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(4-15-97)

BK 2253 pg 205

See Res. etc.

See Res. BK 2278 pg 244

See Res. BK 2422 pg 109

See Res. BK 2422 pg 115

See Exhibit "E" BK 2480 Pg. 282

(5-7-98)
See Exhibit "E" BK 2555 Pg 9 (8-11-98)

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John S. Ornel
RECORDS
JUDGE OF DISTRICT COURT

DECLARATION

OF

SUBMISSION OF PROPERTY TO
HORIZONTAL PROPERTY REGIME
PURSUANT TO CHAPTER 499B OF THE CODE OF IOWA

NAME: TWELVE OAKS TOWNHOMES CONDOMINIUMS

DECLARANT: Terry Michael Roberts
568 Highway #1 West
Iowa City, Iowa 52246

DATE OF DECLARATION: November 6, 1996.

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See Exhibit E BK 2288 Pg 51
(6-16-97)

See P. Res. BK 2384 Pg. 289 (2-10-97) Unit 3 Bldg D

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See Exhibit E BK 2422 Pg 109 (2-17-98)

See Res. BK 2422 Pg 115 (2-17-98)

See Affid. BK 2812 pg. 20 (8-20-99)

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24/6/97

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See Aff.

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**DECLARATION
OF
SUBMISSION OF PROPERTY
TO HORIZONTAL REGIME ESTABLISHING A PLAN
FOR
CONDOMINIUM OWNERSHIP OF PREMISES**

This Declaration of Submission of Property to the Horizontal Regime is made and executed in Coralville, Iowa, the 6th day of November, 1996, by Terry Michael Roberts, hereinafter referred to as "DECLARANT", pursuant to the provisions of the Horizontal Property Act, Chapter 499B, Code of Iowa, as amended.

W I T N E S S E T H :

WHEREAS, DECLARANT is the owner of certain real property located in Coralville, Johnson County, Iowa, and more particularly described as follows:

See Exhibit "H" attached hereto.

and;

WHEREAS, DECLARANT is the owner of the above-described real estate and buildings and other improvements to be constructed upon said real estate and it is the desire and the intention of the DECLARANT to divide the Project into Condominiums and to sell and convey the same to various purchasers, pursuant to the provisions of the aforesaid Horizontal Property Act, and to impose upon said property mutually beneficial restrictions, covenants, and conditions;

and;

WHEREAS, DECLARANT desires and intends by filing this Declaration to submit the above-described property and buildings and other improvements constructed thereon, together with all appurtenances thereto, to the provisions of the aforesaid Act as a Condominium Project;

NOW, THEREFORE, the DECLARANT does hereby publish and declare that all property described above is held and shall be held and conveyed subject to the following covenants, conditions, uses, limitations and obligations, all of which are declared and

agreed to be in furtherance of a plan for the improvement of said property and the division thereof into condominiums and shall be deemed to run with the land and shall be a burden and a benefit to DECLARANT, its successors and assigns and any person acquiring or owning an interest in the real property and improvements, their grantees, successors, heirs, executors, administrators, devisees and assigns.

ARTICLE I.

DEFINITIONS.

1. DECLARANT. The term "DECLARANT" shall mean Terry Michael Roberts, which has made and executed this Declaration.

2. DECLARATION. The term "DECLARATION" shall mean this instrument by which Twelve Oaks Townhomes Condominiums is established as provided under the Horizontal Property Act.

3. PROJECT. The term "PROJECT" shall mean the entire parcel of real estate property referred to in this Declaration to be divided into Condominiums, including all structures thereon.

4. UNIT. The term "UNIT" shall mean one or more rooms occupying all or part of a floor intended for use as a residence and not owned in common with the other owners in the Regime. The boundary lines of each Unit are the interior surfaces of its perimeter walls, bearing walls, floors, ceilings, windows and window frames, doors and door frames, and trim, and includes the portions of the Building so described and the air space so encompassed. The Regime will consist of five buildings, four of which contain six dwelling units and one of which contains five dwelling units.

5. GENERAL COMMON ELEMENTS. The term "GENERAL COMMON ELEMENTS" shall have the meaning as defined in ARTICLE IV.

6. LIMITED COMMON ELEMENTS. The term "LIMITED COMMON ELEMENTS" shall have the meaning as defined in ARTICLE V.

7. BUILDING. The term "BUILDING" shall mean and include each dwelling structure constructed on the real estate described herein, constituting the five buildings which are included in this Condominium Regime.

8. CONDOMINIUM. The term "CONDOMINIUM" means the entire estate in the real property owned by any Owner, consisting of an undivided interest in the Common Elements and ownership of a separate interest in a Unit.

9. OWNER. The term "OWNER" means any person with an ownership interest in a Unit in the Project.

10. ASSOCIATION. The term "ASSOCIATION" means Twelve Oaks Townhomes Owners Association and its successors.

11. CONDOMINIUM DOCUMENTS. The term "CONDOMINIUM DOCUMENTS" means this Declaration, and all Exhibits attached hereto including the Articles and bylaws of the Association.

12. PLURAL AND GENDER. Whenever the context so permits or requires, the singular shall include the plural and the plural the singular, and the use of any gender shall include all genders.

13. SEVERABILITY. The invalidity of any covenant, restriction, agreement, undertaking, or other provisions of any Condominium Document shall not affect the validity of the remaining portions thereof.

14. INCORPORATION. Exhibits attached hereto and referred to herein are hereby made a part hereof with the same force and effect as other provisions of this Document.

ARTICLE II.

DESCRIPTION OF LAND, BUILDING AND UNITS

1. Description of Land. The land submitted to the Regime is located in Coralville, Johnson County, Iowa, and is legally described as follows:

See Exhibit "H" attached hereto.

2. Description of Buildings. The Condominium Regime will consist of five buildings. Exhibit "F" attached hereto contains the specifications for each of said buildings and units located therein.

3. Description of the Units. The Condominium Regime consists of a total of 29 Units as follows: Buildings A through and including D each contain six Units. Building E contains five Units. Attached as Exhibit "C" is the floor plan for the Buildings and for Units located within each Building. Attached as Exhibit "G" is the square footage calculation of each Unit. Despite any variances in square footage of each Unit, each Unit will be required to pay 1/29th of the common expenses and each Unit will be entitled to one vote in the association established herein.

ARTICLE III.

OWNERSHIP INTERESTS

1. Exclusive Ownership and Possession by Owner. Each Owner shall be entitled to exclusive ownership and possession of his or her Unit. Each Owner shall be entitled to an undivided 1/29th interest in the Common Elements. Said percentage of the undivided interest of each Owner in the Common Elements shall have a permanent character and shall not be altered without the consent of all Owners expressed in an amended Declaration duly recorded. The percentage of the undivided interest in the Common Elements shall not be separated from the Unit to which it appertains and shall be deemed to be conveyed or encumbered or released from liens with the Unit even though such interest is not expressly mentioned or described in the conveyance or other instrument. Each Owner may use the Common Elements in accordance with the purpose for which they are intended, without hindering or encroaching upon the lawful rights of the other Owners.

An Owner shall not be deemed to own the undecorated and/or unfinished surfaces of the perimeter walls, ceiling, windows and doors bounding his or her Unit, nor shall the Owner be deemed to own the utilities running through his or her Unit which are utilized for, or serve, more than one Unit, except as a percentage of an undivided interest in the Common Elements. An Owner, however, shall have the exclusive right to paint, repaint, tile, wax, paper or otherwise refinish and decorate the interior surfaces of the walls, floors, ceilings, windows and doors bounding his or her Unit.

2. Appurtenances. There shall pass with the ownership of

