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Kind: RESTRICTIVE COVENANT
Recorded: 04/19/2013 at 02:04:03 PM
Fee Amt: \$27.00 Page 1 of 5
Polk County Iowa
JULIE M. HAGGERTY RECORDER
File# 2013-00094343

BK 14749 PG 655-659



Doc ID: 026926740004 Type: GEN
Kind: RESTRICTIVE COVENANT
Recorded: 01/24/2013 at 09:45:01 AM
Fee Amt: \$22.00 Page 1 of 4
Polk County Iowa
JULIE M. HAGGERTY RECORDER
File# 2013-00066850

BK 14627 PG 98-101

Corrected

Type of Document: Amendment to Declaration of Covenants, Condition,s and Restrictions

Ashley Johnson, D.R.A. Properties, L.C., 1525 NE 36th Street, Ankeny, Iowa 50021

Preparer Information: (Individual's Name, Street Address, City, Zip, Phone) (515) 964-9444

Ashley Johnson, D.R.A. Properties, L.C., 1525 NE 36th Street, Ankeny, Iowa 50021

Taxpayer Information: (Individual/Company Name, Street Address, City, Zip)

RETURN TO: Ashley Johnson, D.R.A. Properties, L.C., 1525 NE 36th Street, Ankeny, Iowa 50021
RETURN TO:

Return Document to: (Individual/Company Name, Street Address, City, Zip)

Grantors:

Grantees:

Legal Description:

See page 5 for corrected legal description.

Book & Page Reference:

Corrected
FIRST AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR PRAIRIE TRAIL PROPERTIES

Precedence at

THIS FIRST AMENDMENT TO DECLARATION ("Amendment"), made on the date hereinafter set forth by D.R.A. Properties, L.C., with its principal place of business in Polk County, Iowa, hereinafter referred to as "Declarant".

WITNESSETH:

WHEREAS, Declarant is the owner of certain property in Polk County, Iowa (the "Properties"), which was formerly described in Exhibit A, attached hereto and incorporated herein by reference, now including but not necessarily limited to the properties with legal descriptions as follows:

Precedence at Prairie Trail Plat 1, Precedence at Prairie Trail Plat 2, Precedence at Prairie Trail Plat 3, Precedence at Prairie Trail Plat 4, Precedence at Prairie Trail Plat 5, Precedence at Prairie Trail Plat 6, and Precedence West at Prairie Trail Plat 1, and all lots therein, both now included in and forming a part of the City of Ankeny, Polk County, Iowa;

WHEREAS, *"Precedence at Prairie Trail Property"* Declarant filed of record a "Declaration of Covenants, Conditions and Restrictions" for ~~"Prairie Trail Property"~~ on September 13, 2007 and recorded on September 19, 2007, Book/Page No. 12379/370, for the purpose of protecting the value and desirability of the Properties (the "Declaration"); and ~~383-391~~

WHEREAS, the above legal description of the Properties has changed, and Declarant desires to amend the Declaration to specify the modified legal description of the Properties.

NOW THEREFORE, Declarant hereby modifies the Declaration as follows:

1. Design and Construction. Section V. Design and Construction is amended by addition of the following:

D. All dwellings shall have Fiber-To-The-Premises (FTTP) wiring installed following the guidelines set forth in the FTTP Minimum Wiring Standards SFU with External ONT provided by CenturyLink, Inc.

2. Due Dates. Section XX. D. Date of Commencement of Regular Assessments: Due Dates is amended and replaced with the following:

The regular assessments provided for herein shall commence as to each respective Lot on the first day of the first month following the date of conveyance to an Owner of a Lot. The due dates for all assessments shall be established by the Board of Directors. The Association shall, upon demand, and for a reasonable charge, furnish a certificate in a recordable form signed by an officer of the Association setting forth whether the assessments

on a specified Lot have been paid. A properly executed certificate from the Association regarding the status of assessments on a Lot shall be binding upon the Association as of the date of its issuance.

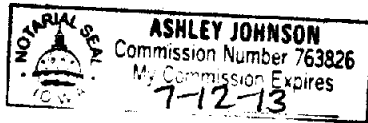
Dated this 14 day of January, 2013.

