Doc ID: 015194740009 Type: GEN
Recorded: 11/20/2003 at 09:16:59 AM
Fee Amt: $51.00 Page 1 of 9
Johnson County Iowa
Kimberly A. Painter County Recorder
BK3669 PG240-248

14837

FIRST AMENDMENT TO THE DECLARATION OF SUBMISSION OF PROPERTY TO HORIZONTAL REGIME ESTABLISHING A PLAN FOR CONDOMINIUM OWNERSHIP OF PREMISES

This First Amendment to the Declaration of Submission of Property to Horizontal Property Regime Established by Chapter 499B for Cardinal Condominiums is made and executed in Iowa City, Johnson County, Iowa on this 19th day of November 2003 by Cardinal Investments, L.L.C., an Iowa limited liability company, hereinafter the "Declarant".

WITNESSETH:

WHEREAS, Declarant filed a certain Declaration of Submission of Property to Horizontal Property Regime Established by Chapter 499B of the Code of Iowa on the 7th day of October, 2003 for Cardinal Condominiums as recorded in Book 3652, Page 223 of the records of the Johnson County Recorder; and

WHEREAS, it has come to the attention of the Declarant that there was a certain scrivener's error in said Condominium Declaration and that the Exhibits to said Condominium Declaration also contained an error; and

WHEREAS, Declarant wishes to amend the Condominium Declaration for Cardinal Condominiums at this time.

NOW THEREFORE, the Declaration of Submission of Property to Horizontal Property Regime Establishing a Plan for Condominium Ownership of Premises for Cardinal Condominiums is hereby amended in the following respects.

1. Paragraph 4 of Article I, Section A "Definitions" is hereby amended as follows:

The last sentence of the definition of the word "unit" shall be amended to read "there may be thirty-six (36) units within this project shown and designated on the attached Exhibit A."

2. In Article I Section B, "Development Phases", Paragraph 1 should be amended as follows:

The project is being developed in two phases as follows: Building 1, located at 2000 James Street, a thirty-five unit building is completed at the time of this Declaration. A second building containing 1 unit may be constructed hereafter. Nonetheless, this Declaration shall apply to and be binding upon all buildings and all 36 units subject to the special provisions in this Article.

As each building is constructed, the Declarant shall construct the additional required and improvements including, but not limited to, sidewalks, driveways, parking areas, signage, mail boxes, and landscaping as may be required by the City of Coralville,

Iowa, for obtaining a certificate of occupancy for each building as it is constructed and completed.

The Declarant, or its successor or assigns, shall have the perpetual right to construct the additional buildings and improvements as described in this Declaration.

3. Paragraph 2(c) of Article I, Section B, "Development Phases" is hereby modified as follows:

Further, the Declarant reserves the right to complete all buildings in the condominium regime according to the plans marked Exhibit "D" and may deviate from the plans as long as each condominium unit is substantially the quality as the units shown on Exhibit "D" herein. Declarant reserves the right to construct up to a total of 36 units within regime and may file amended plans (Exhibit "D") after construction of each respective building has been completed, all without obtaining the approval of any owners of units in this condominium regime. In the same regard, Declarant reserves the right to file an amended Exhibit "B" to show correct locations of any new buildings as they are constructed.

4. Article II, Paragraph 2 "Description of Building" is hereby stricken and replaced with the following:

The condominium regime consists of two buildings containing a total of 36 units. Building one is a two-story building containing thirty-five (35) units. The first level of the building contains twenty-five (25) units. The second level contains ten (10) units. The address of said building is 2000 James Street, Coralville, Iowa. The building has been constructed to the general specifications in Exhibit "C". The second building has not yet been constructed but is to contain one (1) unit. Buildings and/or improvements constructed in the future shall be described in an amendment hereto.

5. Exhibit A attached to the original Condominium Declaration is hereby deleted and replaced with Exhibit A-1 attached hereto.

6. Exhibit B, Site Plan originally attached to the Condominium Declaration is hereby stricken and replaced with the revised Exhibit B-1 attached hereto.

7. Page 2 of Exhibit D, Building Plans for 2000 James Street is hereby deleted and replaced with the Page 2 of Exhibit D-1 attached hereto.

8. The Engineer's Certificate attached to the original Condominium Declaration is hereby supplemented by the Engineer's Certificate attached hereto as Exhibit G-1.

In all other respects the original Condominium Declaration remains in full force and effect as if this Amendment did not exist.

DATED this 19th day of November 2003.

