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PREPARED BY: Gregg L. Owens 708 Lake Street Spirit Lake, IA 51360-1292

**DECLARATION OF EASEMENTS, RESTRICTIONS AND COVENANTS
AND CONDITIONS FOR HORSE CREEK PARK SUBDIVISION**

Maverick, L.L.C. Developer and owner of the real property described in the Proprietor's Certificate, to which this is attached, now being platted as Horse Creek Park Subdivision, a subdivision of Dickinson County, Iowa, hereby makes the following declarations as to the limitations, restrictions, and uses to which the lots or tracts constituting the subdivision may be put and hereby specifies that said declarations constitute covenants to run with the land, and shall be binding on all parties and persons claiming under them. These declarations are designed for the purpose of keeping the subdivision desirable, uniform and limited to the uses specified herein. All lots within the subdivision shall be held, sold and conveyed subject to the following easements, covenants, restrictions and conditions.

DEFINITIONS

1. "Association" shall mean the Horse Creek Owners Association.
2. "Owner" shall refer to the record owner, whether one or more persons or Entities, of fee simple title to any lot which is a part of the property, including contract sellers, but excluding those having only security interests in the property.
3. "Property" shall mean and refer to the property in said subdivision and any additions or modifications thereto as may hereafter be brought within the jurisdiction of the Association.

RESTRICTIVE COVENANTS

1. All lots shall be used only for such purposes as contemplated and allowed by the Zoning Ordinance and applicable regulations of Dickinson County, Iowa.
2. All yard setbacks shall comply with the Zoning Ordinance and applicable regulations of Dickinson County, Iowa.
3. No lot in this subdivision may be subdivided into smaller building lots. However, a lot owner may acquire land from an adjacent lot for the purpose of increasing the size of the acquiring party's lot. No lot that is to be built upon shall be reduced in size by this process.
4. Owners of all lots shall at all times keep the same free and clear from all obstructions, debris, obnoxious growth or weeds, refuse, junk or abandoned vehicles or other junk or abandoned personal property or unsightly objects. So long as the Developer retains ownership of any lot or lots in the subdivision, the Developer, upon notice of the failure of any other owner to comply with the provisions of this paragraph, may give written notice of such failure to the noncomplying owner, and if the failure is not corrected within ten (10) days from the receipt of said notice, the Developer may remedy such noncompliance and the noncomplying owner shall be responsible to the Developer for all expenses incurred, including the costs of any storage arranged for any items removed. If said expenses are not reimbursed within ten (10) days of notice from the Developer, the Developer may, without voiding any other legal options, prepare and record a notice of lien with the Dickinson County, Iowa Recorder, which shall attach to the noncomplying owners real estate, or any other real estate owned by such noncomplying owner in Dickinson County, Iowa. Notice is complete upon mailing to the address supplied by the owner to the Developer and if none is supplied, notice is complete upon mailing to the address on record with the Dickinson County Treasurer for purposes of mailing tax notices.
5. No buildings of any kind or for any purpose may at any time be moved upon any of the lots, only new construction shall be allowed.
6. All lots are subject to easements as shown on the Plat of Horse Creek Park.

7 Streets are Private Streets Horse Creek Lane, as shown on the Plat, is a private street and is hereby dedicated to the use and ownership of the owners of lots in the subdivision in undivided fractional interests (each lot has a 1/22 fractional interest). The street is not and shall not become the responsibility of Dickinson County, Iowa, and the owners of lots in the subdivision, through the Horse Creek Park Owners Association shall be solely responsible for the care, maintenance and repair of said street.

8 Outlot A and Proposed Restroom on Outlot A. Outlot A is platted for the purpose of constructing an engineered retention pond and a common restroom facility, and water hydrant. The ownership of Outlot A is dedicated to owners of lots in the subdivision in undivided fractional interests based on the number of lots in the Plat (each lot has a 1/22 fractional interest). The restroom facility shall only be available for use to owners of lots within the subdivision and owners shall have only "keyed" access to the restroom, said access to be controlled by the Developer, or if the Developer delegates authority, to the Horse Creek Park Owners Association.

9 Lot owners and those under their direction or acting on their behalf shall not cover, bridge or otherwise interfere in any way with the existing drainage culverts, ditches or swales without prior, express and written approval of the Developer, or if the Developer delegates authority, to the Horse Creek Park Owners Association.

10 Exterior lighting shall only be installed and maintained as will not unreasonably disturb the owners of other lots in the subdivision. Any disputes concerning exterior lighting shall be subject to the procedures and jurisdiction of the Horse Creek Park Owners Association.

11 Easements for the installation and maintenance of utilities and facilities are dedicated by the Developer as shown on the Plat. Within the boundaries of such easements, no structure or improvement may be constructed, placed or permitted, [except driveway entrances].

12 Driveway entrances shall be designed to access lots consistent with those driveway entrances already established by the Developer, and shall be subject to prior, written approval of the Developer before construction of same to preserve and maintain

efficient drainage. There shall be a maximum of one driveway entrance per lot, and where possible, driveway entrances (and driveways) shall be adjacent to a property line.

13. Water and sewer utilities are not provided to this subdivision, except to Outlot A. Lots in the subdivision are intended primarily for storage buildings. Septic systems may be allowed only on lots of 20,000 square feet or larger, but are subject to all applicable state and county regulations, including the Dickinson County Board of Health.

