

Recorded: 12/29/2023 at 8:53:41.0 AM
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: 3266

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

REMOVAL OF PROPERTY FROM HORIZONTAL PROPERTY REGIME

RE: MIDTOWN CONDOMINIUMS, IN ACCORDANCE WITH THE DECLARATION OF SUBMISSION OF PROPERTY TO HORIZONTAL PROPERTY REGIME FOR MIDTOWN CONDOMINIUMS, RECORDED DECEMBER 28, 2005, IN BOOK 2005, PAGE 4531, 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 "Midtown Condominiums" pursuant to the Declaration, hereby causes to be executed and hereby executes this instrument, Removal of Property from Horizontal Property Regime for Midtown Condominiums, (the "Termination"), which is consented to by Midtown 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

Midtown 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 Midtown 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.

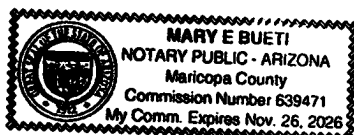
OWNER:

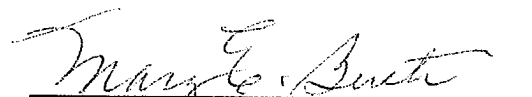
Denny L. Burke, Trustee of the Denny Lee Burke revocable Trust Dated October 29, 2016


Denny L. Burke, Trustee

ARIZONA
STATE OF ~~IOWA~~ MARICOPA 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

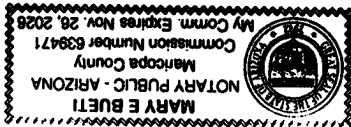
CONSENTED TO HEREBY:

Midtown Condominiums Owners Association, Inc.

Denny Burke
By: Denny Burke, President

STATE OF ~~IOWA~~ ^{ARIZONA} ~~DELAWARE~~ ^{MARICOPA} COUNTY ss:

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



Mary E. Bueth
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:

Midtown 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 Midtown Condominiums Owners Association, Inc.

Notary Public in and for said State
My Commission Expires: _____

CONSENTED TO HEREBY:

Hills Bank & Trust Company

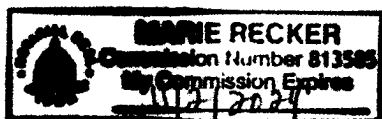
By: Amy Miller

Name: Amy K Miller

Its: Vice President

STATE OF Iowa, Linn COUNTY ss:

This instrument was acknowledged before me on this 26th 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: 11/2/2024

EXHIBIT A
LEGAL DESCRIPTION of PROPERTY

Lots one hundred sixty seven (167) and one hundred seventy six (176) and the vacated alley between said Lots, and that part of vacated Delaware street lying West of the East line of Lot one hundred seventy six (176) extended and east of the west line of Potter Street, and the East one-half (1/2) of that part of vacated Potter Street, lying South of the South line of Main Street and North of the North line of Delaware Street, and that part of Potter Street lying West of Lot two hundred eighteen (218), all in the City of Manchester, Iowa, according to the Plat recorded in Book I L.D., Page 284