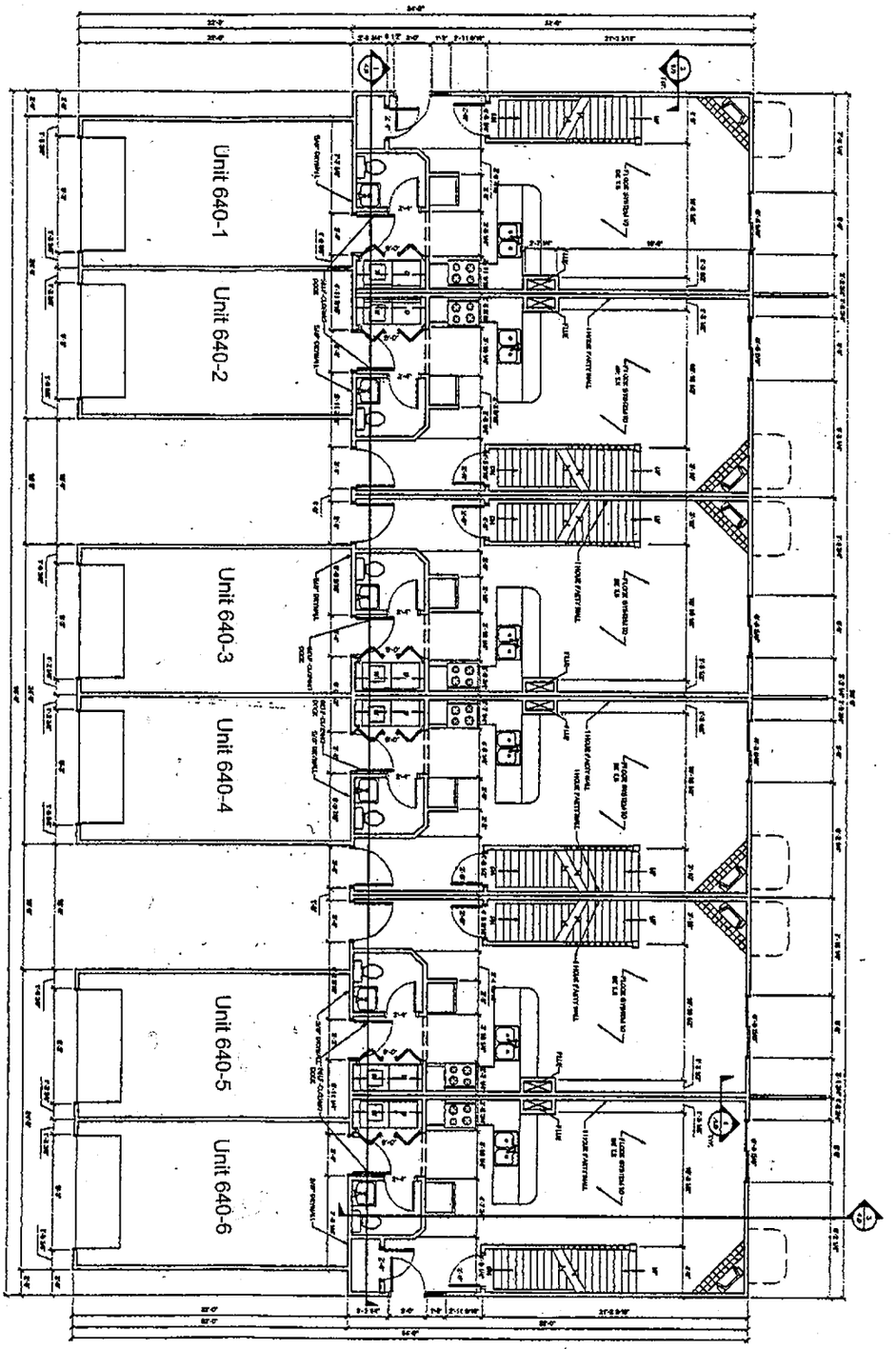
By: _____
DARRYL T. HIGH, Member

STATE OF IOWA)
) ss:
COUNTY OF LINN)

On this 20th day of February, 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

