BK: 2020 PG: 20943
Recorded: 8/14/2020 at 8:05:25.0 AM
County Recording Fee: $17.00
Iowa E-Filing Fee: $3.00
Combined Fee: $20.00
Revenue Tax:
Chad C. Airhart Recorder
Dallas County, Iowa

AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS FOR INDI RUN

Preparer Information:
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Taxpayer Information:
N/A

Return Document To:
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475 Alice's Road, Suite A
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Grantor:
Indi Run, L.L.C.

Grantee:
N/A

Legal Description:
Lots One (1) through Thirty-nine (39) in Indi Run Plat 1, an Official Plat, now included in and forming a part of the City of Waukee, Dallas County, Iowa AND Lots One (1) through Thirty-eight (38) in Indi Run Plat 2, an Official Plat, now included in and forming a part of the City of Waukee, Dallas County, Iowa.

Document or instrument number of previously recorded documents:
Book 2018, Page 16166; Book 2018, Page 24075; Book 2019, Page 15318; Book 2020, Page 11566; Book 2020, Page 14467

AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS FOR INDI RUN

THIS AMENDMENT TO DECLARATION is made this 13th day of August, 2020.

WHEREAS, a Declaration of Covenants, Conditions, Easements and Restrictions for Indi Run was executed on on June 25, 2018, by Indi Run, L.L.C., an Iowa limited liability company ("Declarant") and filed of record in Dallas County, Iowa, on August 24, 2018, in Book 2018, Page 16166, as amended by an Amendment filed December 28, 2018 in Book 2018, Page 24075, an Amendment filed August 26, 2019 in Book 2019, Page 15318, and an Amendment filed May 28, 2020 in Book 2020, Page 11566 and an Amendment filed June 22, 2020 in Book 2020, Page 14467 (hereinafter "Declaration").

WHEREAS, the undersigned Declarant, pursuant to rights granted under Article XIII(F) of the Declaration as filed, 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 IV(C) of the Declaration shall be deleted in its entirety and replaced with the following:

C. Fences on Lots 1 through 17 in Indi Run Plat 1 and Lots 1 through 38 in Indi Run Plat 2 shall be permitted, provided, shall be permitted, provided:

(1) No fence shall exceed six (6) feet in height and shall be constructed of wood, pvc, or black vinyl coated chain link. The fence material shall be mounted on the exterior face of the fence posts or fence framing.

(2) No fence shall be constructed forward of the dwelling's back building line, and shall not be constructed within a drainage easement area without the prior written consent of the City.

(3) Pool fences shall be landscaped and screened with shrubs and bushes.

(4) Wood fences must be regularly maintained and sealed/stained to prevent unsightly wood rot, decay or discoloration.

(5) Fences on Lots 18 and 39 in Indi Run Plat 1 shall be permitted, provided the fence (i) is no greater than 4' in height; and (ii) it is constructed of black aluminum or steel "wrought iron"; and (iii) is professionally installed; and (iv) location and materials are approved, in writing, by the Declarant prior to installation; and (v) is not constructed forward of the dwelling's front AND back building lines. Chain link and privacy fences are strictly prohibited on Lots 18 and 39.

(6) Fences are strictly prohibited on Lots 19 through 38 in Indi Run Plat 1.

2. In all other respects, the Declaration, as amended, 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 Indi Run at this time.

Dated on this day and year first written above.

INDI RUN, L.L.C., an Iowa limited liability company,
Declarant

By: _____
Eric J. Grubb, Manager

STATE OF IOWA)
) ss
COUNTY OF Dallas)

This record was acknowledged before me on this 13th day of August, 2020, by Eric J. Grubb, Manager of Indi Run, L.L.C.

_____
Notary Public in and for the State of Iowa

JANELLE VALADEZ
Commission Number 819963
My Commission Expires
September 05, 2022

BYLAWS
OF
INDI RUN WEST OWNERS ASSOCIATION, INC.

ARTICLE I
Name and Location

The name of the corporation is Indi Run West Owners Association, Inc., hereinafter referred to as the "Association." The principal office of the corporation shall be located at 17389 Berkshire Parkway, Clive, Iowa, 50325, but meetings of members and Directors may be held at such places within the State of Iowa, County of Dallas, as may be designated by the Board of Directors.

ARTICLE II
Definitions

Terms used in these Bylaws shall have the same meaning as in the Association Articles of Incorporation and the Declaration of Owners Association (hereinafter "Declaration").

ARTICLE III
Meeting of Members

Section 1. Annual Meeting. The first annual meeting of the members shall be held within one year from the date of incorporation of the Association, and each subsequent regular annual meeting of the members shall be held on the same day of the same month of each year thereafter. If the day for the annual meeting of the members is a legal holiday, the meeting will be held at the same hour on the first day following which is not a legal holiday.

Section 2. Special Meetings. Special meetings of the members may be called at any time by the president or by the Board of Directors, or upon written request of the members who are entitled to vote one-half (1/2) of all the votes to the membership, or upon written request of the Declarant.

