Prepared by: Michele M. Busse of Bradley & Riley PC, P.O. Box 2804, Cedar Rapids, IA 52406-2804 (319) 363-0101
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FILED
JOAN MCCALMANT
COUNTY RECORDER
2000 FEB -3 PM 4:01
LINN COUNTY, IOWA

FIRST AMENDMENT TO DECLARATION OF SUBMISSION OF PROPERTY TO HORIZONTAL PROPERTY REGIME FOR MAGNOLIA LANE, A CONDOMINIUM

DOCUMENT NO. 44497
RECORDING FEE 60.00
AUD. FEE 5.00
AUTOMATION FEE 1.00

The undersigned, J.D. & D., L.C., Cedar Rapids, Iowa, (referred to hereafter as "Developer"), hereby causes to be executed and hereby executes this instrument as the First 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 First Amendment shall take effect when filed for record in the Office of the Recorder, Linn County, Iowa.

ARTICLE I

PURPOSE

The purpose of this First Amendment is to fully describe and define Unit 2500B-1, Unit 2500B-2, Unit 2500B-3, Unit 2500B-4, Unit 2500B-5, and Unit 2500B-6, all as required and permitted by Article VI of the Declaration.

ARTICLE II

DESCRIPTION OF UNIT 2500B-1, UNIT 2500B-2, UNIT 2500B-3, UNIT 2500B-4, UNIT 2500B-5, AND UNIT 2500B-6; PRINCIPAL MATERIALS

1. Site Plan. There is attached hereto as Exhibit B-1 and hereby made a part hereof a site plan showing the location of Unit 2500B-1, Unit 2500B-2, Unit 2500B-3, Unit 2500B-4, Unit 2500B-5, and Unit 2500B-6, and the associated garage building hereby submitted to the Horizontal Property Regime. Exhibit B-1 further shows graphically the proposed location of certain common elements.

2. Particulars of Unit 2500B-1, Unit 2500B-2, Unit 2500B-3, Unit 2500B-4, Unit 2500B-5, and Unit 2500B-6. Unit 2500B-1, Unit 2500B-2, Unit 2500B-3, Unit 2500B-4, Unit 2500B-5, and Unit 2500B-6 are located in a six-plex style building, located as shown on Exhibit B-1. 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 shown on Exhibit B-1.

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-1 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.

3. Principal Materials. The principal materials of Unit 2500B-1, Unit 2500B-2, Unit 2500B-3, Unit 2500B-4, Unit 2500B-5, and Unit 2500B-6 are the same as shown on Exhibit F, as attached to the Declaration.

ARTICLE III

EXHIBITS; IDENTIFICATION OF UNITS

1. Exhibits Attached; Unit 2500B-1, Unit 2500B-2, Unit 2500B-3, Unit 2500B-4, Unit 2500B-5, and Unit 2500B-6. The location of Unit 2500B-1, Unit 2500B-2, Unit 2500B-3, Unit 2500B-4, Unit 2500B-5, and Unit 2500B-6, the number of rooms for each Unit, and the dimensions thereof and the area of each Unit, the common area to which they have access, the area and location of all common elements affording access to each Unit are all shown and depicted by survey, plans and/or graphically insofar as possible by certain Exhibits attached to the Declaration and by the following Exhibits attached hereto and made a part hereof:

Exhibit B-1 Site Plan

Exhibit C-1 Floor Plans for Unit 2500B-1, Unit 2500B-2, Unit 2500B-3, Unit 2500B-4, Unit 2500B-5, and Unit 2500B-6

2. Complete Plans and Certificate. The complete plans of Unit 2500B-1, Unit 2500B-2, Unit 2500B-3, Unit 2500B-4, Unit 2500B-5, and Unit 2500B-6 are the same as shown on Exhibit D, as attached to the Declaration. The Certificate with respect to Unit 2500B-1, Unit 2500B-2, Unit 2500B-3, Unit 2500B-4, Unit 2500B-5, and Unit 2500B-6 is attached hereto as Exhibit E-1.