NOTARIAL SEAL IOWA
VALERIE D. DUKE
Commission Number 165607
My Commission Expires
7-1-04



1 FIRST FLOOR PLAN
1/8" = 1'-0"

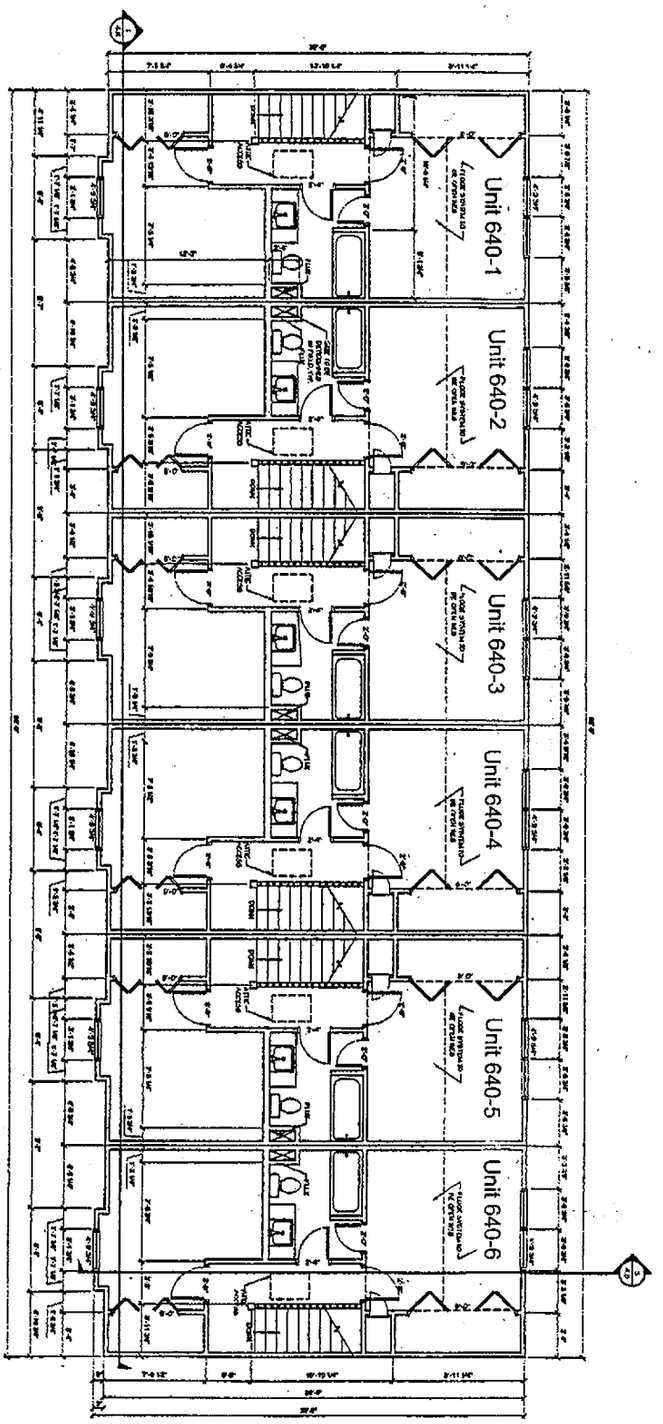
HIGH DEVELOPMENT CORP.

4.1

FIRST FLOOR PLAN

Exhibit C-7 (Page 1)

HIGH DEVELOPMENT CORP.



