



Buchanan County Recorder
Diane Curry
Instrument #2010R02098
07/16/2010 @11:23 AM
ETC MISCELLANEOUS # Pages: 22
Total Fees: \$114.00

* Preparer: Brian C. Eddy, Eddy & Lange, P.C. 2349 Jamestown Ave. #4, Independence, IA 50644 (319) 334-3704
Return To: The Pines at Independence, Iowa, LLC, 2300 Swan Lake Blvd., Independence, IA 50644
Taxpayer: The Pines at Independence, Iowa, LLC

**AMENDMENT TO RESTRICTIVE COVENANTS
FOR
THE PINES FIRST ADDITION TO THE CITY OF INDEPENDENCE, IOWA**

WHEREAS, The Pines First Addition to the City of Independence ("The Pines") has restrictive covenants upon the property as described in the Owner's Statement and Deed of Dedication ("Owner's Statement");

WHEREAS, Paragraph 17 of the Owner's Statement provides that the owners of a majority of the lots within The Pines can change said covenants in whole or in part;

WHEREAS, the undersigned Randy Blin, as Executive Vice President of its Manager of The Pines, notified the record owners of The Pines of proposed amendments to the restrictive covenants and provided ballots on the two proposed amendments;

WHEREAS, a majority of the owners of the thirty-nine (39) lots within The Pines desire to amend the restrictive covenants as set forth herein, effective July 15, 2010, (See ballot results attached as Exhibit "A" and Exhibit "B");

NOW THEREFORE, in consideration of the following, a majority of the lot owners within The Pines agree as follows:

A. Paragraph 2 of the Owner's Statement is amended and restated in its entirety as follows:

- 2) No lot within the addition may be further split, divided, or subdivided, except that a lot may be sold to or with an adjoining lot. **Once combined a lot may not be split, divided or subdivided again. Each such combined lots will thereafter be treated as one parcel without setbacks on their combining sides. All non attached storage**

buildings must be confined to the rear two thirds of the lot. Each combined lot will be allowed one vote hereafter in those items coming before the Owners.

Effective July 15, 2010 the following Lots will be combined for the purposes of the Owner's Statement:

- a) Lot 1 shall be combined with Lot 2.
- b) Lot 3 shall be combined with the East 1/2 of Lot 4.
- c) Lot 5 shall be combined with the West 1/2 of Lot 4.
- d) Lot 6 shall be combined with Lot 7.
- e) Lot 8 shall be combined with Lot 9.
- f) Lot 11 shall be combined with Lot 12.

B. Paragraph 9(A) of the Owner's Statement is amended and restated in its entirety as follows:

9 (A). Minimum floor areas for dwellings **on Lots 1 through 19 inclusive (those lots along Pine Drive)** shall be 1,500 square feet for a single story dwelling and a minimum of 1800 square feet of floor area for a dwelling more than one story. **For Lots 20 through 39 inclusive (those lots along Spruce Drive) the minimum floor areas for a single story dwelling shall be 1200 square feet and for a multi story dwelling a minimum of 1500 square feet of floor area.** This square footage requirement excludes the basement area. All floor areas refer to the levels provided as living accommodations, exclusive of garages, breezeways, attics or utility basements, defined as an area not used for living purposes but solely for furnace, laundry equipment, storage or related utility uses. All measurements shall be taken to the outside of the finished walls.

THE PINES AT INDEPENDENCE, IOWA, L.L.C.

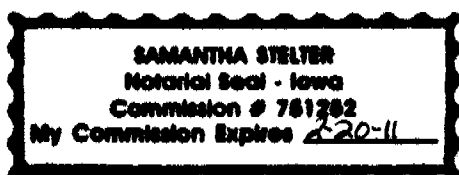
The Pines at Independence, Iowa LLC

[Signature]

By: Randy Blin, Executive Vice President of its Manager

STATE OF IOWA)
BUCHANAN COUNTY)

On this 15th day of July, 2010, before me the undersigned, a Notary Public in and for the said County and State, personally appeared Randy Blin, to me personally known, who being by me duly sworn, did say that he is the Executive Vice President of its Manager of The Pines at Independence, Iowa, LLC, respectively of said limited liability company, that no seal has been procured by the said company; that said instrument was signed on behalf of said company by authority of its managers; and that the said Randy Blin as such officer, acknowledged the execution of said instrument to be his voluntary act and deed of said company.



