

**FIFTH AMENDMENT TO DECLARATION OF COVENANTS,
CONDITIONS, EASEMENTS AND RESTRICTIONS FOR KETTLESTONE
RIDGE PLAT 1**

Preparer Information:

Bryan M. Loya
222 N.W. Sunrise Drive
Waukee, Iowa 50263
(515) 369-2502

Taxpayer Information:

N/A

Return Document To:

Wilson & Egge, P.C.
222 N.W. Sunrise Drive
Waukee, Iowa 50263

Grantor:

Jerry's Homes, Inc.

Grantee:

N/A

Legal Description:

Lots One (1) through Nineteen (19) in Kettlestone Ridge Plat 1, an Official Plat, now included in and forming a part of the City of Waukee, Dallas County, Iowa AND Lots One (1) through Fourteen (14) in Kettlestone Ridge Plat 2, an Official Plat, now included in and forming a part of the City of Waukee, Dallas County, Iowa AND Lots One (1) through Ten (10) in Kettlestone Ridge Plat 3, an Official Plat, now included in and forming a part of the City of Waukee, Dallas County, Iowa AND Lots One (1) through Seventeen (17) in Kettlestone Ridge Plat 5, an Official Plat, now included in and forming a part of the City of Waukee, Dallas County, Iowa AND Lots One (1) through Forty-one (41) in Kettlestone Ridge Plat 7, an Official Plat, now included in and forming a part of the City of Waukee, Dallas County, Iowa.

Document or instrument number of previously recorded documents:

Book 2016, Page 7687/ Book 2016, Page 10573/Book 2016, Page 14118/Book 2018, Page 23840/Book 2019, Page 24123/ Book 2020, Page 36638

**FIFTH AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS
FOR KETTLESTONE RIDGE PLAT 1**

THIS FIFTH AMENDMENT TO DECLARATION is made this 18 day of October, 2021.

WHEREAS, a Declaration of Covenants, Conditions, Easements and Restrictions for KETTLESTONE RIDGE PLAT 1 was executed on May 16, 2016, by JERRY'S HOMES, INC., an Iowa corporation ("Declarant") and filed of record in Dallas County, Iowa, on May 19, 2016, in Book 2016, Page 7687, as amended by a First Amendment filed on June 28, 2016 in Book 2016, Page 10573, a Second Amendment filed August 8, 2016 in Book 2016, Page 14118 and a Third Amendment filed December 21, 2018 in Book 2018, Page 23840, a Fourth Amendment filed December 12, 2019 in Book 2019, Page 24123, and a Corrected Amendment filed December 23, 2020 in Book 2020, Page 36638 (hereinafter "Declaration"); and

WHEREAS, the undersigned Declarant, pursuant to rights granted under Article XIV of the Declaration as filed, has the right to annex additional land and common area to the terms of the Declaration.

WHEREAS, Declarant desires to subject Lots 1 through 41 in Kettlestone Ridge Plat 7 to the terms of the Declaration.

NOW, THEREFORE, the undersigned Declarant does hereby modify the Declaration as follows:

1. "Lot" as defined in Article I(E) of the Declaration is amended to include the following described real estate:

Lots 1 through 41, inclusive, in Kettlestone Ridge Plat 7.

2. Any general references in the Declaration to "Kettlestone Ridge, Kettlestone Ridge Plat 1", "Kettlestone Ridge Plat 2", "Kettlestone Ridge Plat 3", and/or "Kettlestone Ridge Plat 5" shall also include reference to "Kettlestone Ridge Plat 7."

3. In all other respects, the Declaration shall remain unaffected and be enforceable as filed.

Dated on this day and year first written above.

JERRY'S HOMES, INC., an Iowa corporation,
Declarant

By: Adam J. Grubb
Adam J. Grubb, President

STATE OF IOWA)
) ss
COUNTY OF Dallas)

This record was acknowledged before me on this 18 day of October, 2021, by Adam J. Grubb, President of Jerry's Homes, Inc.



Jennifer Hill
Notary Public in and for the State of Iowa

Return to Preparer: Bryan M. Loya, WILSON & EGGE, P.C., 222 N.W. Sunrise Drive, Waukee, Iowa 50263 (515) 369-2502

LENDER'S CONSENT TO PLAT

KNOWN BY ALL MEN PRESENT:

The undersigned, Lincoln Savings Bank, acting with full authority to act for and on behalf of the bank, does hereby consent to the platting of the property to be platted as **Kettlestone Ridge Plat 7**, an Official Plat, now included in and forming a part of the City of Waukee, Dallas County, Iowa and specifically described as follows:

See Exhibit "A."

This consent is as mortgagee to the property described above with a mortgage being filed against said property on April 16, 2015 in Book 2015, Page 5349, and is given with the free consent and in accordance with the desire of the undersigned as mortgagee to said property described above, which is to be included in said plat.

Dated this 7th day of October, 2021.

LINCOLN SAVINGS BANK

By [Signature]

Its Vice President

STATE OF IOWA)
) SS:
COUNTY OF Polk)

This record was acknowledged before me on this 7th day of October, 2021, by Ryan Freed, the Vice President of Lincoln Savings Bank.



