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Tx:4149004

2017-05905

RECORDER MARK BRANDENBURG

POTTAWATTAMIE COUNTY, IA

FILE TIME: 05/11/2017 10:38:59 AM

REC: 15.00AUD: T TAX:

RMA: 1.00ECM: 1.00

R FEE \$ 15⁰⁰ RMA \$ 1⁰⁰
 A FEE \$ _____ ECOM \$ 1⁰⁰
 T TAX \$ _____

Prepared by: Jack E. Ruesch, 25 Main Place, Suite 200, Council Bluffs, IA 51502
Return to: Jack E. Ruesch, 25 Main Place, Suite 200, Council Bluffs, IA 51502

AGREEMENT

Fox Run Landing Homeowners Association, Inc. (hereinafter "Association") and 92 Investments, LLC (hereinafter "Developer") collectively referred to as "Parties" and recite as follows:

A. Association is a not for profit corporation which has the powers of maintaining and administering the common properties and facilities and enforcing the covenants and restrictions and collecting and disbursing assessments and charges for Fox Run Landing Subdivision pursuant to the recorded plat of said subdivision and also for Outlots 2 and 3 and Lots 35 through 63 of Fox Run Landing Phase III pursuant to a previous agreement between these Parties recorded on December 29, 2016 in Book 2016, Page 17991 of the records of the Pottawattamie County Recorder.

B. Developer is the Developer of Lots 1 through 34 of Fox Run Landing Phase III and continues to own lots.

C. Certain restrictive covenants apply to Outlot 1 and Lots 1 through 34 of Fox Run Landing Phase III pursuant to a Declaration of Covenants dated October 30, 2014 which is recorded as part of the Plat recorded at Book 2014, Page 15604 of the

records of the Pottawattamie County Recorder. Said lots are also subject to restrictions and covenants of record for The Seven at Fox Run Landing, an adjacent subdivision, pursuant to another Declaration of Restrictions and Covenants dated October 30, 2014 included within the plat of Fox Run Landing Phase III.

D. To date, no homeowners association has been organized to enforce the foregoing covenants and restrictions or assessing, collecting, and disbursement assessments and charges concerning said Outlot 1 and Lots 1 through 34 of Fox Run Landing Phase III.

E. Developer has requested the Association accept all the lot owners of Outlots 1 and Lots 1 through 34 as members of the Association, to assess and collect dues from said owners, and to enforce the covenants and restrictions now existing as to Outlot 1 and Lots 1 through 34 of Fox Run Landing Phase III. The Association has agreed to do so.

NOW, THEREFORE, the Parties agree as follows:

1. Association agrees to accept the owners of Outlot 1 and Lots 1 through 34 as being part of the Association and further agrees to enforce the restrictive covenants and easements currently in effect with respect to these lots in accordance with the bylaws of the Association.

2. The Association agrees it will not levy Association dues against current homeowners, lot owners, and the Developer with respect to Outlot 1 and Lots 1 through 34 until January 1, 2018. Thereafter, homeowner dues will be assessed against all of these lots in the same amount and in the same manner as applies to all other members of the Association.

3. Developer represents that because it continues to own one or more lots, it has the authority to amend the covenants in effect in the manner set forth in this agreement regarding the homeowners association.

Dated: 5-8-2017

FOX RUN LANDING HOMEOWNERS ASSOCIATION INC.

By: [Signature]
Bradley Point, President

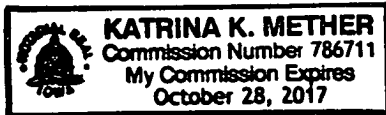
Dated: 4-25-2017

92 INVESTMENTS, LLC

By: [Signature]
John H. Jerkovich, Managing Member

STATE OF IOWA, COUNTY OF POTTAWATTAMIE

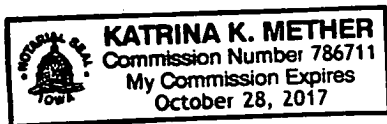
This record was acknowledged before me on May 8, 2017, 2017 by Bradley Point as President of Fox Run Landing Homeowners Association Inc.



[Signature]
Signature of Notary Public

STATE OF IOWA, COUNTY OF POTTAWATTAMIE

This record was acknowledged before me on April 25, 2017, 2017 by John H. Jerkovich as Managing Member of Fox Run Landing Homeowners Association Inc.



[Signature]
Signature of Notary Public