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Fee Amount: \$12.00
Revenue Tax:
Polk County, Iowa
Julie M. Haggerty RECORDER
Number: 201700093332
BK: 16944 PG: 664

Prepared by and return to: Jennifer Schumann, Hubbell Realty Company, 6900 Westown Parkway, West Des Moines, IA 50266, (515) 280-20509

SPACE ABOVE THIS LINE FOR RECORDER

**FIFTH MODIFICATION OF
DECLARATION OF COVENANTS, CONDITIONS,
EASEMENTS AND RESTRICTIONS
APPLICABLE TO TUSCANY
ALTOONA, POLK COUNTY, IOWA**

THIS FIFTH MODIFICATION OF DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS APPLICABLE TO TUSCANY, ALTOONA, POLK COUNTY, IOWA is made this 30 day of May, 2018, by **TUSCANY RESERVE, LLC**, (“Declarant”), an Iowa limited liability company.

WHEREAS, Declarant, as owner of Tuscany as defined in Section 1.02(m) thereof, subjected Tuscany to that certain Declaration of Covenants, Conditions, Easements and Restrictions Applicable to Tuscany, Altoona, Polk County, Iowa, dated July 2, 2008, and filed for record in the Office of the Recorder for Polk County, Iowa on December 10, 2008, in Book 12850 beginning at Page 219, as amended by the First Modification of Declaration of Covenants, Conditions, Easements and Restrictions recorded on August 28, 2012 in Book 14413, Page 798, further amended by Second Modification of Declaration of Covenants, Conditions, Easements and Restrictions Applicable to Tuscany Altoona, Polk County, Iowa recorded on April 1, 2016 in Book 15945, Page 72, further amended by Third Modification of Declaration of Covenants, Conditions, Easements and Restrictions Applicable to Tuscany Altoona, Polk County, Iowa recorded on November 16, 2016 in Book 16272, Page 189, and further amended by Fourth Modification of Declaration of Covenants, Conditions, Easements and Restrictions Applicable to Tuscany Altoona, Polk County, Iowa recorded on January 19, 2017 in Book 16348, Page 871 (collectively referred to as the “Declaration”);

WHEREAS, Declarant reserved the rights in Section 6.12 of Article VI of the Declaration to amend the Declaration;

WHEREAS, Declarant desires to amend Section 2.02(f) of Article II to reduce the square footage requirements;

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

1. Article II, Section 2.02(f) of the Declaration is hereby deleted in its entirety and a new Section 2.02(f) is substituted in lieu thereof as follows:

(f) Minimum Single-Family House Sizes. All single-family homes, whether they are standard Single-Family lots, or Alley loaded Single-Family lots shall contain a minimum square footage of living space exclusive of attached garages, breezeways, porches, and finished basement areas as follows:

- (i) All one-story dwellings must have a minimum of 1,200 square feet of finished area directly under the roof.
- (ii) All one and one-half story dwellings must have a minimum total finished floor area of 1,400 square feet.
- (iii) All two-story dwellings must have a minimum total finished floor area of 1,400 square feet.
- (iv) All split-level, raised ranch, or split foyer dwellings must have a minimum of 1,400 square feet of finished area directly under the roof.

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

Dated this 30 day of May, 2018.

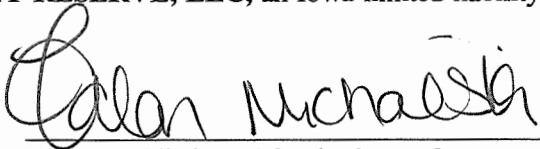
TUSCANY RESERVE, LLC
By: **Hubbell Realty Company, Managing Member**

By: _____
Joe Pietruszynski, Vice President

By: _____
Jennifer Schumann, Assistant Secretary

STATE OF IOWA)
) SS.
COUNTY OF DALLAS)

This instrument was acknowledged before me on this 30 day of May, 2018 by Joe Pietruszynski and Jennifer Schumann, as the Vice President and Assistant Secretary, respectively, of **Hubbell Realty Company**, the managing member of **TUSCANY RESERVE, LLC**, an Iowa limited liability company, on behalf of whom this instrument was executed.



Notary Public in and for the State of Iowa