3. Effect of Amendment. Upon the recording of this Amendment, Unit 2500B-1, Unit 2500B-2, Unit 2500B-3, Unit 2500B-4, Unit 2500B-5, and Unit 2500B-6 are Units which are capable of being owned as separate parcels of real estate. Unit 2500B-1, Unit 2500B-2, Unit 2500B-3, Unit 2500B-4, Unit 2500B-5, and Unit 2500B-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.

4. Identification of Units by Number. The Unit number of each Unit existing in the regime and its approximate area are set forth on Exhibit G-1 attached hereto. Exhibit G-1 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 Proposed Units as Units, Exhibit G-1 will be supplemented to provide information for such Units.

5. Construction of Unit 2500B-1, Unit 2500B-2, Unit 2500B-3, Unit 2500B-4, Unit 2500B-5, and Unit 2500B-6. The construction of Unit 2500B-1, Unit 2500B-2, Unit 2500B-3, Unit 2500B-4, Unit 2500B-5, and Unit 2500B-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 be limited to a change in the location of the condominium or a reduction by more than ten percent (10%) in size, physical layout or 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 twelve (12), which is equal to the number of Units.

IN WITNESS WHEREOF, the undersigned has caused this instrument to be duly executed this 2nd day of February, 2000.

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

By: DARRYL T. HIGH, Member

STATE OF IOWA)
) ss.
COUNTY OF LINN)

This instrument was acknowledged before me on this 2nd day of February, 2000.