[Signature]

Notary

Exhibit A

Ballot Item A Results
“Amending Paragraph 2 of the Owner’s Statement”

Voted Yes:	37
Voted No:	1
Ballot Not Returned:	1

BALLOT ITEM A

THE PINES FIRST ADDITION TO THE CITY OF INDEPENDENCE, IOWA

The following language shall be adopted in its entirety and replace Paragraph 2 of the Owner's Statement and Deed Of Dedication (changes are denoted in RED):

- 2) No lot within the addition may be further split, divided, or subdivided, except that a lot may be sold to or with an adjoining lot. **Once combined a lot may not be split, divided or subdivided again. Each such combined lots will thereafter be treated as one parcel without setbacks on their combining sides. All non attached storage buildings must be confined to the rear two thirds of the lot. Each combined lot will be allowed one vote hereafter in those items coming before the Owners.**

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- c) Lot 5 shall be combined with the West 1/2 (50') of Lot 4.
- d) Lot 6 shall be combined with Lot 7.
- e) Lot 8 shall be combined with Lot 9.
- f) Lot 11 shall be combined with Lot 12.

 X APPROVE

 DISAPPROVE

Signed: The Pines at Independence IA LLC
by Randy A. Blin

Date: 7-1-10

Print Name: The Pines at Independence, IA LLC
By: Randy A. Blin EVP of its Mgr.

Address: P.O. Box 773
Independence, Iowa 50644

Lot Numbers 2, 3, 4,
5, 6, 7, 8, 9, 10, 11,
12, 13, 16, 20, 21, 22,
23, 24, 24, 26, 27, 28,
29, 33, 34, 35, 36, 37,
38 and 39

Total of 30 lots/votes

BALLOT ITEM A

THE PINES FIRST ADDITION TO THE CITY OF INDEPENDENCE, IOWA

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- e) Lot 8 shall be combined with Lot 9.
- f) Lot 11 shall be combined with Lot 12.

_____X_____ APPROVE

_____ DISAPPROVE

**RETURN BALLOT BY
JULY 10, 2010**

**Mail to: P.O. Box 773
Independence, IA 50644**

Signed: Marilyn L. Hertzberg

Date: 7-1-2010

Print Name: MARILYN L. HERTZBERG

Lot Number 1

Owners: Robert or Marilyn Hertzberg
Address: 601 Pine Drive SW
Independence, IA 50644

BALLOT ITEM A

THE PINES FIRST ADDITION TO THE CITY OF INDEPENDENCE, IOWA

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- f) Lot 11 shall be combined with Lot 12.

X APPROVE

DISAPPROVE

**RETURN BALLOT BY
JULY 10, 2010**

**Mail to: P.O. Box 773
Independence, IA 50644**

Signed: E. Graeser

Date: 7/1/10

Print Name: E. GRAESER

Lot Number 15

Owner: Elizabeth Graeser
Address: 700 Pine Drive SW
Independence, IA 50644

BALLOT ITEM A

THE PINES FIRST ADDITION TO THE CITY OF INDEPENDENCE, IOWA

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✓ APPROVE

 DISAPPROVE

**RETURN BALLOT BY
JULY 10, 2010**

**Mail to: P.O. Box 773
Independence, IA 50644**

Signed: 

Date: 7/5/10

Print Name: Curtis R. Shurtz

Lot Number 17

Owners: Curtis R. & Pamela J. Shurtz
Address: 604 Pine Drive SW
Independence, IA 50644

BALLOT ITEM A

THE PINES FIRST ADDITION TO THE CITY OF INDEPENDENCE, IOWA

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X APPROVE

_____ DISAPPROVE

**RETURN BALLOT BY
JULY 10, 2010**

**Mail to: P.O. Box 773
Independence, IA 50644**

Signed: Kara L. Carr

Date: 7-9-10

Print Name: Kara L. Carr

Lot Number 18

Owner: Timothy A. & Kara L. Carr
Address: 602 Pine Drive SW
Independence, IA 50644