[Signature]
Notary Public in and for the State of Iowa

EXHIBIT "A"

A PART OF THE EAST HALF OF THE WEST HALF OF THE SOUTHWEST QUARTER AND A PART OF THE WEST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER, ALL IN SECTION 4, TOWNSHIP 78 NORTH, RANGE 26 WEST OF THE FIFTH PRINCIPAL MERIDIAN IN THE CITY OF WAUKEE, DALLAS COUNTY, IOWA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 5, KETTLESTONE RIDGE PLAT 5, AN OFFICIAL PLAT; THENCE NORTH $74^{\circ}30'27''$ EAST, 68.06 FEET; THENCE NORTH $67^{\circ}49'04''$ EAST, 91.63 FEET; THENCE NORTHERLY ALONG A CURVE CONCAVE WESTERLY WHOSE RADIUS IS 1465.00 FEET, WHOSE ARC LENGTH IS 10.41 FEET AND WHOSE CHORD BEARS NORTH $22^{\circ}23'09''$ WEST, 10.41 FEET; THENCE NORTH $67^{\circ}24'37''$ EAST, 153.91 FEET; THENCE NORTH $65^{\circ}31'30''$ EAST, 70.00 FEET; THENCE NORTH $63^{\circ}23'15''$ EAST, 65.88 FEET; THENCE NORTH $59^{\circ}48'02''$ EAST, 65.24 FEET; THENCE NORTH $54^{\circ}48'17''$ EAST, 65.25 FEET; THENCE NORTH $50^{\circ}16'18''$ EAST, 65.25 FEET; THENCE NORTH $45^{\circ}44'19''$ EAST, 65.25 FEET; THENCE NORTH $41^{\circ}12'20''$ EAST, 65.25 FEET; THENCE NORTH $37^{\circ}29'02''$ EAST, 68.80 FEET TO THE SOUTHWESTERLY LINE OF KETTLESTONE RIDGE PLAT 3, AN OFFICIAL PLAT; THENCE SOUTH $52^{\circ}30'58''$ EAST ALONG SAID SOUTHWESTERLY LINE, 139.97 FEET; THENCE SOUTH $52^{\circ}53'22''$ EAST CONTINUING ALONG SAID SOUTHWESTERLY LINE, 70.00 FEET TO THE SOUTHERLY CORNER OF SAID KETTLESTONE RIDGE PLAT 3; THENCE NORTH $37^{\circ}06'38''$ EAST ALONG THE SOUTHEASTERLY LINE OF SAID KETTLESTONE RIDGE PLAT 3, A DISTANCE OF 134.25 FEET TO THE EAST LINE OF SAID WEST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER; THENCE SOUTH $00^{\circ}11'33''$ WEST ALONG SAID EAST LINE, 856.04 FEET TO THE SOUTHEAST CORNER OF THE NORTH THREE-FOURTHS OF SAID WEST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER; THENCE SOUTH $83^{\circ}36'55''$ WEST ALONG THE SOUTH LINE OF SAID NORTH THREE-FOURTHS OF THE WEST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER, 657.92 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SOUTHWEST QUARTER; THENCE SOUTH $00^{\circ}10'36''$ WEST ALONG THE WEST LINE OF SAID WEST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER, 175.88 FEET TO THE NORTHEAST CORNER OF PARCEL '20-82' AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 2020, PAGE 26247, THENCE NORTH $89^{\circ}49'24''$ WEST ALONG THE NORTH LINE OF SAID PARCEL '20-82', A DISTANCE OF 153.60 FEET TO THE NORTHEAST CORNER OF THE WEST 500 FEET OF THE SOUTH 500 FEET OF SAID EAST HALF OF THE WEST HALF OF THE SOUTHWEST QUARTER; THENCE SOUTH $83^{\circ}36'55''$ WEST ALONG THE NORTH LINE OF SAID WEST 500 FEET OF THE SOUTH 500 FEET OF THE EAST HALF OF THE WEST HALF OF THE SOUTHWEST QUARTER, 16.51 FEET TO THE SOUTHEAST CORNER OF LOT 10, SAID KETTLESTONE RIDGE PLAT 5; THENCE NORTH $00^{\circ}10'36''$ EAST ALONG THE EASTERLY LINE OF SAID KETTLESTONE RIDGE PLAT 5, A DISTANCE OF 144.35 FEET; THENCE NORTH $00^{\circ}09'30''$ WEST CONTINUING ALONG SAID EASTERLY LINE, 69.46 FEET; THENCE NORTH $11^{\circ}17'46''$ WEST CONTINUING ALONG SAID EASTERLY LINE,

66.60 FEET; THENCE NORTH 14°12'30" WEST CONTINUING ALONG SAID EASTERLY LINE, 66.11 FEET; THENCE NORTH 08°21'29" WEST CONTINUING ALONG SAID EASTERLY LINE, 65.10 FEET; THENCE NORTH 07°45'20" WEST CONTINUING ALONG SAID EASTERLY LINE, 86.64 FEET; THENCE NORTH 14°25'23" WEST CONTINUING ALONG SAID EASTERLY LINE, 70.00 FEET; THENCE WESTERLY CONTINUING ALONG SAID EASTERLY LINE AND A CURVE CONCAVE NORTHERLY WHOSE RADIUS IS 840.00 FEET, WHOSE ARC LENGTH IS 27.75 FEET AND WHOSE CHORD BEARS SOUTH 76°31'23" WEST, 27.75 FEET; THENCE NORTH 12°23'46" WEST CONTINUING ALONG SAID EASTERLY LINE, 133.72 FEET TO THE POINT OF BEGINNING AND CONTAINING 15.21 ACRES (662,592 SQUARE FEET). THE PROPERTY IS SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.