

J P m Enterprises  
2950 E Post Rd  
M R 52302  
Book 7007

THIS INSTRUMENT PREPARED BY: STEPHEN C. NELSON  
Moyer & Bergman, PLC, 2720 1st Ave. NE, PO Box 1943, Cedar Rapids, IA 52406-1943, (319) 366-7331

**SECOND AMENDMENT TO DECLARATION OF SUBMISSION OF PROPERTY**  
**TO HORIZONTAL PROPERTY REGIME**  
**FOR**  
**PINE RIDGE, A CONDOMINIUM**

JPM Enterprises, Inc., an Iowa corporation (the "Developer") executes this First Amendment to the Declaration of Submission of Property to Horizontal Property Regime for Pine Ridge, a Condominium (the "Declaration"), all pursuant to Chapter 499B, Code of Iowa, entitled Horizontal Property Regime Act (Condominiums), which Declaration was filed in the office of the Recorder of Linn County, Iowa on October 31, 2003 in Book 5462 beginning at Page 104. This Second Amendment shall take effect when filed for record in the office of the Recorder of Linn County, Iowa.

Pursuant to paragraph 1 of Article XIII of the Declaration, the Developer is owner of all of the Units in the condominium regime amends the Declaration as follows:

1. The fifth sentence in paragraph 10 of Article X is amended by adding the following sentence after the fourth sentence in paragraph ten:

The landlord and tenant in the written lease shall be subject to the requirements of this Declaration and the Association.

2. Paragraph 11 of Article X is deleted and the following substituted in lieu thereof:

11. Enforcement, Penalties and Fines.  
The Association and any aggrieved Unit owner shall have a right of action against Unit owners who fail to comply with the provisions of the Declaration, the By Laws or the rules and regulation of the Association or the decisions made by the Association. Unit owners are granted a right of action against the Association if the Association fails to comply with the provisions of the Declaration, the By Laws or the rules and regulation of the Association. In addition or as an alternative to an action at law or a suit in equity, the Association, acting through its Board of Directors, may, with respect to any violation of this Declaration, the By Laws or the rules and regulations of the Association and after affording the alleged violator a reasonable opportunity to appear and be heard, establish monetary and non-monetary penalties, the amount and severity of

~1~



Doc ID: 006248510002 Type: GEN  
Recorded: 11/12/2003 at 10:59:32 AM  
Fee Amt: \$16.00 Page 1 of 2  
Instr# 200400040972  
Linn County Iowa  
JOAN MCCALMANT RECORDER  
BK **5473** PG **651-652**

which shall be reasonably related to the violation and to the aim of deterring similar future violations by the same or any other person. Monetary penalties imposed against a Unit owner or occupant of a Unit shall be deemed an assessment against the Unit and, as such, shall be a charge and a continuing lien upon such Unit, shall constitute a personal obligation of the Unit owner and shall be collectible in the same manner as assessments under Article VII of the By Laws. If the Association or any Unit owner successfully brings an action to extinguish a violation or otherwise enforce the provisions of this Declaration, the By Laws or the rules and regulations of the Association, the cost of such action, including reasonable legal fees, shall become a binding, personal obligation of the violator and a lien upon the Unit occupied by the violator and if against the Association, a personal obligation of the Association.

3. Except for the terms and provisions of this Declaration (including all of the exhibits) which have been modified and amended by this Second Amendment to Declaration, all remaining terms and provisions of the Declaration as amended (including all exhibits) shall remain in full force and effect.

Executed this 12<sup>th</sup> day of November, 2003.

JPM ENTERPRISES, INC.

By: Peg Morris  
Peg Morris, Vice President

STATE OF IOWA     )  
                                  ) ss:  
COUNTY OF LINN    )

This instrument was acknowledged before me this 12<sup>th</sup> day of November 2003, by Peg Morris, Vice President of JPM Enterprises, Inc., an Iowa corporation.

Tara Schroeder  
Notary Public - State of Iowa



H:\ddaves\WPMISC\pine ridge condos\pine ridge condo amd 2.DOC