

WARREN COUNTY, IOWA
FILED FOR RECORD

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BOOK 2001 PAGE 499
JUDITH K. LATHROP, RECORDER

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Preparer
Information

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Telephone

Robert Luss

DEPUTY

*16.00 chg
in title*

**BUILDING RESTRICTIONS
AND
PROTECTIVE COVENANTS**

KNOW ALL MEN BY THESE PRESENTS:

That Ashton Park, L.L.C., an Iowa limited liability, ("Declarant") being the owner of the following premises situated in Indianola, Warren County, Iowa, to wit:

**Lots 1 through 30, inclusive, (the "Lots" or "Lot") ASHTON
PARK PLAT 2, an Official Plat, now included in and forming
a part of the City of Indianola, Iowa**

does hereby establish and place the following building restrictions upon said Lots, to wit:

- (a) No structure of any kind shall be moved onto any Lot in this tract.
- (b) All single-family homes shall contain a minimum square footage of living space, exclusive of attached garages, breezeways, porches, and finished basement areas, as follows:
 - (i) one-story dwellings must have a minimum of 1100 square feet of finished area directly under the roof;
 - (ii) all other dwelling types must have a minimum of 1250 square feet of finished area.
- (c) The exterior of any dwelling and garage located on any Lot shall be finished with earth tone or neutral colored material (including all stain or painting of wood, brick, stone, pulverized stone or pressed wood).
- (d) All asphalt or fiberglass shingles on any dwelling or garage constructed on any Lot shall be a decorator or laminated shingle. No 3-tab shingles shall

be allowed on any dwelling, garage or other structure constructed on any Lot.

- (e) All recreational vehicles shall be parked or stored in a garage or totally screened and not visible from street view.
- (f) No exterior towers or antennas of any kind shall be constructed, modified, or permitted on the ground of any building Lot, except as provided for herein. Reasonable television and radio antennas may be attached to the dwelling or garage provided the antenna's location shall be restricted to the rear of the house or garage, or to the rear of the roof ridgeline so as to be hidden from sight when viewed from the front street. A satellite dish antenna having a diameter of one meter or less may be placed on the rear of a building Lot provided it is totally screened and not visible from street view.
- (g) Any dog run, trash receptacle, tool shed, or other out structure of like nature, shall be properly screened by reasonable shrubbery or decorative fence or both.
- (h) These covenants, restrictions and provisions are to run with the land and shall be binding upon all parties and all persons claiming under them for a period of twenty-one years after the date they are recorded in the Warren County Recorder's Office, and may be renewed for successive twenty-one year periods by recording a written notice as provided in Iowa Code § 614.24, as amended. Building Restrictions and Protective Covenants may be amended by an instrument signed (i) by the Declarant as long as the Declarant owns a Lot primarily for resale purposes, or (ii) by not less than seventy-five percent (75%) of the Lot owners if the Declarant does not own a Lot. Any amendment must be recorded.
- (i) If the owner or person in possession of any Lot violates or attempts to violate any of the covenants or restrictions herein established before said restrictions or covenants expire or have been removed, as provided herein, it shall be lawful for any person or persons owning any other lots in said plat to prosecute any proceedings in law or in equity against the person or persons violating or attempting to violate any such covenants or restrictions, and either to prevent him or them from so doing or to recover damages or other dues for such violation.
- (j) Invalidation of any one of these covenants by judgment or court order shall in no way affect any of the other provisions that shall remain in full force and effect.
- (k) The purpose of these building restrictions and protective covenants is to enhance and protect the value, attractiveness, and desirability of the premises.


Dated this 14th day of December 2000.

Ashton Park, L.L.C., an Iowa limited liability
company

By 
Thomas J. Gratias, Manager

STATE OF IOWA)
) ss.
COUNTY OF Warren)

On this 14th day of December, 2000, before me personally appeared Thomas A. Gratias, to me personally known, who, being by me duly sworn did say that he is a manager of Ashton Park, L.L.C., a limited liability of the State of Iowa, and that said instrument was signed and sealed in behalf of said limited liability company by authority of its members, and said Thomas J. Gratias, acknowledged the execution of said instrument to be the free act and deed of said limited liability company.


David O. Nelson Notary Public, in
and for the State of Iowa
My commission expires: April 3, 2002