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Fee Amt: $42.00 Page 1 of 8
Johnson County Iowa
Kim Painter County Recorder
BK6035 PG301-308

60012

SPACE ABOVE THIS LINE FOR RECORDER				
Preparer Information:	Joseph T. Moreland	120 E. Washington St.	Iowa City, Iowa	319-337-9606
	Individual's Name	*Street Address*	*City/State*	*Phone*
Return Document to:	Joseph T. Moreland	120 E. Washington St.	Iowa City, Iowa	52240-3924
	Individual's Name	*Street Address*	*City/State*	*Zip*

FIRST AMENDMENT TO DECLARATION OF SUBMISSION OF PROPERTY TO HORIZONTAL PROPERTY REGIME PURSUANT TO CHAPTER 499B OF THE CODE OF IOWA OF 202 LINN CONDOMINIUMS

AND NOW, The Declarant, 202 Linn, LLC, as owner of all units in the condominium regime, and hereby amends the Declaration Of Submission Of Property To Horizontal Property Regime Pursuant To Chapter 499b Of The Code Of Iowa of 202 Linn Condominiums establishing a plan of condominium ownership of premises for 202 Linn Condominiums, hereby amends the Declaration recorded April 1, 2020, Book 6022, Page 75 of the Records of the Johnson County Recorder's Office ("Original Declaration") in the following ways:

1. **Article II.**: Description of Land, Buildings, and Units will have paragraph 3 of Article II replaced with the following language:

> 3. **Description of the Units.** The Condominium Regime consists of commercial units for retail, service, and office uses, and residential units for homeowner-occupied and rental uses and other uses as allowed under the municipal zoning code. The floor plan of each floor, and the location of the units therein, are set forth in "Exhibit D" attached hereto. Each floor is designated by level with the first level being the ground floor level, below which is the sub-ground vehicle parking area. The full-scale floor and

building plans plus the specifications are on file with the Recorder of Johnson County, Iowa, since they are too bulky to be attached hereto.

Sub-ground parking area.

This area consists of 7 striped and labeled parking stalls. Vehicular access to this level is to the south with access off of Market Street, Iowa City, Iowa. Each parking stall number corresponds to a parking unit number. Access to, and use of, the parking stalls are limited to those persons who have purchased and acquired the easement rights to utilize the same under the provisions of Article III,3 and to those who have leased such parking spaces. This sub-ground area also includes general common elements utilized for elevators and stairs, vestibule and lobby space, and mechanical and utility rooms.

Level 1 (1st Floor).

Level 1 consists of one unit designated as Unit 101. Unit 101 is designated as the first floor of the Building and shall be utilized for a commercial use. The remainder of level 1 is Unit 110, consisting of general common elements including, without limitation, restrooms, utility and mechanical rooms, the building lobby accessible to the south from Market Street and to the west from the North Linn Street sidewalk. The building lobby contains stairs and one (1) commercial elevator.

Level M (Mezzanine).

Level M consists of one unit designated as Unit 102. Unit 102 is designated as the Mezzanine Level it shall be used for commercial purposes.

Levels 2, 3, 4, and 5 (2nd, 3rd, 4th, and 5th Floors).

Levels 2-5 are designated as condominium dwelling units, consisting of units 201-205, 301-305, 401-403, 501-502 (Commercial office use is allowed in Units 501-502 as long as it is allowable under the municipal zoning codes). Balconies and roof terraces are designated as limited common elements to each unit to

which the balconies are attached. The corridor on level 2 is a limited common element reserved for Units 201-205. The corridor on level 3 is a limited common element reserved Units 301-305. The corridor on level 4 is a limited common element reserved for Units 401-403. The corridor on level 5 is a limited common element reserved for Units 501 and 502. The remainder consists of general common elements designated as stairways, elevators, lobby space, and mechanical and electrical equipment space.

Rooftop Level.

