

Recorded: 7/13/2018 at 2:54:45.0 PM
Fee Amount: \$12.00
Revenue Tax:
Polk County, Iowa
Julie M. Haggerty RECORDER
Number: 201800003880
BK: 16999 PG: 975

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

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

THIS SIXTH MODIFICATION OF DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS APPLICABLE TO TUSCANY, ALTOONA, POLK COUNTY, IOWA is made this 11 day of July, 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, 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, and further amended by Fifth Modification of Declaration of Covenants, Conditions, Easements and Restrictions Applicable to Tuscany Altoona, Polk County, Iowa recorded on June 4, 2018 in Book 16944, Page 664 (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 2.10 of Article II to alter the vehicles permitted on any Lot or public street adjacent to any Lot;

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

1. Article II, Section 2.10 of the Declaration is hereby deleted in its entirety and a new Section 2.10 is substituted in lieu thereof as follows:

2.10 Motor Vehicles, Boats, Recreational Vehicles, Trucks and Tents. No inoperable vehicle, and no camper (including fold down camper), motor home, boat, tractor, trailer, one and quarter (1¼) ton or larger truck, bus, snowmobile, all-terrain vehicle, or commercial vehicle as defined by Iowa Code § 321.1 shall be parked or maintained on any Lot (except inside a garage) or on the public street adjacent to any Lot for a period of longer than three (3) consecutive days or for longer than a total of thirty (30) days in any calendar year. The Board of Directors shall have the right to tow or have towed any vehicle, boat, truck, or other recreational vehicles that are in violation of this section without further notice and at the Owner's expense. Any fees associated with the tow will be charged directly to the Lot Owner in which the vehicle is parked and shall be a lien upon the property until the costs are paid to the Association. No tent shall be maintained on any Lot for longer than a total of thirty (30) days in any calendar year.

2. Except as expressly modified by this Sixth 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 11 day of July, 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 11 day of July, 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.

Falon Michalski
Notary Public in and for the State of Iowa