HORSE CREEK PARK OWNERS ASSOCIATION

The purpose of the Association shall be to manage the property consisting of the common fractional interests established herein, namely the private street and Outlot A, for the benefit of all owners, so as to provide for any necessary repair, maintenance, snow removal, or other needed services or work.

1. Every owner of a lot shall be a member of the Association. Membership shall be appurtenant to and shall not be separated from ownership of any vacant lot or building unit, and all vacant lots and building units shall be subject to assessments as hereafter set forth.

2. Each lot shall have one vote. When more than one person or entity holds an interest in any lot, the vote for such lot shall be exercised as they themselves may determine, but in no event shall more than one vote be cast with respect to any lot.

However, until the Developer has sold the last lot owned by the Developer, all affairs of the Association shall be governed and managed solely by the Developer.

3. Subject to the foregoing, the Association shall be governed as follows:

A. Meetings of the Association shall be held at such suitable place convenient to the owners as may be designated by the president. The president shall preside over the meeting and the secretary-treasurer shall keep the minute book wherein all resolutions and other business conducted shall be recorded. In the absence of the president, the meeting may be conducted by the vice president. In the absence of both the president and vice president, the meeting may be conducted by the secretary-treasurer. In the absence of the secretary-treasurer, the presiding officer shall appoint a secretary-treasurer pro tem. Meetings of the Association may be called by the president and shall be called by the

president upon written request signed by the owners of at least two (2) of the units. Notice of such meetings shall be given to all owners by ordinary mail addressed to their last known address as shown in the records of the Association not less than ten (10) nor more than thirty (30) days prior to the date set for such meeting. The notice thereof shall state the time, place and purpose of such meeting. No business may be conducted at such meeting other than as stated in the written notice unless all owners are personally in attendance and consent to such other business being conducted. Following proper request, should the president fail or be unable to call a special meeting, the vice president, or secretary-treasurer shall call the meeting.

B. Notice of a meeting may be waived in writing. Attendance by any owner at any meeting of the Association shall constitute a waiver of notice.

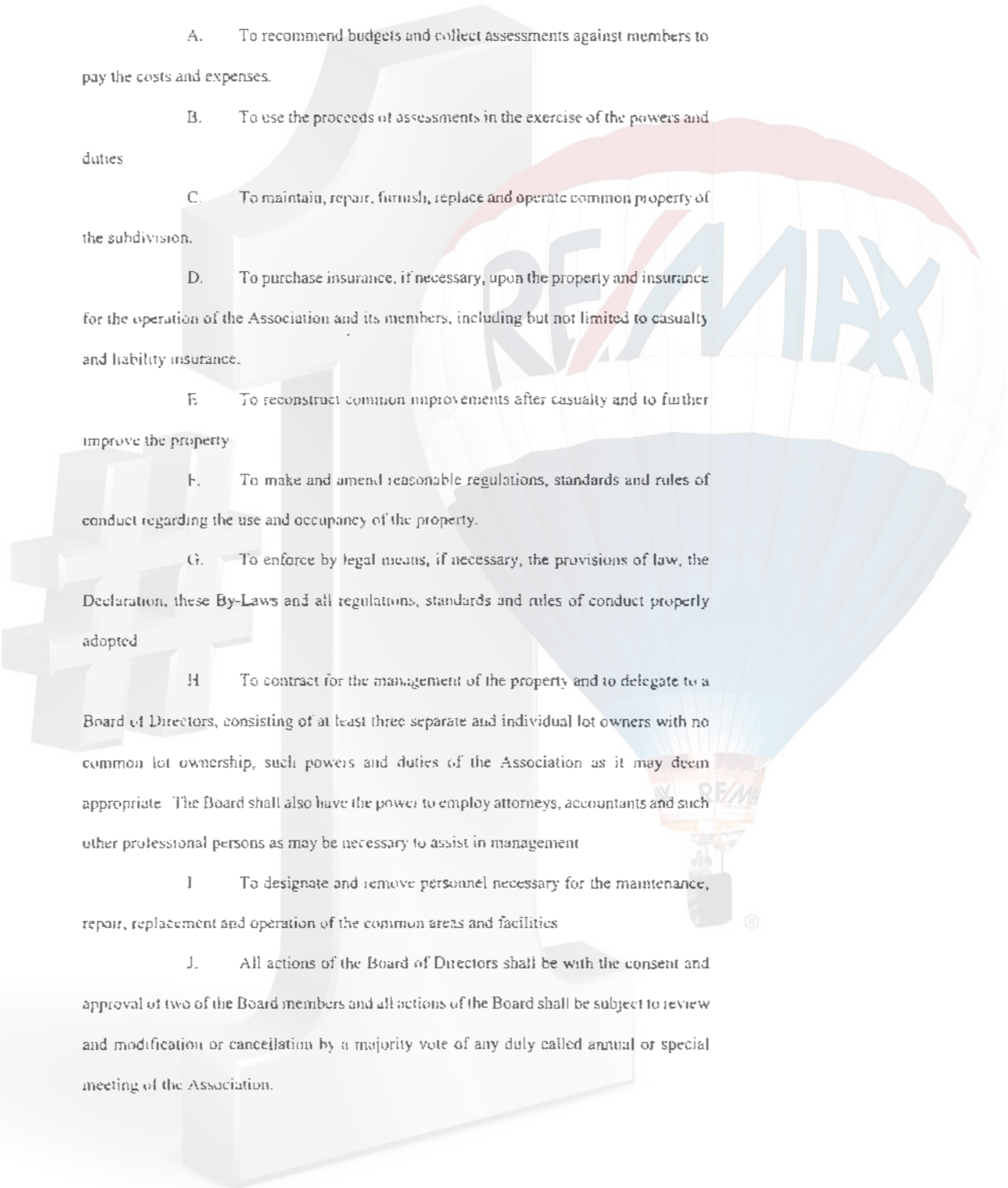
C. A quorum at Association meetings shall consist of the owners of at least three (3) lots. Each unit shall be entitled to one vote on any issue properly before a meeting with the vote to be cast by an owner of the unit as shown on a duly recorded deed to the unit. In the event of disagreement between co-owners of a lot regarding any vote, the owner whose name appears first on the deed who is present either in person or by proxy shall be entitled to cast the vote.

