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Revenue Tax:
Chad C. Airhart Recorder
Dallas County, Iowa

Prepared by and return to: Jennifer Schumann, Hubbell Realty Company, 6900 Westown Parkway, West Des Moines, Iowa 50266 (515) 280-2009

SPACE ABOVE THIS LINE FOR RECORDER

**THIRD AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS,
EASEMENTS AND RESTRICTIONS
APPLICABLE TO MILL RIDGE
WEST DES MOINES, DALLAS COUNTY, IOWA**

THIS THIRD AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS APPLICABLE TO MILL RIDGE, WEST DES MOINES, DALLAS COUNTY, IOWA, is made this 23 day of June, 2017, by **MILL RIDGE HOMES, LLC**, an Iowa limited liability company, (the "Declarant").

WHEREAS, the Declarant is the owner of Mill Ridge as that term is defined in that certain Declaration of Covenants, Conditions, Easements and Restrictions Applicable to Mill Ridge, West Des Moines, Dallas County, Iowa, dated September 21, 2016, and filed for record in the Dallas County, Iowa, Recorder's Office on November 3, 2016 at Book 2016, Page 21890, as amended by the First Amendment to the Declaration of Covenants, Conditions, Easements and Restrictions Applicable to Mill Ridge, West Des Moines, Dallas County, Iowa, dated January 3, 2017, and filed for record in the Dallas County, Iowa, Recorder's Office on January 16, 2017 at Book 2017, Page 905, and as amended by the Second Amendment to the Declaration of Covenants, Conditions, Easements and Restrictions Applicable to Mill Ridge, West Des Moines, Dallas County, Iowa, dated April 6, 2017, and filed for record in the Dallas County, Iowa, Recorder's Office on June 21, 2017 at Book 2017, Page 11762 (hereinafter referred to as the "Declaration"), and

WHEREAS, Section 6.12 of the Declaration provides that the Declarant may amend this Declaration at any time by written amendment so long as Declarant has ownership interest in any Lot, as defined in Article I, Section 1.01(i).

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

1. The following shall be added to Section 5.04 of the Declaration as follows:

"(d) The assessments shall commence as to each respective Lot on the date of conveyance to an Owner of a Lot with a completed building constructed thereon and for which a certificate of occupancy has been issued (with a pro rata proration of the assessment being due from the owner if the closing date is after the assessment payment period) and as set by the Board

thereafter. LOTS OWNED BY THE DECLARANT THAT DO NOT HAVE COMPLETED BUILDINGS OR LIVING UNITS CONSTRUCTED THEREON AND COMPLETED UNITS OWNED BY THE DECLARANT THAT ARE NOT SOLD, LEASED OR OCCUPIED OR THAT ARE USED AS MODEL UNITS OR SALES OFFICES SHALL BE EXEMPT FROM THE ASSESSMENTS DESCRIBED IN THIS DECLARATION.”

2. An Article I, Section 1.02(t) shall be added as follows:

“**Townhome Lot**” shall mean and refer to Lots 1 through 75 of Mill Ridge Plat 2, City of West Des Moines, Dallas County, Iowa, as shown on the Official Plat thereof, any Lots created by any further subdivision of the Property, and any Lots created by any subdivision of any such Lots for the purpose of constructing a townhome or villa.

3. The legal description in Exhibit A referenced in Article I, Section 1.02(m) shall be amended to add the following:

“Lot 1, Mill Ridge Plat 3 of West Des Moines, Dallas County, Iowa as shown on the Official Plats thereof, any Lots created by and any further subdivision of the property, and any Lots created by any subdivision of any such Lots.”

4. Article I, Section 1.02(b) of the Declaration is hereby deleted in its entirety and amended as follows:

“**Association Lot**” shall mean a Lot that is owned by the Association for the use and benefit of members of the Association and on which either by recorded restrictions, recorded plats or zoning, no single-family home may be constructed. Common elements including, but not limited to, clubhouse(s), pool(s), playground(s), and parking lot(s) may be constructed upon Lot 1 of Mill Ridge Plat 3 of West Des Moines, Dallas County, Iowa.

5. Article V, Section 5.04(c) of the Declaration is hereby deleted in its entirety and amended as follows:

The term “assessable property” shall mean all Lots within Mill Ridge whether or not such Lot has a single-family home construction on it and whether or not such Lot is vacant or occupied.

6. Article V, Section 5.05 of the Declaration is hereby deleted in its entirety and amended as follows:

Initiation Assessments. The first purchaser of a Single Family Lot or Townhome Lot that has a completed Unit constructed thereon and a certificate of occupancy has been issued, other than the Developer, shall be subject to an initiation assessment for the start-up of the Association in an amount equal to two installments of assessments (two months of monthly assessments for Townhome Lots and two years of yearly assessments for Single Family Lots) as set by the Board of Directors payable to the Association at the time of closing of the first purchaser of each Lot. The Association may use the initiation assessment for any of the purposes set forth in this Declaration.

7. Article I, Section 1.02(o) of the Declaration is hereby deleted in its entirety and amended as follows:

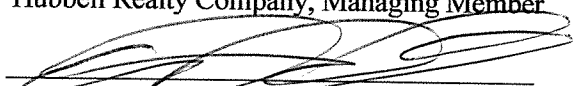
“**Unit**” shall mean a residence constructed on a Single Family Lot or Townhome Lot.

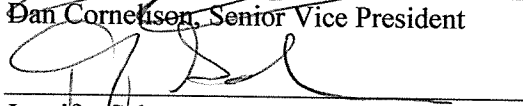
8. Except as expressly modified by this Third Amendment of the Declaration, all of the terms, conditions, easements, restrictions and provisions of the Declaration continue and remain in full force and effect.

IN WITNESS WHEREOF, **MILL RIDGE HOMES, LLC** has caused this Third Amendment to the Declaration to be executed as of the day and year first above stated.

MILL RIDGE HOMES, LLC

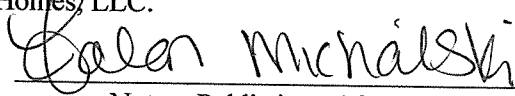
By: Hubbell Realty Company, Managing Member

By: 
Dan Cornelison, Senior Vice President

By: 
Jennifer Schumann, Assistant Secretary

STATE OF IOWA)
)SS.
COUNTY OF DALLAS)

This record was acknowledged before me on this 21 day of June, 2017, by Dan Cornelison and Jennifer Schumann as Senior Vice President and Assistant Secretary respectively of Hubbell Realty Company, as managing member of Mill Ridge Homes, LLC.


Notary Public in and for the State of Iowa

