



Book 2021 Page 2840

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Daneen Schindler, RECORDER/REGISTRAR
DELAWARE COUNTY IOWA

Prepared by & Return to:  Carr & Carr Attorneys, 117 S. Franklin St., PO Box 333, Manchester, Iowa 52057
(563) 927-4164

Fifth Amendment to Declaration of Submission to
a Horizontal Property Regime and
of Easements, Restrictions and Covenants for Bailey Drive Estates
Manchester, Iowa

This Fifth Amendment to Declaration of Submission to a Horizontal Property Regime and Easements, Restrictions and Covenants for Bailey Drive Estates Manchester, Iowa ("Fifth Amendment") is made by EASTERN IOWA PUMPING, INC., and its successors or assigns ("Developer"), in order to amend the Declaration of Submission to a Horizontal Property Regime and Easements, Restrictions and Covenants for Bailey Drive Estates Manchester, Iowa recorded November 1, 2005 in Book 2005, Page 3954, and First Amendment recorded April 17, 2019 in Book 2019, Page 837, Second Amendment recorded July 13, 2020 in Book 2020, Page 2339, Third Amendment recorded September 9, 2020 in Book 2020, Page 3078, and Fourth Amendment recorded November 10, 2020 in Book 2020, Page 4125 of the records in the office of the Delaware County, Iowa Recorder (the "Declaration").

Recitals

- A. The Declaration established a horizontal property regime known as Bailey Drive Estates.
- B. Under Article 1.03 of the Declaration, the Developer reserved the right to amend the Declaration for future additions.
- C. Pursuant to the authority reserved in Article 1.03 of the Declaration, the Developer executes this Fifth Amendment to amend the Declaration to (i) submit additional property to the Declaration, (ii) increase the number of total Units and Buildings from eleven (11) to fifteen (15); and (iii) substitute revised Exhibits as specified below.

Agreement

Now, therefore, pursuant to the reserved rights set forth in Article 1.03 of the Declaration, the Developer amends the Declaration, as follows:

1. Definitions. Capitalized terms shall have the meaning as defined in the Declaration except as otherwise defined in this Fifth Amendment.
2. Amendments.
 - a. The real estate submitted shall be:

Lot 1, Lot 2, Lot 3 and Lot 6 of Bailey Drive Estates, a re-subdivision of Lot 1-Lot 24, including vacated streets, and part of Lot 25 of Empire Estates Subdivision City of Manchester, Delaware County, Iowa, according to Plat recorded in Book 2005, Page 2453; and Lot 10 and Lot 11 of Bailey Drive Estates 2nd Subdivision, a subdivision of Lot 7 and part of Lot 8 of Bailey Drive Estates, City of Manchester, Delaware County, Iowa according to Plat recorded in Book 2019, Page 3471.
 - b. Article 1.01 of the Declaration is deleted and the following is substituted in lieu thereof:

1.01 Development Parcel. (same as 2a above)
 - c. Article 1.02 of the Declaration is deleted and the following is substituted in lieu thereof:

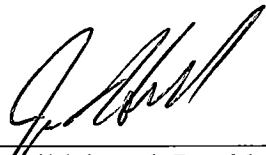
1.02 Building Complex. One building consisting of 3 Units and six buildings consisting of 2 Units each which shall be constructed on the development parcel. Each unit shall be one story with no basement. The principal materials of the complex consist of vinyl siding with brick in the front, sheet rock walls with wood frame, and shingles.
 - d. Exhibits A, B, and C to the Declaration are hereby amended by deleting the previously attached Exhibits and substituting in lieu thereof the Exhibits attached to this Fifth Amendment.

IN WITNESS WHEREOF, the said EASTERN IOWA PUMPING, INC., has caused its name to be signed to these presents by its President and Secretary this _____ day of August 2021.

Any reference to "Second Amendment" in the Third Amendment to Declaration of Submission to a Horizontal Property Regime and of Easements, Restrictions and Covenants for Bailey Drive Estates Manchester, Iowa recorded September 9, 2020 in Book 2020, Page 3078 was by clerical error and was intended to state "Third Amendment."

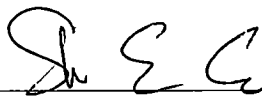
Any reference to "Second Amendment" in the Fourth Amendment to Declaration of Submission to a Horizontal Property Regime and of Easements, Restrictions and Covenants for Bailey Drive Estates Manchester, Iowa recorded November 10, 2020 in Book 2020, Page 4125 was by clerical error and was intended to state "Fourth Amendment."

EASTERN IOWA PUMPING, INC.