D. Votes may be cast in person or by proxy. Proxies must be in writing and filed with secretary-treasurer at the time of the meeting. All votes cast shall be either yea, nay or abstention.

E. If any Association meeting cannot be held because a quorum is not in attendance, the owners who are present, either in person or by proxy, may adjourn the meeting until such time as a quorum is present.

3. The president, vice president, and secretary-treasurer comprising the officers of the association shall be elected by a majority vote each year at the annual meeting and shall serve until their successors are duly elected. There shall be no term limitation on any office.

The powers and duties of the Association shall include the authority to:

- 
- A. To recommend budgets and collect assessments against members to pay the costs and expenses.
- B. To use the proceeds of assessments in the exercise of the powers and duties
- C. To maintain, repair, furnish, replace and operate common property of the subdivision.
- D. To purchase insurance, if necessary, upon the property and insurance for the operation of the Association and its members, including but not limited to casualty and liability insurance.
- E. To reconstruct common improvements after casualty and to further improve the property
- F. To make and amend reasonable regulations, standards and rules of conduct regarding the use and occupancy of the property.
- G. To enforce by legal means, if necessary, the provisions of law, the Declaration, these By-Laws and all regulations, standards and rules of conduct properly adopted
- H. To contract for the management of the property and to delegate to a Board of Directors, consisting of at least three separate and individual lot owners with no common lot ownership, such powers and duties of the Association as it may deem appropriate. The Board shall also have the power to employ attorneys, accountants and such other professional persons as may be necessary to assist in management
- I. To designate and remove personnel necessary for the maintenance, repair, replacement and operation of the common areas and facilities
- J. All actions of the Board of Directors shall be with the consent and approval of two of the Board members and all actions of the Board shall be subject to review and modification or cancellation by a majority vote of any duly called annual or special meeting of the Association.

K. All officers shall be owners or agents of corporate, partnership, limited liability company or fiduciary owners. No more than one officer shall be from the same lot, unless the lots have common ownership.

L. There shall be no compensation of officers.

M. The individual duties and responsibilities of the officers shall be as follows:

i. The president shall preside over all meetings of the Board and the Association, and subject to the provision of these By-Laws and the Declaration, the president shall be authorized to sign all documents on behalf of the Board or Association.

ii. The vice president shall, in the absence of the president, perform all duties of the president. The vice president shall also perform such other duties and provide assistance to the president as may be imposed by the Association, Board or president.

iii. The secretary-treasurer shall keep the minute book wherein resolutions and other business of the Association and Board shall be recorded. The secretary-treasurer shall be responsible for giving notice to members of the Owners' Association or Board of all meetings or other matters as may be required by law, the Declaration, By-Laws, or direction of the Owners' Association or Board. The secretary-treasurer shall keep the books of account of the Owners' Association and Board and shall keep the checkbook of the Association and any other books of deposit. The secretary-treasurer shall keep full and accurate accounts of all receipts and disbursements of the Association and in general, shall keep the books of the Association in accordance with good accounting practices and perform all other duties incident to the office of treasurer.

4. The officers shall oversee the fiscal management of the property, and shall have the power to collect any assessments from lot owners related to any items of common area maintenance, repair or replacement or insurance to cover same. A majority vote of the

officers is required to levy any assessment. Assessments may relate only to reasonable and necessary expenses necessary to effectuate the stated purposes of the Association.

A. Each lot shall pay its fractional share of any assessment, which fractional interest is set out in the Declaration.

B. Unpaid annual assessments and/or unpaid special assessments shall constitute a lien on the lot for which the assessment is unpaid. Annual assessments and/or special assessments remaining unpaid more than ten (10) days after they are due shall carry interest at the rate of ten (10) percent per annum, and shall constitute a lien upon the owner's lot for which notice of same may be filed of record with the Dickinson County, Iowa Recorder. The owners, acting through the president, shall be responsible for collecting all unpaid assessments, which may be collected by foreclosure or suit for money judgment, which shall include collection of reasonable costs and attorney fees.

C. Special assessments as the result of an emergency shall be made only after notice thereof and the need therefore has been given to all owners. Approval of an emergency special assessment shall require a majority vote of the owners and shall become due within thirty (30) days of the approval.