The rooftop level is designated as "Rooftop" and is designated a Limited Common Element for Units 201-205, 301-305, 401-403, 501-502 and the Declarant.

Attached as "Exhibit D" are the floor plans for each of said floors showing the location of the units, limited common elements, and general common elements included therein.

2. **Article IX.**: Conditions Of And Restrictions On Ownership, Use, And Enjoyment will have paragraph 2 replaced with the following:

2. Use of Property. The use of the property shall be in accordance with and subject to the following provisions:

(a) Units on the 1st and Mezzanine levels will be used for commercial purposes including retail, offices, or other commercial uses as selected by the Declarant so long as the Declarant is the owner thereof.

(b) Units located on levels 2 through 5 which are sold by Declarant shall be utilized for owner-occupied dwelling condominium Units, except that Units 501 and 502 may be used for commercial office purposes as long as such use is allowed under the municipal zoning code, subject to the owner's right to lease said units upon the following terms and conditions:

(i) A unit may be leased no more than two (2) times per year with a minimum lease term of three (3) months per term;

(ii) The Association will provide lease forms and all such leases must be on said forms and must be signed by owner, or owner's authorized representative (as landlord) and by tenant;

(iii)One copy of every signed lease must be provided to the Board prior to tenant occupying the unit:

(iv) No units may be subleased;

(v) The owner shall be responsible for any and all violations by the tenant of the Rules and Regulations for 202 Linn Condominiums Association and for all expenses and costs, including attorney fees, incurred by the Association as a result of such violation; and

(vi) Tenants may not vote in the Association except by proxy of the owner;

(vii)The owner may lease any Parking Unit it owns to such tenant;

(viii) Units 304, 501, and 502 are exempt from these lease restrictions and may be leased under any terms and conditions as determined by the unit owner.

(d) No lease shall relieve the unit owner as against the Association and other owners from any responsibility or liability imposed by the condominium documents.

(e) Nothing shall be altered in, constructed in, or removed from, the Common Elements, Limited or General, except upon written consent of the Board of Directors of the Association, which may be given through regulations of the Association.

(f) No activity shall be allowed which unduly interferes with the peaceful possession and use of the property by the Unit Owners nor shall any fire hazard or unsightly accumulation of refuse be allowed.

(g) Nothing shall be done or kept in any unit or in the common area which will increase the rate of

insurance on the common area, without the prior written consent of the Association. No Owner shall permit anything to be done or kept in said Owner's unit, or in any common area, which will result in the cancelation of insurance on any unit or any part of the common area, or which would be in violation of any law.

(h) The Association shall have the authority to adopt rules and regulations governing the use of the property and such rules shall be observed and obeyed by the Owners, their guests and invitees. The Association shall have the authority, but not the duty, to enforce any such rules and regulations. Owners shall have the right to bring an action against any other Owner(s) for violation of any such rules, regulations, or other provisions of the Declaration. However, no Owner can bring an action to force the Association to enforce any such rule, regulation, or other provision.

(i) Agents of, or contractors hired by, the Association may enter any unit when necessary in connection with any maintenance, landscaping, or construction for which the Association is responsible, provided such entry shall be made with as little inconvenience to the Owners as practicable.

(j) A unit Owner shall give notice to the Association of every lien against said Owner's unit other than permitted mortgages, taxes, and Association assessments, and of any suit or other proceeding which may affect the title to said Owner's unit, within ten (10) days after the lien attaches or the Owner receives notice of such suit.

(k) A unit Owner shall be liable to the Association for the expense of any maintenance, repair, or replacement rendered necessary by said Owner's act, neglect, or carelessness, or by that of said Owner's family, guests, employees, agents or lessees, which liability shall include any increase in insurance rates resulting therefrom.

3. Attached hereto and incorporated herein by reference are the following amendments to Exhibit "D" Floor Plans:
   a. **Amended Exhibit "D" Sub-Ground Parking Area:** The amendment to the sub ground parking area provides parking space numbers; and
   b. **Amended Exhibit "D" Fifth Level Floor Plans:** makes a change and switches the location of 501 and 502.

