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RECORDER MARK BRANDENBURG POTTAWATTAMIE COUNTY, IA

FILE TIME: 03/16/2018 01:16:36 PM RECORDING FEE 10.00

RMA FEE 1.00 ECM FEE 1.00

Prepared by and when recorded return to: John Q. Bachman, Pansing Hogan Ernst & Bachman LLP, 10250 Regency Circle, Suite 300, Omaha, NE 68114; Telephone: (402) 397-5500

## FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS OF WHISPERING OAKS, A SUBDIVISION IN POTTAWATTAMIE COUNTY, IOWA

(Lots 1 through 150, inclusive, and Outlot A, Whispering Oaks)

This FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS ("First Amendment") is made the 12 th day of March, 2018, by TS DEVELOPMENT, LLC, an Iowa limited liability company, hereinafter referred to as the "Declarant."

## PRELIMINARY STATEMENT

By Declaration of Covenants, Conditions, Restrictions and Easements of Whispering Oaks, a subdivision in Pottawattamie County, Iowa, dated December 7, 2017 (the "Declaration"), the Declarant imposed covenants, conditions and restrictions on Lots 1 through 150, inclusive, and Outlot A in Whispering Oaks, a subdivision, as surveyed, platted and recorded in Pottawattamie County, Iowa pursuant to the Final Plat for Whispering Oaks filed December 11, 2017, as Instrument No. 2017-16378, and the Final Plat for Whispering Oaks Phase II filed December 7, 2017, as Instrument No. 2017-16263, in the records of the Pottawattamie County Recorder.

Declarant has considered amendment of the Declaration for purposes of the addition of a Section 23 to Article I of the Declaration. Article V, Section 2 of the Declaration allows the Declarant to amend the Declaration in any manner which it may determine in its full and absolute discretion for a period of five (5) years from the date of the Declaration.

NOW, THEREFORE, pursuant to the authority granted to the Declarant in Article V, Section 2 of the Declaration, Declarant hereby amends the Declaration as follows:

- 1. A new Section 23 is added to Article I of the Declaration which shall read as follows:
  - 23. All Lots are subject to an outfall sewer connection fee in the amount of \$1,275.00 payable to the City of Council Bluffs which shall be the obligation of the Lot Owner. The Lot Owner shall pay such fee to the City of Council Bluffs at the time of building permit application.
- 2. Except as amended herein, the Declaration shall remain in full force and effect as previously recorded.

IN WITNESS WHEREOF, the Declarant has caused this First Amendment to be executed on the date and year first written above.

**DECLARANT:** 

TS DEVELOPMENT, LLC, an Iowa limited liability company

By: Scrald 2 Comments
Gerald L. Torczon, Manager

STATE OF NEBRASKA		SS.
COUNTY OF SARPY	)	

The foregoing instrument was acknowledged before me this 27th day of March, 2018, by GERALD L. TORCZON, Manager of TS DEVELOPMENT, LLC, an Iowa limited liability company, on behalf of the company.

General Notary - State of Nebraska

DORIS J. NICHOLSON

My Comm. Exp. Jan. 29, 2020.

Notary Public Mucholson