5. No amendment to these provisions concerning the Association, or the Declarations generally shall take effect unless approved by the owners of at least 2/3 of the lots, although the Developer, for so long as the Developer owns a lot in the subdivision has the exclusive power and right to make and record amendments.

IN WITNESS WHEREOF, the undersigned has executed these By-Laws this 18th day
of November, 2008.

Maverick, L.L.C.


By Brett Parks

Brett Parks, Manager

STATE OF IOWA, COUNTY OF DICKINSON, ss:

On this 18th day of November, 2008, before me, a Notary Public in and for
said County and State, personally appeared Brett Parks, to me personally known, who
executed said instrument as Manager of the Limited Liability Company with the authority of
the company as his voluntary act and deed.

Gregg L. Owens
Notary Public

 GREGG L. OWENS
Commission Number 750969
MY COMMISSION EXPIRES
January 30, 2011



Milford Planning & Zoning Commission
October 15, 2008
Regular Meeting
4:45 p.m.

Milford Planning & Zoning Commission met in regular session on October 15, 2008 at 4:45 p.m.
Chairman, Eric Waldman, presided

Members present: Loren Wilson, Eric Waldman, and Brad Simington

Members absent: Wanda Nelson

Motion by Wilson, seconded by Simington to adopt the agenda. All ayes. Motion carried.

Motion by Simington, seconded by Wilson to approve the minutes from September 17, 2008. All Ayes
Motion carried

FINAL PLAT: HORSE CREEK PARK

This Plat is within the two mile jurisdiction. All improvements are in:

Motion by Wilson, seconded by Simington to recommend approval by the City Council of the final plat of Horse Creek Park. All ayes. Motion carried.

REZONING REQUEST: FREDRIC CHAPLIN

Rezone property from AO to AC Commercial. To allow an outdoor storage area with possibility of some shelter storage to rent to private individuals.

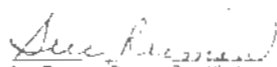
Motion by Wilson, seconded by Simington to recommend to the City Council to rezone over to & including the turkey barns contingent on a valid legal description of the property. All ayes. Motion carried.

NEW ZONING DISTRICT - SWIMMING POOLS

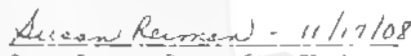
Instead of a new zoning district just add an exception on lake shore property to swimming pools.

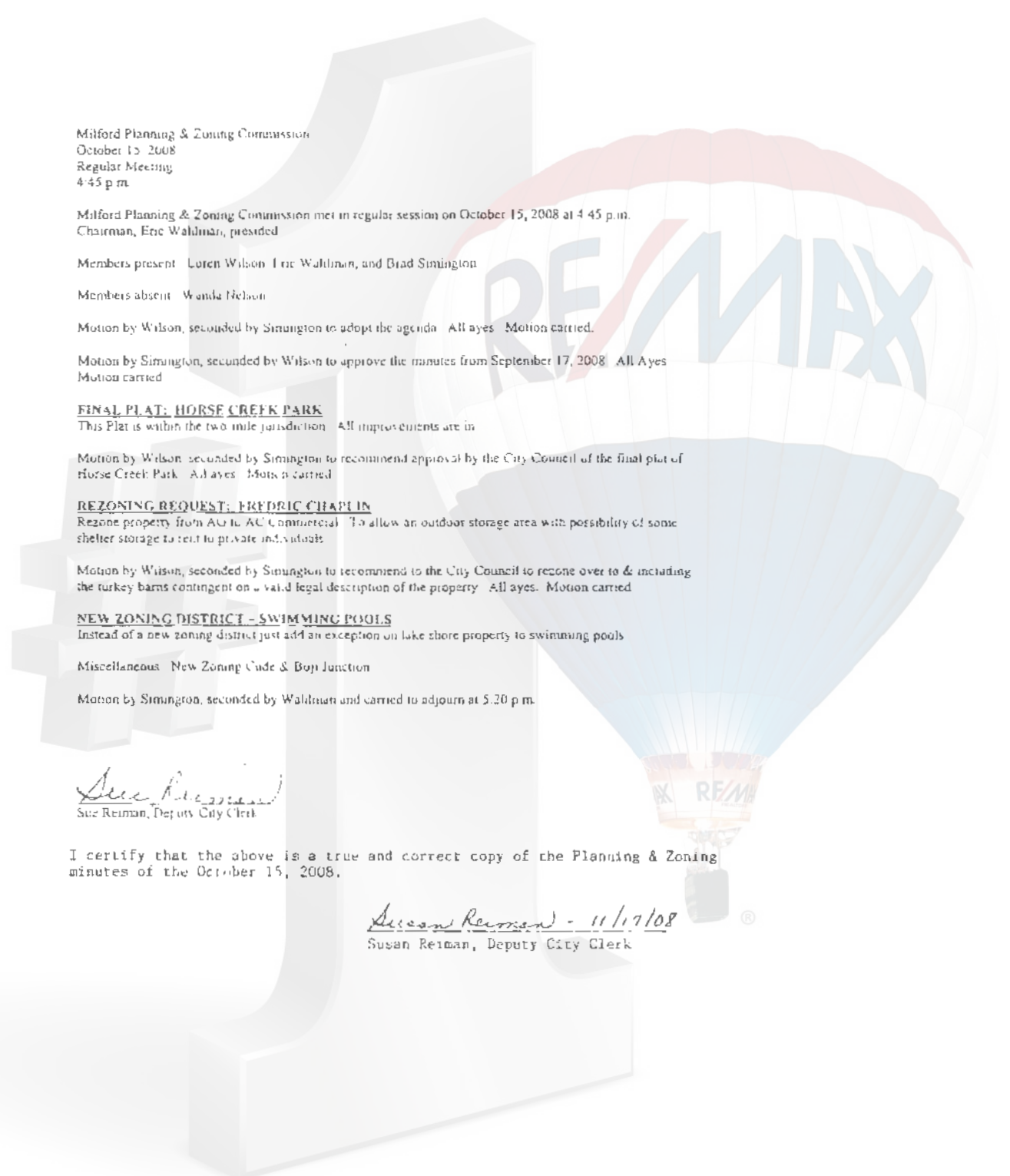
Miscellaneous: New Zoning Code & Boat Junction

