

STATE OF IOWA, Pottawattamie County
Filed for record this 3 day of Aug
1977 at 9:30 o'clock A.M. and recorded
in book 97 page 3716
John Sciorino Recorder
By George Arrago Deputy

COMPARED

RECORDING FEE \$ 25.00
RMA FEE \$ 7.00
1517

SECOND AMENDMENT
TO THE
DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
COTTAGE ROW REPLAT,
A SUBDIVISION IN
THE CITY OF COUNCIL BLUFFS, IOWA

The undersigned, being all of the Class A members of the Cottage Row Replat Home Owners Association (there no longer being a Class B membership which ceased on January 1, 1988), do hereby unanimously amend their original Declaration of Covenants, Conditions and Restrictions which was executed on February 5, 1985 and recorded on February 15, 1985, in Book 85, Page 15718, by deleting therefrom the entire Section 12 of ARTICLE ONE thereof and substituting in its place the following new Section 12, and they further amend by adding thereto the following new subsection (a) of Section 12 of ARTICLE FIVE:

ARTICLE ONE

Section 12. "Triplex townhome" shall mean a triplex divided by two lot lines, with each lot line coinciding with a common wall separating two of the dwelling units thereof.

ARTICLE FIVE

Section 12.

(a) Upon the approval of property line adjustments by the Community Development Department of the City of Council Bluffs involving Lots 2A, 2B, 2C and 2D, then Lot 2A, except the southeasterly ten feet thereof, and Lot 2D, except the northwesterly ten feet thereof, shall be considered together with Lots 2B and 2C in determining the propriety of obtaining a building permit for a triplex townhome structure thereon, and each dwelling

1-177

COMPARED

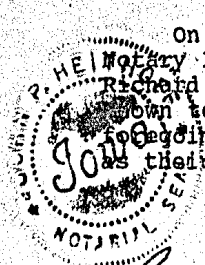
unit of the triplex townhome may be owned separately from the other two dwelling units thereof on each of the three lots resulting from the said property line adjustments as shown by the survey prepared and recorded with the City's written approval of the said property line adjustments; furthermore, the southeasterly ten feet of Lot 2A shall be considered together with Lot 1B, and the northwesterly ten feet of Lot 2D shall be considered together with Lot 3A in interpreting and implementing the language of the lead paragraph of Section 12 of Article Five as amended in 1990.

Richard R. Hawkes
RICHARD R. HAWKES

Elaine J. Hawkes
ELAINE J. HAWKES

ACKNOWLEDGEMENT

STATE OF IOWA, COUNTY OF POTTAWATTAMIE SS:



On this 30th day of July, 1993, before me the undersigned, a Notary Public in and for the State of Iowa, personally appeared Richard R. Hawkes and Elaine J. Hawkes, husband and wife, to me known to be the identical persons named in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.

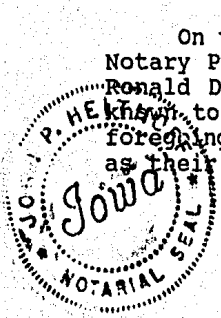
P. Heilhoff
NOTARY PUBLIC

Ronald D. Mueller
RONALD D. MUELLER

Mary L. Mueller
MARY L. MUELLER

ACKNOWLEDGEMENT

STATE OF IOWA, COUNTY OF POTTAWATTAMIE SS:



On this 30th day of July, 1993, before me the undersigned, a Notary Public in and for the State of Iowa, personally appeared Ronald D. Mueller and Mary L. Mueller, husband and wife, to me known to be the identical persons named in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.

P. Heilhoff
NOTARY PUBLIC

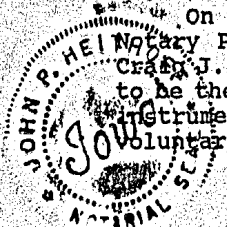
COMPARED

Craig J. Jensen
CRAIG J. JENSEN

Pamela R. Jensen
PAMELA R. JENSEN

ACKNOWLEDGEMENT

STATE OF IOWA, COUNTY OF POTTAWATTAMIE SS:



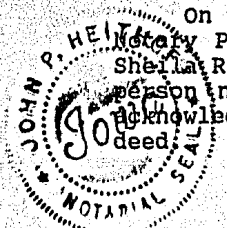
On this 30th day of July, 1993, before me the undersigned, a Notary Public in and for the State of Iowa, personally appeared Craig J. Jensen and Pamela R. Jensen, husband and wife, to me known to be the identical persons named in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.

John P. Heintz
NOTARY PUBLIC

Sheila R. Gaube
SHEILA R. GAUBE

ACKNOWLEDGEMENT

STATE OF IOWA, COUNTY OF POTTAWATTAMIE SS:



On this 30th day of July, 1993, before me the undersigned, a Notary Public in and for the State of Iowa, personally appeared Sheila R. Gaube, a single person, to me known to be the identical person named in and who executed the foregoing instrument and acknowledged that she executed the same as her voluntary act and deed.