By: 
Joe Hildebrand, President and Secretary

State of Iowa)
) ss:
County of Delaware)

This instrument was acknowledged before me on this 6th day of August, 2021 by Joseph G. Hildebrand as President and Secretary of Eastern Iowa Pumping, Inc.


Notary Public in the State of Iowa

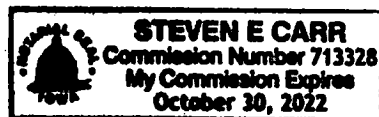
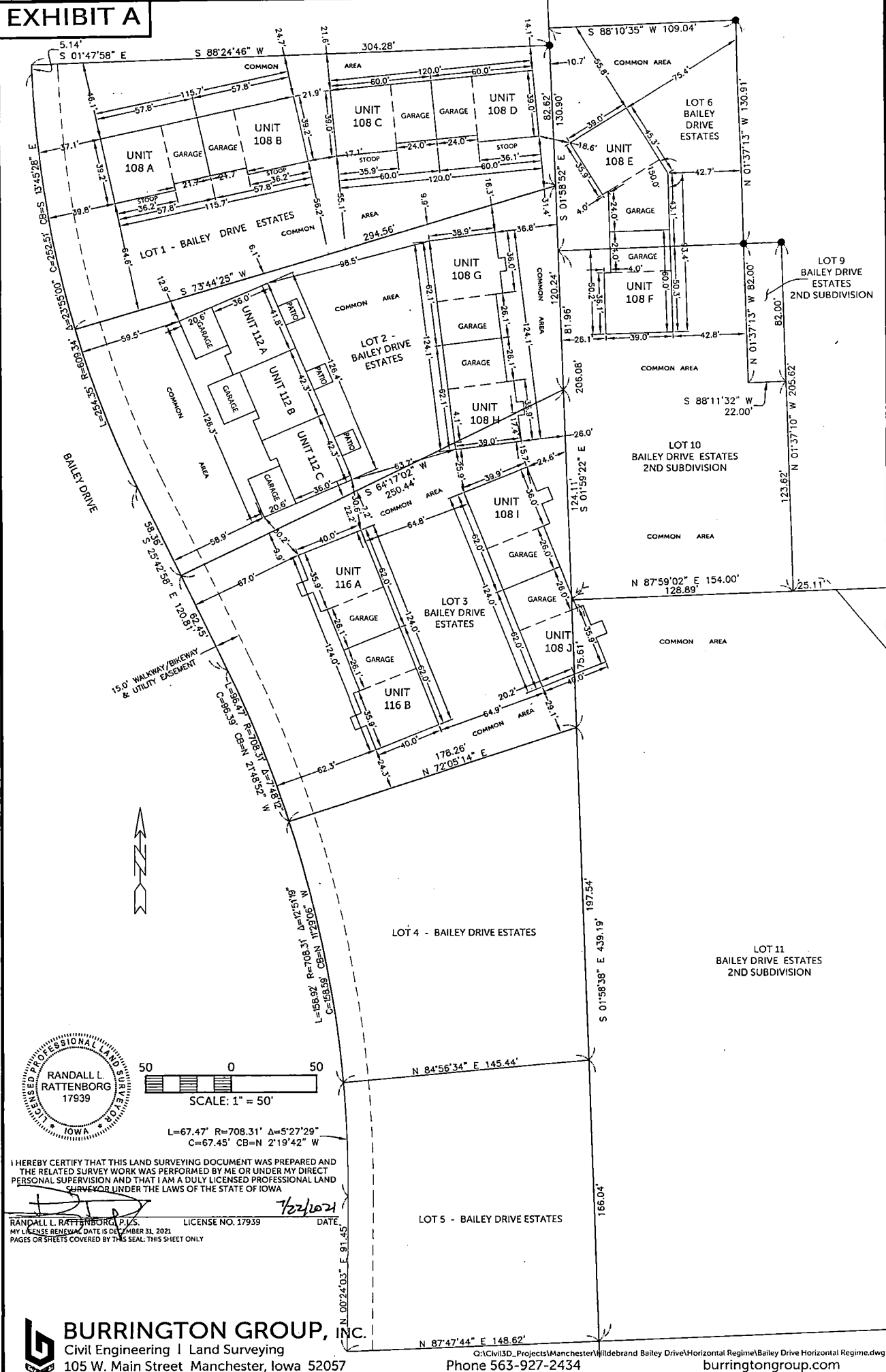
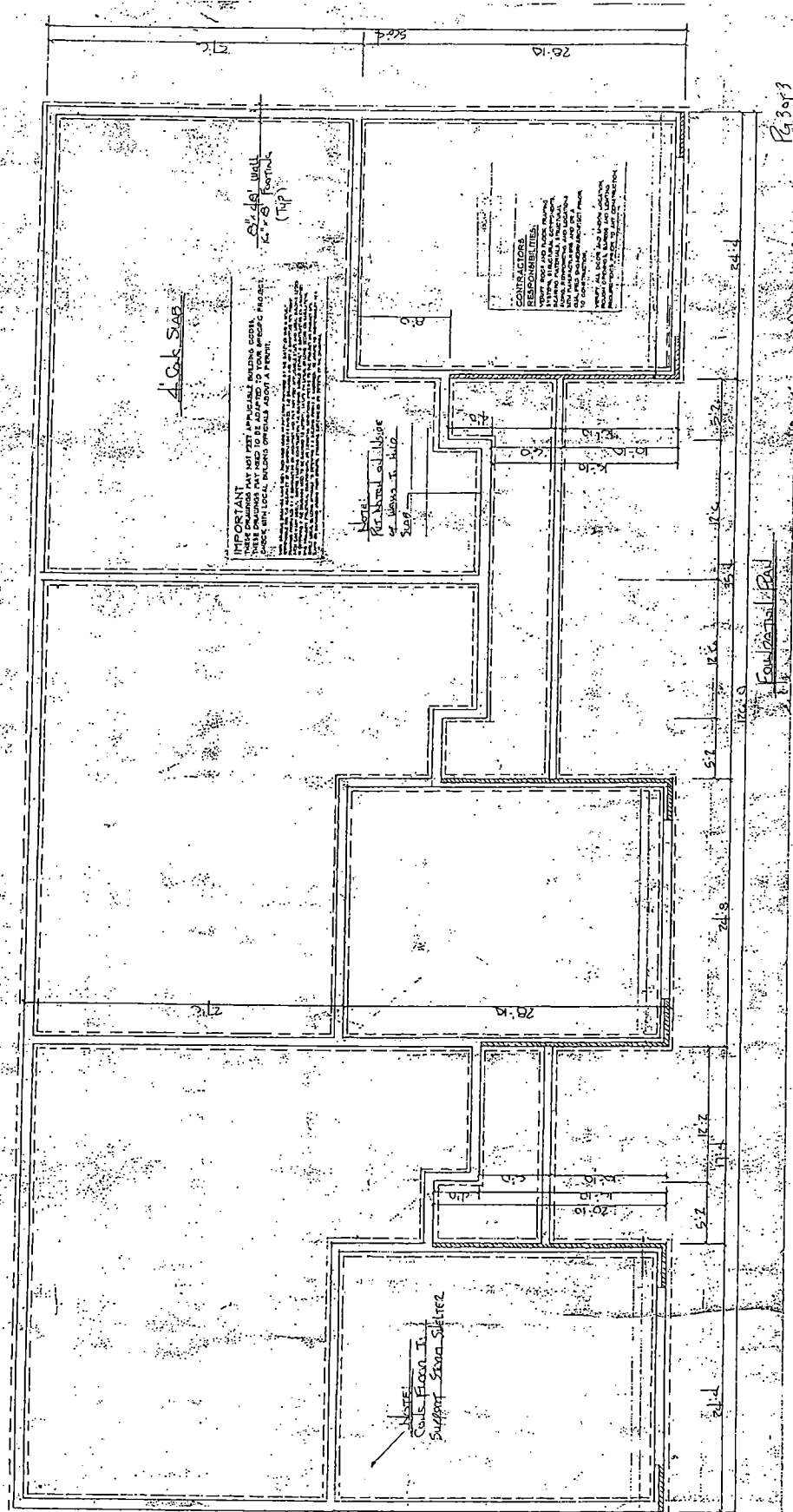
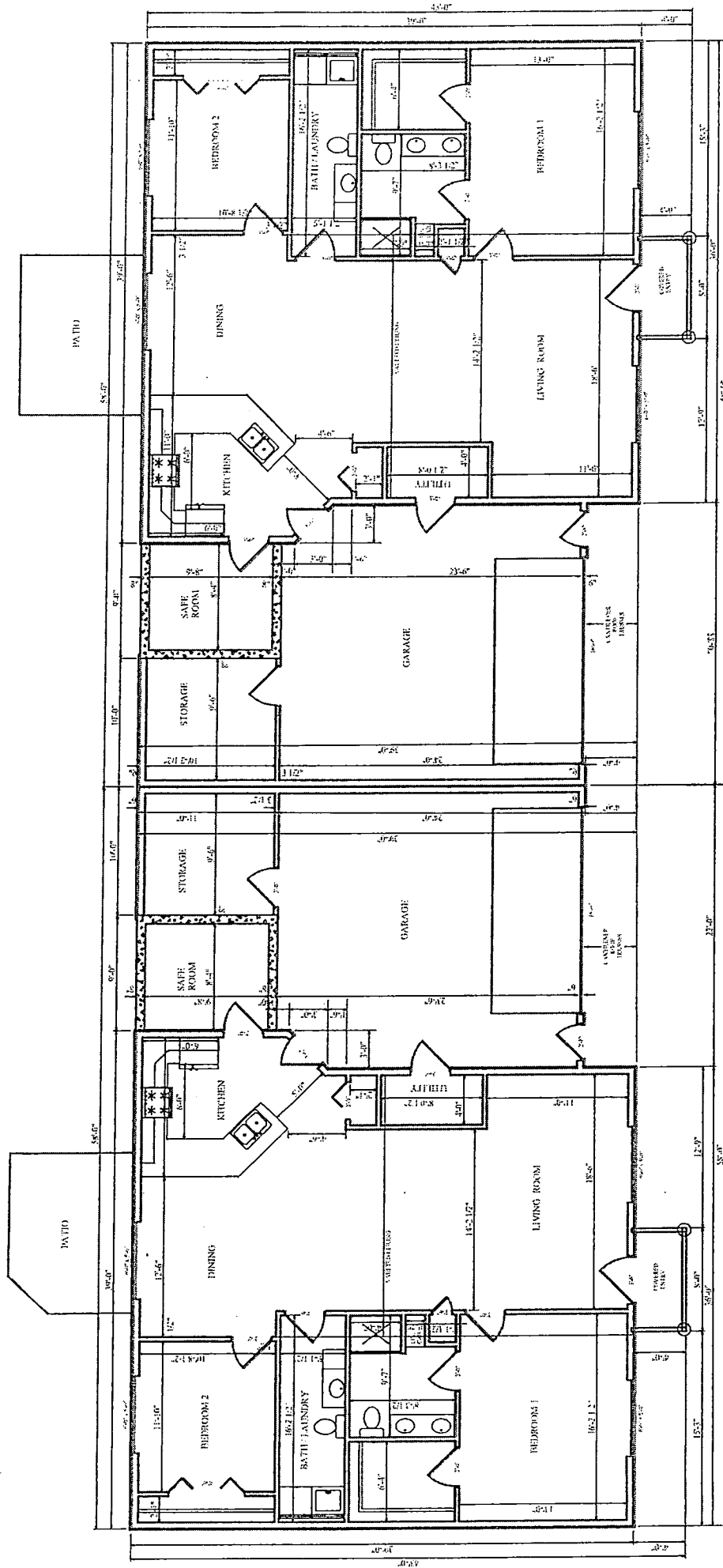


