

Recorded: 11/29/2023 at 8:38:10.0 AM
County Recording Fee: \$22.00
Iowa E-Filing Fee: \$3.00
Combined Fee: \$25.00
Revenue Tax:
Polk County, Iowa
Julie M. Haggerty RECORDER
Number: 202300063121
BK: 19663 PG: 104

**AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS,
EASEMENTS AND RESTRICTIONS FOR CLAY ESTATES**

Preparer Information:

Lisa R. Wilson
222 N.W. Sunrise Drive
Waukee, Iowa 50263
(515) 369-2502

Taxpayer Information:

N/A

Return Document To:

Wilson & Egge, P.C.
222 N.W. Sunrise Drive
Waukee, Iowa 50263

Grantor:

Clay Estates Plat 4 LLC

Grantee:

N/A

Legal Description:

Lots One (1) through Twenty (20), inclusive, in Clay Estates Plat 4, an Official Plat, now included in and forming a part of the City of Altoona, Polk County, Iowa.

Document or instrument number of previously recorded documents:

Book 19450, Page 928

**AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS
FOR CLAY ESTATES**

THIS AMENDMENT TO DECLARATION is made this 28th day of November, 2023.

WHEREAS, a Declaration of Covenants, Conditions, Easements and Restrictions for Clay Estates Plat 4 was executed on April 18, 2023, by Clay Estates Plat 4 LLC, an Iowa limited liability company ("Declarant") and filed of record in Polk County, Iowa, on April 20, 2023, in Book 19450, Page 928 (hereinafter "Declaration").

WHEREAS, the undersigned Declarant, pursuant to rights granted under Article XII(F) of the Declaration as filed, being the owner of a lot in Clay Estates Plat 4, has elected to amend the Declaration as filed in accordance with the terms hereafter.

NOW, THEREFORE, the undersigned Declarant does hereby modify the Declaration as follows:

1. Article III(E) shall be deleted in its entirety and replaced with the following:

E. All dwellings located on Lots 1 through 8 must be constructed with the minimum of a two-car garage. All dwellings located on Lots 9 through 20 must be constructed with the minimum of a three-car attached or built-in basement garage.

2. Article III(F) shall be deleted in its entirety and replaced with the following:

F. The exterior of any dwelling, garage or outbuilding located on any Lot shall be finished in an earth tone conservative color design that will blend well with the abutting subdivisions. Dwellings located on Lots 1 through 8 shall have a minimum of twenty-five percent (25%) of the front elevation of the dwelling covered with a brick or stone veneer, unless otherwise approved in writing by Declarant. Dwellings located on Lots 9 through 20 shall have a minimum of percent (50%) of the front elevation of the dwelling covered with a brick or stone veneer, unless otherwise approved in writing by Declarant. All siding for dwellings located on Lots 1 through 8 must be a 50-year hard board (commonly referred to as "Hardie Plank", "James Hardie Siding" or "LP Smartside") or vinyl, unless otherwise approved in writing by Declarant. Siding for dwellings located on Lots 9 through 20 must be a 50-year hard board, unless otherwise approved in writing by Declarant. Steel siding is not permitted.

In addition to the foregoing, for dwellings located on Lots 9 through 20 only, all areas of exposed concrete, concrete block or tile foundations shall be either painted to blend with the exterior wall finishes, or covered with brick or stone veneer or the equivalent.

3. Article III(G) shall be deleted in its entirety and replaced with the following:

G. The pitch of the roof of all dwellings located on Lots 1 through 8 must be a minimum of 5/12, unless otherwise approved in writing by the Declarant. The pitch of the roof of all dwellings located on Lots 9 through 20 must be a minimum of 8/12, unless otherwise approved in writing by the Declarant. All roof material shall be slate, tile, cedar shakes, or composition shingles. Composition shingles shall be architectural grade, with a minimum thirty-year (30) warranty. Shingle colors shall be muted earth tones and be compatible with and complimentary to the exterior materials and colors of the building structures.

4. Article III(H) shall be deleted in its entirety and replaced with the following:

H. (i) All dwellings located on Lots 1 through 8 shall contain a minimum square footage of finished living space exclusive of floor area below exterior grade, attached garages, breezeways, and porches as follows:

(1) One-story dwellings must have a minimum of 1,150 square feet of above-grade finished floor area.

(2) One and one-half story dwellings must have a minimum of 1,150 square feet of above-grade finished floor area.

(3) Two story dwellings must have a minimum of 1,400 square feet of above-grade finished floor area.

(4) Split-foyer and split-level plans are not allowed in Clay Estates.

(5) In determining the required finished area of any dwelling, a maximum of twenty-five percent (25%) of the finished area of a basement or lower level may be included in total required finished area

(ii) All dwellings located on Lots 9 through 20 shall contain a minimum square footage of finished living space exclusive of floor area below exterior grade, attached garages, breezeways, and porches as follows:

(1) One-story dwellings must have a minimum of 2,000 square feet of above-grade finished floor area.

(2) One and one-half story dwellings must have a minimum of 2,300 square feet of above-grade finished floor area.

(3) Two story dwellings must have a minimum of 2,400 square feet of above-grade finished floor area.

(4) Split-foyer and split-level plans are not allowed in Clay Estates.


(5) In determining the required finished area of any dwelling, a maximum of twenty-five percent (25%) of the finished area of a basement or lower level may be included in total required finished area.

In all other respects, the Declaration shall remain unaffected and be enforceable as filed.

The undersigned represents and warrants as the Declarant that it is the fee titleholder of at least one lot within said plat at this time.

Dated on this day and year first written above.

CLAY ESTATES PLAT 4 LLC, an Iowa limited liability company, Declarant

By: 
Jeffrey D. Stanbrough, Manager

STATE OF IOWA)
) ss
COUNTY OF Dallas)

This record was acknowledged before me on this 28th day of November, 2023, by Jeffrey D. Stanbrough, Manager of Clay Estates Plat 4 LLC.

Kristen S. Hickman
Notary Public in and for the State of Iowa
My commission expires: 9-22-26