Kristine K. Chambers
Kristine K. Chambers, Notary Public

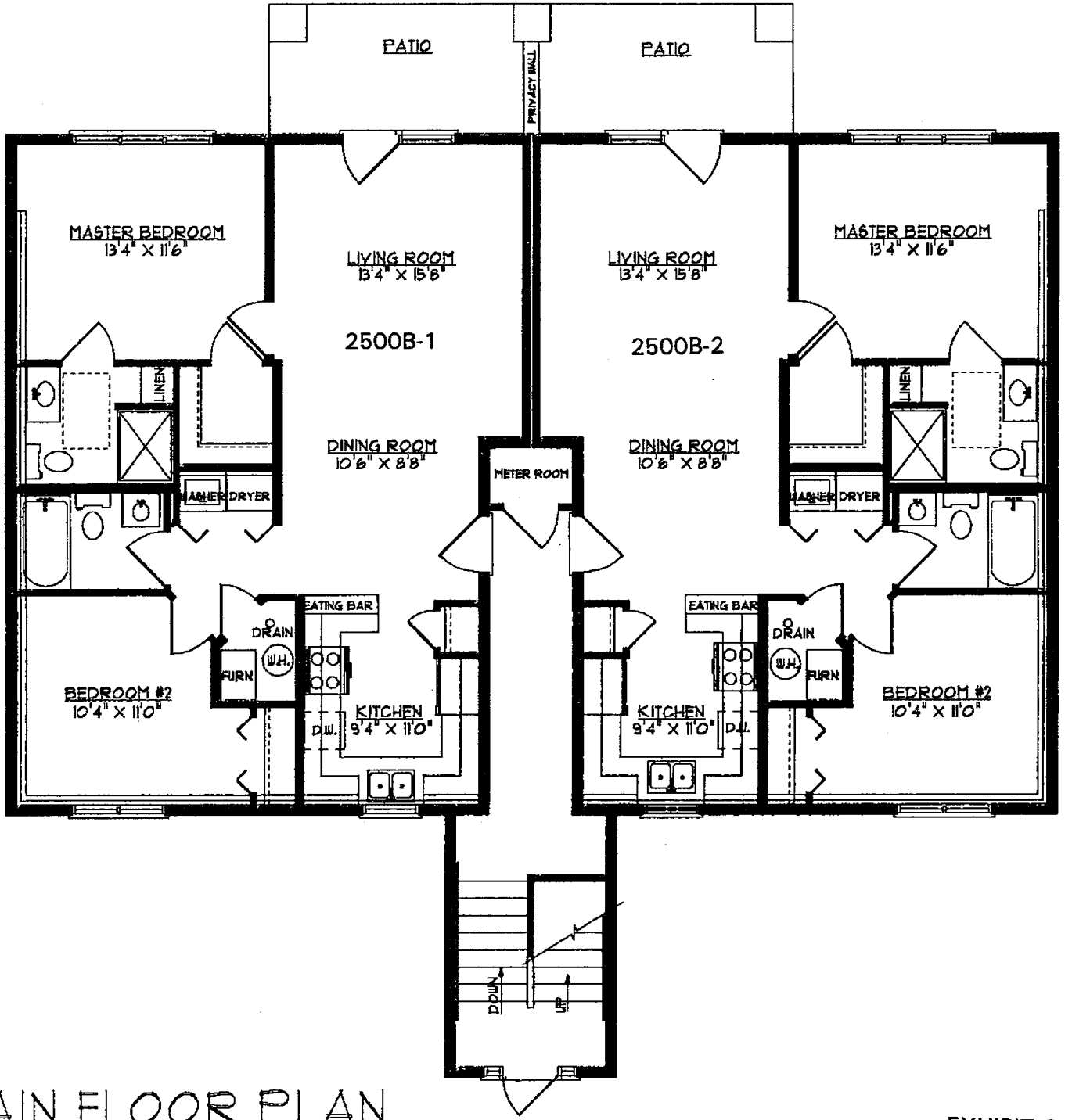
NOTARIAL SEAL KRISTINE K. CHAMBERS

Book 4043 Pg 518

First Amendment to
Magnolia Lane,
a Condominium

Exhibit B-1
(LI Viola-Mar 1 MR)

