

COMPARED

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POTTAWATTAMIE CO. IOWA

INST # 008535

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RECORDING FEE 10.00

AUDITOR FEE _____

RMA FEE 1.00 ECOM 1.00

JOHN SCIORTINO
RECORDER

Prepared by _____
 And Return to: Deborah L. Petersen, P.L.C. 215 South Main St., P.O. Box 893 Council Bluffs, IA 51502-0893 (712) 328-8808
 Individual's Name Street Address City, State Zip Code Phone
 DEBORAH L. PETERSEN #8314 SPACE ABOVE THIS LINE
FOR RECORDER

AMENDMENT TO DECLARATION OF RESTRICTIONS AND COVENANTS
FOR
FOX RUN LANDING

This Amendment is made this 20th day of October, 2006, by Western Iowa Land Development, L.L.C., the successor to GOLF, L.L.C., as the Developer of Fox Run Landing, a subdivision in Council Bluffs, Pottawattamie County, Iowa.

The Developer, by virtue of the power reserved to it in Article VII, Paragraph 6 of the DECLARATION OF RESTRICTIONS AND COVENANTS FOR FOX RUN LANDING, dated October 12, 2000, and recorded on October 16, 2000, in Book 101, Page 17717 of the records of Pottawattamie County, Iowa, makes the following amendments thereto.

A. These provisions shall apply to all Lots located in Fox Run Landing and in The Seven at Fox Run Landing, effective upon the recording of this document.

B. ARTICLE VI, Paragraph 4 (d) is amended to read as follows:

(d) The regular annual assessments provided for herein shall be assessed equally against all Lots, improved or not, effective January 1, 2007. The first regular annual assessment shall be adjusted according to the number of months remaining in the calendar year. The Board of Directors shall fix the amount of the annual assessment against each Lot by November 30 of each year. Immediately following the determination, written notice of the annual assessment shall be sent to every owner subject thereto. The due date of the assessment shall be March 1 of each year. The Association shall, upon demand, and for a reasonable charge, furnish a certification signed by an officer of the Association setting forth whether the assessment on a specified Lot has been paid.

C. ARTICLE VI, Paragraph 7 is amended by adding the following thereto:

The Association shall maintain the Lakes located within Fox Run Landing Subdivision and The Seven at Fox Run Landing Subdivision, even though such Lakes are not owned by the Association. The Association may enter into such agreements as it desires to seek contribution from the owner of Fox Run Golf Course for the lake maintenance.

WESTERN IOWA LAND DEVELOPMENT, L.L.C.

By Robert P. McCarthy
ROBERT P. MCCARTHY (PRINT NAME)
Its manager

STATE OF IOWA)
) ss.
COUNTY OF POTTAWATTAMIE)

On this 20th day of October, 2006, before me, a Notary Public in and for said county, personally appeared Robert P. McCarthy, to me personally known, who being by me duly sworn did say that he is a Member of WESTERN IOWA LAND DEVELOPMENT, L.L.C., that no seal has been procured by the said Limited Liability Company, and that said instrument was signed on behalf of the said Limited Liability Company by authority of its managers and the said manager acknowledged the execution of said instrument to be the voluntary act and deed of said Limited Liability Company by it voluntarily executed.

Kris Springer
NOTARY PUBLIC