Motion by Simington, seconded by Waldman and carried to adjourn at 5:20 p.m.


Suz Reiman, Deputy City Clerk

I certify that the above is a true and correct copy of the Planning & Zoning minutes of the October 15, 2008.

 - 11/17/08
Susan Reiman, Deputy City Clerk



I certify that the attached is a true and correct copy of the minutes of the October 27, 2008 Milford City Council meeting.


Bryan H. Read, City Administrator

11/17/08



**MILFORD CITY COUNCIL
REGULAR MEETING
OCTOBER 27, 2008
6:30 P.M.**

Milford City Council met in regular session on October 27, 2008 at 6:30 PM. Mayor Wahman presided. Members present: Lamb, Feller, Schillinger, Anderson and Kilts. Members absent: none.

Motion by Feller, second by Schillinger to adopt the Agenda with changes. Aye: Feller, Schillinger, Anderson, Kilts and Lamb. Nay: none. Motion passed.

REPORTS FROM DEPARTMENT HEADS, OFFICERS, BOARDS AND COMMISSIONS

Chaplin Rezoning

The City Council discussed a proposed rezoning of property owned by Frederic Chaplin from Agricultural to Arterial Commercial. The parcel to be rezoned is located in the southwest corner of property that Mr. Chaplin owns and is adjacent to both the Nature Trails and The Points at Hunter Hills Phase II subdivisions. The property would be used for outdoor storage. Motion by Anderson, second by Lamb to amend the permitted uses in the Agriculture Zoning District to permit storage instead of rezoning the parcel. Aye: Lamb, Anderson, Feller, Kilts and Schillinger. Nay: none. Motion passed.

Lower Gar Outlet

Phil Peterson addressed the City Council regarding the Lower Gar outlet structure and proposed changes to it. Issues discussed:

- Potential flooding
- Corp of Engineers reports
- DNR regulations
- Liability for action or inaction
- Water Bow between East and West Okoboji
- Other perceived restrictions

Horse Creek Park: Final Plat

Motion by Feller, second by Kilts to accept the recommendation of the Planning and Zoning Commission and approve the Final Plat of Horse Creek Park. Aye: Feller, Kilts, Anderson, Lamb and Schillinger. Nay: none. Motion passed.

UNFINISHED BUSINESS

Fire Hall: Contract Amendment with FEH

The City Council discussed a proposed amendment to the contract with FEH for work on the Fire Station project. The Amendment is not to exceed \$51,460. Motion by Feller, second by Lamb to approve the amendment with all bid alternates to be add alternates. Aye: Feller, Lamb, Anderson, Kilts and Schillinger. Nay: none. Motion passed.

Snow Ordinance No. 5-08: First Consideration

Motion by Kilts, second by Schillinger to approve the first Consideration of Ordinance No. 5-08, with changes. Aye: Kilts, Schillinger, Anderson, Feller and Lamb. Nay: none. Motion passed.

Mailbox Ordinance No. 6-08: First Consideration

Motion by Lamb, second by Feller to approve the first consideration of Ordinance No. 6-08. Aye: Lamb, Feller, Anderson, Kilts and Schillinger. Nay: none. Motion passed.

Jordan Furman: Share Cost for Law Enforcement Academy

Motion by Anderson, second by Lamb to accept the recommendation from the Personnel Committee to reimburse the City of Arnolds Park for one half of the cost to send Jordan Furman to the Iowa Law Enforcement Academy. Aye: Anderson, Lamb and Kilts. Nay: Feller. Abstain: Schillinger. Motion passed.

NEW BUSINESS

Traffic Control at 11th Street and M Ave

The City Council discussed a request for a traffic control device at the intersection of 11th Street and M Avenue. It was the consensus of the City Council to get a proposal from the City Engineer for a traffic study for the entire city to study where to place traffic control devices.

Old Town Drainage

The City Council reviewed a request from Dickinson County to share in the cost for a drainage tile in Old Town with a cost in the City of \$2,000 to \$3,000. The City Council will discuss the issue with the MMU Board of Trustees at their next meeting.

Milford Nursing Home Public Street

The City Council discussed a proposal from the Milford Nursing Home to designate the drive north of the new addition as a public street. The City Council referred the issue to the City Engineer for a proposal on the issue.

MILFORD CITY COUNCIL
 REGULAR MEETING
 OCTOBER 27, 2008
 6:30 P.M.

