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PATRICK F GILL, AUDITOR AND RECORDER  
WOODBURY COUNTY IOWA

Preparer				
Information	<u>Cody M. McCullough.</u>	<u>614 Pierce Street.</u>	<u>Sioux City, IA 51101.</u>	<u>(712) 277-4561</u>
	<small>Individual's Name</small>	<small>Street Address</small>	<small>City</small>	<small>Phone</small>
Crary, Huff, Inkster, Sheehan, Ringgenberg, Hartnett & Storm, P.C. ISBA # 02554				SPACE ABOVE THIS LINE FOR RECORDER

**FIRST AMENDMENT  
TO  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR  
CASTLES GATE**

BMT, Inc., an Iowa corporation, hereby makes this First Amendment to Declaration of Covenants, Conditions and Restrictions for Castles Gate on this 16th day of May, 2005 (hereinafter referred to as "First Amendment"), all as set forth below.

**RECITALS**

WHEREAS, BMT, Inc. established a Declaration of Covenants, Conditions and Restrictions executed on October 7, 2004 and filed for record December 9, 2004 in Roll 667, Image 1552 (hereinafter referred to as "Declaration") for the property legally described as follows:

Lots 3, 4, 5, 6, 7, 8 and 9 Castles Gate, First Addition to the City of Sioux City, Woodbury County, Iowa; and

Tracts A and B, Castles Gate, First Addition to the City of Sioux City, Woodbury County, Iowa,

WHEREAS, BMT, Inc. desires to amend said Declaration to exclude the property described on Exhibit "A" from the Declaration;

WHEREAS, BMT has platted certain property as Castles Gate, Second Addition to the City of Sioux City and desires to add the property set forth on Exhibit "B" to the Declaration;

WHEREAS, pursuant to Article VIII of the Declaration, BMT, Inc. has the sole power to amend the Declaration so long as BMT, Inc. owns one or more parcels within the property set forth above;

WHEREAS, Thomas J. Brennan has executed an affidavit on the same date as this First Amendment, attached hereto as Exhibit "C", which states that BMT, Inc. is the owner of numerous

lots within the property set forth above; and

WHEREAS, BMT is the owner of the real estate described on Exhibit "B", and has approved and consented to the foregoing First Amendment as set forth in the Consent attached hereto as Exhibit "D" and incorporated herein by this reference.

BMT, INC. HEREBY DECLARES AS FOLLOWS:

1. The Declaration is hereby amended to exclude the real estate described on Exhibit "A" attached hereto and incorporated herein by this reference and the covenants, conditions and restrictions contained in the Declaration shall not apply whatsoever to the real estate described in Exhibit "A".

2. The Declaration is hereby amended to include the real estate described on Exhibit "B" attached hereto and incorporated herein by this reference and the covenants, conditions, restrictions contained in the Declaration shall apply in their entirety to the real estate described in Exhibit "B".

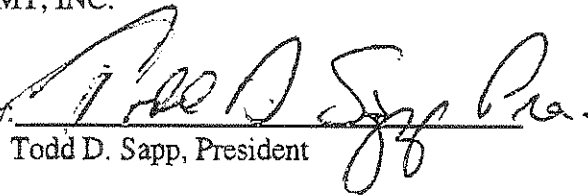
3. Section 1.e. of Article I is hereby stricken and replaced with the following:

"Common Areas" shall mean Tracts A and B, Castles Gate, First Addition to the City of Sioux City, Woodbury County, Iowa and Tract A, Castles Gate, Second Addition to the City of Sioux City, Woodbury County, Iowa. Said Common Areas shall be conveyed to the Association by Declarant. "Common Areas" shall also mean any other real estate purchased by the Association, in the future, for purposes of benefiting the Owners of Parcels within the Property. "Common Areas" may include the common areas designated or shown upon a plat of future subdivisions of adjacent real estate.

4. The Declaration is hereby ratified, confirmed and approved as amended by this First Amendment.

Dated as set forth above.

BMT, INC.

