



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

\*. 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*  
*by Randy Blin*

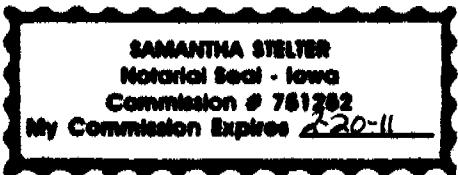
By: Randy Blin, Executive Vice President of its Manager

STATE OF IOWA )  
BUCHANAN COUNTY )

On this 15<sup>th</sup> 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.



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.**

Effective July 15, 2010 the following Lots will be combined:

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- 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.

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

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

**Total of 30 lots/votes**

## **BALLOT ITEM A**

### THE PINES FIRST ADDITION TO THE CITY OF INDEPENDENCE, IOWA

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**RETURN BALLOT BY  
JULY 10, 2010**

          X       APPROVE

                   DISAPPROVE

**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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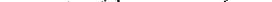
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X APPROVE

**RETURN BALLOT BY  
JULY 10, 2010**

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

Signed: 

Date: 7/1/10

Print Name: FRIDAESER

Lot Number 15

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

## **BALLOT ITEM A**

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✓ APPROVE

**RETURN BALLOT BY  
JULY 10, 2010**

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

Signed:

Date: 2/5/10

Print Name: *John Sanderz*

**Lot Number 17**

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

## **BALLOT ITEM A**

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          X           APPROVE

**RETURN BALLOT BY  
JULY 10, 2010**

                           DISAPPROVE

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

Signed: Kara J. 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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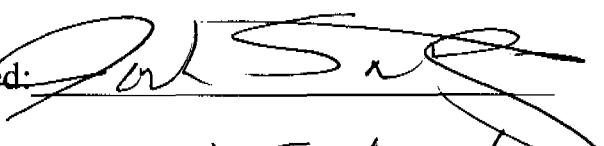
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          X           APPROVE

**RETURN BALLOT BY  
JULY 10, 2010**

                   DISAPPROVE

**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**

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**RETURN BALLOT BY  
JULY 10, 2010**

**APPROVE**

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

Signed: S. R. v. Schaus

Date: 6-30-10

Print Name: Chenyl A. Schares LeRoy D. Schares

## 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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**RETURN BALLOT BY  
JULY 10, 2010**

X APPROVE

DISAPPROVE

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

Signed: LeRoy D Schares  
Print Name: LeRoy D Schares

*Cheryl A. Schares*

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

Date: 6-30-10

Lot Number 32  
(800 Juniper Dr)

## **BALLOT ITEM A**

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

**RETURN BALLOT BY  
JULY 10, 2010**

APPROVE

DISAPPROVE

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

Signed:

Date:

7-1-10

Print Name: Steven L. & Kristy Ann 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

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.

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

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

**Total of 30 lots/votes**

## **BALLOT ITEM B**

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X APPROVE

**RETURN BALLOT BY  
JULY 10, 2010**

       DISAPPROVE

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

Signed: LeRoy D Schares

Date: 6-30-10

Print Name: Cheryl A. 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

**RETURN BALLOT BY  
JULY 10, 2010**

DISAPPROVE

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

Signed: Cheryl A. Schares

Date: 6-30-10

Print Name: 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

RETURN BALLOT BY  
JULY 10, 2010

                   DISAPPROVE

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

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**RETURN BALLOT BY  
JULY 10, 2010**

X APPROVE

DISAPPROVE

**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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**RETURN BALLOT BY  
JULY 10, 2010**

\_\_\_\_\_  
APPROVE

X  
\_\_\_\_\_  
DISAPPROVE

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

Signed: Elizabeth Graeser

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**

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**RETURN BALLOT BY  
JULY 10, 2010**

APPROVE

## DISAPPROVE

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

Signed: 

Date: 7/5/10

Print Name: Cecil R. Ruffin

**Lot Number 17**

Owner: Curtis R & Pamela J Shurtz

Address: 604 Pine Drive SW

Independence, IA 50644

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**RETURN BALLOT BY  
JULY 10, 2010**

\_\_\_\_\_ APPROVE

X DISAPPROVE

**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**

## 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.**

**RETURN BALLOT BY  
JULY 10, 2010**

### APPROVE

DISAPPROVE

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

Signed:

Date: 7-1-10

Print Name: STEVEN L. MASTERS

**Lot Number 19**

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