Boji Junction Watermain Cost Sharing

Motion by Feller, second by Schillinger to deny paying anymore more for the water main loop to be installed in the Boji Junction Subdivision. Aye: Feller, Schillinger, Anderson, Kilts and Lamb. Nay: none. Motion passed

Lakes News Shopper Parking Area

Motion by Feller, second by Lamb to allow the Lakes News Shopper to construct a parking lot within the right of way of N Avenue with the understanding that the property owner will remove snow from the parking lot and pay to replace the parking surface if it torn up for any reason. Aye: Feller, Lamb, Anderson and Kilts. Nay: Schillinger. Motion passed.

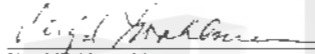
Joint Meeting with MMU Board of Trustees


The City Council will hold a joint meeting with the MMU Board of Trustees on November 17, 2008 at 6:30 PM.

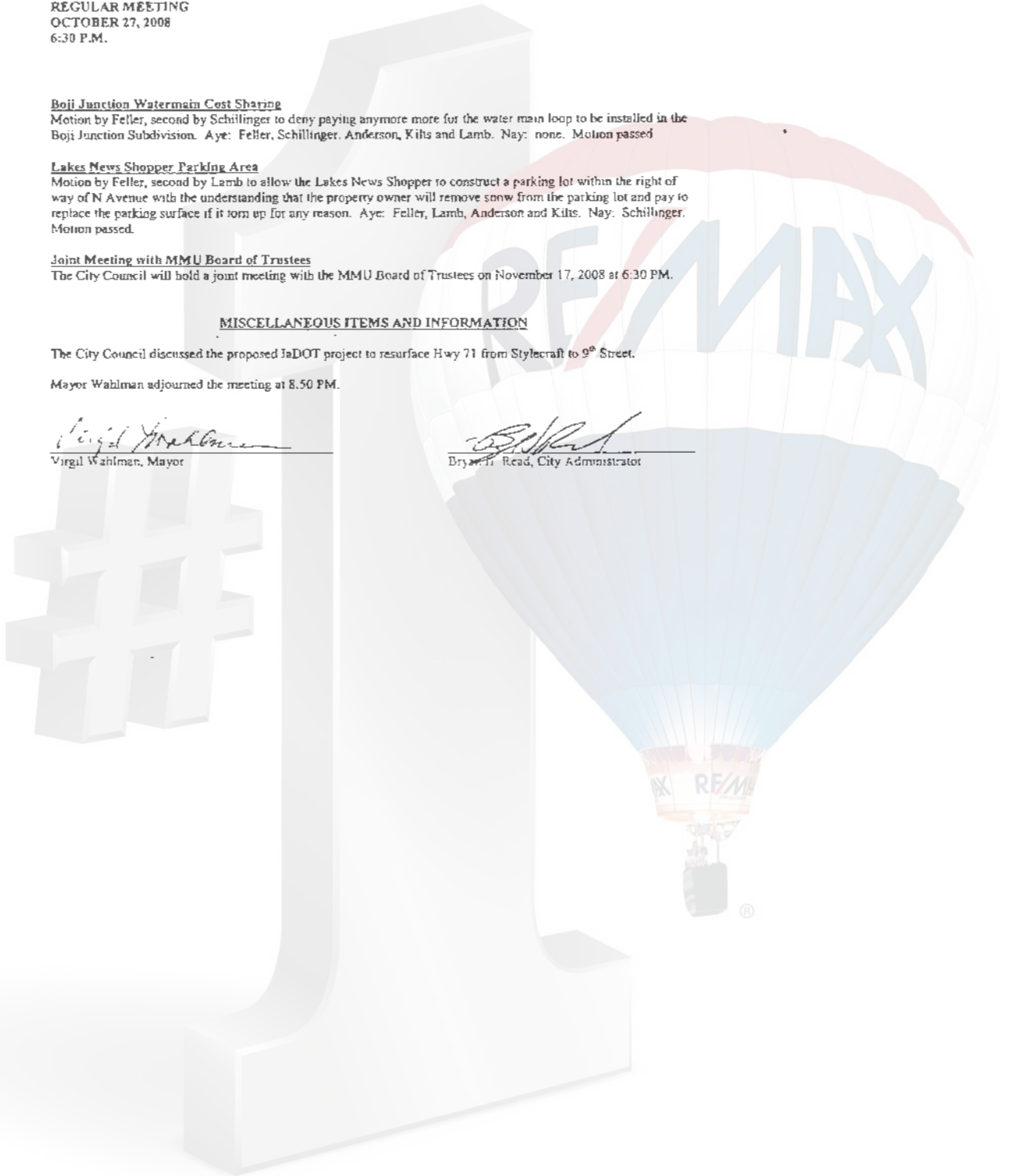
MISCELLANEOUS ITEMS AND INFORMATION

The City Council discussed the proposed JaDOT project to resurface Hwy 71 from Stylecraft to 9th Street.

Mayor Wahlman adjourned the meeting at 8:50 PM.