IN WITNESS WHEREOF, Declarant has executed this First Amendment to Declaration on the 29th day of April, 2020.

202 Linn, L.L.C.

By: _____
William B.R. Nusser, Manager

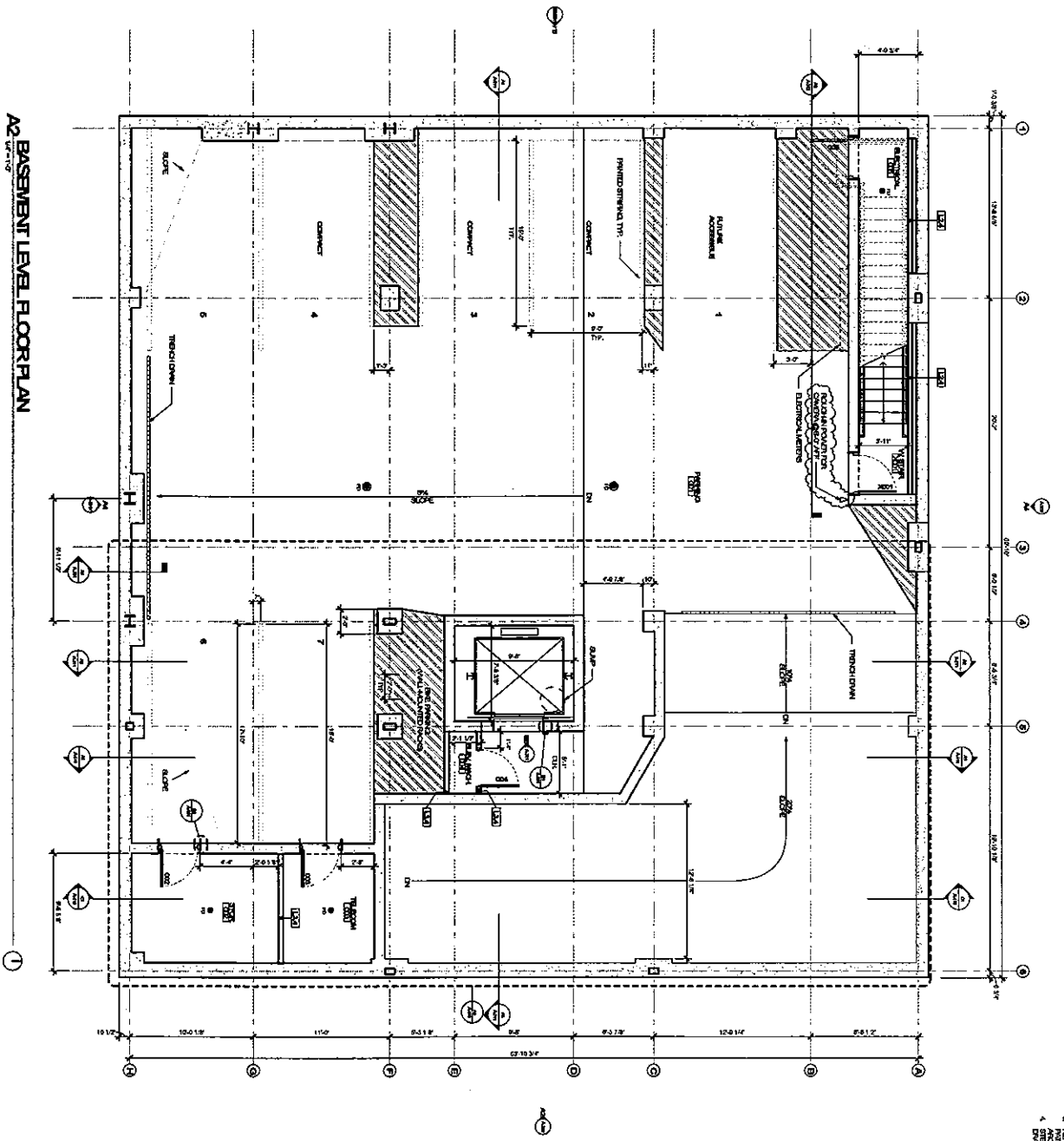
STATE OF IOWA)
) SS:
JOHNSON COUNTY)

