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Kind: MISCELLANEOUS
Recorded: 11/28/2012 at 12:17:47 PM
Fee Amt: \$22.00 Page 1 of 4
Revenue Tax: \$0.00
Polk County Iowa
JULIE M. HAGGERTY RECORDER
File# 2013-00049183



Doc ID: 026655890003 Type: GEN
Kind: RESTRICTIVE COVENANT
Recorded: 11/09/2012 at 10:07:13 AM
Fee Amt: \$17.00 Page 1 of 3
Polk County Iowa
JULIE M. HAGGERTY RECORDER
File# 2013-00044039

BK 14549 PG 549-552

BK 14524 PG 873-875

*Refiled to correct legal description

CORRECTED
SECOND AMENDMENT TO
INGERSOLL SQUARE CONDOMINIUMS
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

Preparer Information:

Lisa R. Wilson
1906 Ingersoll Avenue, Suite 2
Des Moines, Iowa 50309
(515) 369-2502

Taxpayer Information:

N/A

Return Document To:

Wilson Law Firm, P.C.
1906 Ingersoll Avenue, Suite 2
Des Moines, Iowa 50309

RETURN TO

Grantor:

Ingersoll Square, L.L.C.

Grantee:

N/A

Legal Description:

See Exhibit A.

Document or instrument number of previously recorded documents:

Book 12282, Page 366

**SECOND AMENDMENT TO
INGERSOLL SQUARE CONDOMINIUMS
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS**

THIS SECOND AMENDMENT TO DECLARATION is made this 7th day of November, 2012.

WHEREAS, a Declaration of Covenants, Conditions and Restrictions for Ingersoll Square Condominiums was filed of record on July 11, 2007 in Book 12282, Page 366 in Polk County, Iowa, as amended by an Amendment filed July 20, 2007 in Book 12294, Page 721 (hereinafter "Declaration"); and

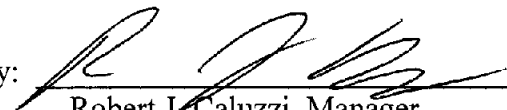
WHEREAS, pursuant to Article XI, Section 3, of the Declaration, the undersigned is the owner of at least 90% of the Units and has elected to further amend the Declaration as filed in accordance with the terms hereafter.

NOW, THEREFORE, the undersigned, being the owner of at least 90% of the Units in Ingersoll Square Condominiums, does hereby modify the Declaration as originally set forth and filed so as to delete therefrom the property set forth in Exhibit "A" attached hereto and by this reference incorporated herein ("Removed Property"). Said Removed Property shall no longer be held, sold and conveyed subject to the covenants, restrictions, easements, conditions, uses, limitations and obligations of the Declaration, including any membership in, contribution to or control of the Association.

In all respects, the Declaration, as amended, shall remain unaffected and be enforceable as filed.

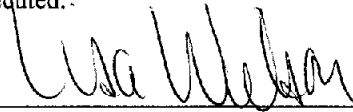
Dated on this day and year first written above.

INGERSOLL SQUARE, L.L.C., an Iowa limited liability company

By: 
Robert J. Caluzzi, Manager

STATE OF IOWA)
) ss
COUNTY OF POLK)

On this 7th day of November, 2012, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Robert J. Caluzzi, to me personally known, who being by me duly sworn, did say that he is the Manager of Ingersoll Square, L.L.C., an Iowa limited liability company; the limited liability company executing the within and foregoing instrument; that said instrument was signed on behalf of the limited liability company by authority of its Members; and that Robert J. Caluzzi as such officer acknowledged the execution of the foregoing instrument to be the voluntary act and deed of the limited liability company, by it and by him voluntarily executed.