 Virgil Wahlman, Mayor


 Bryan H. Read, City Administrator




**RESOLUTION OF APPROVAL
PLANNING AND ZONING COMMISSION, DICKINSON COUNTY, IOWA**

The undersigned, Sally Nielsen, being the Chairperson of the Planning and Zoning Commission of Dickinson County, Iowa does hereby certify that the Plat of Horse Creek Park, Dickinson County, Iowa, has been submitted to said Planning and Zoning Commission of Dickinson County, Iowa for its approval; that the plat has been found to be in conformity with the laws of the State of Iowa and the ordinances of Dickinson County, Iowa and that therefore said Planning and Zoning Commission has approved said Plat on the 18th day of August, 2008 and has recommended approval of the same by the Board of Supervisors of Dickinson County, Iowa. Condition that the restrictive covenants be available for the Board of Supervisor's meeting.

Sally Nielsen
Chairperson of the Planning and Zoning
Commission of Dickinson County, Iowa

ATTEST:

Barbara K Woodley
Notary Public

 BARBARA K. WOODLEY
Commission Number: 708911
MY COMMISSION EXPIRES
March 19, 2010

RESOLUTION OF
APPROVAL OF THE FINAL PLAT OF
HORSE CREEK PARK SUBDIVISION

WHEREAS, the Board of Supervisors of Dickinson County, Iowa, is a duly organized governing body; and

WHEREAS, there has been presented to the Board of Supervisors a request by Brett Parks to approve the Final Plat of Horse Creek Park Subdivision, Dickinson County, Iowa, a plat located in Dickinson County, Iowa; and

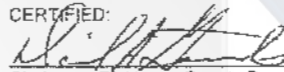
WHEREAS, the Final Plat of Horse Creek Park Subdivision, Dickinson County, Iowa has been presented to the Planning and Zoning Commission of Dickinson County, Iowa and the Planning and Zoning Commission has recommended approval of the Final Plat of Horse Creek Park Subdivision, Dickinson County, Iowa and

WHEREAS, it is the desire of the Board of Supervisors to approve the aforementioned plat;

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT upon presentation to the Board of Supervisors, the Final Plat of Horse Creek Park Subdivision, Dickinson County, Iowa, is hereby approved; and the Chairman of the Board of Supervisors and Dickinson County Auditor are directed to certify this action which shall be affixed to said Plat.

PASSED, APPROVED AND ADOPTED by the Dickinson County Board of Supervisors, on the 9th day of September, 2008.

CERTIFIED:

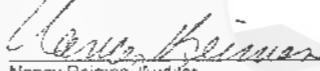

Chairman, Dickinson County Board of Supervisors

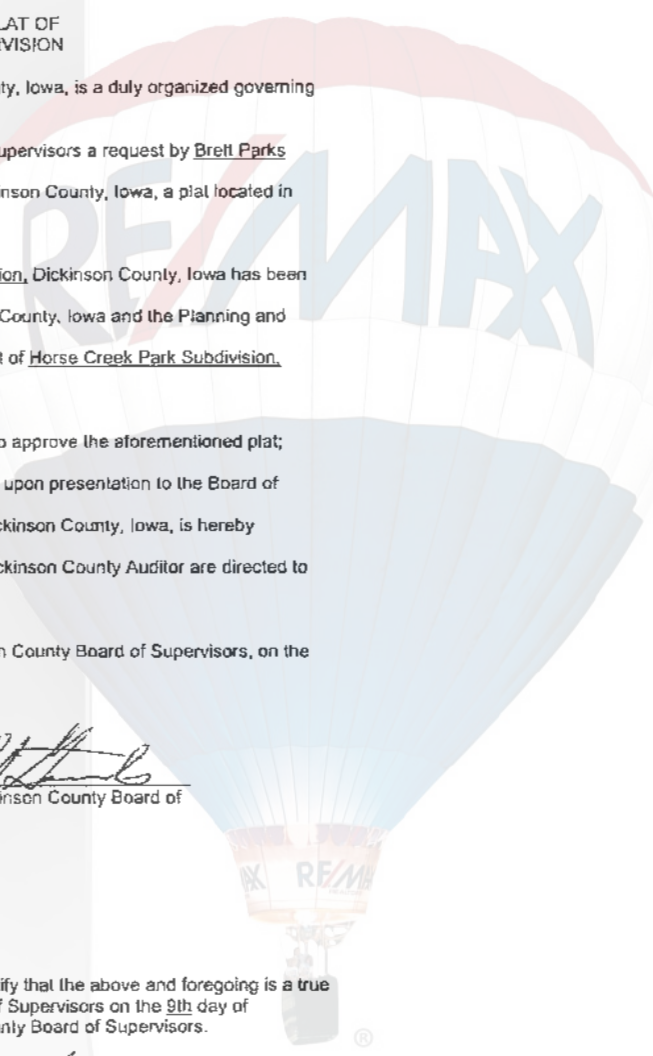
ATTEST:


Nancy Reiman
Dickinson County Auditor

I, Nancy Reiman, Auditor of Dickinson County, Iowa, hereby certify that the above and foregoing is a true copy of the action taken by the Dickinson County, Iowa, Board of Supervisors on the 9th day of September, 2008, as shown by the records of the Dickinson County Board of Supervisors.




Nancy Reiman, Auditor



ASSESSOR'S CERTIFICATE

I, Patricia Dodds, Dickinson County Assessor, do hereby certify that a copy of the Plat of Horse Creek Park Subdivision, Dickinson County, Iowa, has been duly filed in my office this date as required by law.

Dated this 20th day of November, 2008.

