

Instr. Number: 2015-00004852  
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Recording Fee: \$12.00  
Transfer Tax:  
Stacie L. Herridge - Recorder  
Story County, Iowa

INSTRUMENT PREPARED BY:	Brian D. Torresi, 2605 Northridge Pkwy., Ste. 101, Ames, IA 50010 (515) 288-2500
RETURN TO:	Brian D. Torresi, 2605 Northridge Pkwy., Ste. 101, Ames, IA 50010

**FIRST AMENDMENT TO  
RESTRICTIVE COVENANTS AND REGULATIONS FOR  
SCENIC VALLEY SUBDIVISION FIRST ADDITION,  
AMES, STORY COUNTY, IOWA**

**WHEREAS**, the undersigned is the current owner (the "Owner") of all of the Townhome Lots (as defined in the Covenants (as defined herein)) in Scenic Valley Subdivision First Addition, Ames, Story County, Iowa (the "Subdivision"); and

**WHEREAS**, the Owner wishes to amend and supplement the Restrictive Covenants and Regulations for Scenic Valley Subdivision First Addition, Ames, Story County, Iowa, filed in the office of the Recorder of Story County, Iowa, on December 4, 2014, as Instrument No. 2014-00010773 (the "Covenants").

**NOW, THEREFORE**, the Owner wishes to amend the Covenants as follows:

1. The Owner wishes to amend the Covenants by inserting the following paragraphs after Paragraph 11:

"12. For purposes of this Paragraph 12 the term "Common Elements" shall mean a wall in common or "party wall" as referenced in Section 29.410 of the Ames Municipal Code and Chapter 563 of the Iowa Code and that portion of the roof lying immediately above a wall in common. Each Townhome Lot owner shall keep his or her portion of the Common Elements in good repair so as not to cause damage to the adjoining Townhome Lot owner's portion of the Common Elements and each Townhome Lot owner shall share equally in the cost of maintaining, repairing, or replacing any Common Elements located between said Townhome Lot owner's Townhome Lot and any other Townhome Lot. Any and all repairs to or replacements of the Common Elements shall be performed with the same or similar materials as existed within or upon the Common Elements at the time the need for repair or replacement arose. Additionally, each Townhome Lot owner hereby grants to the owner of an

adjoining Townhome Lot on which Common Elements are located between them, an easement over, upon, across, and under that portion of the Townhome Lot on which the Comment Elements are constructed.

13. This instrument may be amended upon the recording of a written instrument executed by the owners of at least seventy-five percent (75%) of the Lots within the Subdivision. Any amendment to this instrument must be filed for record in the office of the Recorder of Story County, Iowa. For the purposes of this Paragraph 13, each Lot shall be deemed to have one (1) owner, and each said owner shall be entitled to one (1) vote for each Lot owned.

14. The provisions of this instrument and any amendments hereto may be extended for an additional period beyond the initial twenty-one (21) year period by the owners of seventy-five percent (75%) of the Lots within the Subdivision by filing a verified claim in the office of the Recorder of Story County, Iowa, within the initial twenty-one (21) year period. For the purposes of this Paragraph 14, each Lot shall be deemed to have one (1) owner, all as provided in the preceding paragraph."

2. All other provisions of the Covenants not amended herein shall remain in full force and effect and are in no way affected or limited by the execution of this First Amendment to Restrictive Covenants and Regulations for Scenic Valley Subdivision First Addition, Ames, Story County, Iowa, or the amendments provided for herein.

Dated at Ames, Iowa this 29<sup>th</sup> day of May, 2015.

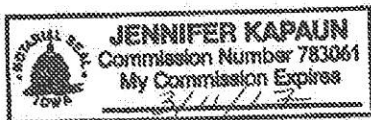
HUNZIKER DEVELOPMENT COMPANY, LLC, Owner

By: Charles E. Winkleblack  
Charles E. Winkleblack, Manager

By: Robert W. Shirk  
Robert W. Shirk, Manager

STATE OF IOWA, STORY COUNTY, SS:

This record was acknowledged before me on this 29<sup>th</sup> day of May, 2015, by Charles E. Winkleblack and Robert W. Shirk, as the Managers of Hunziker Development Company, LLC.



Jennifer Kapaun  
Notary Public in and for the State of Iowa  
My commission expires 3/11/17