

12
KB

Doc ID: 018361940002 Type: GEN
Recorded: 04/17/2006 at 09:17:17 AM
Fee Amt: \$12.00 Page: 1 of 2
Polk County Iowa
TIMOTHY J. BRIEN RECORDER
File# 2006-00096750
BK 11609 PG 285-286

RETURN TO:

Prepared by and after recording return to: Streatar Cameron, 317 Sixth Avenue, Suite 300, Des Moines, Iowa 50309 (515) 243-8157

**SECOND AMENDMENT TO
DECLARATION OF COVENANTS,
CONDITIONS, EASEMENTS AND RESTRICTIONS FOR
THE VILLAGE AT JOHNSTON STATION TOWN HOMES**

THIS SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS FOR THE VILLAGE AT JOHNSTON STATION TOWN HOMES is made this 12th day of April, 2006, by TRITON HOMES, L.C. (hereinafter referred to as "Declarant"). This Amendment relates to the Declaration of Covenants, Conditions, Easements and Restrictions for The Village at Johnston Station Town Homes ("CCR's"), which Declaration was dated September 1, 2005, and filed November 17, 2005, in Book 11399, Page 972, of the records of the Recorder of Polk County, Iowa; and which Declaration was amended pursuant to the Amendment to Declaration of Covenants, Conditions, Easements and Restrictions for The Village at Johnston Station Town Homes ("Amendment") dated December 27, 2005, and filed January 3, 2006, in Book 11470, Page 301, of the records of the Recorder of Polk County, Iowa.

WHEREAS, the Amendment describes in paragraph III that "Each living unit has been constructed with an NFPA 13R fire sprinkler system"; whereas, it should state only the living units located in "double-load" buildings, i.e., Lots 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 45, 46, 47, 48, 49, 50, 64, 65, 66, 67, 68, 69, 70 and 71 have fire sprinklers installed.

NOW, THEREFORE, the Declarant hereby makes the following clarification to the Amendment by deleting Section 4 of Article III of the Amendment and by inserting in lieu thereof the following:

Section 4. Sprinkler System. Each living unit located on Lots 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 45, 46, 47, 48, 49, 50, 64, 65, 66, 67, 68, 69, 70 and 71 has been constructed with an NFPA 13R fire sprinkler system. All Lot Owners and/or occupants of these units shall maintain constant water and heat in order that the fire sprinkler system does not freeze. Owners of these Lots shall not shut off or suspend water/utility service to a Living Unit on any of these Lots at anytime. Notwithstanding the above, **if an Owner of one of these Lots shuts off or suspends water/utility service, or if an Owner of one of these Lots does not maintain adequate heat to keep frost heaving or freezing from**

