

**THIRD AMENDMENT TO DECLARATION OF COVENANTS,
CONDITIONS, EASEMENTS AND RESTRICTIONS FOR THE RESERVE AT
DAYBREAK**

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Grantor:

The Reserve at Daybreak, L.L.C.

Grantee:

N/A

Legal Description:

Lots 1 through 29, inclusive, and Outlot X, in The Reserve at Daybreak Plat 1, an Official Plat, now included in and forming a part of the City of Waukee, Dallas County, Iowa AND Lots 1 through 39, inclusive, in The Reserve at Daybreak Plat 2, an Official Plat, now included in and forming a part of the City of Waukee, Dallas County, Iowa AND Lots 1 through 28, inclusive, in The Reserve at Daybreak Plat 3, an Official Plat, now included in and forming a part of the City of Waukee, Dallas County, Iowa AND Lots 1 through 3, inclusive, and Outlots Y and Z, in The Reserve at Daybreak Plat 4, 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 24051; Book 2019, Page 18726; Book 2020, Page 346

**THIRD AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS
FOR THE RESERVE AT DAYBREAK**

THIS THIRD AMENDMENT TO DECLARATION is made this 3 day of September, 2020.

WHEREAS, a Declaration of Covenants, Conditions, Easements and Restrictions for The Reserve at Daybreak was executed on December 12, 2018, by The Reserve at Daybreak, L.L.C., an Iowa limited liability company ("Declarant") and filed of record in Dallas County, Iowa, on December 28, 2018, in Book 2018, Page 24051, as amended by a First Amendment filed October 7, 2019 in Book 2019, Page 18726 and a Second Amendment filed January 7, 2020 in Book 2020, Page 346 ("Declaration").

WHEREAS, the undersigned Declarant, pursuant to rights granted under Article XIV 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 I(B) of the Declaration shall be deleted in its entirety and replaced with the following:

B. **"THE RESERVE AT DAYBREAK"** shall mean all Lots located in the residential subdivisions of The Reserve at Daybreak Plat 1, The Reserve at Daybreak Plat 2, The Reserve at Daybreak Plat 3, and The Reserve at Daybreak Plat 4, each an Official Plat, now included in and forming a part of the City of Waukee, Iowa

2. Article III(A) of the Declaration shall be deleted in its entirety and replaced with the following:

A. No building or structure shall be constructed, altered or maintained on any Lot or Building Plot other than a single-family home or any structure allowed by the City zoning ordinance. No building shall be erected on any Lot or Building Plot unless the design and location is in harmony with existing structures within the Property as determined in the building plans review process described below in Article IV. All single-family homes shall contain the minimum square footages of living space and meet the following requirements:


- (i) For those dwellings situated on Lots 1 through 14 in The Reserve at Daybreak Plat 1, inclusive, and Lots 1 through 3 in The Reserve at Daybreak Plat 4, inclusive, all dwellings shall contain a minimum square footage of living space exclusive of floor below the exterior grade, attached garages, breezeways, and porches (including enclosed porches commonly referred to as "four seasons porches") as follows:
- a. One-story dwellings must have a minimum of 2,200 square feet of finished floor area directly under the roof.
 - b. One and one-half story dwellings must have a finished floor area of at least 2,500 square feet.
 - c. Two story dwellings must have a finished floor area of at least 2,800 square feet.
 - d. Split entry dwellings must have not less than 2,800 square feet of finished area on the upper level, but a 50% credit will be given for finished area of lower level which is 50% exposed over finished grade.

- e. Split level dwellings must have not less than 2,800 square feet of finished area directly under the roof, but a 50% credit will be given for finished area of lower level which is 50% exposed over finished grade.
- (ii) For those dwellings situated on Lots 15 through 29 in The Reserve at Daybreak Plat 1, inclusive, all dwellings shall contain a minimum square footage of living space exclusive of floor below the exterior grade, attached garages, breezeways, and porches (including enclosed porches commonly referred to as “four seasons porches”) as follows:
- a. One-story dwellings must have a minimum of 1,800 square feet of finished floor area directly under the roof.
 - b. One and one-half story dwellings must have a finished floor area of at least 2,000 square feet.
 - c. Two story dwellings must have a finished floor area of at least 2,200 square feet.
 - d. Split entry dwellings must have not less than 2,200 square feet of finished area on the upper level, but a 50% credit will be given for finished area of lower level which is 50% exposed over finished grade.
 - e. Split level dwellings must have not less than 2,200 square feet of finished area directly under the roof, but a 50% credit will be given for finished area of lower level which is 50% exposed over finished grade.
- (iii) For those dwellings situated on Lots 1 through 39 in The Reserve at Daybreak Plat 2, inclusive, all dwellings shall contain a minimum square footage of living space exclusive of floor below the exterior grade, attached garages, breezeways, and porches (including enclosed porches commonly referred to as “four seasons porches”) as follows:
- a. One-story dwellings must have a minimum of 1,800 square feet of finished floor area directly under the roof.
 - b. One and one-half story dwellings must have a finished floor area of at least 2,000 square feet.
 - c. Two story dwellings must have a finished floor area of at least 2,200 square feet.
 - d. Split entry dwellings must have not less than 2,200 square feet of finished area on the upper level, but a 50% credit will be given for finished area of lower level which is 50% exposed over finished grade.
 - e. Split level dwellings must have not less than 2,200 square feet of finished area directly under the roof, but a 50% credit will be given for finished area of lower level which is 50% exposed over finished grade.
- (iv) For those dwellings situated on Lots 1 through 28 in The Reserve at Daybreak Plat 3, inclusive, all dwellings shall contain a minimum square footage of living space exclusive of floor below the exterior grade, attached garages, breezeways, and porches (including enclosed porches commonly referred to as “four seasons porches”) as follows:

- a. One-story dwellings must have a minimum of 1,800 square feet of finished floor area directly under the roof.
 - b. One and one-half story dwellings must have a finished floor area of at least 2,000 square feet.
 - c. Two story dwellings must have a finished floor area of at least 2,200 square feet.
 - d. Split entry dwellings must have not less than 2,200 square feet of finished area on the upper level, but a 50% credit will be given for finished area of lower level which is 50% exposed over finished grade.
 - e. Split level dwellings must have not less than 2,200 square feet of finished area directly under the roof, but a 50% credit will be given for finished area of lower level which is 50% exposed over finished grade.
3. In all other respects, the Declaration, as amended, shall remain unaffected and be enforceable as filed.

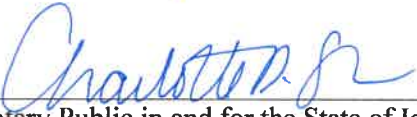
Dated on this day and year first written above.

THE RESERVE AT DAYBREAK, L.L.C., an Iowa limited liability company, Declarant

By: 
 Bradley H. Stanbrough, Manager

STATE OF IOWA)
) ss
 COUNTY OF Dallas)

This record was acknowledged before me on this 3 day of September, 2020, by Bradley H. Stanbrough, Manager of The Reserve at Daybreak, L.L.C.


 Notary Public in and for the State of Iowa