Notary Public in and for the State of Iowa

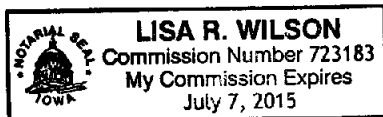


EXHIBIT "A"

A TRACT OF LAND BEING A PART OF PARCEL 'A' OF THE PLAT OF SURVEY OF A PART OF LOTS 1 - 8 OF WEST AND BURTON'S ADDITION, RECORDED AT BOOK 12613 PAGE 296 IN THE OFFICE OF THE POLK COUNTY RECORDER. SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID PARCEL 'A'; THENCE N89°33'09"E, 242.15 FEET ALONG THE NORTH LINE OF SAID PARCEL 'A' AND ALONG THE SOUTH RIGHT-OF-WAY LINE OF HIGH STREET AS IT IS PRESENTLY ESTABLISHED; THENCE S00°26'31"E, 76.44 FEET; THENCE S89°33'29"W, 9.00 FEET; THENCE S00°26'31"E, 145.88 FEET TO A NON-TANGENT 100.38 FEET RADIUS CURVE CONCAVE TO THE SOUTHWEST; THENCE NORTHWESTERLY, 31.50 FEET ALONG SAID CURVE, SAID CURVE HAVING A CHORD LENGTH OF 31.37 FEET AND A CHORD BEARING OF N81°40'35"W; THENCE S89°32'24"W, 201.97 FEET TO THE WEST LINE OF SAID PARCEL 'A' AND TO THE EAST RIGHT-OF-WAY LINE OF MARTIN LUTHER KING JR. PARKWAY AS IT IS PRESENTLY ESTABLISHED; THENCE N00°29'14"W, 217.58 FEET ALONG SAID WEST LINE AND EAST RIGHT-OF-WAY LINE, TO THE NORTHWEST CORNER OF SAID PARCEL 'A' AND TO THE POINT OF BEGINNING.

SAID TRACT OF LAND SUBJECT TO ALL EASEMENTS OF RECORD.

SAID TRACT OF LAND CONTAINS 1.181 ACRES MORE OR LESS.

AND

AN IRREGULAR SHAPED PART OF PARCEL 'A' IN A PORTION OF WEST AND BURTON'S ADDITION TO DES MOINES, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AS SHOWN IN BOOK 12613 AT PAGE 296 IN THE OFFICE OF THE POLK COUNTY RECORDER DESCRIBED AS:

COMMENCING AT THE SOUTHWEST CORNER OF PARCEL 'B' IN A PORTION OF HARDING ROAD PLACE AND IN A PORTION OF WEST AND BURTON'S ADDITION TO DES MOINES, OFFICIAL PLATS NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AS SHOWN IN BOOK 12613 AT PAGE 296 IN THE OFFICE OF THE POLK COUNTY RECORDER; THENCE N00°29'14"W (PREVIOUSLY RECORDED BEARING) ALONG THE WESTERLY LINE OF SAID PARCEL 'B', A DISTANCE OF 147.76 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 'A'; THENCE N00°29'14"W ALONG THE WESTERLY LINE OF SAID PARCEL 'A', A DISTANCE OF 53.00 FEET; THENCE N89°32'24"E, A DISTANCE OF 202.35 FEET; THENCE EASTERLY ALONG A 100.38 FEET RADIUS CURVE CONCAVE SOUTHERLY, A DISTANCE OF 54.54 FEET, SAID CURVE HAVING A CHORD BEARING OF S74°53'46"E AND A CHORD LENGTH OF 53.87 FEET; THENCE S00°29'14"E, A DISTANCE OF 38.54 FEET TO THE SOUTH LINE OF SAID PARCEL 'A'; THENCE S89°43'53"W ALONG THE SOUTH LINE OF SAID PARCEL 'A', A DISTANCE OF 254.23 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND BEING SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS OF RECORD.

SAID TRACT OF LAND CONTAINS 0.30 ACRES.

New

CORRECTED EXHIBIT "A"

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SAID TRACT OF LAND BEING SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS OF RECORD.

SAID TRACT OF LAND CONTAINS 0.30 ACRES.