

Recorded: 2/2/2018 at 12:27:02.0 PM  
Fee Amount: \$22.00  
Revenue Tax:  
Polk County, Iowa  
Julie M. Haggerty RECORDER  
Number: 201700061163  
BK: 16809 PG: 645

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

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

**THIS NINTH MODIFICATION OF DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS APPLICABLE TO CROSSHAVEN, JOHNSTON, POLK COUNTY, IOWA** is made this 1 day of February, 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 (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

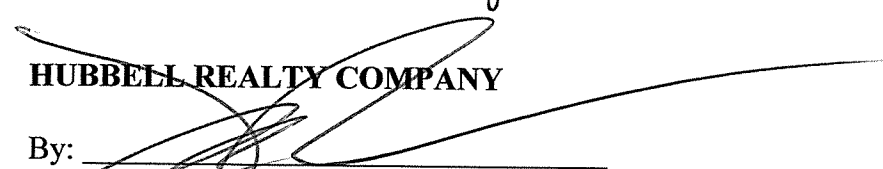
**WHEREAS**, Declarant desires to amend the Declaration, in accordance with Section 6.12, with regard to Section 2.02(b) of the Declaration.

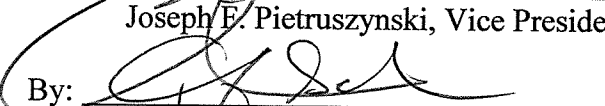
**NOW, THEREFORE**, Declarant hereby amends the Declaration as follows:

1. Article II, Section 2.02(f) of the Declaration shall be deleted in its entirety.
2. Except as expressly modified by this Ninth 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 1 day of February, 2018.

**HUBBELL REALTY COMPANY**

By:   
Joseph E. 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**

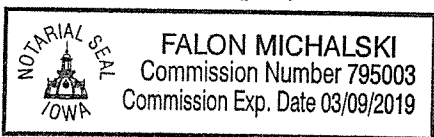
By: Hubbell Realty Company, Managing Member

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 February 7, 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 February 7, 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:**

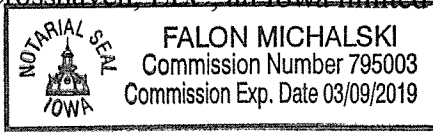
This instrument was acknowledged before me on February 1, 2018 by Joseph F. Pietruszynski and Jennifer Schumann as a Vice President and an Assistant Secretary, respectively, of Hubbell Realty Company, an Iowa corporation, the managing member of Crosshaven I, LLC, an Iowa limited liability company.



Falon Michalski  
Notary Public in and for said State

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

This instrument was acknowledged before me on February 1, 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.



Falon Michalski  
Notary Public in and for said State