1 SECOND FLOOR PLAN
1/8" = 1'-0"

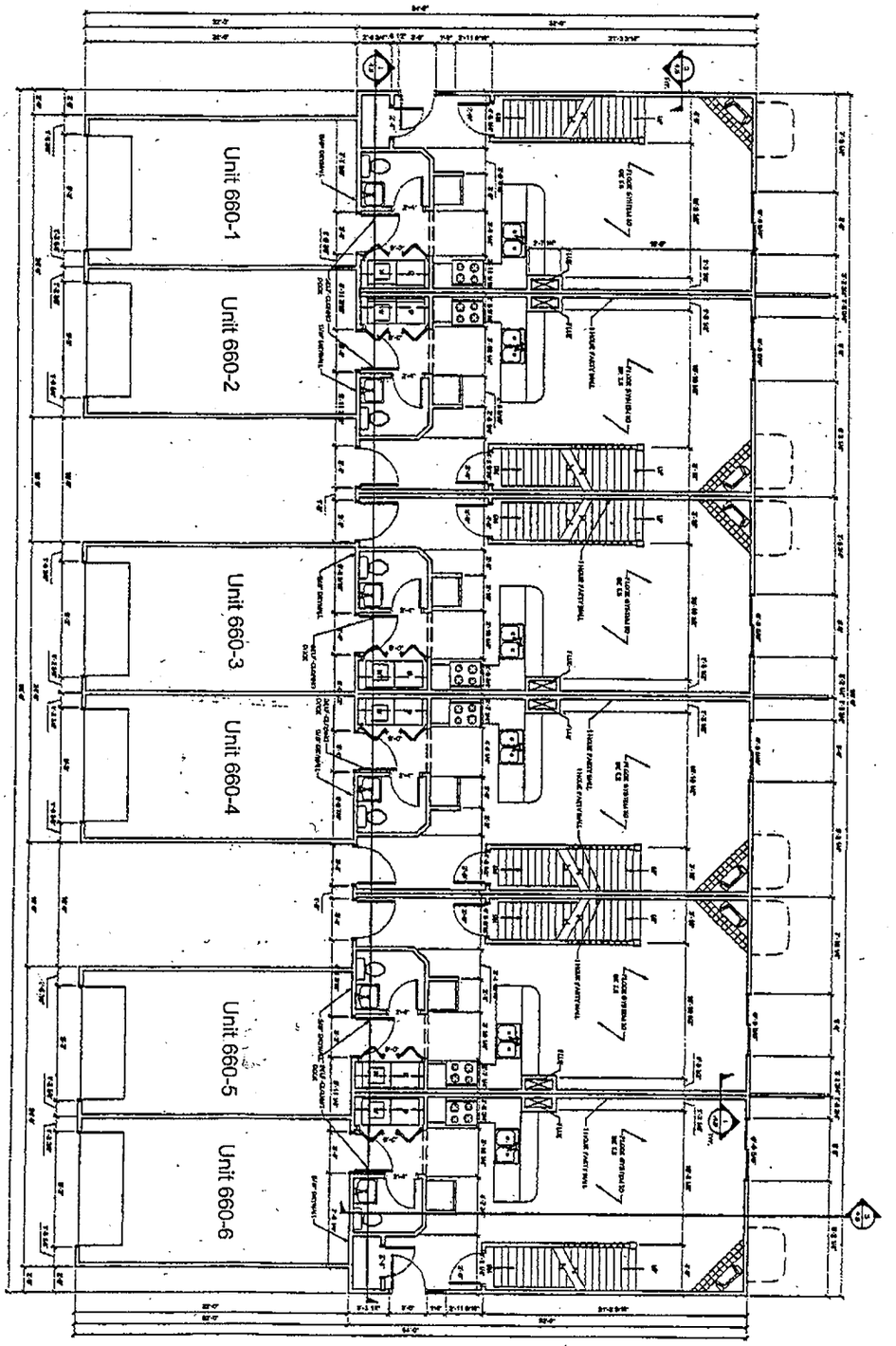
HIGH DEVELOPMENT CORP.

4.2

SECOND FLOOR PLAN

Exhibit C-7 (Page 2)

HIGH DEVELOPMENT CORP.