EXHIBIT A

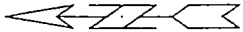


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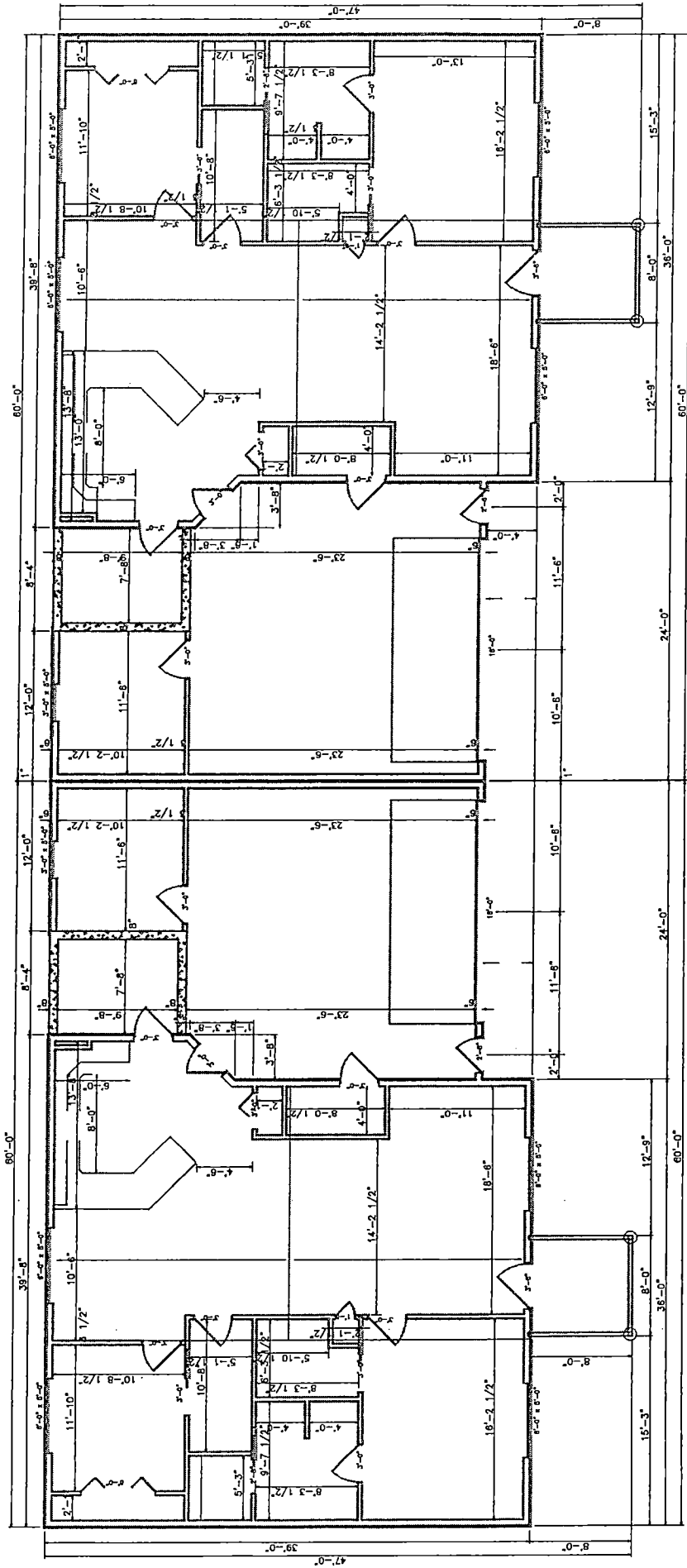