D.R.A. PROPERTIES, L.C.

By: Tara Meredith
Tara Meredith, Secretary

STATE OF IOWA)
) ss.
COUNTY OF POLK)

This instrument was acknowledged before me on January 14, 2013, by Tara Meredith, Secretary of D.R.A. Properties, LC.



Ashley Johnson
Notary Public in and for said State

My commission expires: 7-12-13

EXHIBIT A

Parcel "F" in the Northwest $\frac{1}{4}$ and the South $\frac{1}{2}$ of Section 27, AND Parcel "G" in John Deere Place, an Official Plat, AND Parcel "H" in the Northeast $\frac{1}{4}$ of Section 27 and the Southeast $\frac{1}{4}$ of Section 22, AND Parcel "I" in the Southeast $\frac{1}{4}$ of Section 22 and the South $\frac{1}{2}$ of Section 23 and the East $\frac{1}{4}$ of Section 27 and the North $\frac{1}{2}$ of Section 26, all in Township 80 North, Range 24 West of the 5th P.M., City of Ankeny, Polk County, Iowa, all as described on that Plat of Survey recorded on September 20, 2005 in Book 11295, Page 669 in the Office of the Polk County Recorder, EXCEPT Parcel "L" of the Plat of Survey filed in the Office of the Recorder of Polk County, Iowa on April 20, 2007 and recorded in Book 12156, Page 89, said Parcel "L" being a part of Parcel "I" of the Plat of Survey recorded in Book 11295, Page 669, and a part of Parcel "K" of the Plat of Survey recorded in Book 11969, Page 32, AND EXCEPT Lot 1 of Ankeny Police Headquarters Plat 1, an Official Plat in the City of Ankeny, Polk County, Iowa;

AND

Lot 13 in John Deere Place, an Official Plat, now included in and forming a part of the City of Ankeny, Polk County, Iowa, and that part of Lot 11 in said John Deere Place conveyed to the City of Ankeny, Iowa by Quit Claim Deed filed June 9, 1965, in Book 3685, Page 325 in the Office of the Polk County Recorder;

AND

Parcel "J" of the Plat of Survey filed in the Office of the Recorder of Polk County, Iowa, on October 26, 2006 and recorded in Book 11920, Page 256, being a part of the SE $\frac{1}{4}$ of Section 27 and a part of the SW $\frac{1}{4}$ of Section 26; and Parcel "M" of the Plat of Survey filed in the Office of the Recorder of Polk County, Iowa, on April 20, 2007 and recorded in Book 12156, Page 90, being a part of the SW $\frac{1}{4}$ of Section 26, all in Township 80 North, Range 24 West of the 5th P.M., in the City of Ankeny, Polk County, Iowa.

Corrected

“EXHIBIT A”