Gary W. Werle

Gary W. Werle

Henry C. Herwig

Henry C. Herwig

STATE OF IOWA)
) SS:
JOHNSON COUNTY)

On this 19 day of November, 2003, before me, a Notary Public in and for said county, personally appeared Gary W. Werle and Henry C. Herwig, to me personally known, who being by me duly sworn did say that they are the Managers of said limited liability company, that no seal has been procured by the said limited liability company and that said instrument was signed on behalf of said limited liability company by authority of its Managers and the said Gary W. Werle and Henry C. Herwig acknowledged the execution of said instrument to be the voluntary act and deed of said limited liability company by it and by them voluntarily executed.

Nicole Burns

NICOLE BURNS
Commission Number 703366
My Commission Expires
May 25, 2006

Notary Public in and for the
State of Iowa.

Kf23\r69a0871

EXHIBIT "A"
DESCRIPTION OF LAND, UNITS AND OWNERSHIP INTERESTS IN COMMON ELEMENTS

1. **Description of Land.** The real estate submitted to the Horizontal Property Regime is described as follows:

Lots 3 and 4, Coralville Industrial Park No. 2, Fourth Addition, Coralville, Iowa, according to the plat thereof recorded in Book 39, Page 4, Plat Records of Johnson County, Iowa.

2. **Description of Units and Ownership Interests.** The ownership interests in the Common Elements, voting rights and unit designation of each unit in the Regime is set forth below.

Building	Unit	Square Footage	Percentage Interest Ownership in Common Elements	Pro Rata Share of Expenses	Votes in Association	Use
1	101A	4655	5.40	5.40	1	Warehouse
1	101C	2257	2.62	2.62	1	Warehouse
1	101D	1250	1.45	1.45	1	Warehouse
1	101E	1250	1.45	1.45	1	Warehouse
1	101F	1500	1.74	1.74	1	Warehouse
1	103A	690	1.81	1.81	1	Office
1	103B	1500	1.74	1.74	1	Warehouse
1	105A	565	1.48	1.48	1	Office
1	105B	1500	1.74	1.74	1	Warehouse
1	107A	690	1.81	1.81	1	Office
1	107B	1500	1.74	1.74	1	Warehouse
1	109A	690	1.81	1.81	1	Office
1	109B	1500	1.74	1.74	1	Warehouse
1	111A	900	2.37	2.37	1	Office
1	111B	1500	1.74	1.74	1	Warehouse
1	113A	900	1.04	1.04	1	Warehouse
1	113B	1500	1.74	1.74	1	Warehouse
1	115A	627	0.73	0.73	1	Warehouse
1	115B	1500	1.74	1.74	1	Warehouse
1	117A	900	2.37	2.37	1	Office
1	117B	1500	1.74	1.74	1	Warehouse
1	119A	4400	11.55	11.55	1	Office
1	119C	2127	2.47	2.47	1	Warehouse
1	119D	1250	1.45	1.45	1	Warehouse
1	119E	900	1.04	1.04	1	Warehouse

	Unit	Square Footage	Percentage Interest Ownership in Common Elements	Pro Rata Share of Expenses	Votes in Association	Use
1	201	4469	11.72	11.72	1	Office
1	203	1050	2.76	2.76	1	Office
1	205	1015	2.67	2.67	1	Office
1	207	1050	2.76	2.76	1	Office
1	209	1050	2.76	2.76	1	Office
1	211	900	2.37	2.37	1	Office
1	213	900	2.37	2.37	1	Office
1	215	750	1.97	1.97	1	Office
1	217	1080	2.84	2.84	1	Office
1	219	4299	11.27	11.27	1	Office
TOTAL			100.00	100.00		

See Exhibit "B", Site Plan, for information on the approximate area and other information identifying each unit.

Kf17\r63a0102

EXHIBIT "G"

ENGINEER'S CERTIFICATE

STATE OF IOWA)
) SS:
JOHNSON COUNTY)

I, Christopher M. Stephan, being duly sworn on oath do depose and state the following:

1. That I am a Professional Engineer authorized and licensed to practice my profession in the State of Iowa.

2. That I have examined the building plans attached hereto as Exhibit D-1 to the Declaration of Submission of Property to Horizontal Property Regime for Cardinal Condominiums.

