

Prepared by/return to Patrick J. Ford, 222 S. Linn St., Iowa City, IA 52240; (319)338-7551

AFFIDAVIT

STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

I, Casey Shook, having been duly sworn, do upon oath depose and state as follows:

1. I am the current President of the Board of Directors of Twelve Oaks Townhomes Condominiums Owners Association (hereinafter "the COA").

2. The COA was formed for the purpose of providing an entity to conduct business and affairs of, and to act for, the co-owners of property in the Horizontal property Regime known as Twelve Oaks Townhomes Condominiums.

3. The Condominium Declaration for Twelve Oaks Townhomes Condominiums was recorded November 14, 1996, in Book 2185, Page 158, of the records of the Recorder of Johnson County, Iowa.

4. Article IX, paragraph 2(b) of the Condominium Declaration provides, in pertinent part, as follows: "A Condominium may be rented or leased by the Owner or his or her lessee, provided the entire Unit is rented."

5. A document purporting to be an "Amendment to Rules and Regulations" of the COA was recorded October 16, 2015, in Book 5435, Page 341 of the records of the Recorder of Johnson County, Iowa (hereinafter "the Purported Amendment").

6. The Purported Amendment states that the COA adopted new rules (a) requiring all units in the condominium regime be occupied by at least one titleholder, and (b) prohibiting owners from leasing or renting any unit to any individual or entity which is not a titleholder of record for the unit.

7. The Purported Amendment states that these rules were approved by the owners of at least two-thirds of the units in Twelve Oaks Townhomes Condominiums.

8. The Purported Amendment was not an amendment to the Condominium Declaration itself, nor to the Bylaws of the COA.

9. Article XII of the Condominium Declaration provides that amendments to the Declaration must be unanimously approved by all condominium unit owners entitled to vote.

10. Paragraph 10 of the Rules and Regulations for Twelve Oaks Townhomes Condominiums Owners Association (set out as Exhibit "D" to the Condominium Declaration) provides the Rules and Regulations may be amended, modified or altered only as provided in the bylaws of Twelve Oaks Townhomes Condominiums Owners Association.

11. Article VIII, paragraph 4 of the Bylaws Twelve Oaks Townhomes Condominiums Owners Association provides, in pertinent part, as follows: "The initial board of directors shall adopt the initial rules and regulations which may be added to, amended, modified or altered by the unanimous vote of all the members in the Association". (Emphasis added.)

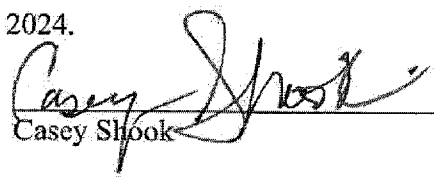
12. The Purported Amendment to the rules is contrary to Article IX, paragraph 2(b) of the Condominium Declaration, which expressly allows members to rent or lease their unit.

13. The Purported Amendment was not approved by the unanimous vote of all members of the COA (as required by Article VIII, paragraph 4 of the Bylaws Twelve Oaks Townhomes Condominiums Owners Association).

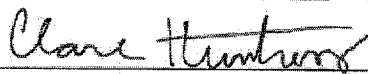
14. As explained above, the Purported Amendment was not passed in accordance with the requirements set out in the Condominium Declaration and Bylaws, which require unanimous consent to enact new rules for the COA, or to amend the Condominium Declaration.

15. The purpose of this affidavit is to confirm that the COA will not seek to enforce the rules set out in the Purported Amendment recorded October 16, 2015, in Book 5435, Page 341, of the records of the Recorder of Johnson County, Iowa.

DATED this 19th day of August, 2024.


Casey Shook

Subscribed and sworn to before me by Casey Shook this 19th day of August, 2024.


Clare Huntress
Notary Public in and for the State of Iowa