1 FIRST FLOOR PLAN
1/8" = 1'-0"

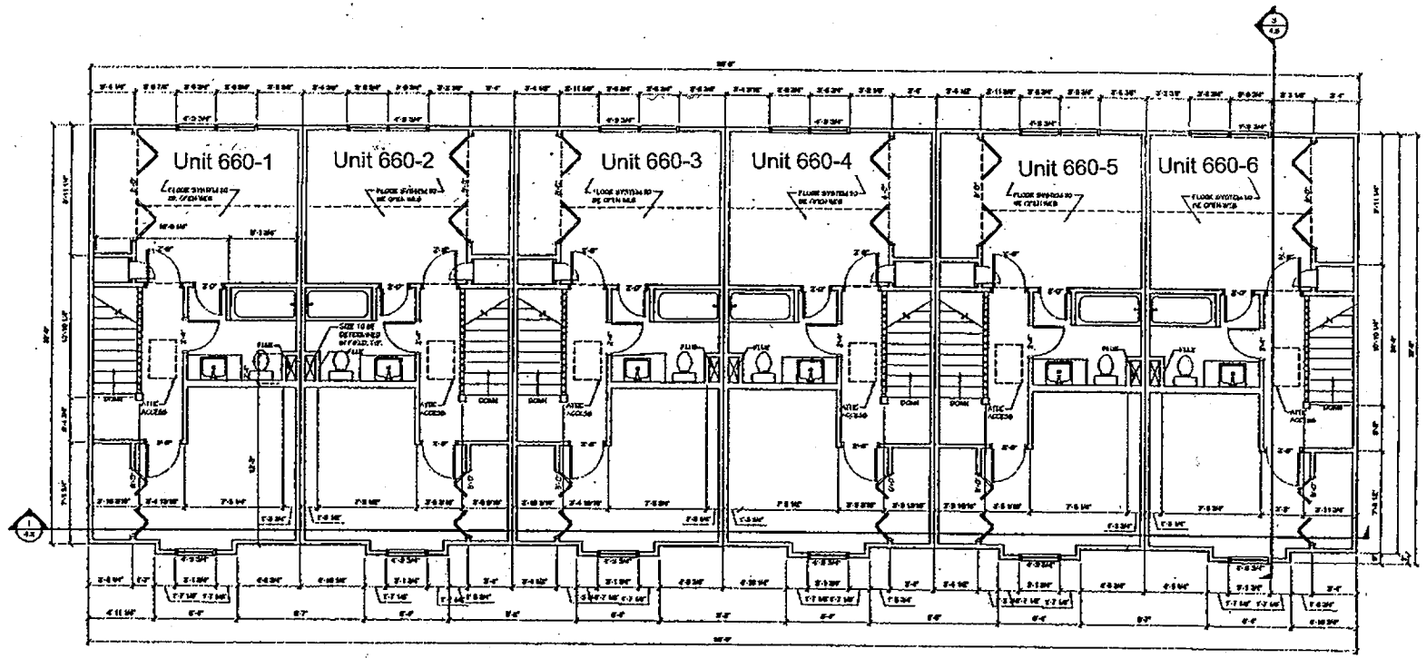
HIGH DEVELOPMENT CORP.

4.1

FIRST FLOOR PLAN

Exhibit C-7 (Page 3)

HIGH DEVELOPMENT CORP.



1 SECOND FLOOR PLAN
1/8" = 1'-0"

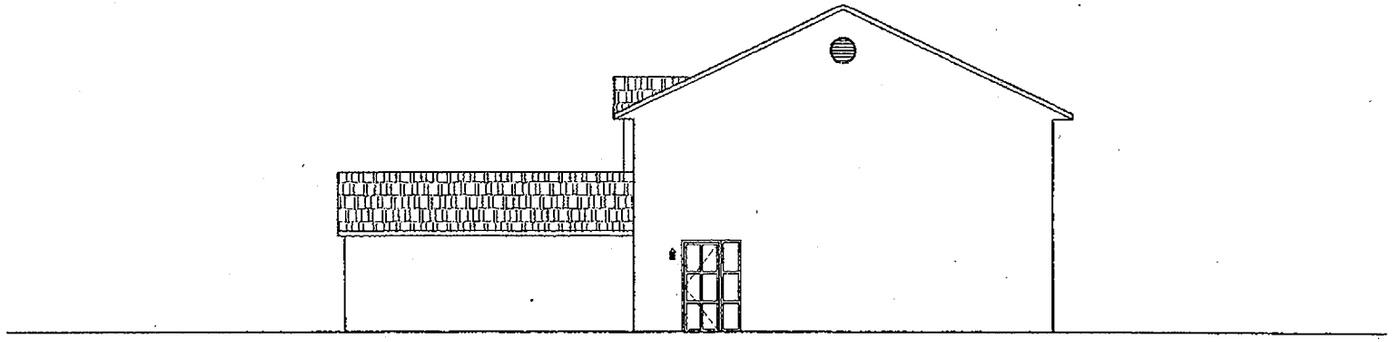
HIGH DEVELOPMENT CORP.