3. I hereby certify that I have verified by non-destructive field observations that the above referenced Building Plans diagrammatically represent the Building (2000 James Street) of Cardinal Condominiums, Units 101A through 219 located therein, and the common elements that the Declarant has now constructed on the land shown on the Site Plan attached to said Declaration of Condominium, as Exhibit "B", insofar as reasonably possible due to expected carpentry tolerances, except for the following:

a. Sheet RA01.1, FIRST LEVEL FLOOR PLAN:

1) The stairs on the North side of grid line "J" in Units 101A and 119A have been constructed on the South side of grid line "J", in lieu of the location shown on the referenced Building Plans. The rough-in bathrooms remain in the South side of grid line "J".

b. Sheet A01.2, FIRST LEVEL ENLARGED PLAN:

1) ENLARGED RESTROOM PLAN "4" AND "5":

a) The stairs leading to the Second Floor Level were constructed on the South side of the columns along grid line "J" (shown as "R" in these details). The rough in for the restrooms remain on the north side of grid line "J".

c. Sheet A02.1, SECOND LEVEL FLOOR PLAN:

1) The stairs on the North side of grid line "J" in Units 201 and 219 have been constructed on the South side of grid line "J", in lieu of the location shown on the referenced Building Plans.

d. Sheet A03.1, EXTERIOR ELEVATIONS:

1) The "I", 4'-0" x 3'-0" hopper window-operable" windows shown on the EAST ELEVEATION and WEST ELEVATION were not constructed as shown on the referenced Building Plans.

4. The Building (2000 James Street), Units 101A through 219, and the common elements of the project are diagrammatically shown on the above referenced and attached Building Plans, and when used in conjunction with said Site Plan, accurately reflects said Building and Units, as constructed, subject to expected carpentry tolerance.

Christopher M. Stephan
Iowa License Number 7059
My biennial license renewal date is December 31, 2004.

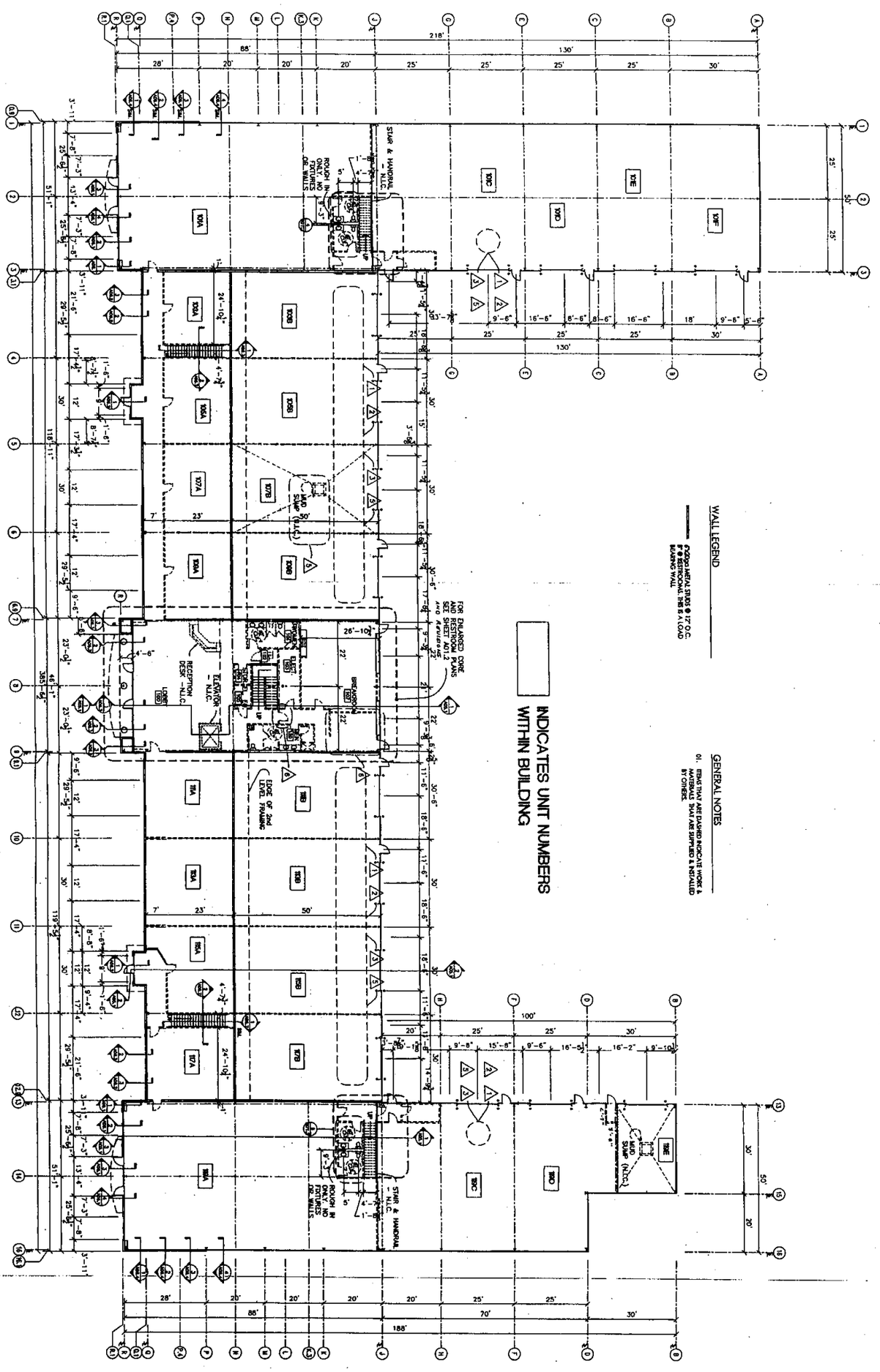
Subscribed and sworn to before me by the said Christopher M. Stephan, on this 19th day of Nov, 2003.