Section 3. Notice of Meeting. Written notice of each meeting of the members shall be given by, or at the direction of, the secretary or person authorized to call the meeting, by mailing a copy of such notice, postage prepaid, at least 15 days before such meeting to each member entitled to vote, addressed to the member's address last appearing in the books of the Association, or supplied by such member to the Association for the purpose of notice. Such notice shall specify the place, day and hour of the meeting, and, in the case of a special meeting, the purpose of the meeting.

Section 4. Quorum. The presence at the meeting of members entitled to cast, or of proxies entitled to cast, one-fourth (1/4) of the votes of the membership shall constitute a quorum for any action except as otherwise provided in the Articles of Incorporation, the Declaration, or these Bylaws. If, however, the required quorum is not forthcoming at any such meeting, another meeting may be called subject to the notice requirements herein and the required quorum at any

such subsequent meeting shall be one-half (1/2) of the required quorum at the preceding meeting, provided such subsequent meeting shall be held thirty (30) days following such preceding meeting.

Section 5. Proxies. At all meetings of members, each member may vote in person or by proxy. All proxies shall be in writing and filed with the secretary. Every proxy shall be revocable and shall automatically cease upon conveyance by the member of his/her/its Lot.

ARTICLE IV
Board of Directors: Selection: Term of Office

Section 1. Number. The affairs of this Association shall be managed by a Board of not less than one (1) no more than six (6) Directors, who shall be members of the Association.

Section 2. Term of Office. At each annual meeting the members entitled to vote shall elect two (2) of the six (6) Directors for a period of two (2) years on a rotating basis.

Section 3. Removal. Any Director may be removed from the Board, with or without cause, by a majority vote of the members of the Association. In the event of death, resignation or removal of a Director, his successor shall be selected by the remaining members of the Board and shall serve for the unexpired term of his predecessor.

Section 4. Compensation. No Director shall receive compensation for any service he may render to the Association. However, any Director may be reimbursed for his actual pre-approved expenses incurred in the performance of his duties.

Section 5. Action Taken Without a Meeting. The Directors shall have the right to take any action in the absence of a meeting which they could take at a meeting by obtaining the written approval of all the Directors. Any action so approved shall have the same effect as though taken at a meeting of the Directors.

ARTICLE V
Nomination and Election of Directors

Section 1. Nomination. Nomination for election to the Board of Directors shall be made by a Nominating Committee. Nominations may also be made from the floor at the annual meeting. The Nominating Committee shall consist of a Chairman, who shall be a member of the Board of Directors, and two or more members of the Association. The Nominating Committee shall be appointed by the Board of Directors prior to each annual meeting of the members, to serve from the close of such annual meeting until the close of the next annual meeting and such appointment shall be announced at each annual meeting. The Nominating Committee shall make as many nominations for election to the Board of Directors as it shall in its discretion determine, but not less than the number of vacancies that are to be filled. Such nominations shall be made from among members of the Association.

Section 2. Election. Election to the Board of Directors shall be by secret written ballot. At such election the members or their proxies may cast, in respect to each vacancy, as

many votes as they are entitled to exercise under the provisions of the Articles of Incorporation. The person receiving the largest number of votes shall be elected. Cumulative voting is not permitted.

ARTICLE VI
Meetings of Directors

Section 1. Regular Meetings. Regular meetings of the Board of Directors shall be held quarterly without notice, at such place and hour as may be fixed from time to time by resolution of the Board. Should said meeting fall upon a legal holiday, then that meeting shall be held at the same time on the next day which is not a legal holiday.

Section 2. Special Meetings. Special meetings of the Board of Directors shall be held when called by the president of the Association, or by any two directors, after not less than three (3) days' notice to each Director.

Section 3. Quorum. A majority of the number of Directors shall constitute a quorum for the transaction of business. Every act of decision done or made by a majority of the Directors present at a duly held meeting at which a quorum is present shall be regarded as the act of the Board.

ARTICLE VII
Powers and Duties of the Board of Directors

Section 1. Powers. The Board of Directors shall have the power to:

(a) Adopt and publish rules and regulations governing the use of the Common Area facilities, and the personal conduct of the members and their guests thereon, and to establish penalties for the infraction thereof;

(b) Suspend the voting rights and right to use of the common facilities of a member during any period in which such member shall be in default in the payment of any assessment levied by the Association. Such rights may also be suspended after notice and hearing, for a period not to exceed 60 days, for infraction of published rules and regulations;

(c) Exercise for the Association all powers, duties and authority vested in or delegated to this Association and not reserved to the membership by other provisions of these Bylaws, the Articles of Incorporation or the Declaration;

(d) Declare the office of a member of the Board of Directors to be vacant in the event such member shall be absent from three (3) consecutive regular meetings of the Board of Directors; and

(e) Employ a manager, an independent contractor or such other employees as they deem necessary, and to prescribe their duties.

