

12306

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 Polk County Iowa  
 JULIE M. HAGGERTY RECORDER  
 File# 2008-00009024  
 BK 12306 PG 401-402

PREPARED BY: Eric W. Burnmeister, 6600 Westown Pkwy, #220, West Des Moines, IA 50266 515-273-9400  
 RETURN TO: Timothy C. Hogan, 3101 Ingersoll Avenue, Des Moines, Iowa 50312

# DECLARATION OF COMMERCIAL USE RESTRICTION

562749

THIS COMMERCIAL USE RESTRICTION is made this 24 day of July, 2007, by TRADITION, L.C., an Iowa limited liability company, (hereafter Declarant) owner of the property described herein for the purpose of limiting the commercial usage of certain property in Ankeny, Polk County, Iowa.

WHEREAS, Declarant owns certain Property legally described as:

Lot 1 in Tradition Plat 1, an official plat now included in and forming a part of the City of Ankeny Polk County, Iowa (hereafter Benefited Property), and

Lots 2 - 6 in Tradition Plat 1, an official plat now included in and forming a part of the City of Ankeny, Polk County, Iowa (hereafter Burdened Property), and

Lot 1 in Tradition Plat 2, an official plat now included in and forming a part of the City of Ankeny, Polk County, Iowa (hereafter Burdened Property);

and

WHEREAS, Declarant desires to limit the commercial usages of the Burdened Property for the benefit of a future owner of the Benefited Property

NOW, THEREFORE, Declarant hereby places the following Commercial Use Restrictions on the Burdened Property:

The Burdened Property shall not be used for a medical clinic or office that provides cardiology care or services or orthopedic care or services or that is owned by a hospital or its parent, subsidiary or affiliated organization.

This covenant shall commence on the date of the filing of this Declaration and shall expire at the time The Iowa Clinic Holding Company, LLC (or its parent subsidiary or affiliated organization) no longer owns the Benefited Property. Except as limited above this restriction shall run with the land and be binding on future owners of the Burdened Property.

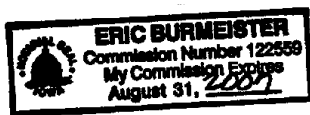
IN WITNESS WHEREOF, the undersigned has executed this Amendment as of the date and year first above written.

TRADITION, L.C.,  
an Iowa limited liability company

By: John D. Gamble  
John D. Gamble, Secretary

STATE OF IOWA            )  
                                  )ss:  
COUNTY OF DALLAS    )

On this 24 day of July, 2007, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared JOHN D. GAMBLE, to me personally known who, being by me duly sworn, did say that he is Secretary of the Iowa limited liability company executing the foregoing instrument; that no seal has been procured by the limited liability company; that the instrument was signed on behalf of the limited liability company by authority of its managers and that JOHN D. GAMBLE acknowledged execution of the instrument to be the voluntary act and deed of the limited liability company by it voluntarily executed.



By: Eric Burmeister  
Printed Name: \_\_\_\_\_  
Notary Public in and for said  
State