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Fee Amount: \$27.00
Revenue Tax:
Polk County, Iowa
Julie M. Haggerty RECORDER
Number: 201700083797
BK: 16904 PG: 93

Prepared by and Return To: Jennifer Schumann, Hubbell Realty Company, 6900 Westown Parkway, West Des Moines, IA 50266, (515) 280-2009

SPACE ABOVE THIS LINE FOR RECORDER

**TENTH MODIFICATION OF
DECLARATION OF COVENANTS, CONDITIONS,
EASEMENTS AND RESTRICTIONS
APPLICABLE TO CROSSHAVEN
JOHNSTON, POLK COUNTY, IOWA**

THIS TENTH MODIFICATION OF DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS APPLICABLE TO CROSSHAVEN, JOHNSTON, POLK COUNTY, IOWA is made this 30 day of April, 2018, by **HUBBELL REALTY COMPANY**, an Iowa corporation, **HUBBELL PROPERTIES I, L.C. (SERIES D)**, a series of a multi-series Iowa limited liability company, **CROSSHAVEN I, LLC**, an Iowa limited liability company, and **VILLAS AT CROSSHAVEN, LLC**, an Iowa limited liability company (collectively, the "Declarant").

WHEREAS, Declarant, as the Owners of Crosshaven, respectively, as defined in Article I, Section 1.02(m) thereof, subjected Crosshaven to that certain Declaration of Covenants, Conditions, Easements and Restrictions Applicable to Crosshaven, Johnston, Polk County, Iowa, dated December 11, 2009, and filed for record in the Office of the Recorder for Polk County, Iowa on March 5, 2010, in Book 13374 at Pages 532-565, that certain First Modification of Declaration of Covenants, Conditions, Easements and Restrictions Applicable to Crosshaven, Johnston, Polk County, Iowa, dated January 30, 2012, filed for record in the Office of the Recorder for Polk County, Iowa, on February 10, 2012, in Book 14155, at Page 116-119, that certain Second Modification of Declaration of Covenants, Conditions, Easements and Restrictions Applicable to Crosshaven, Johnston, Polk County, Iowa, dated January 11, 2013, filed for record in the Office of the Recorder for Polk County, Iowa, on February 5, 2013, in Book 14644, at Page 948-951 that certain Third Modification of Declaration of Covenants, Conditions, Easements and Restrictions Applicable to Crosshaven, Johnston, Polk County, Iowa, dated March 26, 2013 filed for record in the Office of the Recorder for Polk County, Iowa, on March 28, 2013, in Book 14716, at Page 866, that certain Fourth Modification of Declaration of Covenants, Conditions, Easements and Restrictions Applicable to Crosshaven, Johnston, Polk County, Iowa, dated June 4, 2015 filed for record in the Office of the Recorder for Polk County, Iowa on June 19, 2015 in Book 15623 at Page 892, that certain Fifth Modification of Declaration

of Covenants, Conditions, Easements and Restrictions Applicable to Crosshaven, Johnston, Polk County, Iowa, dated September 23, 2015 filed for record in the Office of the Recorder for Polk County, Iowa on October 12, 2015 in Book 15766 at Page 609, that certain Sixth Modification of Declaration of Covenants, Conditions, Easements and Restrictions Applicable to Crosshaven, Johnston, Polk County, Iowa, dated October 5, 2016 filed for record in the Office of the Recorder for Polk County, Iowa on October 25, 2016 in Book 16240 at Page 127, that certain Seventh Modification of Declaration of Covenants, Conditions, Easements and Restrictions Applicable to Crosshaven, Johnston, Polk County, Iowa, dated December 29, 2016 filed for record in the Office of the Recorder for Polk County, Iowa on January 5, 2017 in Book 16335 at Page 156, and that certain Eighth Modification of Declaration of Covenants, Conditions, Easements and Restrictions Applicable to Crosshaven, Johnston, Polk County, Iowa, dated November 1, 2017 filed for record in the Office of the Recorder for Polk County, Iowa on November 3, 2017 in Book 16711 at Page 19, that certain Ninth Modification of Declaration of Covenants, Conditions, Easements and Restrictions Applicable to Crosshaven, Johnston, Polk County, Iowa, dated February 1, 2018 filed for record in the office of the Recorder for Polk County, Iowa on February 2, 2018 in Book 16809 at Page 645 (collectively, the “Declaration”); and

WHEREAS, Lot A Crosshaven is owned by the City, and,

WHEREAS, Lot A Crosshaven Plat 7 contains an elliptical culvert with a stone veneer façade on the wing walls, and,

WHEREAS, Declarant has the responsibility for the following work related to the stone veneer façade on the wing walls of the elliptical culvert:

- Regular maintenance and upkeep
- Repairs, major and minor to the stone veneer façade
- Replacement of the stone veneer façade resulting from City maintenance or replacement on the elliptical culvert structure
- Replacement resulting from weathering and aging

WHEREAS, Section 6.12 of the Declaration provided that Declarant could amend the Declaration by a written amendment so long as it owns any lot in Crosshaven, as defined in Subsection 1.02(m) of the Declaration; and

WHEREAS, Declarant retains ownership of the Lots within Crosshaven as defined in Subsection 1.02(m) of the Declaration; and

WHEREAS, Declarant desires to amend the Declaration, in accordance with Section 6.12 with regard to Section 2.02(b) of the Declaration.