FLOOR PLAN UNIT 108 A & 108 B



UNIT 108 C

UNIT 108 D

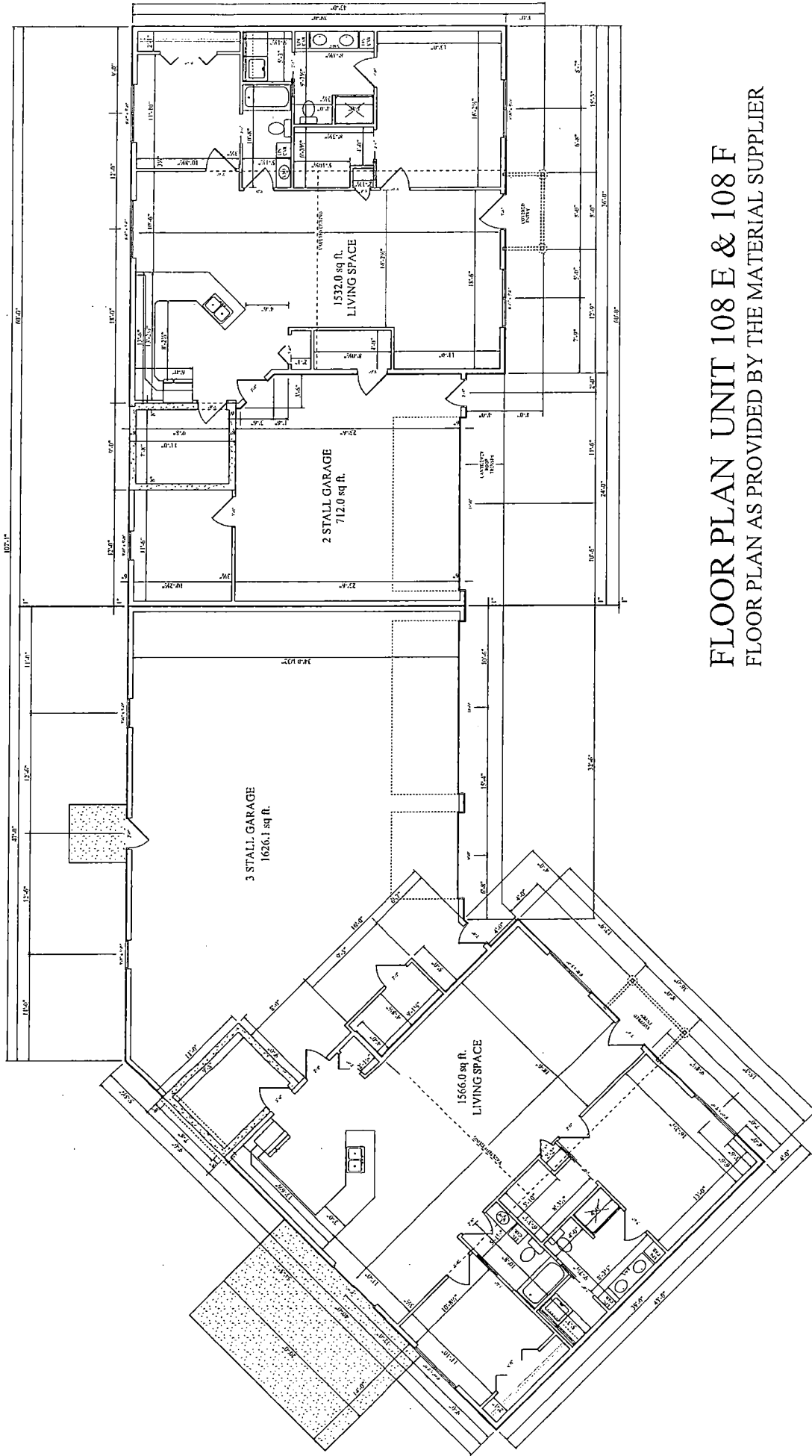


FLOOR PLAN UNIT 108 C & 108 D

FLOOR PLAN AS PROVIDED BY BUILDING MATERIAL SUPPLIER

UNIT 108 E

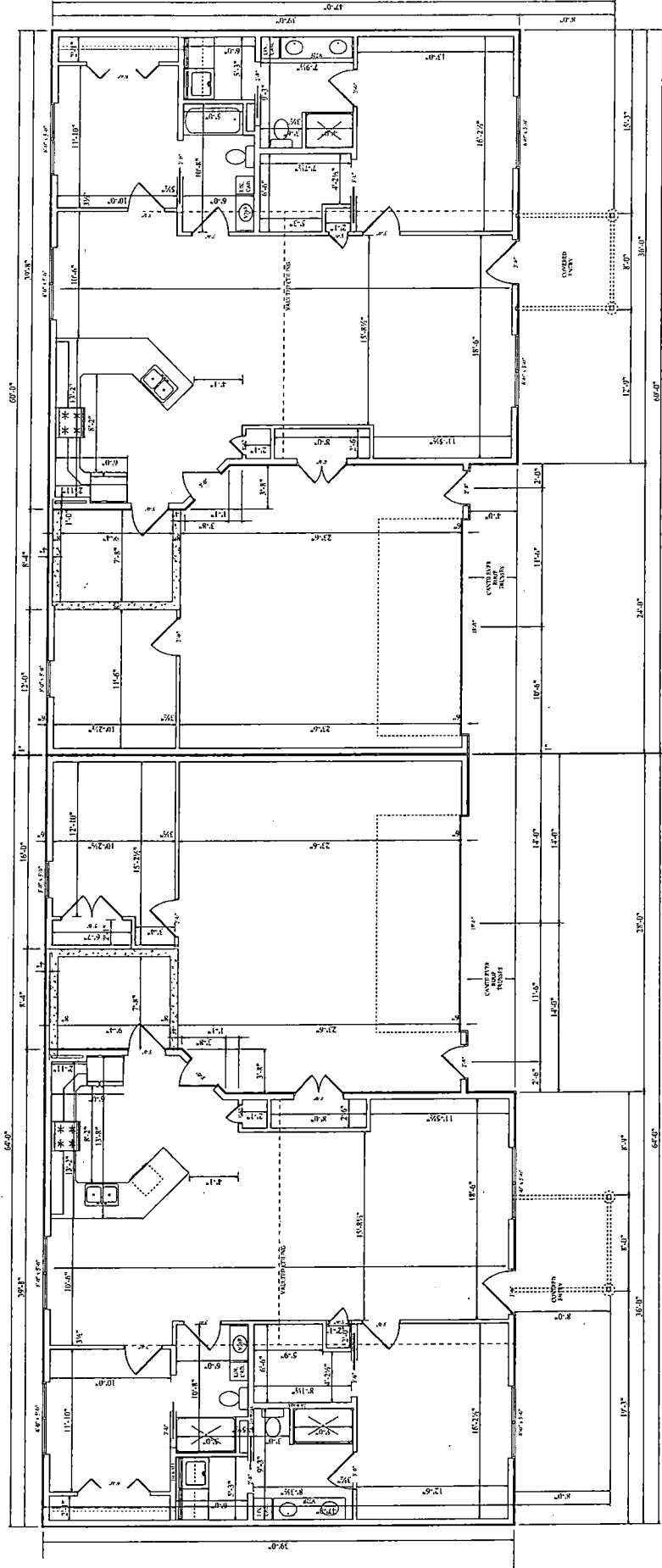
UNIT 108 F



FLOOR PLAN UNIT 108 E & 108 F
FLOOR PLAN AS PROVIDED BY THE MATERIAL SUPPLIER

UNIT 108 H

UNIT 108 G



FLOOR PLAN - UNIT 108 G & 108 H
FLOOR PLAN AS SUPPLIED BY THE MATERIAL SUPPLIER

IMPORTANT
THIS FLOOR PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION. IT IS THE RESPONSIBILITY OF THE CLIENT TO VERIFY THE ACCURACY OF THE INFORMATION PROVIDED HEREIN. THE MATERIAL SUPPLIER ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. THE FLOOR PLAN IS PROVIDED AS A GUIDE ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.

