

Recorded: 12/28/2023 at 1:13:45.0 PM  
County Recording Fee: \$27.00  
Iowa E-Filing Fee: \$3.50  
Combined Fee: \$30.50  
Revenue Tax: \$0.00  
Delaware County, Iowa  
Daneen Schindler RECORDER  
BK: 2023 PG: 3257

Prepared by / Return to Matthew J. Adam, Simmons Perrine Moyer Bergman, PLLC, 1150 5th St., Suite 170, Coralville,  
IA 52241 (319) 354-1019

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**REMOVAL OF PROPERTY FROM HORIZONTAL PROPERTY REGIME**

**RE: EAST GATE CONDOMINIUMS, IN ACCORDANCE WITH THE  
DECLARATION OF SUBMISSION OF PROPERTY TO HORIZONTAL  
PROPERTY REGIME FOR EAST GATE CONDOMINIUMS, RECORDED  
DECEMBER 28, 2005, IN BOOK 2005, PAGE 4350, RECORDS OF THE  
DELAWARE COUNTY, IOWA RECORDER'S OFFICE . (the "Declaration")**

**AND**

**SEE ATTACHED EXHIBIT A (the "Property").**

The undersigned, Denny L. Burke, Trustee of the Denny Lee Burke Revocable Trust dated October 29, 2016 ("Owner"), being the titleholder to all the Units previously submitted to the Horizontal Property Regime known as "East Gate Condominiums" pursuant to the Declaration, hereby causes to be executed and hereby executes this instrument, Removal of Property from Horizontal Property Regime for East Gate Condominiums, (the "Termination"), which is consented to by East Gate Condominiums Owners Association, Inc. (the "Association"), and Hills Bank & Trust Company ("Lender"), all pursuant to Iowa Code Section 499B.8 and Chapter 499B, Code of Iowa, entitled "Horizontal Property Ac, the same to take effect when filed for record in the office of the Delaware County, Iowa Recorder.

**ARTICLE I: Removal of Property from Provisions of Chapter 499B**

The Property legally described in Exhibit A is hereby removed from the Provisions of Iowa Code Chapter 499B.

**ARTICLE II: Effect of Removal of Property from Provisions of Chapter 499B**

Upon removal of the Property from the provisions of Chapter 499B, fee simple title to the Property shall be vested in Denny L. Burke, Trustee of the Denny Lee Burke Revocable Trust dated October 29, 2016.

**ARTICLE III: Consent to Removal of Property from Provisions of Chapter 499B**

East Gate Condominiums Owners Association, Inc. (the "Association") hereby consents to the removal of the Property from the provisions of Iowa Code Chapter 499B.

Hills Bank & Trust Company, ("Lender") hereby consents to the removal of the Property from the provisions of Iowa Code Chapter 499B and further agrees that its lien(s) shall be transferred to 100% of the undivided fee simple interest of the Owner's interest in the Property as provided for in Iowa Code Section 499B.8.

Upon Recordation of this document, the horizontal property regime for East Gate Condominiums shall cease to exist.

This document may be executed in counterparts

In WITNESS WHEREOF, the undersigned have executed this document as of the date last set forth below.

Dated: December 26, 2023.

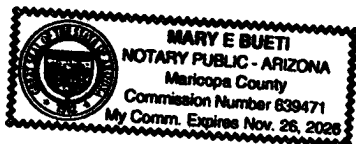
OWNER:

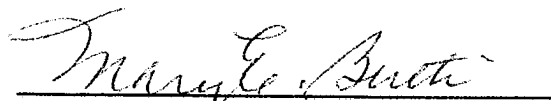
**Denny L. Burke, Trustee of the Denny Lee Burke revocable Trust Dated October 29, 2016**

  
Denny L. Burke, Trustee

ARIZONA  
STATE OF ~~IOWA~~ ARIZONA COUNTY ss:

This instrument was acknowledged before me on this 26 day of December, 2023 by Denny L. Burke, Trustee of the Denny Lee Burke revocable Trust Dated October 29, 2016.



  
Notary Public in and for said State  
My Commission Expires: 11/26/2026

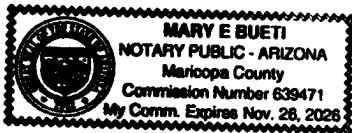
CONSENTED TO HEREBY:

**East Gate Condominiums Owners Association, Inc.**

*Denny Burke*  
By: Denny Burke, President

ARIZONA-MARICOPA  
STATE OF ~~IOWA~~, DELAWARE COUNTY ss:

This instrument was acknowledged before me on this 26 day of December, 2023 by Denny Burke as President of East Gate Condominiums Owners Association, Inc.



*Mary E. Buetti*  
Notary Public in and for said State  
My Commission Expires: 11/26/2026

CONSENTED TO HEREBY:

**Hills Bank & Trust Company**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF \_\_\_\_\_, \_\_\_\_\_ COUNTY ss:

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2023 by \_\_\_\_\_ as \_\_\_\_\_ of Hills Bank & Trust Company.

\_\_\_\_\_  
Notary Public in and for said State  
My Commission Expires: \_\_\_\_\_

CONSENTED TO HEREBY:

**East Gate Condominiums Owners Association, Inc.**

\_\_\_\_\_  
By: Denny Burke, President

STATE OF IOWA, \_\_\_\_\_ COUNTY ss:

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_,  
2023 by Denny Burke as President of East Gate Condominiums Owners Association, Inc.

\_\_\_\_\_  
Notary Public in and for said State  
My Commission Expires: \_\_\_\_\_

CONSENTED TO HEREBY:

**Hills Bank & Trust Company**

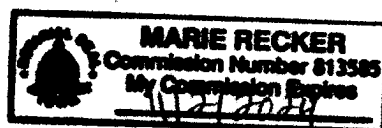
By: Amy K Miller

Name: Amy K Miller

Its: Vice President

STATE OF Iowa, Linn COUNTY ss:

This instrument was acknowledged before me on this 26<sup>th</sup> day of  
December, 2023 by Amy Miller as VP Commercial Banking/Lending of Hills Bank & Trust  
Company.



Marie Recker  
\_\_\_\_\_  
Notary Public in and for said State  
My Commission Expires: 11/21/2024

**EXHIBIT A**  
**LEGAL DESCRIPTION of PROPERTY**

Parcel H, Plat of SURVEY, Part of the SW1/4 SE 1/4, Section 28, Township 89N, Range 5<sup>th</sup> West of the Fifth P.M., City of Manchester, Delaware County, Iowa, according to Plat recorded in Book 2003, at Page 2290, and amended plat recorded in Book 22003, page 2497.