Diane M. Slaughter
Notary Public in and for the State of Iowa.

Kf23\Engineer's Certificate CC

NOTARIAL SEAL IOWA
DIANE M. SLAUGHTER
Commission Number 710265
My Commission Expires
May 25, 2004

\\RJL_UNITED\ABS 1-FIRST_LEVEL_FLOOR_PLAN.dwg Thu Nov 18 11:08:35 1999



DRAWING NUMBER
RA01.1

SCALE: 1/16" = 1'-0"
JOB NUMBER: 575
CHECKED BY: PDH
DRAWN BY: BJT
SUBMITTED:

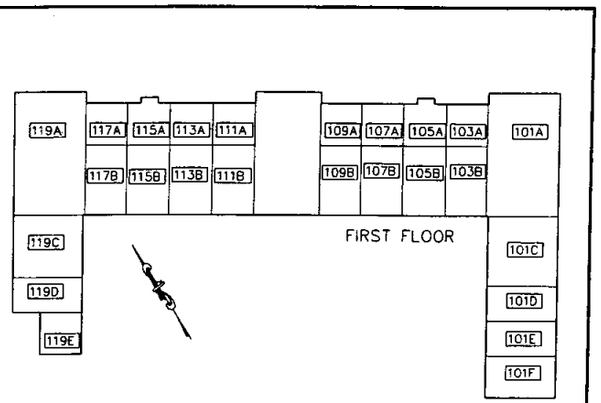
FIRST LEVEL FLOOR PLAN
CARDINAL INVESTMENTS
CORALVILLE, IOWA

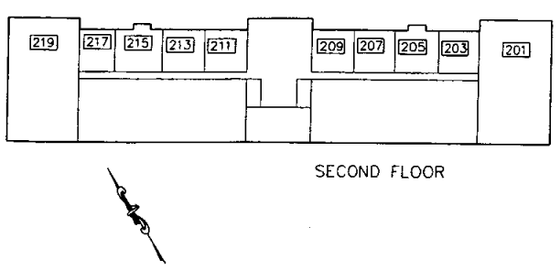
Abild SEPTAGON CONSTRUCTION CO., INC.
3500 "J" Street S.W.
Cedar Rapids, IA 52405
Phone: (319) 365-6948
1-800-253-5789
Fax: (319) 365-9362

REV.	TYPE OF REVISION	DATE:	INIT:	CHK:
1	4'-11" TRENCH DRAINS	10/04/99	RJL	PDH
2	CHANGED TRENCH DRAINS TO 5" DRAINS	10/11/99	RJL	PDH
3	MOVED 6" DRAINS 10' FROM PRON WALLS, THEY WERE 5'-2"	10/27/99	PDH	PDH
4	---	---	---	---
5	DELETED 6" DRAINS, ADDED 3'x3' MUD SUMP	11/12/99	PDH	PDH
6	ADDED SECURITY DOOR BY STAIRS, REMOVED A WALL FOR VENDING AREA	11/17/99	BJT	
7				
8				
9				
10				

