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 Instr# 200400089803  
 Linn County Iowa  
 JOAN MCCALMANT RECORDER  
 BK **5691** PG **439-444**

\*JPM Enterprises Inc.  
 2950 E. Post Rd  
 MR, Ia 52302

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

**FIFTH 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 Fifth 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 Fifth Amendment shall take effect when filed for record in the office of the Recorder of Linn County, Iowa.

Pursuant to paragraph 3 of Article XIII of the Declaration, Developer amends the Declaration by adding Building 3900 37<sup>th</sup> Avenue SW containing Units A, B, and C, all in Cedar Rapids, Iowa, and to correct the Declaration as follows:

1. The following is added at the end of paragraph 2 of Article II:

Attached as Exhibit B-11 is the Site Survey which shows the location and dimensions of Building 3900 37<sup>th</sup> Avenue SW containing Units A, B and C, all in Cedar Rapids, Iowa.

3. Paragraph 4 of Article II is deleted and the following substituted in lieu thereof:

4. Particulars of Units. Exhibit D shows a complete set of plans for the 20 Units which were initially included in the Regime. The four Units in each Building have two stories and an attached 1-car or 2-car garage which is located on the first floor and is accessible directly from the Unit. Each Unit includes an unfinished basement. Exhibit D-1 is a complete set of plans for Building 3945 37<sup>th</sup> Ave. SW containing Units A, B, C and D in Cedar Rapids, Iowa. Units A and D are one story and Units B and C are two stories. Exhibit D-2 is a complete set of plans for Building 3920 37<sup>th</sup> Avenue SW containing Units A, B and C and are one story Units. The complete set of plans for Building 3925 37<sup>th</sup> Avenue SW containing Units A, B and C are identical to the plans filed with the Third Amendment to Declaration for Building 3920 37<sup>th</sup> Avenue SW containing Units A, B and C and are one story Units. The complete set of plans for Building 3905 37<sup>th</sup> Avenue SW

containing Units A, B, C and D and Building 4021 37th Avenue SW containing Units A, B, C and D are identical to the plans filed with the original Declaration for Building 3940 37th Avenue SW containing Units A, B, C and D and are two story Units. The complete set of plans for Building 4050 37th Avenue SW containing Units A, B, C, D, E and F are identical to the plans filed with the original Declaration for Building 4010 37th Avenue SW containing Units A, B, C, D, E and F and are two story Units. The complete set of plans for Building 3900 37th Avenue SW, containing Units A, B and C are identical to the plans filed with the Fourth Amendment to Declaration for Building 3925 37th Avenue SW containing Units A, B and C and are one story Units. The approximate area of each Unit is set forth on Exhibit G-4.

4. Attached to this Fifth Amendment are Exhibit B-11, E-4 and G-4. All references in the body of this Declaration to Exhibit G shall now be replaced and referred to as Exhibit G-4. All references in the body of the Declaration to Exhibits B-1, B-2, B-3, B-4, B-5, B-6, B-7, B-8, B-9, B-10, revised Exhibit B-3, revised Exhibit B-4, revised Exhibit B-5 and revised Exhibit B-6, E, E-1, E-2 and E-3 shall now also include B-11 and E-4, respectively.

5. Except for the terms and provisions of the Declaration (including all of the exhibits) which have been modified and amended by this Fifth 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 18<sup>th</sup> day of June, 2004.

JPM ENTERPRISES, INC.

By: Peg Morris  
Peg Morris, Vice President

STATE OF IOWA     )  
                                  ) ss:  
COUNTY OF LINN    )

This instrument was acknowledged before me this 18<sup>th</sup> day of June 2004, by Peg Morris, Vice President of JPM Enterprises, Inc., an Iowa corporation.

Michelle Owen  
Notary Public - State of Iowa



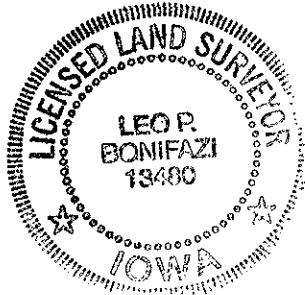


**SURVEYOR'S CERTIFICATE**

I hereby certify that the revised Site Plan, identified as Exhibit A, and the Site Survey, identified as Exhibit B-11, which is attached to this Declaration of Submission of Property to Horizontal Property Regime for Pine Ridge, a Condominium, relating to Building 3900 containing Units A, B and C on 37<sup>th</sup> Avenue SW in Cedar Rapids, Iowa, depict and describe the location of the Building, the common area to which each Unit has access and the location of all common elements that afford access to each Unit, all as they now exist as of this date.

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed land surveyor under the laws of the State of Iowa.

Dated this 16 day of June, 2004.