By:   
Todd D. Sapp, President

STATE OF IOWA )  
 ) ss:  
COUNTY OF WOODBURY )

This instrument was acknowledged before me on the 16<sup>th</sup> day of May, 2005, by Todd D. Sapp as President of BMT, Inc., an Iowa corporation.

Jenny Bertrand  
Notary Public - State of Iowa



Exhibit "A"

All that part of Tract A, Castles Gate, First Addition to the City of Sioux City, Woodbury County, Iowa, described as follows:

Beginning at the Northeast corner of said Tract A; thence South  $12^{\circ}29'55''$  East along the East line of said Tract A, also being the West line of Lot 1, Royal Highlands First Addition for 249.41 feet to the Southeast corner of said Tract A, also being the Southwest corner of said Lot 1; thence South  $87^{\circ}14'34''$  West along the South line of said Tract A, also being the North line of Whispering Creek Drive for 101.42 feet to the West line of a 100.00 foot wide pipeline easement; thence North  $12^{\circ}26'32''$  West along said West line for 257.06 feet to the North line of said Tract A; thence South  $88^{\circ}31'34''$  East along said North line for 102.77 feet to the point of beginning.

Said described parcel contains 0.581 acres, more or less.

Exhibit "B"

Lots 1 to 11, inclusive and Tract A, Castles Gate, Second Addition to the City of Sioux City, Woodbury County, Iowa.

Preparer  
 Information Cody M. McCullough, 614 Pierce Street, Sioux City, IA 51101, (712) 277-4561  
Individual's Name Street Address City Phone  
 Crary, Huff, Inkster, Sheehan, Ringgenberg, Harman & Storm, P.C. ISBA # 02554 SPACE ABOVE THIS LINE FOR RECORDER

Exhibit "C"

**AFFIDAVIT**

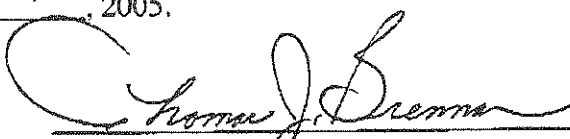
STATE OF IOWA                    )  
   ) ss:  
 COUNTY OF WOODBURY)

I, Thomas J. Brennan, being first duly sworn on oath, depose and state as follows:

1. That I am an abstracter in Sioux City, Woodbury County, Iowa.
2. That I am familiar with the real estate set forth in the Declaration of Covenants, Conditions and Restrictions executed on October 7, 2004 and filed for record December 9, 2004 in Roll 667, Image 1552 and described in the foregoing First Amendment.
3. That I have reviewed the real estate records relating to the property described in the foregoing First Amendment and BMT, Inc. owns numerous lots within said real estate.

Further, affiant sayeth not.

Dated the 16<sup>th</sup> day of May, 2005.

  
 \_\_\_\_\_  
 Thomas J. Brennan

Subscribed and sworn to before me by the said Thomas J. Brennan on this 16<sup>th</sup> day of May, 2005.



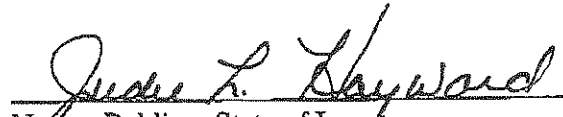
  
 \_\_\_\_\_  
 Notary Public - State of Iowa

Exhibit "D"

CONSENT

The undersigned, BMT, Inc., being the record title holder of the real estate described on Exhibit "B", hereby approves and consents to the foregoing First Amendment made by BMT, Inc. and agrees the property described on Exhibit "B" shall hereafter be subject to the Declaration of Covenants, Conditions and Restrictions executed on October 7, 2004 and filed for record December 9, 2004 in Roll 667, Image 1552.

Dated the 16<sup>th</sup> day of May, 2005.

BMT, INC.  
an Iowa corporation

By: Todd D. Sapp, Pres.  
Todd D. Sapp, President

STATE OF IOWA )  
) ss:  
COUNTY OF WOODBURY )

This instrument was acknowledged before me on the 16<sup>th</sup> day of May, 2005, by Todd D. Sapp as President of BMT, Inc.



Jenny Bertrand  
Notary Public - State of Iowa