

Warren County, Iowa
Recorded: 2/8/2022 at 11:45:43.0 AM
Polly J. Wright RECORDER
Number: 2022-01300
County Recording Fee: \$17.00
Iowa E-Filing Fee: \$3.00
Combined Fee: \$20.00
Revenue Tax:

Prepared by: Timothy C. Hogan, Hogan Law Office, 3101 Ingersoll Ave, Ste 103, Des Moines, IA 50312 (515) 279-9059

Return to: Blooming Heights South Homeowners Association, 10640 Justin Dr, Urbandale, IA 50322 (515) 243-1191

Legal Description: Lots 1-34 and Outlot Z in Blooming Heights South Plat 1; Lots 1-38 in Blooming Heights South Plat 2

Previously Recorded Documents: Instrument No. 2020-14040

**AMENDMENT TO DECLARATION OF RESIDENTIAL COVENANTS,
CONDITIONS AND RESTRICTIONS FOR BLOOMING HEIGHTS SOUTH**

THIS AMENDMENT is made by **HUGHES FARM DEVELOPMENT NORWALK, LLC**, an Iowa limited liability company, owner and developer of the Additional Land hereinafter described, and “Declarant” of the Declaration of Residential Covenants, Conditions and Restrictions for Blooming Heights South recorded December 18, 2020 in Instrument No. 2020-14040, in the records of the Recorder for Warren County, Iowa, as amended from time to time (the "Declaration").

WHEREAS, pursuant to the Declaration, Declarant has established and placed certain covenants, conditions, restrictions, reservations and easements on the following described real estate:

Lots 1-34 and Outlot ‘Z’ in Blooming Heights South Plat 1, an Official Plat in Norwalk, Warren County, Iowa.

WHEREAS, the Declaration established the **Blooming Heights South Homeowners Association**, an Iowa non-profit corporation (the “Association”), for the sole purpose of owning and maintaining certain common amenities with authority to levy assessments necessary for the maintenance of such common amenities.

WHEREAS, the Declaration grants to Declarant the right to amend the Declaration and the right to subject additional land to the terms of the Declaration without approval or consent of any other party.

WHEREAS, Declarant desires to amend the Declaration to subject the following described real estate (the "Additional Land") to the terms of the Declaration upon the filing of this Amendment:

Lots 1-38 in Blooming Heights South Plat 2, an Official Plat in Norwalk, Warren County, Iowa.

NOW, THEREFORE, pursuant to the authority described in the Declaration, Declarant hereby amends the Declaration as follows:

1. **Additional Land.** The Additional Land is hereby annexed and submitted to the Declaration, which real property shall be held, sold and conveyed subject to the covenants, conditions, restrictions, reservations and easements of the Declaration, and the Owners of Lots within the Additional Land shall automatically become Members of the Association in the same manner as described in the Declaration and are hereby subjected to the terms, conditions, duties and assessments as described in the Declaration.

2. **Building Area Design and Construction.** Article IV, Section 4 of the Declaration is hereby amended as follows:

Article IV, Section 4 (D) relating to siding is deleted in its entirety and replaced in lieu thereof with the following:

D. All dwellings shall be constructed using James Hardie Board Siding or other brands approved by Declarant as being acceptable exterior siding.

The following additional paragraphs relating to building area construction are added as follows:

I. For Lots 1-20 in BLOOMING HEIGHTS SOUTH PLAT 2, one and one-half story, two story, split-level, and split foyer dwellings must have a finished area of not less than 2,000 square feet; ranch or one-story dwellings must have a finished area of not less than 1,500 square feet.

J. For Lots 21-38 in BLOOMING HEIGHTS SOUTH PLAT 2, one and one-half story, two story, split-level, and split foyer dwellings must have a finished area of not less than 1,350 square feet; ranch or one-story dwellings must have a finished area of not less than 1,450 square feet.

3. **Pets.** Article X Section 1 relating to pets is hereby amended to remove the restriction allowing only one (1) dog and/or one (1) cat and removing the weight restriction so that Owners shall instead be permitted to keep cats, dogs, or other usual household pets based on and in compliance with the City Pet Ordinance.

4. **Ratification.** Except as expressly amended hereby, all of the terms and conditions of the Declaration shall continue in full force and effect and are hereby ratified and confirmed.

Dated January 11, 2022.

HUGHES FARM DEVELOPMENT NORWALK, LLC,
an Iowa limited liability company

By: 
Kirk R. Mickelsen, Manager

STATE OF IOWA, COUNTY OF POLK:

This record was acknowledged before me on January 11, 2022, by Kirk R. Mickelsen, as Manager of Hughes Farm Development Norwalk, LLC.

By: 
Notary Public

