

2020-05104
RECORDED: 04/28/2020 03:37:04 PM
RECORDING FEE: 17.00
IOWA E-FILING FEE: 3.00
TOTAL FEE: 20.00
TRANSFER TAX: 0.00
MARK BRANDENBURG, RECORDER
POTTAWATTAMIE COUNTY, IOWA

Prepared by : Jack E. Ruesch, 25 Main Place, Suite 200, Council Bluffs, IA 51503
Return to: Jack E. Ruesch, 25 Main Place, Suite 200, Council Bluffs, IA 51503

AGREEMENT

Fox Run Landing Homeowners Association, Inc. (hereinafter "Association"), and Western Iowa Land Development, 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 and other subdivisions which are also subject to the Restrictions and Covenants of Fox Run Landing.
- B. Developer is the developer of Lots 1 through 30 inclusive and Outlot A in East Fox Run Subdivision in the City of Council Bluffs, Pottawattamie County, Iowa.
- C. Certain restrictive covenants apply and are to be enforced by the East Fox Run Townhome Association Inc., all as provided in the First Amendment Declaration of Covenants, Conditions and Restrictions for East Fox Run Subdivision, which was recorded in Book 2019, Page 05267 of the records of the Pottawattamie County Recorder on May 10, 2019.
- D. Developer has requested the Association to accept all of the lot owners in East Fox Run Subdivision as members of the Association and to assess and collect dues from said owners. In return, the Association will maintain medians, outlets and other public property and improvements on public property within or near the subdivisions. The Association will also maintain Outlot A of East Run Subdivision by providing general lawn care.

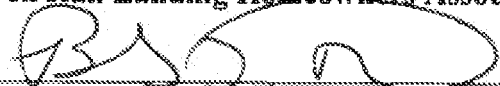
E. Developer has secured the consent to these assessments from the owners of all lots which have been sold. The assessments will go into effect in January 2021. The developer will not be subject to assessments on any lots owned by Developer until said lots are sold.

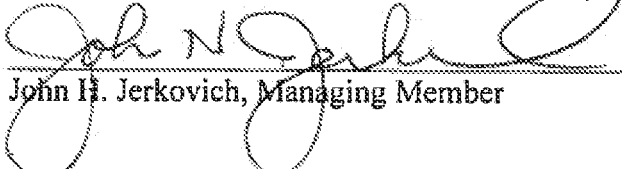
NOW THEREFORE, the Parties agree as follows:

1. Association agrees to accept the owners of Lots 1 through 30 of East Fox Run Landing Subdivision as being members of the Association and further agrees to maintain medians, outlets and other public property and improvements on public property within or near the subdivisions and also Outlot A in East Fox Run Subdivision.

2. Developer hereby subjects Lots 1 through 30 of East Fox Run Subdivision to the Declaration of Restrictions and Covenants for Fox Run Landing as may be amended from time to time. Specifically, each owner of a lot in East Fox Ridge Subdivision shall be a member of the Association and shall be subject to the assessment of regular or special assessments as determined and levied by the Association which assessments, together with interest, costs and reasonable attorney fees shall constitute until paid a continuing charge against any lien upon any such lot against which such assessment is made.

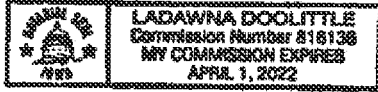
3. The Parties agree this Agreement does not in any manner negate or supplant all of the rights and obligations of East Fox Run Subdivision lot owners as set forth in the East Fox Run First Amended Declaration of Covenants, Conditions and Restrictions.

Dated: 4-21-2020 
Fox Run Landing Homeowners Association, Inc., by:
Bradley Point, President

Dated: 4-21-2020 
Western Iowa Land Development, LLC by:
John H. Jerkovich, Managing Member

STATE OF IOWA, COUNTY OF POTTAWATTAMIE

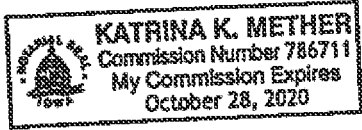
This record was acknowledged before me this 21st day of April, 2020,
by Bradley Point as President of Fox Run Landing Homeowners Association, Inc.



Ladawna Doolittle
Notary Public

STATE OF IOWA, COUNTY OF POTTAWATTAMIE

This record was acknowledged before me this 21st day of April, 2020,
by John H. Jerkovich as Managing Member of Western Iowa Land Development LLC.



Kathina Jerkovich
Notary Public