

Recorded: 3/28/2013 at 11:30:18.767 AM  
Fee Amount: \$17.00  
Revenue Tax:  
Polk County, Iowa  
Julie M. Haggerty RECORDER  
Number: 201300086908  
BK: 14716 PG: 866

Prepared by and Return To: Ashley Watts, Hubbell Realty Company, 6900 Westown Parkway, West Des Moines, IA 50266, (515) 280-2032

SPACE ABOVE THIS LINE FOR RECORDER

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

**THIS THIRD MODIFICATION OF DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS APPLICABLE TO CROSSHAVEN, JOHNSTON, POLK COUNTY, IOWA** is made this 14<sup>th</sup> day of March, 2013, by **HUBBELL REALTY COMPANY**, an Iowa corporation, **HUBBELL PROPERTIES I, L.C. (SERIES D)**, a series of a multi-series Iowa limited liability company, and **CROSSHAVEN I, LLC**, an Iowa limited liability company, (collectively, the "Declarant").

**WHEREAS**, Declarant, as the Owner of Crosshaven, 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, and 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, (collectively, the "Declaration"); and

**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.

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

1. Section 2.02(b) of the Declaration is hereby deleted in its entirety.
2. Except as expressly modified by this Third 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 26<sup>th</sup> day of March, 2013.

**HUBBELL REALTY COMPANY**


By:   
Dan Cornelison, Vice President

By:   
Jennifer L. Drake, Assistant Secretary

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

By: Hubbell Realty Company, Managing Member


By:   
Dan Cornelison, Vice President

By:   
Jennifer L. Drake, Assistant Secretary

**CROSSHAVEN I, LLC**

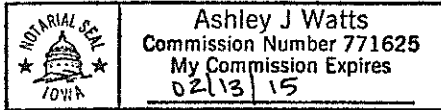
By: Hubbell Realty Company, Managing Member

By:   
Dan Cornelison, Vice President

By:   
Jennifer L. Drake, Assistant Secretary

**STATE OF IOWA, COUNTY OF DALLAS ) ss:**

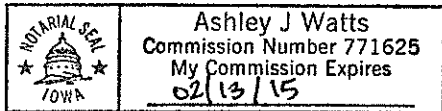
This instrument was acknowledged before me on March 26<sup>th</sup>, 2013 by Dan Cornelison and Jennifer L. Drake as a Vice President and an Assistant Secretary, respectively, of Hubbell Realty Company, an Iowa corporation.



Ashley J Watts  
Notary Public in and for said State

**STATE OF IOWA, COUNTY OF DALLAS ) ss:**

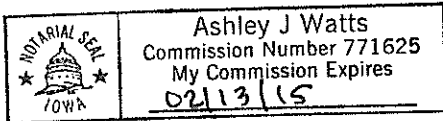
This instrument was acknowledged before me on March 26<sup>th</sup>, 2013 by Dan Cornelison and Jennifer L. Drake as a Vice President and an Assistant Secretary, respectively, of Hubbell Realty Company, an Iowa corporation, the managing member of Hubbell Properties I, L.C. (Series D), a series of a multi-series limited liability company.



Ashley J Watts  
Notary Public in and for said State

**STATE OF IOWA, COUNTY OF DALLAS ) ss:**

This instrument was acknowledged before me on March 26<sup>th</sup>, 2013 by Dan Cornelison and Jennifer L. Drake 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.



Ashley J Watts  
Notary Public in and for said State