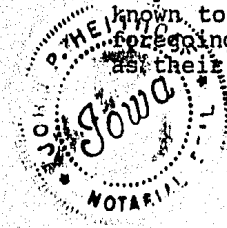
John P. Heintz
NOTARY PUBLIC

Ralph W. Mueller
RALPH W. MUELLER

Rosella M. Mueller
ROSELLA M. MUELLER

ACKNOWLEDGEMENT

STATE OF IOWA, COUNTY OF POTTAWATTAMIE SS:



On this 30th day of July, 1993, before me the undersigned, a Notary Public in and for the State of Iowa, personally appeared Ralph W. Mueller and Rosella M. Mueller, husband and wife, to me known to be the identical persons named in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.

John P. Heintz
NOTARY PUBLIC

COMPARED

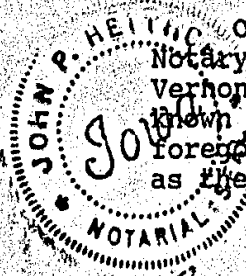
Vernon O. Jensen
VERNON O. JENSEN

Margaret M. Jensen
MARGARET M. JENSEN

ACKNOWLEDGEMENT

STATE OF IOWA, COUNTY OF POTTAWATTAMIE SS:

On the 30th day of July, 1993, before me the undersigned, a Notary Public in and for the State of Iowa, personally appeared Vernon O. Jensen and Margaret M. Jensen, husband and wife, to me known to be the identical persons named in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.



John P. Heithoff
NOTARY PUBLIC

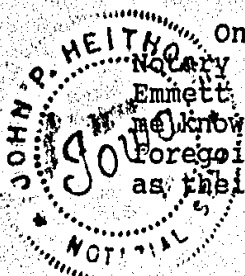
Emmett B. Mathiasen
EMMETT B. MATHIASEN

Arlene M. Mathiasen
ARLENE M. MATHIASEN

ACKNOWLEDGEMENT

STATE OF IOWA, COUNTY OF POTTAWATTAMIE SS:

On the 30th day of July, 1993, before me the undersigned, a Notary Public in and for the State of Iowa, personally appeared Emmett B. Mathiasen and Arlene M. Mathiasen, husband and wife, to me known to be the identical persons named in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.



John P. Heithoff
NOTARY PUBLIC

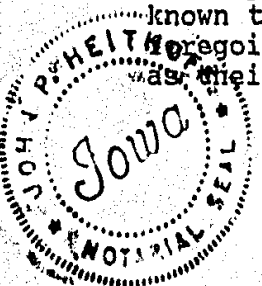
Timothy J. Flanagan
TIMOTHY J. FLANAGAN

Susan M. Flanagan
SUSAN M. FLANAGAN

ACKNOWLEDGEMENT

STATE OF IOWA, COUNTY OF POTTAWATTAMIE SS:

On the 30th day of July, 1993, before me the undersigned, a Notary Public in and for the State of Iowa, personally appeared Timothy J. Flanagan and Susan M. Flanagan, husband and wife, to me known to be the identical persons named in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.



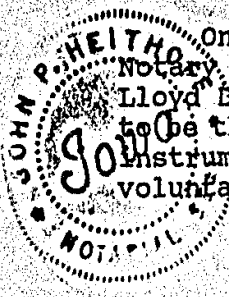
John P. Heithoff
NOTARY PUBLIC

Lloyd D. Banks
LLOYD D. BANKS

Evelyn M. Banks
EVELYN M. BANKS

ACKNOWLEDGEMENT

STATE OF IOWA, COUNTY OF POTTAWATTAMIE SS:



On the 30th day of July, 1993, before me the undersigned, a Notary Public in and for the State of Iowa, personally appeared Lloyd D. Banks and Evelyn M. Banks, husband and wife, to me known to be the identical persons named in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.

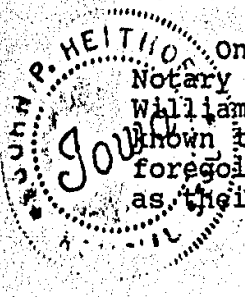
John P. Heithoff
NOTARY PUBLIC

William F. Hecht
WILLIAM F. HECHT

Theresa J. Hecht
THERESA J. HECHT

ACKNOWLEDGEMENT

STATE OF IOWA, COUNTY OF POTTAWATTAMIE SS:



On the 30th day of July, 1993, before me the undersigned, a Notary Public in and for the State of Iowa, personally appeared William F. Hecht and Theresa J. Hecht, husband and wife, to me known to be the identical persons named in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.

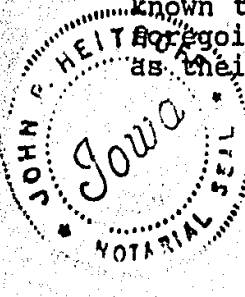
John P. Heithoff
NOTARY PUBLIC

Maurice M. Debbaut
MAURICE M. DEBBAUT

Arletta J. Debbaut
ARLETTA J. DEBBAUT

ACKNOWLEDGEMENT

STATE OF IOWA, COUNTY OF POTTAWATTAMIE SS:



On the 30th day of July, 1993, before me the undersigned, a Notary Public in and for the State of Iowa, personally appeared Maurice M. Debbaut and Arletta J. Debbaut, husband and wife, to me known to be the identical persons named in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.

John P. Heithoff
NOTARY PUBLIC