Legal Description
Precedence at Prairie Trail

A TRACT OF LAND LOCATED IN THOSE PARTS OF LOTS 11, 13, AND 14 OF JOHN DEERE PLACE, BEING AN OFFICIAL PLAT IN THE CITY OF ANKENY, POLK COUNTY, IOWA; THOSE PARTS OF PARCEL "F", PARCEL "G", AND PARCEL "H" OF SECTION 27, TOWNSHIP 80 NORTH, RANGE 24 WEST OF THE FIFTH PRINCIPLE MERIDIAN, CITY OF ANKENY, POLK COUNTY, IOWA AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 11295, PAGES 669-674; ALL OF WHICH IS LOCATED IN SECTION 27, TOWNSHIP 80 NORTH, RANGE 24 WEST OF THE FIFTH PRINCIPLE MERIDIAN, CITY OF ANKENY, POLK COUNTY, IOWA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER CORNER OF SAID SECTION 27; THENCE S89°52'59"E, 450.00', ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 27, TO THE POINT OF BEGINNING; THENCE N48°09'39"W, 363.67'; THENCE N82°00'00"W, 287.40'; THENCE N08°00'00"E, 57.00'; THENCE N57°30'00"E, 32.47'; THENCE N17°00'00"E, 264.20'; THENCE NORTHEASTERLY 472.59' ALONG A CURVE TO THE RIGHT, TANGENT TO THE LAST DESCRIBED LINE, HAVING A RADIUS OF 4028.50', A DELTA ANGLE OF 06°43'17", AND A CHORD DISTANCE OF 472.31' WHICH BEARS N20°21'39"E; THENCE NORTHWESTERLY 38.93' ALONG A CURVE TO THE LEFT, TANGENT TO THE LAST DESCRIBED CURVE, HAVING A RADIUS OF 25.00', A DELTA ANGLE OF 89°13'21", AND A CHORD DISTANCE OF 35.11' WHICH BEARS N20°53'24"W; THENCE N65°30'04"W, 148.76'; TANGENT TO THE LAST DESCRIBED CURVE; THENCE N24°29'56"E, 186.51'; THENCE S63°22'05"E, 42.50'; THENCE N26°37'55"E, 149.71'; THENCE N29°39'42"E, 164.22'; THENCE N28°59'27"E, 55.00'; THENCE N28°00'00"E, 124.99'; THENCE N32°35'27"E, 20.00'; THENCE S57°24'33"E, 6.42'; THENCE N28°00'00"E, 119.60'; THENCE SOUTHEASTERLY 221.07' ALONG A CURVE TO THE RIGHT, NOT TANGENT TO THE LAST DESCRIBED LINE, HAVING A RADIUS OF 2950.50', A DELTA ANGLE OF 04°17'34", AND A CHORD DISTANCE OF 221.02 WHICH BEARS S58°46'03"E; THENCE S56°37'16"E, 852.38', TANGENT TO THE LAST DESCRIBED CURVE; THENCE SOUTHEASTERLY 862.48' ALONG A CURVE TO THE LEFT, TANGENT TO THE LAST DESCRIBED LINE, HAVING A RADIUS OF 2050.00', A DELTA ANGLE OF 24°06'20", AND A CHORD DISTANCE OF 856.13' WHICH BEARS S68°40'26"E; THENCE S32°30'34"E, 44.74', TO THE WEST RIGHT-OF-WAY LINE OF SW STATE STREET, NOT-TANGENT TO THE LAST DESCRIBED CURVE; THENCE S15°42'27"W, 782.85', ALONG SAID WEST RIGHT-OF-WAY LINE OF SW STATE STREET; THENCE SOUTHWESTERLY 288.67' ALONG A CURVE TO THE LEFT, CONTINUING ALONG SAID RIGHT-OF-WAY OF SW STATE STREET, TANGENT TO THE LAST DESCRIBED LINE, HAVING A RADIUS OF 2934.79', A DELTA ANGLE OF 05°38'08", A CHORD DISTANCE OF 288.55' WHICH BEARS S12°53'23"W; THENCE N31°44'26"W, 33.33', NOT-TANGENT TO THE LAST DESCRIBED CURVE; THENCE NORTHWESTERLY 160.03' ALONG A CURVE TO THE RIGHT, NOT-TANGENT TO THE LAST DESCRIBED CURVE, HAVING A RADIUS OF 1028.50', A DELTA ANGLE OF 08°54'54", AND A CHORD DISTANCE OF 159.87' WHICH BEARS N69°05'44"W; THENCE N64°38'17"W, 11.07', TANGENT TO THE LAST DESCRIBED CURVE; THENCE NORTHWESTERLY 65.52' ALONG A CURVE TO THE LEFT, TANGENT TO THE LAST DESCRIBED LINE, HAVING A RADIUS OF 471.50', A DELTA ANGLE OF 07°57'43", AND A CHORD DISTANCE OF 65.47' WHICH BEARS N68°37'08"W, TO SAID SOUTH LINE OF THE NORTHEAST QUARTER OF SECTION 27; THENCE N89°52'59"W, 1202.99', NOT TANGENT TO THE LAST DESCRIBED CURVE, ALONG SAID SOUTH LINE OF THE NORTHEAST QUARTER OF SECTION 27, TO THE POINT OF BEGINNING, CONTAINING 62.74 ACRES MORE OR LESS.

SAID TRACT SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.