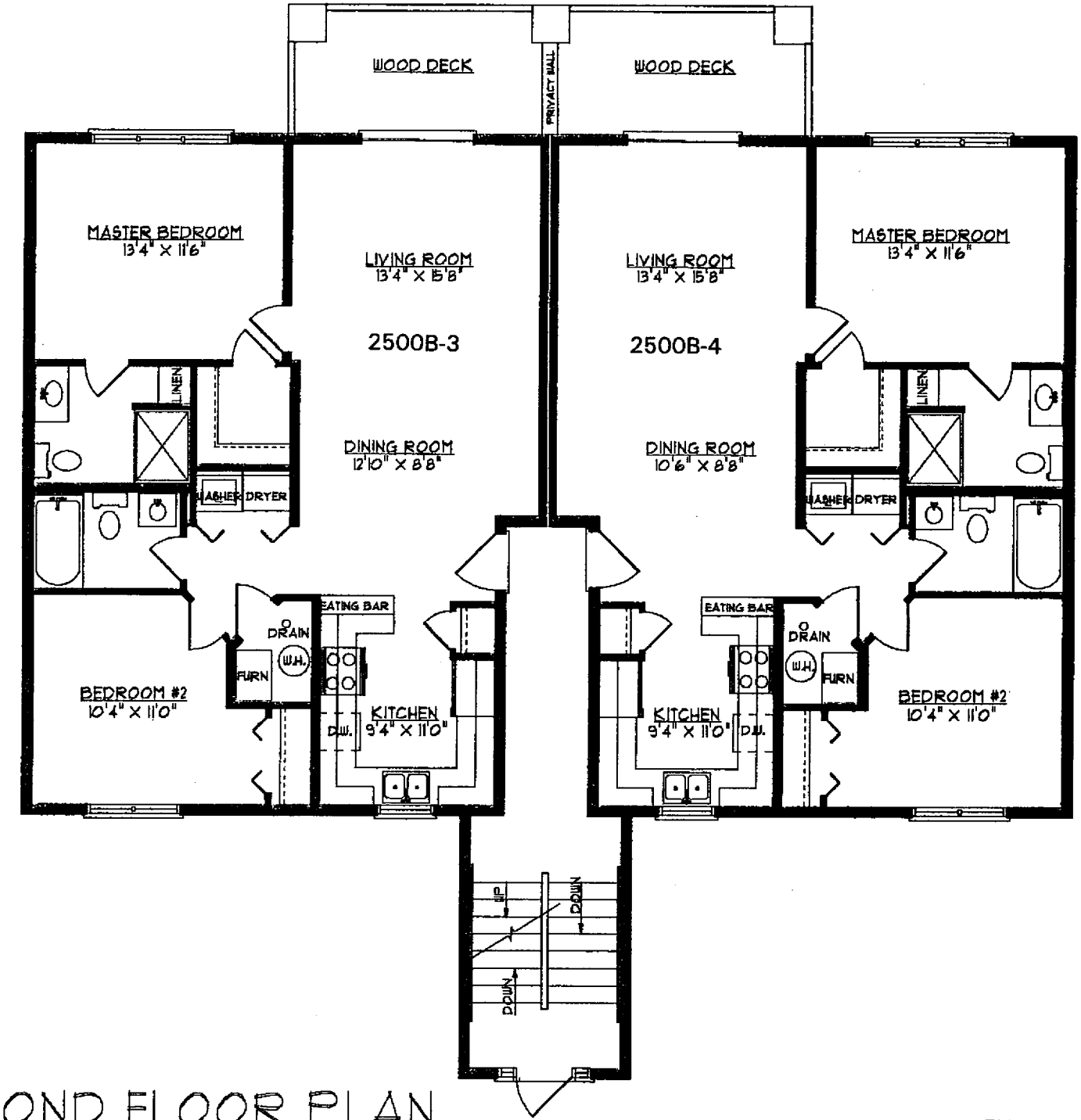
See Envelope
412-B
4th Cabinet



MAIN FLOOR PLAN

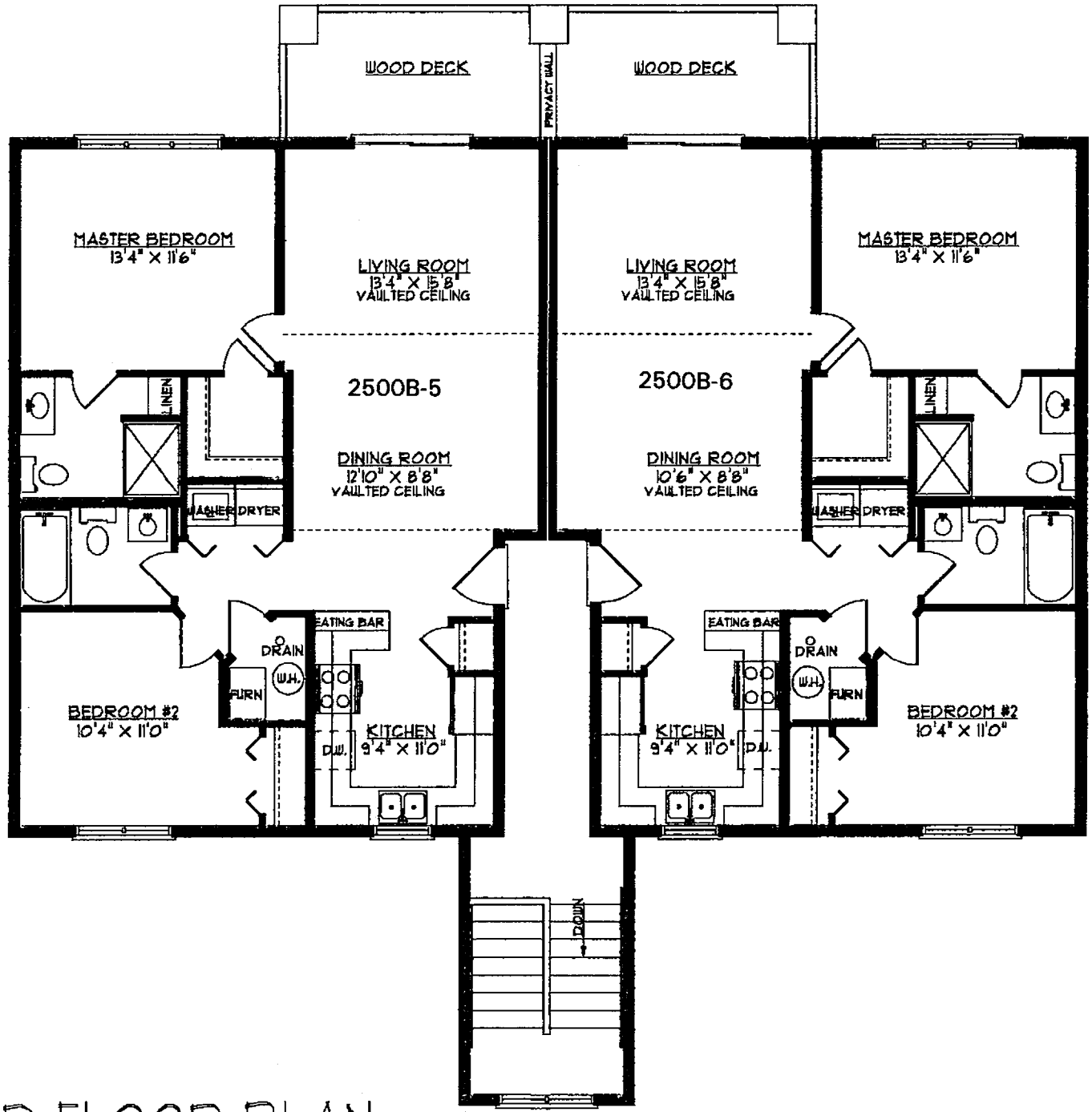
EXHIBIT C-1 (Page 1)

