

WARREN COUNTY, IOWA
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POLLY J. GLASCOCK, RECORDER

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Prepared by, and when recorded, return to: Chet A. Mellema, Hubbell Realty Company, 6900 Westown Parkway,
West Des Moines, Iowa 50266-2520 (515) 280-2042

SPACE ABOVE THIS LINE FOR RECORDER

**SIXTH MODIFICATION OF
DECLARATION OF COVENANTS, CONDITIONS,
EASEMENTS AND RESTRICTIONS
APPLICABLE TO
THE LEGACY
NORWALK, WARREN COUNTY, IOWA**

THIS SIXTH MODIFICATION OF DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS APPLICABLE TO THE LEGACY, NORWALK, WARREN COUNTY, IOWA is made this 26th day of August, 2008, by H-CM, L.L.C., an Iowa limited liability company (“Declarant”).

WHEREAS, Declarant, as the Owner of The Legacy, as defined in Section 1.02(n) of the Declaration, subjected The Legacy to that certain Declaration of Covenants, Conditions, Easements and Restrictions Applicable to The Legacy, Norwalk, Warren County, Iowa, dated September 17, 2001, and filed for record in the Office of the Recorder for Warren County, Iowa on September 18, 2001, in Book 2001 at Page 9480, as modified by that certain First Modification of Declaration of Covenants, Conditions, Easements and Restrictions Applicable to The Legacy, Norwalk, Warren County, Iowa, dated November 13, 2001, and filed for record in the Office of the Recorder for Warren County, Iowa on November 29, 2001, in Book 2001 at Page 12532, as modified by that Second Modification of Declaration of Covenants, Conditions, Easements and Restrictions Applicable to The Legacy, Norwalk, Warren County, Iowa, dated July 25, 2002, and filed for record in the Office of the Recorder for Warren County, Iowa on July 31, 2002, in Book 2002 at Page 8785, as modified by that Third Modification of Declaration of Covenants, Conditions, Easements and Restrictions Applicable to The Legacy, dated April 25, 2003, and filed for record in the Office of the Recorder for Warren County, Iowa on April 28, 2003, in Book 2003 at Page 5801, as modified by that Fourth Modification of Declaration of Covenants, Conditions, Easements and Restrictions Applicable to The Legacy, dated August 30, 2005, and filed for record in the Office of the Recorder for Warren County, Iowa on October 17, 2005, in Book 2005 at Page 11853, and as modified by that Fifth Modification of Declaration of Covenants, Conditions, Easements and Restrictions Applicable to The Legacy, dated February 20, 2007, and filed for record in the Office of the Recorder for Warren County, Iowa on February 21, 2007, in Book 2007 at Page 1653 (herein collectively the “Declaration”); and

WHEREAS, Declarant desires to modify the Declaration, in accordance with Section 6.12 thereof.

NOW, THEREFORE, Declarant hereby modifies the Declaration, with such modifications to take effect upon the recording of this Sixth Modification in the Office of the Recorder of Warren County, Iowa, as follows:

1. Section 2.06 is deleted in its entirety and replaced with the following:

“Playhouses, playgrounds, and/or play sets of any kind, utility buildings, storage sheds, tennis courts or other similar structures and improvements, shall be permitted only at the sole discretion and prior written approval of the Declarant, and if the Declarant no longer owns any Lots in The Legacy, at the sole discretion and prior written approval of the Association. Owners desiring to install such structures shall submit a written application to the Declarant or Association, as applicable, describing the structure and its intended location. The Declarant or Association shall approve or disapprove, in its sole discretion, the installation and location of any such structure on an Owner’s Lot within The Legacy. At a minimum, the Declarant or Association shall not permit any such structure to be located closer than twenty feet (20’) from any lot line, nor shall the Declarant or Association permit any such structure to be located closer than forty-five feet (45’) from any Lot line abutting The Legacy golf course. Furthermore, all such structures shall be located in rear yards only and the Declarant or Association shall prefer structures that are reasonably congruent with the appearance and construction materials of the dwelling unit located on the Lot.

No freestanding flagpole is permitted on any Lot other than a model home or sales and display office. No solar collector or panel of any nature shall be permitted on any Lot or any building constructed on a Lot.”

2. The modification to Section 2.06 of the Declaration set forth above shall take effect and apply to improvements or structures described therein on and after the date of the recording of this Sixth Modification in the Office of the Recorder of Warren County, Iowa. Improvements and structures already installed on the date of the recording of this Sixth Modification shall be subject to the provisions of the Declaration as they existed prior to said recording date.

3. Except as expressly modified by this Sixth Modification of the Declaration, all of the terms, conditions, easements, restrictions and provisions of the Declaration continue and remain in full force and effect.

Dated this 26th day of August, 2008.

H-CM, L.L.C.

By: Hubbell Realty Company, Its Manager

By:


Steve Niebuhr, Senior Vice President

By: *Jennifer Drake*
Jennifer L. Drake, Assistant Secretary

STATE OF IOWA, COUNTY OF DALLAS) ss:

This instrument was acknowledged before me on August 26, 2008 by Steve Niebuhr as Senior Vice President, and Jennifer L. Drake as Assistant Secretary, respectively, of Hubbell Realty Company, an Iowa corporation, the Manager of H-CM, L.L.C., an Iowa limited liability company.



Kristina Ashby
Notary Public in and for said State