

**COMPARED**

Feb 15, 1981  
14868

STATE OF IOWA, Pottawattamie County  
Filed for record the 29 day of May  
1981 at 3:45 o'clock P.M. and recorded  
in book 87 page 30577

**MODIFICATION OF RESTRICTIVE COVENANTS**

By John Sciorino  
George D. Amey Recorder

WHEREAS, Kenneth and Fern Harrison, husband and wife; Robert Otto and Sandra Otto, husband and wife; Gerald Mahan and Janette Mahan, husband and wife; William L. Smith and Judith A. Smith, husband and wife, are the owners of Lots 1 and 2 in Schlott's Middle Addition to the City of Council Bluffs, Pottawattamie County, Iowa; and

WHEREAS, the above described real property is subject to restrictive covenants regarding an underground drainage pipe and a drainage swale dated February 8, 1975, and recorded February 12, 1975 in Book 75, Pages 1591 and 1592, Pottawattamie County records; and

WHEREAS, the present owners of the above described real property in consideration of the sum of \$1.00 and other good and valuable considerations paid, the receipt whereof is hereby acknowledged, consent that the original restrictive covenants described above be and the same hereby are changed and modified in the following respects:

- a. The location of the underground drainage pipe shall be moved pursuant to and in accordance with the location as shown in the attached site plan.
- b. Construction of a driveway shall be permitted over and above the underground drainage pipe as shown in the attached site plan.
- c. The flow of water over and above the property described in the attached site plan shall be permitted to be changed in accordance with the contour lines, plans and specs as shown in the attached site plan.

This modification is intended to run with the land and shall be binding on all of the parties herein, their successors and assigns and all parties claiming under them.

**COMPARED**

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IN WITNESS THEREOF the parties have executed this Agreement

on the 7 day of May, 1987.

Kenneth Harrison  
Kenneth Harrison

Fern Harrison  
Fern Harrison

Robert Otto  
Robert Otto

Sandra Otto  
Sandra Otto

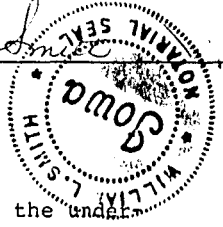
Gerald Mahan  
Gerald Mahan

Janette Mahan  
Janette Mahan

William L. Smith  
William L. Smith

Judith A. Smith  
Judith A. Smith

STATE OF IOWA )  
 ) SS  
POTTAWATTAMIE COUNTY)



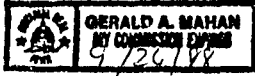
On this 7<sup>th</sup> day of May, 1987, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Kenneth Harrison, Fern Harrison, Robert Otto, Sandra Otto, Gerald Mahan, Janette Mahan and Judith A. Smith, to me known to be the identical persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.

William L. Smith  
Notary Public

STATE OF IOWA )  
 ) SS  
POTTAWATTAMIE COUNTY)

On this 7<sup>th</sup> day of May, 1987, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared William L. Smith, to me known to be the identical person named in and who executed the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.

Gerald A. Mahan  
Notary Public



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