July 17, 2020

HILDEBRAND

3308.1 sq ft

DELHI LUMBER
330 Franklin St.
Delhi, IA, 52223
PH: (563) 922-2891
FAX: (563) 922-9444

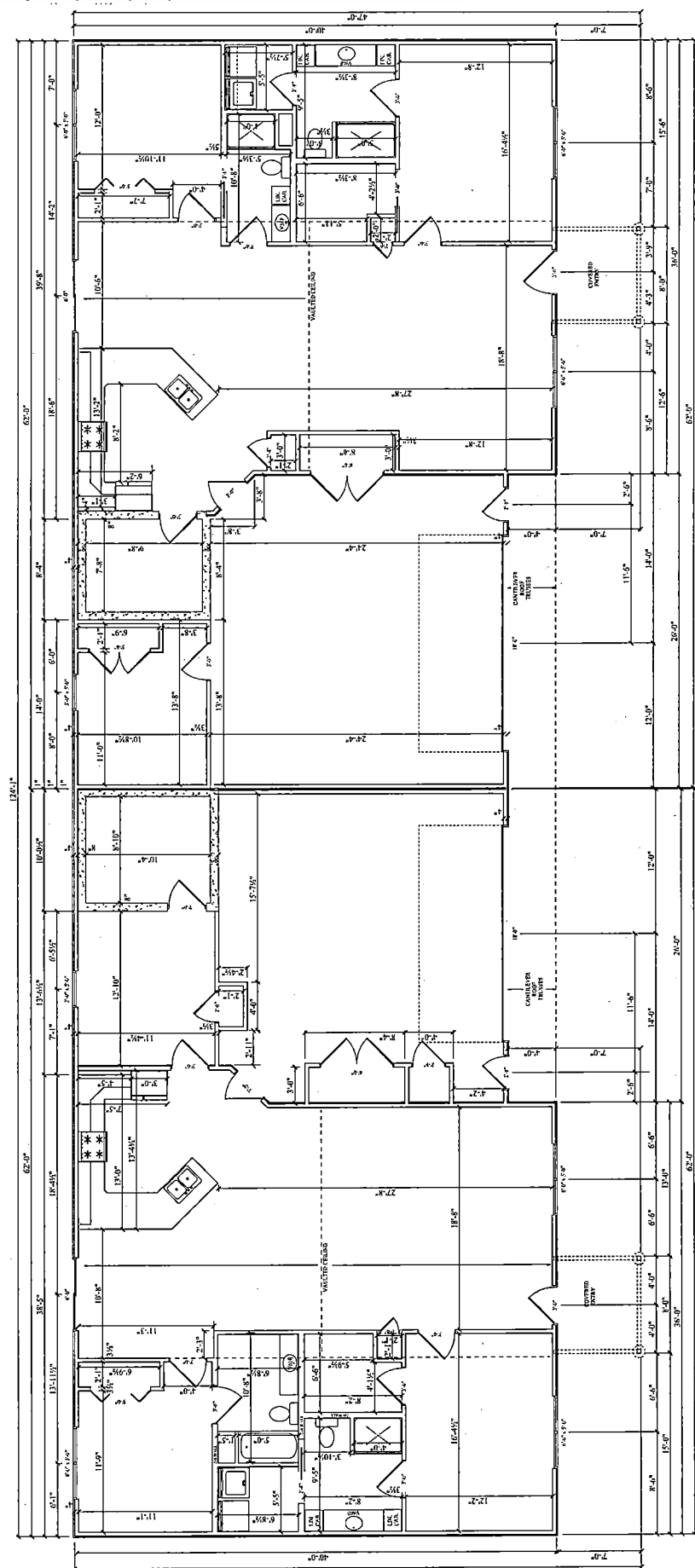
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EIP DUPLEX SEPT 2020

DELHI LUMBER
330 Franklin St.
Delhi, IA 52223
PH: (563) 922-2401
FAX: (563) 922-9444