*Leo P. Bonifazi* 6-16-04  
Leo P. Bonifazi  
L.S. # 13480

EXHIBIT E-4

PINE RIDGE, A CONDOMINIUM

<u>Address of Unit</u>	<u>Unit Type</u>	<u>Fractional Interest</u>	<u>Approximate Area</u>
4010 37 <sup>th</sup> Ave. SW	Unit A	1/47	1,024 sq. ft.
4010 37 <sup>th</sup> Ave. SW	Unit B	1/47	1,048 sq. ft.
4010 37 <sup>th</sup> Ave. SW	Unit C	1/47	1,040 sq. ft.
4010 37 <sup>th</sup> Ave. SW	Unit D	1/47	1,040 sq. ft.
4010 37 <sup>th</sup> Ave. SW	Unit E	1/47	1,048 sq. ft.
4010 37 <sup>th</sup> Ave. SW	Unit F	1/47	1,024 sq. ft.
3940 37 <sup>th</sup> Ave. SW	Unit A	1/47	1,760 sq. ft.
3940 37 <sup>th</sup> Ave. SW	Unit B	1/47	1,400 sq. ft.
3940 37 <sup>th</sup> Ave. SW	Unit C	1/47	1,400 sq. ft.
3940 37 <sup>th</sup> Ave. SW	Unit D	1/47	1,760 sq. ft.
4030 37 <sup>th</sup> Ave. SW	Unit A	1/47	1,024 sq. ft.
4030 37 <sup>th</sup> Ave. SW	Unit B	1/47	1,048 sq. ft.
4030 37 <sup>th</sup> Ave. SW	Unit C	1/47	1,040 sq. ft.
4030 37 <sup>th</sup> Ave. SW	Unit D	1/47	1,040 sq. ft.
4030 37 <sup>th</sup> Ave. SW	Unit E	1/47	1,048 sq. ft.
4030 37 <sup>th</sup> Ave. SW	Unit F	1/47	1,024 sq. ft.
4001 37 <sup>th</sup> Ave. SW	Unit A	1/47	1,720 sq. ft.
4001 37 <sup>th</sup> Ave. SW	Unit B	1/47	1,360 sq. ft.
4001 37 <sup>th</sup> Ave. SW	Unit C	1/47	1,360 sq. ft.
4001 37 <sup>th</sup> Ave. SW	Unit D	1/47	1,720 sq. ft.
3945 37 <sup>th</sup> Ave. SW	Unit A	1/47	1,039 sq. ft.
3945 37 <sup>th</sup> Ave. SW	Unit B	1/47	1,760 sq. ft.
3945 37 <sup>th</sup> Ave. SW	Unit C	1/47	1,720 sq. ft.
3945 37 <sup>th</sup> Ave. SW	Unit D	1/47	1,039 sq. ft.
3920 37 <sup>th</sup> Ave. SW	Unit A	1/47	1,240 sq. ft.
3920 37 <sup>th</sup> Ave. SW	Unit B	1/47	1,193 sq. ft.
3920 37 <sup>th</sup> Ave. SW	Unit C	1/47	1,447 sq. ft.
3925 37 <sup>th</sup> Ave. SW	Unit A	1/47	1,240 sq. ft.
3925 37 <sup>th</sup> Ave. SW	Unit B	1/47	1,193 sq. ft.
3925 37 <sup>th</sup> Ave. SW	Unit C	1/47	1,447 sq. ft.
3905 37 <sup>th</sup> Ave. SW	Unit A	1/47	1,760 sq. ft.
3905 37 <sup>th</sup> Ave. SW	Unit B	1/47	1,360 sq. ft.
3905 37 <sup>th</sup> Ave. SW	Unit C	1/47	1,360 sq. ft.
3905 37 <sup>th</sup> Ave. SW	Unit D	1/47	1,720 sq. ft.

4021 37th Ave. SW	Unit A	1/47	1,720 sq. ft.
4021 37th Ave. SW	Unit B	1/47	1,360 sq. ft.
4021 37th Ave. SW	Unit C	1/47	1,360 sq. ft.
4021 37th Ave. SW	Unit D	1/47	1,720 sq. ft.
4050 37th Ave. SW	Unit A	1/47	1,024 sq. ft.
4050 37th Ave. SW	Unit B	1/47	1,048 sq. ft.
4050 37th Ave. SW	Unit C	1/47	1,040 sq. ft.
4050 37th Ave. SW	Unit D	1/47	1,040 sq. ft.
4050 37th Ave. SW	Unit E	1/47	1,048 sq. ft.
4050 37th Ave. SW	Unit F	1/47	1,024 sq. ft.
3900 37th Ave. SW	Unit A	1/47	1,240 sq. ft.
3900 37th Ave. SW	Unit B	1/47	1,193 sq. ft.
3900 37th Ave. SW	Unit C	1/47	1,447 sq. ft.

EXHIBIT G-4