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Polk County Iowa
JULIE M. HAGGERTY RECORDER
File# 2014-00075123

BK 15155 PG 382-385

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

**FIRST AMENDMENT TO THE
DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
OF
BRIDGE CREEK PLAT 3
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 4 - 20 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, Bridge Creek, L.L.C. (the "Original Declarant") was the Declarant under the Declaration of Covenants, Conditions and Restrictions for Lots 4 - 20 in Bridge Creek Plat 3, an Official Plat, now included in and forming a part of the City of Grimes, Polk County, Iowa., for Bridge Creek Plat 3 in the City of Grimes, Polk County, Iowa, recorded September 27, 2013, in Book 14973 at Pages 200-217 of the Polk County, Iowa records (the "Declaration"); and,

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 First Amendment to the Declaration of Covenants, Conditions and Restrictions of Bridge Creek Plat 3, a Subdivision in Grimes, Polk County, Iowa ("First Amendment").

NOW, THEREFORE, Declarant hereby declares that the Properties shall be held, sold, and conveyed subject to that Declaration as amended by this First 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.

ARTICLE V MEMBERSHIP AND VOTING RIGHTS IN THE ASSOCIATION

Article V shall be stricken in its entirety and replaced with the following:

“Membership and voting rights issues are to be governed by the Association as such Association is defined in Article I.”

ARTICLE VI COVENANT FOR MAINTENANCE ASSESSMENTS

Article VI shall be stricken in its entirety and replaced with the following:

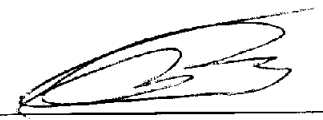
“Maintenance Assessment issues are to be governed by the Association as such Association is defined in Article I.”

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

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

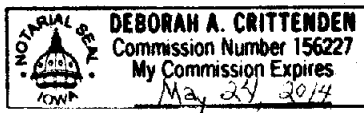
BRIDGE CREEK, L.L.C.

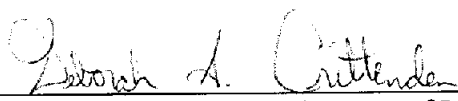
By 
Brad Baumler, Manager

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