UNIT 116 B

UNIT 116 A



IMPORT

July 21, 2021

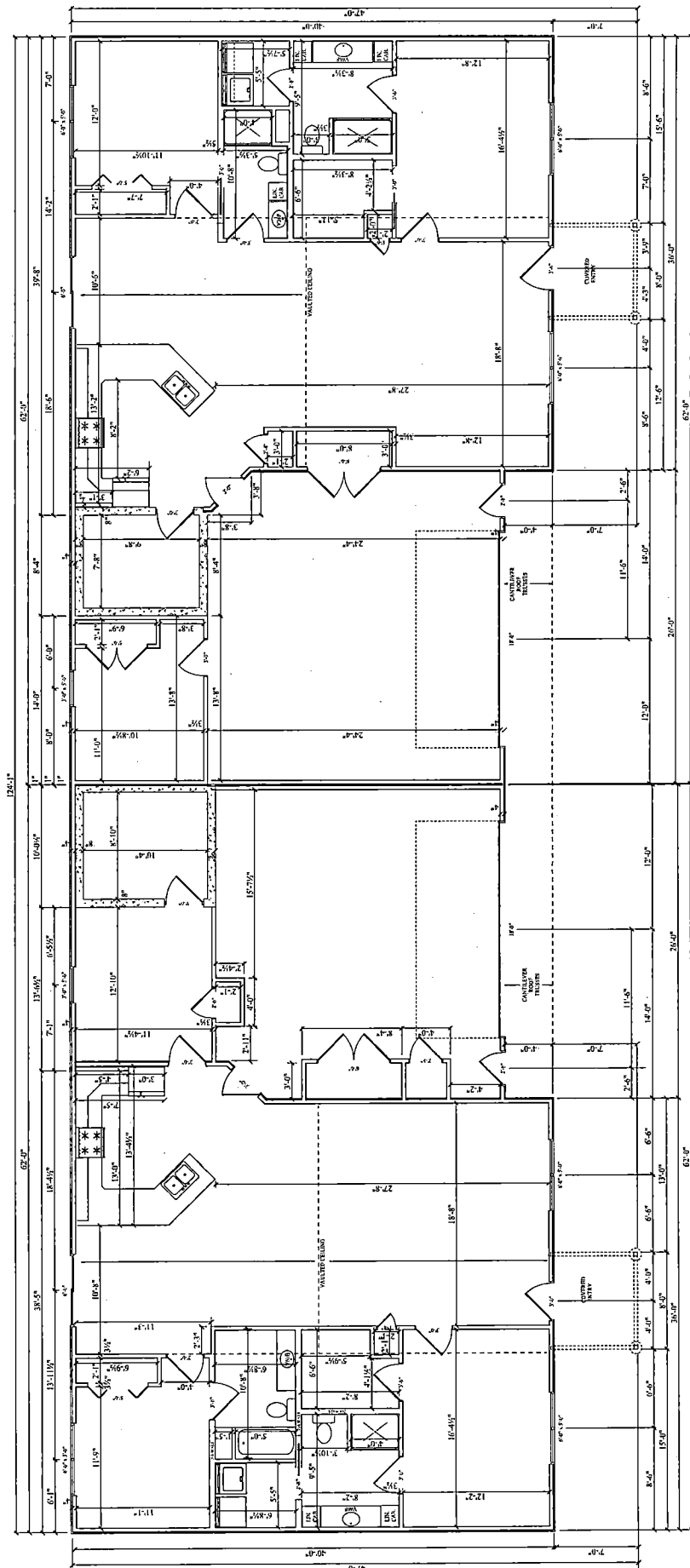
EIP DUPLEX SEPT 2020

1734.9 sq ft.

DELHI LUMBER
330 Franklin St.
Delhi, IA 52223
Tel: (563) 922-2401
Fax: (563) 922-9444

UNIT 108 I

UNIT 108 J



<u>Lot Number</u>	<u>Unit</u>	<u>Percentage Interest</u>
Lot 1	Unit 108 A	6.666
	Unit 108 B	6.666
	Unit 108 C	6.666
	Unit 108 D	6.666
Lot 6 and Lot 10	Unit 108 E	6.666
	Unit 108 F	6.666
Lot 2	Unit 112 A	6.666
	Unit 112 B	6.666
	Unit 112 C	6.666
	Unit 108 G	6.666
	Unit 108 H	6.666
Lot 3	Unit 116 A	6.666
	Unit 116 B	6.666
	Unit 108 I	6.666
	Unit 108 J	6.666
TOTAL		100.00*

*rounded up by .01

Note: Lots 1, 2, 3 and 6 are part of
Bailey Drive Estates and Lot 10
is part of Bailey Drive Estates 2nd
Subdivision

“EXHIBIT C”