Section 2. Duties. It shall be the duty of the Board of Directors to:

(a) Cause to be kept a complete record of all its acts and corporate affairs and to present a statement thereof to the members at the annual meeting of the members, or at any special meeting when such statement is requested in writing by two-thirds (2/3) of the members who are entitled to vote:

(b) Supervise all officers, agents and employees of this Association, and to see that their duties are properly performed;

(c) Fix the amount of the annual assessment against each lot at least thirty (30) days in advance of each annual assessment period;

(d) Send written notice of each assessment to every Owner subject thereto at least thirty (30) days in advance of each annual assessment period;

(e) Foreclose the lien against any property for which assessments are not paid within thirty (30) days after due date or to bring an action at law against the owner personally obligated to pay the same;

(f) Issue, or cause an appropriate officer to issue, upon demand by any person, a certificate setting forth whether or not any assessment has been paid. A reasonable charge may be made by the Board for the issuance of these certificates. If a certificate states an assessment has been paid, such certificate shall be conclusive evidence of such payment;

(g) Procure and maintain adequate liability and hazard insurance on property owned by the Association;

(h) Cause all officers or employees having fiscal responsibilities to be bonded, as it may deem appropriate; and

(i) Cause the Common Area and the Association Responsibility Elements to be maintained.

ARTICLE VIII
Officers and Their Duties

Section 1. Enumeration of Offices. The officers of this Association shall be a president and vice president, who shall at all times be members of the Board of Directors, a secretary and a treasurer, and such other officers as the Board may from time to time by resolution create.

Section 2. Election of Officers. The election of officers shall take place at the first meeting of the Board of Directors following each annual meeting of the members.

Section 3. Term. The officers of the Association shall be elected annually by the Board and each shall hold office for one (1) year unless he shall sooner resign, or shall be removed, or otherwise be disqualified to serve.

Section 4. Special Appointments. The Board may elect such other officers as the affairs of the Association may require, each of whom shall hold office for such period, have such authority and perform such duties as the Board may, from time to time, determine.

Section 5. Resignation and Removal. Any officer may be removed from office with or without cause by the Board. Any officer may resign at any time giving written notice to the Board, the president or the secretary. Such resignation shall take effect on the date of receipt of such notice or at any later time specified therein, and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

Section 6. Vacancies. A vacancy in any office may be filled by appointment by the Board. The officer appointed to such vacancy shall serve for the remainder of the term of the officer he replaces.

Section 7. Duties. The duties of the officers are as follow:

President

(a) The president shall preside at all meetings of the Board of Directors and shall see that orders and resolutions of the Board are carried out.

Vice President

(b) The vice president shall act in the place and stead of the president in the event of his absence, inability or refusal to act and shall exercise and discharge such other duties as may be required of him by the Board.

Secretary

(c) The secretary shall record the votes and keep the minutes of all meetings and proceedings of the Board and of the members; serve notice of meetings of the Board and of the members; keep appropriate current records showing the members of the Association together with their addresses; and shall perform such other duties as required by the Board.

Treasurer

(d) The treasurer shall receive and deposit in appropriate bank accounts all monies of the Association and shall disburse such funds as directed by resolution of the Board of Directors; shall sign all checks and promissory notes of the Association; keep proper books of account; cause an annual audit of the Association books to be made by a public accountant at the completion of each fiscal year; and shall prepare an annual budget and a statement of income and

expenditures to be presented to the membership at its regular annual meeting, and delivery a copy to each of the members.

ARTICLE IX
Committees

The Board of Directors may appoint such committees as it deems appropriate in carrying out its purpose.

ARTICLE X
Books and Records

The books, records and papers of the Association shall at all times, during reasonable business hours, be subject to inspection by any member. The Declaration, the Articles of Incorporation and the Bylaws of the Association shall be available for inspection by any member at the principal office of the Association, where copies may be purchased at reasonable cost.

ARTICLE XI
Assessments

As more fully provided in the Declaration, each member is obligated to pay the Association annual and special assessments which are secured by a continuing lien upon the property against which the assessment is made. Any assessments which are not paid when due shall be delinquent. If the assessment is not paid within thirty (30) days after the due date the assessment shall bear interest from the date of delinquency at the rate as provided for in the Declaration of Covenants, and the Association may bring an action at law against the Owner personally obligated to pay the assessment. The costs and reasonable attorney's fees of any such action shall be added to the amount of such assessment. No Owner may waive or otherwise escape liability for the assessments provided for herein by nonuse of the Common Area or abandonment of his lot.

ARTICLE XII
Corporate Seal

The Association shall not have a seal.

ARTICLE XIII
Amendments

Section 1. These Bylaws may be amended, at a regular or special meeting of the members, by a vote of a majority of the total votes eligible to be cast at a meeting at which there is a quorum of members present in person or by proxy.

Section 2. In the case of any conflict between the Articles of Incorporation and these Bylaws, the Articles shall control; and in the case of any conflict between the Declaration and these Bylaws, the Declaration shall control.

IN WITNESS WHEREOF, we, being the Initial Directors of Indi Run West Owners Association, Inc. have hereunto set our hands this 6th day of JANUARY, 2023.

Eric J. Grubb, Director

Daniel Sparks, Director