BALLOT ITEM A

THE PINES FIRST ADDITION TO THE CITY OF INDEPENDENCE, IOWA

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X APPROVE

_____ DISAPPROVE

**RETURN BALLOT BY
JULY 10, 2010**

**Mail to: P.O. Box 773
Independence, IA 50644**

Signed: _____

Date: 7/1/10

Print Name: Josh Schwartz

Lot Number 30

Owner: Joshua D & Melanie R Schwartz
Address: 804 Juniper Drive
Independence, IA 50644

BALLOT ITEM A

THE PINES FIRST ADDITION TO THE CITY OF INDEPENDENCE, IOWA

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- e) Lot 8 shall be combined with Lot 9.
- f) Lot 11 shall be combined with Lot 12.

X APPROVE

DISAPPROVE

RETURN BALLOT BY
JULY 10, 2010

Mail to: P.O. Box 773
Independence, IA 50644

Signed: Cheryl A. Schares
LeRoy D. Schares

Print Name: Cheryl A. Schares
LeRoy D. Schares

Date: 6-30-10

Lot Number 31

Owner: LeRoy D. & Cheryl A. Schares
Address: 802 Juniper Drive SW
Independence, IA 50644

BALLOT ITEM A

THE PINES FIRST ADDITION TO THE CITY OF INDEPENDENCE, IOWA

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- f) Lot 11 shall be combined with Lot 12.

 X APPROVE

 DISAPPROVE

**RETURN BALLOT BY
JULY 10, 2010**

**Mail to: P.O. Box 773
Independence, IA 50644**

Signed: Cheryl A. Schares
LeRoy D. Schares
Cheryl A. Schares
Print Name: LeRoy D. Schares

Date: 6-30-10

Lot Number 32
(800 Juniper Dr)

Owner: LeRoy D & Cheryl A Schares
Address: 802 Juniper Drive SW
Independence, IA 50644

BALLOT ITEM A

THE PINES FIRST ADDITION TO THE CITY OF INDEPENDENCE, IOWA

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- e) Lot 8 shall be combined with Lot 9.
- f) Lot 11 shall be combined with Lot 12.

____ APPROVE

 ____ DISAPPROVE

**RETURN BALLOT BY
JULY 10, 2010**

**Mail to: P.O. Box 773
Independence, IA 50644**

Signed: 

Date: 7-1-10

Print Name: STEVEN L MAHURIN

Lot Number 19

Owner: Steven L & Kristy Ann Mahurin
Address: 600 Pine Drive SW
Independence, IA 50644

Exhibit B

**Ballot Item B Results
“Amending Paragraph 9(A) of the Owner’s Statement”**

Voted Yes:	34
Voted No:	4
Ballot Not Returned:	1

BALLOT ITEM B

THE PINES FIRST ADDITION TO THE CITY OF INDEPENDENCE, IOWA

The following language shall be adopted in its entirety and replace Paragraph 9(A) of the Owner's Statement and Deed Of Dedication (changes are denoted in RED):

9 (A). Minimum floor areas for dwellings on **Lots 1 through 19 inclusive (those lots along Pine Drive)** shall be 1,500 square feet for a single story dwelling and a minimum of 1800 square feet of floor area for a dwelling more than one story. **For Lots 20 through 39 inclusive (those lots along Juniper Drive) the minimum floor areas for a single story dwelling shall be 1200 square feet and for a multi story dwelling a minimum of 1500 square feet of floor area.** This square footage requirement excludes the basement area. All floor areas refer to the levels provided as living accommodations, exclusive of garages, breezeways, attics or utility basements, defined as an area not used for living purposes but solely for furnace, laundry equipment, storage or related utility uses. All measurements shall be taken to the outside of the finished walls.

 X APPROVE

 DISAPPROVE

The Pines at Independence IA LLC
Signed: by Randy A. Blin

Date: 7/1/10

Print Name: The Pines at Independence, IA LLC
By: Randy A. Blin EVP of its Mgr.