This record was acknowledged before me this 29th day of April, 2020, by William B.R. Nusser, as Manager of 202 Linn, L.L.C.

_____
Notary Public in and ~~for~~ said State

JOSEPH T MORELAND
Commission Number 736839
My Commission Expires
September 26, 2020

AMENDED EXHIBIT "D" - SUB-GROUND PARKING AREA



GENERAL FLOOR PLAN NOTES

1. ALL DIMENSIONS ARE TO FACE OF STUD OR MASONRY, UNLESS OTHERWISE NOTED.
2. WALLS TO BE TYPE U.N.O. (SEE WALL TYPES ON SHEET A-600)
3. REFER TO THE ENGINEERING DRAWINGS FOR SPECIFICATIONS, LAYOUTS OF ARCHITECTURAL PLANS PRIOR TO ANY FRAMING OR CONSTRUCTION. ALL STEEL STRUCTURES SHOWN DIAGRAMMATICALLY. SEE DETAILS & STRUCTURAL DRAWINGS FOR MORE INFO.

ARCHITECT OF RECORD
Neumann Monson Architects
221 First Ave West, Second Floor
Seattle, WA 98119-4205
206.282.7676

PLUMBING
Puget Sound Mechanical
1122 Valley St.
Seattle, WA 98109
206.282.0810

CIVIL
Nelson Engineering Co.
Seattle, WA 98122
206.568.1233

CONSULTANTS

STRUCTURAL
Peter Rhodes Engineering
1122 Valley St.
Seattle, WA 98109
206.282.0810

PROJECT NAME
202 N. LINN ST.

