

WARREN COUNTY, IOWA
FILED FOR RECORD

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BOOK 2009 PAGE _____
POLLY J. GLASCOCK, RECORDER

DEPUTY

Prepared by, and when recorded, return to: Jennifer L. Drake, Hubbell Realty Company, 6900 Westown Parkway,
West Des Moines, Iowa 50266-2520 (515) 280-2057

SPACE ABOVE THIS LINE FOR RECORDER

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

**THIS EIGHTH MODIFICATION OF DECLARATION OF COVENANTS,
CONDITIONS, EASEMENTS AND RESTRICTIONS APPLICABLE TO THE LEGACY,
NORWALK, WARREN COUNTY, IOWA** is made this 19th day of February, 2009, 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, 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, and as modified by that Sixth Modification of Declaration

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of Covenants, Conditions, Easements and Restrictions Applicable to The Legacy, dated November 15, 2007, and filed for record in the Office of the Recorder for Warren County, Iowa on November 20, 2007, in Book 2007 at Page 11230, and as modified by that second Sixth Modification of Declaration of Covenants, Conditions, Easements and Restrictions Applicable to The Legacy, dated August 26, 2008, and filed for record in the Office of the Recorder for Warren County, Iowa on August 27, 2008, in Book 2008 at Page 7438, (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 Eighth Modification in the Office of the Recorder of Warren County, Iowa, as follows:

1. Subsection 2.02(f) of the Declaration is hereby deleted in its entirety and a new Subsection 2.02(f) is substituted in lieu therefore to read as follows:

“(f) Minimum Single-Family House Sizes. (i) All single-family homes located on any of the Lots in Colonial Meadows Plat 3, and on any of the Lots in Colonial Meadows Plat 4, shall contain a minimum square footage of living space exclusive of attached garages, breezeways, porches, and finished basement areas as follows:

- (A) one-story dwellings must have a minimum of 1,450 square feet of finished area directly under the roof;
- (B) one and one-half story dwellings must have a finished ground floor area of at least 1,100 square feet, and a combined total ground floor area and second floor area of at least 1,500 square feet;
- (C) two-story dwellings must have a finished ground floor area of at least 830 square feet, and a combined total ground area and second floor area of at least 1,600 square feet; and
- (D) split entry and split-level dwellings are not permitted.

(ii) All other single-family homes located on Lots in the Legacy, except as noted in Sections 2.02(f)(iii) and 2.02(f)(iv,) shall contain a minimum square footage of living space exclusive of attached garages, breezeways, porches, and finished basement areas as follows:

- (A) All one-story dwellings must have a minimum of 1,600 square feet of finished area directly under the roof.
- (B) All one and one-half story dwellings must have a minimum total finished floor area of 1,800 square feet.

- (C) All two-story dwellings must have a minimum total finished floor area of 2,000 square feet.
- (D) All split-level, raised ranch, or split foyer dwellings must have a minimum of 1,600 square feet of finished area directly under the roof.

(iii) Single Family homes located in The Legacy Plat 9 and The Legacy Plat 10, except as noted in Section 2.02(f)(iv), shall contain a minimum square footage of living space exclusive of attached garages, breezeways, porches, and finished basement areas as follows:

- (A) One-story dwellings must have a minimum of 1,500 square feet of finished area directly under the roof.
- (B) One and one-half story dwellings must have a finished floor area of at least 1,600 square feet.
- (C) Two-story dwellings must have a finished floor area of at least 1,800 square feet.
- (D) All split-level, raised ranch, or split foyer dwellings must have a minimum of 1,600 square feet of finished area directly under the roof.

(iv) Single Family homes located on Lots 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28 of The Legacy Plat 10 shall contain a minimum square footage of living space exclusive of attached garages, breezeways, porches, and finished basement areas as follows:

- (A) One-story dwellings must have a minimum of 1,100 square feet of finished area directly under the roof.
- (B) One and one-half story dwellings must have a finished floor area of at least 1,100 square feet.
- (C) Two-story dwellings must have a finished floor area of at least 1,300 square feet.
- (E) All split-level, raised ranch, or split foyer dwellings must have a minimum of 1,100 square feet of finished area directly under the roof.”

2. Except as expressly modified by this Eighth 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 19th day of February, 2009.

(SIGNATURES APPEAR ON THE FOLLOWING PAGE)

H-CM, L.L.C.

By: Hubbell Realty Company, its Manager

By:

Joseph F. Pietruszynski, AVP

Joseph F. Pietruszynski, Assistant Vice President

By:

Jennifer L. Drake

Jennifer L. Drake, Assistant Secretary

STATE OF IOWA, COUNTY OF DALLAS) ss:

This instrument was acknowledged before me on February 19, 2009 by Joseph F. Pietruszynski, as Assistant 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.



Tina M. Newbury
Notary Public in and for said State