

Warren County, Iowa
Recorded: 12/31/2020 at 8:36:37.0 AM
Polly J. Glascock RECORDER
Number: 2020-14512
County Recording Fee: \$22.00
Iowa E-Filing Fee: \$3.41
Combined Fee: \$25.41
Revenue Tax:

Prepared by: Timothy C. Hogan, Hogan Law Office, 3101 Ingersoll Ave, Ste. 103, Des Moines, IA 50312
(515) 279-9059

Return to: Ground Breaker Homes, LLC, 12119 Stratford Dr, Ste B, Clive, IA 50325

**ASSIGNMENT AND ASSUMPTION OF RIGHTS AND OBLIGATIONS
UNDER DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR SILVER ESTATES TOWNHOMES AND AMENDMENT**

THIS ASSIGNMENT, ASSUMPTION AND AMENDMENT (this "Amendment") is made by and between **CS FAMILY PROPERTIES, LLC**, an Iowa limited liability company ("Assignor"), and **GROUND BREAKER HOMES, LLC**, an Iowa limited liability company ("Assignee").

Assignor is the Declarant of the Declaration of Covenants, Conditions and Restrictions for Silver Estates Townhomes recorded August 1, 2019 as Instrument No. 2019-05826, in the records of Warren County, Iowa (the "Declaration") establishing certain covenants, conditions, restrictions and easements on the following described real estate:

Lots 1 – 20 and Outlot Z in Warrior Run Senior Living Plat 1, an Official Plat in Norwalk, Warren County, Iowa.

Assignor concurrently herewith is conveying to Assignee all of the remaining undeveloped Lots governed by the Declaration, and Assignor desires to assign all of its rights and obligations of Declarant under the Declaration and under the Silver Estates Townhomes Association, the Iowa non-profit corporation established thereunder (the "Association") to Assignee and Assignee desires to assume the rights and obligations of Assignor as Declarant under the Declaration and the Association.

Assignor and Assignee further desire to amend the Declaration pursuant to Article XV, Section 7 to remove from the operation of the Declaration the age restrictions for occupancy of persons fifty-five (55) years of age or older.

NOW, THEREFORE, in consideration of the covenants and agreements contained herein, the parties hereby agree as follows:

1. **Assignment of Rights.** Assignor hereby transfers, assigns, conveys and sets over unto Assignee all of its rights, title, privileges, obligations and interests as the Declarant under the Declaration and Association. Assignor shall have no further responsibilities, obligations or duties under the Declaration and Association after the date of this Amendment.

2. **Assumption of Rights.** Assignee hereby assumes all of Assignor's rights, title, privileges, obligations and interests as the Declarant under the Declaration and the Association and agrees to perform all of the duties and obligations under the Declaration and Association arising after the date of this Amendment and hold Assignor harmless with respect thereto. No person or entity other than Assignee shall be deemed a beneficiary of the provisions of this Amendment.

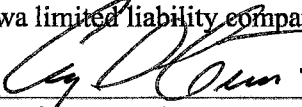
3. **Representations.** Assignor hereby represents to Assignee that there is no default by Assignor under the Declaration; that the Declaration and Association remain in full force and effect; and that Assignor has the right, power and authority to assign its interests herein. Assignor further covenants and warrants that Assignor has not previously pledged, encumbered, transferred, assigned or otherwise conveyed its rights under the Declaration or Association.

4. **Removal of Age Restriction.** Assignor and Assignee hereby agree to amend the Declaration to delete in its entirety Article XV of the Declaration relating to restrictions on occupancy housing for older persons and age restriction.

5. **Ratification.** Except as expressly amended hereby, all of the terms and conditions of the Declaration shall continue in full force and effect and are hereby ratified and confirmed.

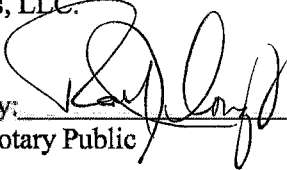
Dated: December 30, 2020.

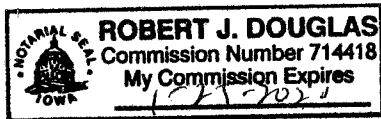
CS FAMILY PROPERTIES, LLC,
an Iowa limited liability company

By: 
Cory Steiner, Member

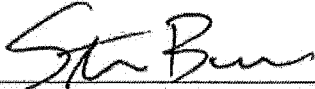
STATE OF IOWA, COUNTY OF POLK:

This record was acknowledged before me on December 30, 2020, by
Cory Steiner, Member of CS Family Properties, LLC.

By: 
Notary Public

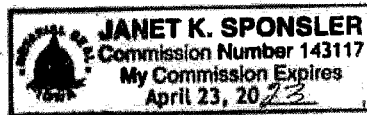


GROUND BREAKER HOMES, LLC,
an Iowa limited liability company

By: 
Steve Bruere, Manager

STATE OF IOWA, COUNTY OF POLK:

This record was acknowledged before me on December 30, 2020, by Steve Bruere,
Manager of Ground Breaker Homes, LLC.



By: 
Notary Public