

22

pd



Doc ID: 028451300004 Type: GEN
Kind: RESTRICTIVE COVENANT
Recorded: 04/14/2014 at 03:26:54 PM
Fee Amt: \$22.00 Page 1 of 4
Polk County Iowa
JULIE M. HAGGERTY RECORDER
File# 2014-00075124

BK 15155 PG 386-389

RETURN TO:

Preparer Information: James M. Gocke, 210 N.E. Delaware Avenue, Suite 200, Grimes, Iowa 50021; (515) 964-8777
After Filing Return To: James M. Gocke, 210 N.E. Delaware Avenue, Suite 200, Grimes, Iowa 50021

**FOURTH AMENDMENT TO THE
DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
OF
BRIDGE CREEK PLAT 1
A SUBDIVISION IN GRIMES, POLK COUNTY, IOWA**

KNOW ALL PERSONS BY THESE PRESENTS that Bridge Creek, L.L.C., an Iowa Limited Liability Company, ("Declarant"), desires to amend the Declaration of Covenants, Conditions and Restrictions on the following described real property:

Lots 1-28 in Bridge Creek Plat 1, an Official Plat, now included in and forming a part of the City of Grimes, Polk County, Iowa.

Lot 1 in Bridge Creek Plat 4

Lots 1, 1A, 2, 2A, 3, and 3A in Bridge Creek Plat 3, an Official Plat, now included in and forming a part of the City of Grimes, Polk County, Iowa

(hereinafter the "Properties")

WHEREAS, Lots 1 through 28 Bridge Creek Plat 1, an Official Plat, now included in and forming a part of the City of Grimes, Polk County, Iowa, was subjected to the Declaration of Covenants, Conditions and Restrictions of Bridge Creek Plat 1, a Subdivision in Grimes, Polk County, Iowa, an instrument dated May 28, 2008 and filed August 27, 2008, in Book 12760, at Pages 635-653 in the records of the Recorder of Polk County, Iowa ("**Declaration**"), and containing a provision that such lots were subject to the "Association" meaning Bridge Creek Homeowner's Association, for which a Declaration of Homeowners' Association for Bridge Creek, Grimes, Polk County Iowa, was dated May 28, 2008 and filed August 27, 2008 in Book 12760 at Page 654-676 in the records of the Recorder of Polk County, Iowa.

WHEREAS, said Declaration has been amended previously by First Amendment to Declaration of Covenants, Conditions and Restrictions of Bridge Creek Plat 1, a Subdivision in Grimes, Polk County, Iowa, dated January 18, 2011, and filed January 21, 2011, in Book 13746, at Pages 645-647; a Second Amendment to Declaration of Covenants, Conditions and Restrictions of Bridge Creek Plat 1, a Subdivision in Grimes, Polk County, Iowa, dated January 22, 2013, and filed February 1, 2013, in Book 14640, at Pages 615-617 in the records of the Recorder of Polk County, Iowa; and a Third Amendment to Declaration of Covenants, Conditions and Restrictions of Bridge Creek Plat 1, a Subdivision in Grimes, Polk County, Iowa, dated August 28, 2013, and filed September 27, 2013, in Book 14973, at Pages 218-220 in the records of the Recorder of Polk County, Iowa.

WHEREAS, the Declarant, under Article VIII of the Declaration “retains the sole right to amend or revise these covenants at any time without the consent of any other lot owner so long as Declarant owns an undeveloped lot within Bridge Creek Plats 1-4,” is the owner of such undeveloped lot, and desires to exercise that power to amend the Declaration to protect the value and desirability of the Properties.

WHEREAS, the above recitals are provided here to identify the necessary parties for the approval and consent of this FOURTH Amendment to the Declaration of Covenants, Conditions and Restrictions of Bridge Creek Plat 1, a Subdivision in Grimes, Polk County, Iowa (“FOURTH Amendment”).

NOW, THEREFORE, Declarant hereby declares that the Properties shall be held, sold, and conveyed subject to that Declaration as amended by this FOURTH Amendment, both of which are for the purpose of protecting the value and desirability of, and which shall run with the real property and be binding on all parties having any rights, title or interest in the properties or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof, and in consideration of the promises and obligations assumed and relieved, and intending to bind all Properties as herein defined, be it known and hereby agreed that the Declaration is hereby amended as follows, leaving the remainder of the Declaration in full force and effect:

ARTICLE I DEFINITIONS


Article I, Section A, shall be stricken in its entirety and replaced with the following:

- A. **“Association”** shall mean and refer to the Bridge Creek Homeowner’s Association, a non-profit corporation organized pursuant to the Revised Iowa Nonprofit Corporation Act, as well as any of its successors or assigns. All Lots subject to the Declaration, as amended from time to time, are additionally subject to the Declaration of Homeowners’ Association for Bridge Creek, Grimes, Polk County Iowa, was dated May 28, 2008 and filed August 27, 2008 in Book 12760 at Page 654-676 in the records of the Recorder of Polk County, Iowa, which rights and restrictions therein shall run with the real property, be binding on all parties having any rights, title or interest in the properties, or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof, and in consideration of the promises and obligations assumed and relieved, and intending to bind all Properties as herein defined.

IN WITNESS WHEREOF, Declarant has caused this Amendment to be executed this 8th day of April, 2014.

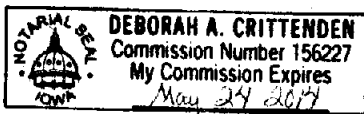
BRIDGE CREEK, L.L.C.

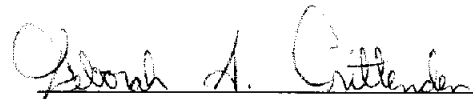
By 
Brad Baumler, Manager

By 
Toby Torstenson, Manager

STATE OF IOWA)
) ss:
COUNTY OF POLK)

On this 8th day of April, 2014, before me, a Notary Public in and for the State of Iowa, personally appeared, Brad Baumler and Toby Torstenson, to me personally known, who being by me duly sworn, did say that they are the Managers of said limited liability company, that no seal has been procured by the said limited liability company and that said instrument was signed on behalf of the said limited liability company by authority of its members and the said Managers acknowledged the execution of said instrument to be the voluntary act and deed of said limited liability company, by it voluntarily executed.



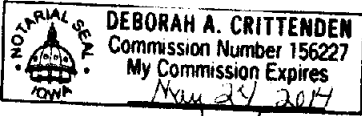

Notary Public in and for the State of Iowa

Consented to by Valley Bank

By: *Larry A. Mindrup*
Larry A. Mindrup
Acting CEO/ President

STATE OF IOWA)
) ss:
COUNTY OF POLK)

This instrument was acknowledged before me on this 8th day of April, 2014, by Larry A. Mindrup, as Acting CEO/President of Valley Bank.



Deborah A. Crittenden
Notary Public in and for the State of Iowa