Address: P.O. Box 773
Independence, Iowa 50644

Lot Numbers 2, 3, 4,
5, 6, 7, 8, 9, 10, 11,
12, 13, 16, 20, 21, 22
23, 24, 24, 26, 27, 28,
29, 33, 34, 35, 36, 37,
38 and 39

Total of 30 lots/votes

BALLOT ITEM B

THE PINES FIRST ADDITION TO THE CITY OF INDEPENDENCE, IOWA

The following language shall be adopted in its entirety and replace Paragraph 9(A) of the Owner's Statement and Deed Of Dedication (changes are denoted in **RED**):

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 X APPROVE

 DISAPPROVE

**RETURN BALLOT BY
JULY 10, 2010**

**Mail to: P.O. Box 773
Independence, IA 50644**

Signed: Cheryl A. Schares
LeRoy D. Schares

Date: 6-30-10

Print Name: Cheryl A. Schares
LeRoy D. Schares

Lot Number 32
(800 Juniper Dr)

Owner: LeRoy D & Cheryl A Schares
Address: 802 Juniper Drive SW
Independence, IA 50644

BALLOT ITEM B

THE PINES FIRST ADDITION TO THE CITY OF INDEPENDENCE, IOWA

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 X APPROVE

 DISAPPROVE

**RETURN BALLOT BY
JULY 10, 2010**

**Mail to: P.O. Box 773
Independence, IA 50644**

Signed: Cheryl A. Schares
LeRoy D. Schares

Date: 6-30-10

Print Name: Cheryl A. Schares
LeRoy D. Schares

Lot Number 31

Owner: LeRoy D & Cheryl A Schares
Address: 802 Juniper Drive SW
Independence, IA 50644

BALLOT ITEM B

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 X APPROVE

 DISAPPROVE

**RETURN BALLOT BY
JULY 10, 2010**

**Mail to: P.O. Box 773
Independence, IA 50644**

Signed:

Date: 7/1/10

Print Name: Josh Schwartz

Lot Number 30

Owner: Joshua D & Melanie R Schwartz
Address: 804 Juniper Drive SW
Independence, IA 50644

BALLOT ITEM B

THE PINES FIRST ADDITION TO THE CITY OF INDEPENDENCE, IOWA

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 X APPROVE

 DISAPPROVE

**RETURN BALLOT BY
JULY 10, 2010**

**Mail to: P.O. Box 773
Independence, IA 50644**

Signed: Marilyn L. Hertzberg

Date: 7-1-2010

Print Name: MARILYN L. HERTZBERG

Lot Number 1

Owner: Robert or Marilyn Hertzberg
Address: 601 Pine Drive SW
Independence, IA 50644

BALLOT ITEM B

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APPROVE

X _____
DISAPPROVE

**RETURN BALLOT BY
JULY 10, 2010**

**Mail to: P.O. Box 773
Independence, IA 50644**

Signed: 

Print Name: ELIZABETH GRAESER

Date: 7/1/10

Lot Number 15

Owner: Elizabeth Graeser
Address: 700 Pine Drive SW
Independence, IA 50644

BALLOT ITEM B

THE PINES FIRST ADDITION TO THE CITY OF INDEPENDENCE, IOWA

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APPROVE

✓
DISAPPROVE

**RETURN BALLOT BY
JULY 10, 2010**

**Mail to: P.O. Box 773
Independence, IA 50644**

Signed: 

Date: 7/5/10

Print Name: Curt Shurtz

Lot Number 17

Owner: Curtis R & Pamela J Shurtz
Address: 604 Pine Drive SW
Independence, IA -50644

BALLOT ITEM B

THE PINES FIRST ADDITION TO THE CITY OF INDEPENDENCE, IOWA

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_____ APPROVE

 X DISAPPROVE

**RETURN BALLOT BY
JULY 10, 2010**

**Mail to: P.O. Box 773
Independence, IA 50644**

Signed: Kara L. Carr

Date: 7-9-10

Print Name: Kara L. Carr

Lot Number 18

Owner: Timothy A & Kara L Carr
Address: 602 Pine Drive SW
Independence, IA 50644

BALLOT ITEM B

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APPROVE

X _____
DISAPPROVE

**RETURN BALLOT BY
JULY 10, 2010**

**Mail to: P.O. Box 773
Independence, IA 50644**

Signed:



Date: 7-1-10

Print Name: STEVEN L. MAHURIN

Lot Number 19

Owner: Steven L & Kristy Ann Mahurin
Address: 600 Pine Drive SW
Independence, IA 50644