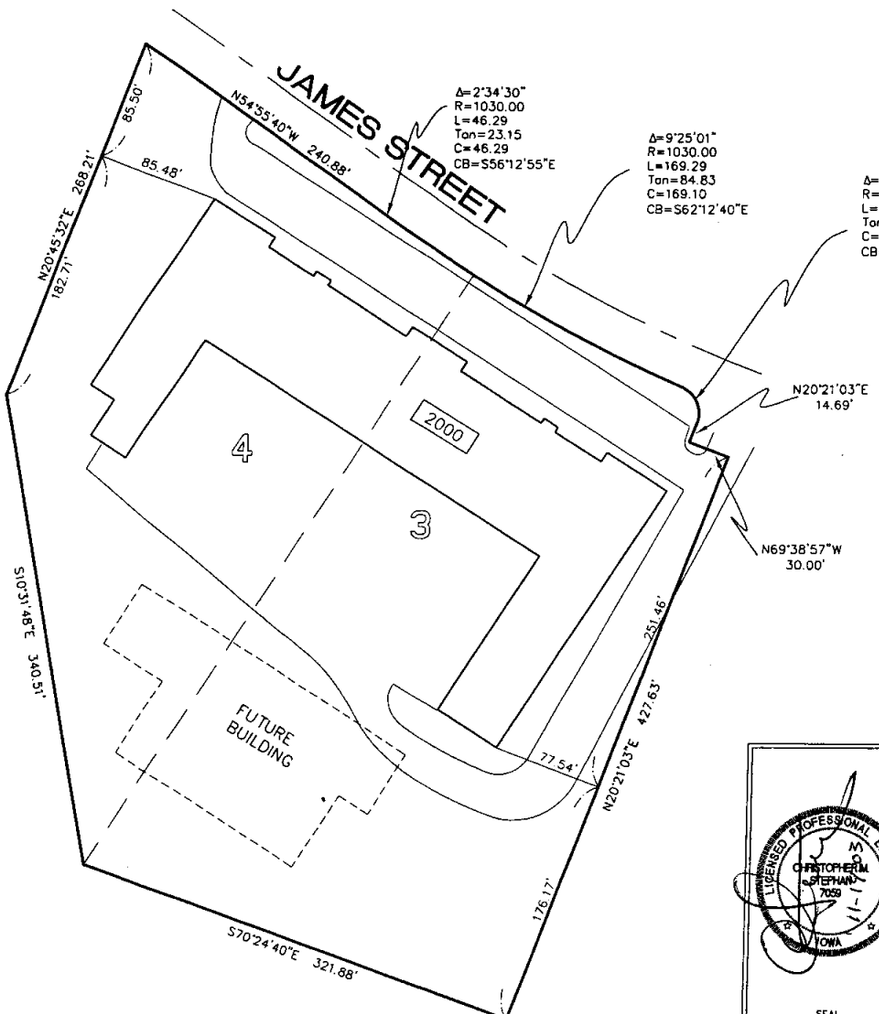
EXHIBIT "B" – SITE PLAN
CARDINAL CONDOMINIUMS
CORALVILLE, IOWA

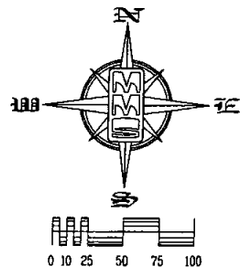
LEGAL DESCRIPTION
LOTS 3 AND 4, CORALVILLE INDUSTRIAL PARK NO. 2, FOURTH ADDITION, IN ACCORDANCE WITH THE PLAT THEREOF, RECORDED IN BOOK 39, AT PAGE 4 OF THE RECORDS OF THE JOHNSON COUNTY RECORDERS OFFICE. TRACT OF LAND CONTAINS 5.09 ACRES, AND IS SUBJECT TO EASEMENTS & RESTRICTIONS OF RECORD.





UNIT LOCATION SCHEMATIC
NO SCALE





NOTES:
1. ALL MEASUREMENTS FROM CENTER LINES AND PROPERTY LINES TO BUILDINGS ARE PERPENDICULAR AND/OR RADIAL TO SAID CENTER LINES AND PROPERTY LINES.
2. THIS DRAWING DEPICTS IMPROVEMENTS COMPLETED AS OF 8/25/00.
3. REFERENCE BUILDING PLANS – EXHIBIT "D" FOR BUILDING DIMENSIONS.

XXX – DENOTES JAMES STREET ADDRESS

I hereby certify that this engineering document was prepared by me or under my direct supervision and that I am a duly licensed Professional Engineer under the laws of the State of Iowa.

Nov 19, 2003

CHRISTOPHER M. STEPHAN, P.E. Iowa Lic. No. 7059

My license renewal date is December 31, 2004

Pages or sheets covered by this seal:

Sheet 1 of 1

Revision No. & Date

MMS CONSULTANTS, INC.
Iowa City, Iowa (319) 351-8282

Designed by: CMS
Drawn by: adw
Checked by: CMS

Sheet Title: EXHIBIT "B" – SITE PLAN
Project Title: CARDINAL CONDOMINIUMS CORALVILLE, IOWA

Date: 09/15/03
Field Book No:
Scale: 1"=100'
Sheet 1 of 1 Sheets
Project Number: 5625-002

G:\5600\5625002V.DWG 09/22/2003 10:04:31 AM CDT