BOOK 1043 PAGE 516



SECOND FLOOR PLAN

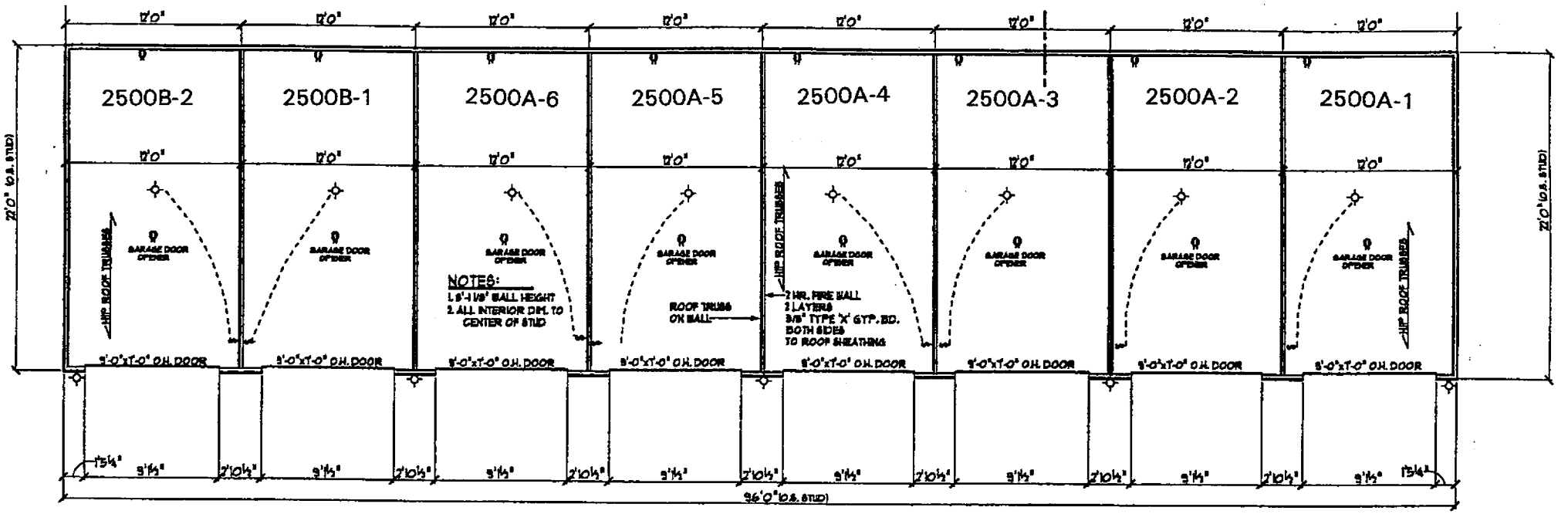
EXHIBIT C-1 (Page 2)



