

11
CWS
HIC

RETURN TO:

When recorded return to:
Jeremy C. Sharpe
2000 Financial Center
Des Moines, Iowa 50309


Doc ID: 013161280002 Type: GEN
Recorded: 06/23/2003 at 10:45:00 AM
Fee Amt: \$11.00 Page 1 of 2
Polk County Iowa
TIMOTHY J. BRIEN RECORDER
File# 2003-00152084
BK 9921 PG 855-856

Prepared by: Jeremy C. Sharpe, 2000 Financial Center, Des Moines, Iowa 50309, 515-243-7100

**FIRST SUPPLEMENTAL DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS FOR
TWIN GATES PLATS 1 AND 2 AREA A**

This First Supplemental Declaration of Covenants, Conditions and Restrictions is executed on this 5th day of June, 2003 by Savannah Homes, Inc. (the "Declarant").

WHEREAS, the Declaration of Covenants, Conditions and Restrictions for Twin Gates Plat 1 Area A was recorded on the 9th day of July, 2002, in Book 9219 at Page 842 of the Polk County, Iowa records, and has been amended by a First Amendment to Declaration of Covenants, Conditions and Restrictions recorded the 11 day of June, 2003 in Book 9888 at Page 17 of said records (the "Declaration") establishing a residential use community with possible mixed residential uses on real estate located in Ankeny, Polk County, Iowa, legally described as Lots 33 through 59, Lots 38A, 40A, 41A, 48A, 49A, 50A and 59A and Outlots V, X, Y and Z in Twin Gates Plat 1, an Official Plat, now included in and forming a part of the City of Ankeny, Iowa; and

WHEREAS, pursuant to Section 5, paragraph B of the Declaration, the Declarant has the power to add to the Properties to be subject to the Declaration additional real estate adjacent to the then existing Properties by means of one or more Supplemental Declarations filed of record in the Polk County, Iowa records for such purpose; and

WHEREAS, Declarant has replatted the Additional Land, as defined in the Declaration, as Twin Gates Plat 2 and desires hereby to submit the lots and outlots described below located in Area A in the Twin Gates PUD Master Plan to the terms of the Declaration and to the control of the Association as Phase 2 of the development established by the Declaration.

NOW, THEREFORE, in consideration of the premises, Declarant hereby amends the Declaration by this First Supplemental Declaration as follows:

1. **TITLE OF DECLARATION.** The title of the Declaration shall be amended to be the Declaration of Covenants, Conditions and Restrictions for Twin Gates Plats 1 and 2 Area A.
2. **DEDICATION OF LOTS AND OUTLOTS.** The lots in Twin Gates Plat 2 described as follows:

Lots 43 through 62, Lots 63A, 64A, 65A, 66A, 63B, 64B, 65B, 66B, 63C, 64C, 65C, 66C, Lots G-43 through G-52, and Outlot Z of Twin Gates Plat 2, an Official Plat, now included in and forming a part of the City of Ankeny, Iowa

shall constitute Phase 2 of the development and are hereby submitted to the development and to the terms of the Declaration and the control of the Association. Lots 43 through 62, shall be single family residential Lots and Lots 63A, 64A, 65A, 66A, 63B, 64B, 65B, 66B and Lots G-43 through G-52 shall be BiAttached Lots and Lots 63C, 64C, 65C, 66C and Outlot Z shall become part of the Common Area.

3. **CONTINUED EFFECTIVENESS OF THE DECLARATION.** Except as amended by this First Supplemental Declaration, the Declaration shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the undersigned has executed this First Supplemental Declaration as of the date and year first above written.

Savannah Homes, Inc.

By: _____



Ted A. Grob, President

STATE OF IOWA)
) ss
COUNTY OF POLK)

On this 5th day of June, 2003, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Ted A. Grob, to me personally known, who being by me duly sworn, did say that his is the President of said corporation executing the within and foregoing instrument; that said instrument was signed on behalf of said corporation by authority of its Board of Directors; and that the said Ted A. Grob as such officer acknowledged the execution of said instrument to be the voluntary act and deed of the corporation by it and by him voluntarily executed.



Notary Public in and for the State of Iowa

Linda Aldrich
Notarial Seal - IOWA
Commission No. 188049
My Commission Expires

12-23-05

CONSENT OF MORTGAGEE

The undersigned, Commercial Federal Bank, is the holder of a mortgage against the real estate in Twin Gates Plat 2 submitted as Phase 2 of the Twin Gates Area A development by the First Supplemental Declaration to which this Consent is attached. Such mortgage is recorded in Book 8997 at Page 804 of the Polk County, Iowa records. By its execution of this Consent, the undersigned hereby consents to the submission of the property covered by the First Supplemental Declaration and by such mortgage as Phase 2 of the Twin Gates Area A development, and agrees that such mortgage shall be partially released as to each lot upon payment to the undersigned of an amount to be agreed to as to each such lot between the Declarant and the undersigned prior to the sale of each lot to a third party. The undersigned also hereby evidences its consent to the terms of the First Amendment to the Declaration recorded in Book ____ at Page ____ of said records.

Dated this 5th day of June, 2003.

COMMERCIAL FEDERAL BANK

By: Tom Rude
Vice President Title

STATE OF IOWA)
)ss:
COUNTY OF POLK)

On this 5th day of June, 2003, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Tom Rude, to me personally known, who being by me duly sworn, did say that his is the Vice President of said corporation executing the within and foregoing instrument; that said instrument was signed on behalf of said corporation by authority of its Board of Directors; and that the said Vice President, Thomas Rude, as such officer acknowledged the execution of said instrument to be the voluntary act and deed of the corporation by it and by him voluntarily executed.

Linda Aldrich
Notary Public in and for the State of Iowa

Linda Aldrich
Notarial Seal - IOWA
Commission No. 188049
My Commission Expires