Exhibit C-7 (Page 4)

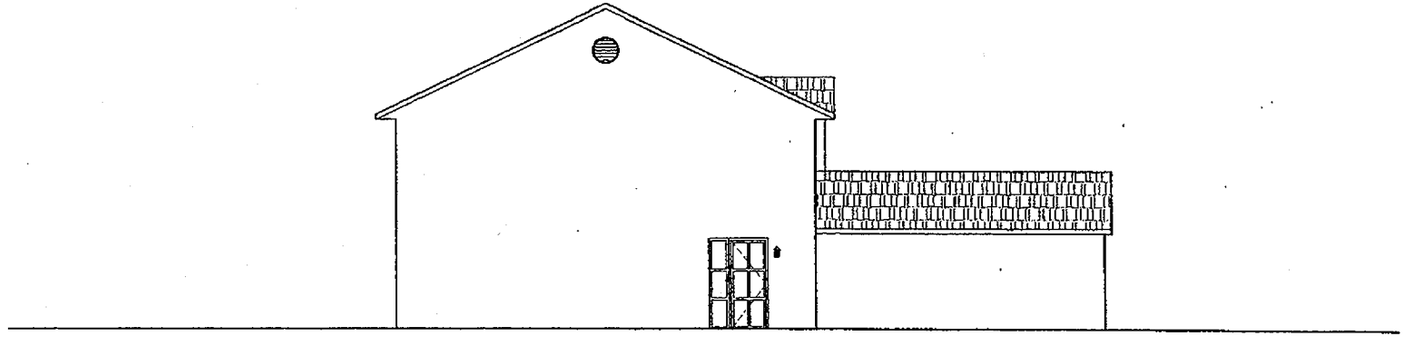
SECOND FLOOR PLAN

4.2

HIGH DEVELOPMENT CORP.



1 SIDE ELEVATION
1/8" = 1'-0"



2 SIDE ELEVATION
1/8" = 1'-0"

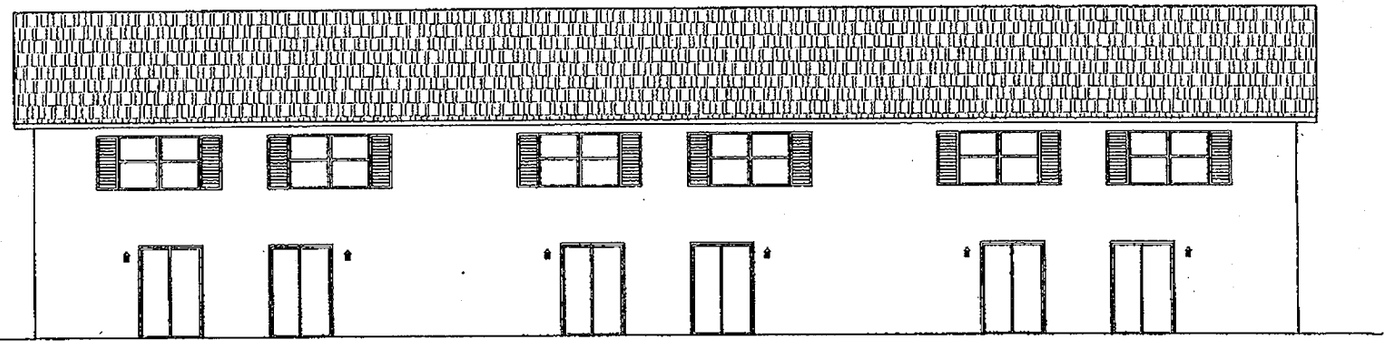
HIGH DEVELOPMENT CORP.