WHEREAS, the parties now wish to amend and ratify the Declaration in the manner described herein.

NOW, THEREFORE, Declarant hereby amends the Declaration as follows:

1. In Article III, Private Easements, the following section shall be added:


“3.09 The Association shall have the responsibility and bear the expense for the following work related to landscape, located on the elliptical culvert which extends up to Ten (10) Feet on the northern and southern sides of Valley Parkway, or to the lips of the protruding pipe of the culvert, and extending east and west from the peak of the culvert tracking around the pipe to the base:

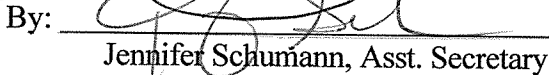
- Construct, manage and administer the landscape
- Adjust the surface grade to prepare planting and growing of vegetation
- Install, remove, position, plant and grow forms of vegetation
- Install irrigation, utilities and lights needed to complement the landscape features
- Regular maintenance, inspection and upkeep;
- Repairs, major, and minor to the landscape;
- Establish and maintain landscape improvements

2. Except as expressly modified by this Tenth Modification of the Crosshaven Declaration, all of the terms, conditions, easements, restrictions and provisions of the Crosshaven Declaration continue and remain in full force and effect.

Dated this 30 day of April, 2018.


HUBBELL REALTY COMPANY

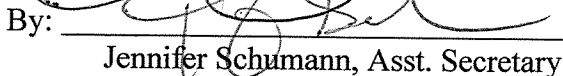
By: 
Joseph F. Pietruszynski, Vice President

By: 
Jennifer Schumann, Asst. Secretary

HUBBELL PROPERTIES I, L.C. (SERIES D)

By: Hubbell Realty Company, Managing Member

By: 
Joseph F. Pietruszynski, Vice President

By: 
Jennifer Schumann, Asst. Secretary

CROSSHAVEN I, LLC

By: ~~Hubbell Realty Company~~, Managing Member

By: _____
Joseph F. Pietruszynski, Vice President

By: _____
Jennifer Schumann, Asst. Secretary

VILLAS AT CROSSHAVEN, LLC

By: Hubbell Realty Company, Managing Member

By: _____
Joseph F. Pietruszynski, Vice President

By: _____
Jennifer Schumann, Asst. Secretary

STATE OF IOWA, COUNTY OF DALLAS) ss:

This instrument was acknowledged before me on April 30, 2018 by Joseph F. Pietruszynski and Jennifer Schumann as a Vice President and Asst. Secretary, respectively, of Hubbell Realty Company, an Iowa corporation.



Falon Michalski
Notary Public in and for said State

STATE OF IOWA, COUNTY OF DALLAS) ss:

This instrument was acknowledged before me on April 30, 2018 by Joseph F. Pietruszynski and Jennifer Schumann as a Vice President and Asst. Secretary, respectively, of Hubbell Realty Company, an Iowa corporation, the managing member of Hubbell Properties I, L.C. (Series D), a series of a multi-series limited liability company.



Falon Michalski
Notary Public in and for said State

STATE OF IOWA, COUNTY OF DALLAS) ss:

This instrument was acknowledged before me on April 30, 2018 by Joseph F. Pietruszynski and Jennifer Schumann as a Vice President and an Assistant Secretary, respectively, of Hubbell Realty Company, an Iowa corporation, the managing member of Crosshaven I, LLC, an Iowa limited liability company.

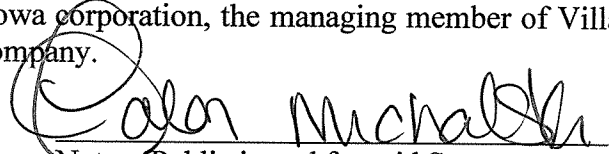


Falon Michalski
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STATE OF IOWA, COUNTY OF DALLAS) ss:

This instrument was acknowledged before me on April 30, 2018 by Joseph F. Pietruszynski and Jennifer Schumann as a Vice President and an Assistant Secretary, respectively, of Hubbell Realty Company, an Iowa corporation, the managing member of Villas at Crosshaven, LLC, an Iowa limited liability company.




Notary Public in and for said State