Patricia Dodds

Patricia Dodds, Dickinson County Assessor

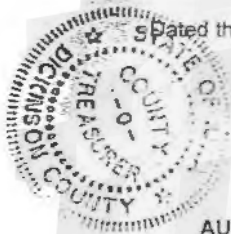


TREASURER'S CERTIFICATE

I, ~~Kris Rowley~~ *Kris Rowley*, Dickinson County Treasurer, do hereby certify that there are no unpaid taxes, certified special assessments nor tax liens of record in my office against any of the property platted as Horse Creek Park Subdivision, Dickinson County, Iowa, as shown on the Plat attached hereto.

Dated this 15th day of November, 2008.

Kris Rowley
Kris Rowley, Dickinson County Treasurer



AUDITOR'S CERTIFICATE AND APPROVAL OF PLAT NAME

I, Nancy Reiman, Dickinson County Auditor, do hereby certify that Plat of Horse Creek Park Subdivision is approved as the name for the Plat attached and that a copy of the attached Plat of Horse Creek Park Subdivision, Dickinson County, Iowa, has been furnished to the Dickinson County Auditor's Office, and a copy has been filed with the Dickinson County Auditor's Office as required by law. I further state that there are no liens recorded in this office against said real estate.

Dated this 20th day of November, 2008.

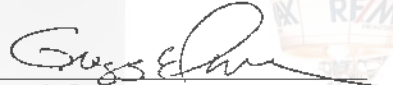
Nancy Reiman
Nancy Reiman, Dickinson County Auditor



ATTORNEY'S ABSTRACT OPINION

I, Gregg L. Owens, of the firm of Maahs & Owens, 708 Lake Street, Box AK, Spirit Lake, Iowa, pursuant to the provisions of Section 354.11 of the 2005 Code of Iowa hereby certify that I am an attorney at law admitted to practice in the State of Iowa; that I have examined the abstract of title to the real property included in the Plat of Horse Creek Park Subdivision, Dickinson County, Iowa, which property is legally described in the Proprietor's Certificate to which this opinion is attached and that I am of the opinion that fee simple title to the above described property is owned and vested in **Maverick MX, L.L.C.**

This examination is based upon an abstract of title containing 35 entries numbered one through 35, inclusive, prepared in accordance with the provisions of Chapter 614.29 through 614.38 of the Code of Iowa, Chapter 11 of the Iowa Land Title Examination Standards and the abstracting standards of the Iowa Land Title Association and last certified by Cornell Abstract Company to November 20, 2008 at 9:39 a m


Gregg L. Owens
Attorney at Law
Maahs & Owens
708 Lake Street, Box AK
Spirit Lake, IA 51360

#05499

Filed at 12:03 PM
October 21, 2010

Fee \$14.00

Recorder's Note:
See Misc. Bk #31, Pg 341
a/k/a Instr. No. 08-06760
Also See Plat Bk 11, Pg 20

INSTR. NO. 10-05499

OK _____ PAGE _____

2010 OCT 21 PM 12 03

JAN BERTSCHELLER
RECORDER
DICKINSON COUNTY, IOWA
FEE \$ 14.00

PREPARED BY: Greg L. Oates 708 Lake Street South Lake, IA (712) 336-1322

**FIRST AMENDMENT TO
DECLARATION OF EASEMENTS, RESTRICTIONS AND COVENANTS
AND CONDITIONS FOR HORSE CREEK PARK SUBDIVISION**

Maverick, L.L.C. Developer of the real property platted as Horse Creek Park Subdivision, a subdivision of Dickinson County, Iowa, and still being an owner of lots in said subdivision, hereby amends the following provisions of the Declaration of Easements, Restrictions and Covenants and Conditions for Horse Creek Subdivision:

The following is substituted for paragraph 3, page 2:

3. No lot in this subdivision may be subdivided into smaller building lots, except for lot 22, which may be subdivided only once, into two separate parcels. However, a lot owner may acquire land from an adjacent lot for the purpose of increasing the size of the acquiring party's lot. No lot that is to be built upon shall be reduced in size by this process.

The following is substituted for paragraph 8, page 3:

8. Outlot A and Proposed Restroom on Outlot A. Outlot A is platted for the purpose of constructing an engineered retention pond and a common restroom facility, and water hydrant. The ownership of Outlot A is dedicated to owners of lots in the subdivision in undivided fractional interests based on the number of lots in the Plat (each lot has a 1/22 fractional interest), except for the southern portion of lot 22, if lot 22 is subdivided. The parcel which represents the southern portion of lot 22 shall have no interest in said restroom facility and no obligation to contribute to any expenses associated with its use, repair or maintenance. The restroom facility shall only be available for use to owners of lots within the subdivision, except as stated above, and owners shall have only "keyed" access to the

restroom, said access to be controlled by the Developer, or if the Developer delegates authority to the Horse Creek Park Owners Association

IN WITNESS WHEREOF, the undersigned has executed these By-Laws this ___ day of October, 2010.

Maverick, L.L.C

By [Signature]

Bren Parks, Manager

STATE OF IOWA, COUNTY OF DICKINSON, ss:

On this 21st day of October, 2010, before me, a Notary Public in and for said County and State, personally appeared Bren Parks, to me personally known, who executed said instrument as Manager of the Limited Liability Company with the authority of the company as his voluntary act and deed.

[Signature]
Notary Public