Exhibit C-7 (Page 5)

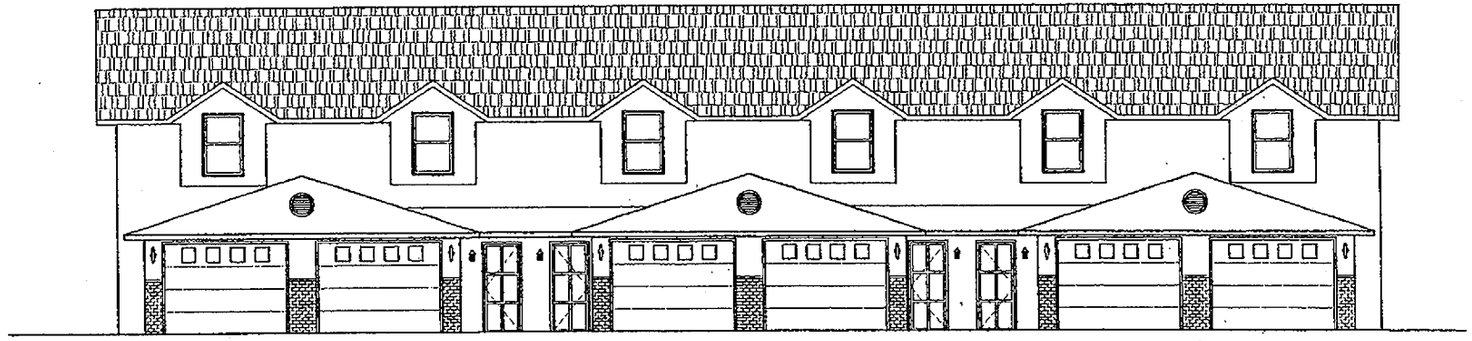
ELEVATIONS

4.4

HIGH DEVELOPMENT CORP.



1 REAR ELEVATION
1/8" = 1'-0"



2 FRONT ELEVATION
1/8" = 1'-0"

HIGH DEVELOPMENT CORP.

Exhibit C-7 (Page 6)

ELEVATIONS

4.3

HIGH DEVELOPMENT CORP.

UNIT NUMBER	AREA (SQ. FT.)	FRACTIONAL INTEREST IN COMMON ELEMENTS
2500A-1	976-Main Level	1/54
2500A-2	976-Main Level	1/54
2500A-3	976-Second Level	1/54
2500A-4	976-Second Level	1/54
2500A-5	976-Third Level	1/54
2500A-6	976-Third Level	1/54
2500B-1	976-Main Level	1/54
2500B-2	976-Main Level	1/54
2500B-3	976-Second Level	1/54
2500B-4	976-Second Level	1/54
2500B-5	976-Third Level	1/54
2500B-6	976-Third Level	1/54
2500C-1	976-Main Level	1/54
2500C-2	976-Main Level	1/54
2500C-3	976-Second Level	1/54
2500C-4	976-Second Level	1/54
2500C-5	976-Third Level	1/54
2500C-6	976-Third Level	1/54
2500D-1	976-Main Level	1/54
2500D-2	976-Main Level	1/54
2500D-3	976-Second Level	1/54

2500D-4	976-Second Level	1/54
2500D-5	976-Third Level	1/54
2500D-6	976-Third Level	1/54
2500E-1	976-Main Level	1/54
2500E-2	976-Main Level	1/54
2500E-3	976-Second Level	1/54
2500E-4	976-Second Level	1/54
2500E-5	976-Third Level	1/54
2500E-6	976-Third Level	1/54
640-1	1025	1/54
640-2	1025	1/54
640-3	1025	1/54
640-4	1025	1/54
640-5	1025	1/54
640-6	1025	1/54
660-1	1025	1/54
660-2	1025	1/54
660-3	1025	1/54
660-4	1025	1/54
660-5	1025	1/54
660-6	1025	1/54
680-1	1025	1/54

680-2	1025	1/54
680-3	1025	1/54
680-4	1025	1/54
680-5	1025	1/54
680-6	1025	1/54
700-1	976-Main Level	1/54
700-2	976-Main Level	1/54
700-3	976-Second Level	1/54
700-4	976-Second Level	1/54
700-5	976-Third Level	1/54
700-6	976-Third Level	1/54