THIRD FLOOR PLAN

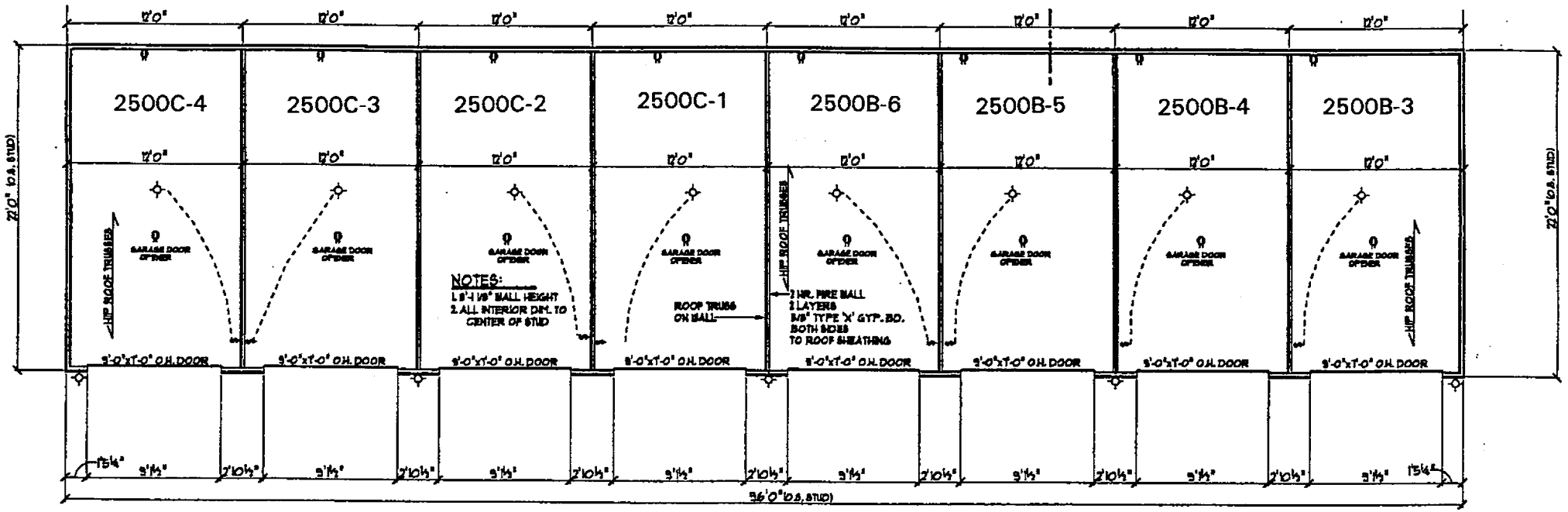
BOOK 4043 PAGE 521

EXHIBIT C-1 (Page 3)



FRAMING NOTES:

1. ROOF TRUSSES TO BE DESIGNED & CERTIFIED BY AN ENGINEER, LICENSED IN THE STATE OR R OF CONSTRUCTION, FOR ALL DEAD & LIVE LOAI
2. ALL EXTERIOR WALLS 2x4's @ 16" O.C. UNLESS N ALL INTERIOR WALLS 2x4's @ 16" O.C. UNLESS N



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EXHIBIT C-1 (Page 5)

BOOK 1043 PAGE 523

CERTIFICATE

I hereby certify that the Site Plan identified as Exhibit B-1, and the surveys of the floor plans identified as Exhibit C-1 and attached to the First Amendment to Declaration of Submission of Property to Horizontal Property Regime for Magnolia Lane, A Condominium, depict and describe, respectively, as stated thereon, the approximate location of the Building, the location of each Unit within the Buildings, the number of rooms for each Unit and the approximate dimensions thereof, the common area to which each Unit has access, and the location of all common elements affording access to each Unit, all as they now exist on the date hereof.

I certify that I am a duly licensed land surveyor under the laws of the State of Iowa.

DATED this 1st day of February, 2000.



DANIEL L. JOHNSON
L.S. #11954

EXHIBIT E-1

UNIT NUMBER	AREA (SQ. FT.)	FRACTIONAL INTEREST IN COMMON ELEMENTS
2500A-1	976-Main Level	1/12
2500A-2	976-Main Level	1/12
2500A-3	976-Second Level	1/12
2500A-4	976-Second Level	1/12
2500A-5	976-Third Level	1/12
2500A-6	976-Third Level	1/12
2500B-1	976-Main Level	1/12
2500B-2	976-Main Level	1/12
2500B-3	976-Second Level	1/12
2500B-4	976-Second Level	1/12
2500B-5	976-Third Level	1/12
2500B-6	976-Third Level	1/12

EXHIBIT G-1

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4:01 PM
FEB 03 2000
RECORDER LINN CO., IOWA