OWNER
202 Linn, LLC
Contact Name
Contact Phone
Contact Email

PROJECT NO. 0709

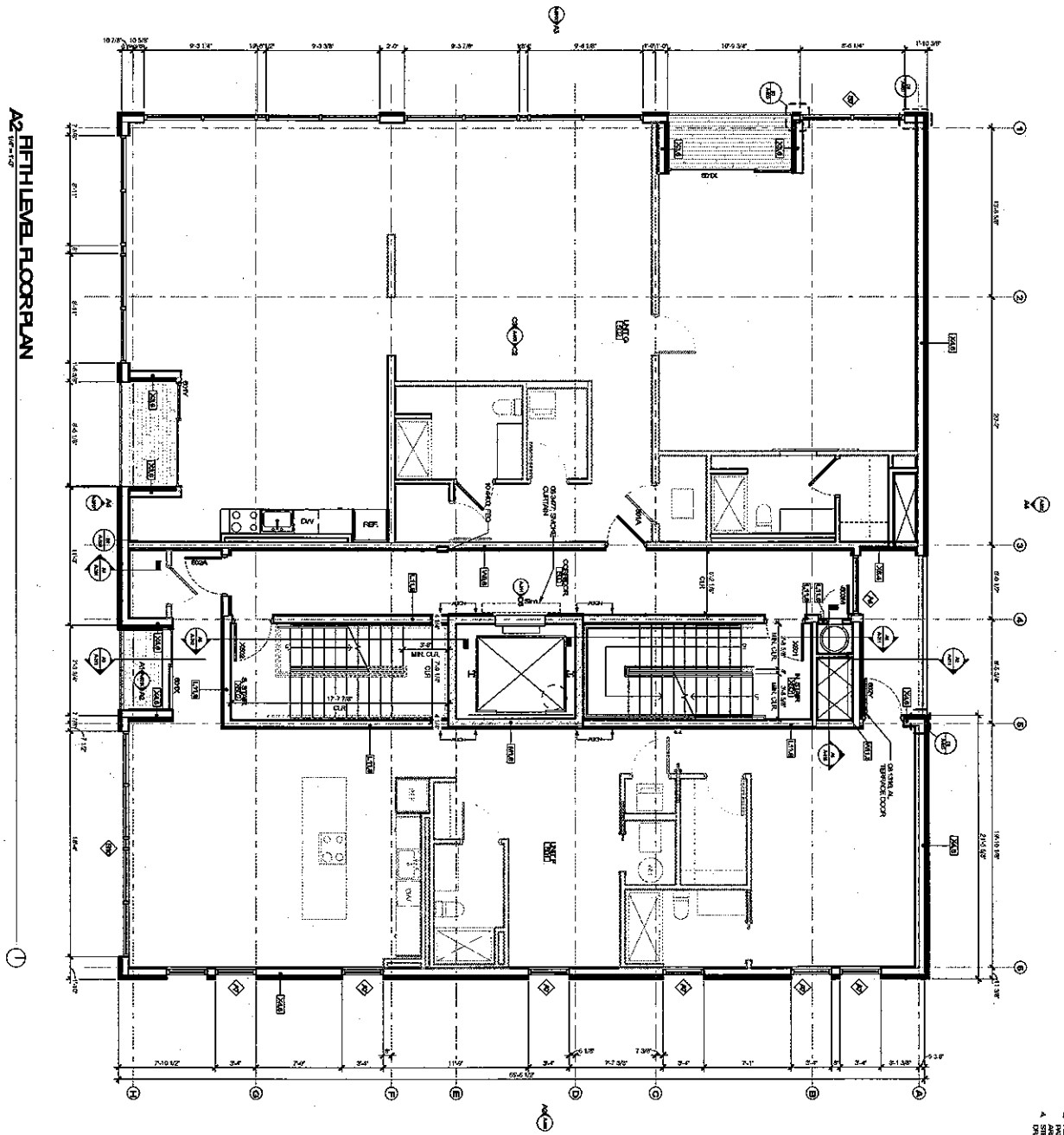
ISSUE | DESCRIPTION | DATE
CODE | CORRECTIONS | 07/25/2008
SUBMIT | CORRECTIONS 1 | 10/20/2008

SHEET NAME
BASEMENT LEVEL FLOOR PLAN

SHEET NUMBER
A-100

NEUMANN MONSON ARCHITECTS

AMENDED EXHIBIT "D" - FIFTH LEVEL FLOOR PLANS



GENERAL FLOOR PLAN NOTES

1. ALL DIMENSIONS ARE TO FACE OF STUDS OR MASONRY, UNLESS OTHERWISE NOTED.
2. WALLS TO BE TYPE L3A, UNLESS OTHERWISE NOTED.
3. REFER TO THE UNDERSEAL AUTHORIZED PLANS FOR ADDITIONAL AREAS OF PATCHING OR CONCRETE FLOORS, FOR FLOORING PLANS FOR ADDITIONAL AREAS OF ARCHITECTURAL PLANS, FIRING PLANS FOR ADDITIONAL AREAS OF STEEL STRUCTURE SHOWN DIAGRAMMATICALLY, SEE DETAILS & STRUCTURAL DRAWINGS FOR INFO.

ARCHITECT OF RECORD

CONSULTANTS

STRUCTURAL

CIVIL

PROJECT NAME
202 N. LINN ST.

OWNER
202 Lin, LLC

PROJECT NO. 17-210

DATE
DESCRIPTION
DRAWN BY
CHECKED BY

SHEET NAME
FIFTH LEVEL FLOOR PLAN

SHEET NUMBER
A-105

NEUMANN MONSON ARCHITECTS