



Prepared By: Christopher D. Sandy, Att’y at Law, 304 18 th St., Spirit Lake, IA 51360
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Douglas Alan Dau, individually and as President of the Arthur Heights Owners Association, Inc., and on Behalf of a class consisting of all persons owning Lots within the Subdivision known as Arthur Heights, Dickinson County, Iowa.

PRESERVATION OF RESTRICTIONS

STATE OF IOWA :
: SS.
DICKINSON COUNTY:

The undersigned, being first duly sworn or affirmed, upon oath deposes and states:

WHEREAS, the undersigned is the President of the Arthur Heights Owners Association, Inc., which is the Association created during the Platting of Arthur Heights, Dickinson County, Iowa, said Platting having been recorded in Plat Book 8, Page 41, of the Land Records of Dickinson County, Iowa, and;

WHEREAS, as part of the platting of Arthur Heights, the property within the Plat of Arthur Heights was made subject to certain protective covenants and building restrictions as more fully set forth in the platting documents as filed, and;

WHEREAS, said Declaration of Easements, Restrictions, Covenants and Conditions provides that they should be automatically renewed from time to time unless the protective covenants and restrictions contained therein should be repealed in whole or in part by a vote of more than 75% of the owners of lots within said subdivision, and;

WHEREAS, as part of the Platting of Arthur Heights there was filed certain By-Laws of the Arthur Heights Owners Association, which By-Laws further impose certain restrictions and

other rights, benefits, duties and obligations upon property and owners of property located within the subdivision, and;

WHEREAS, the Declaration of Easements, Restrictions, Covenants and Conditions were amended by a document filed on August 15, 1989, at Miscellaneous Record Book 2, Page 667 of the Land Records of Dickinson County, Iowa, and again amended by an Amendment filed on May 5, 1994, at Miscellaneous Record Book 7, Page 249, and;

WHEREAS, the Declaration of Easements, Restrictions, Covenants and Conditions, and amendments thereto, were extended for 21 years by a document filed on November 7, 2021, as Instrument No. 01-7740, at Miscellaneous Record Book 17, Page 675 of the Land Records of Dickinson County, Iowa, and;

WHEREAS, the Declaration of Easements, Restrictions, Covenants and Conditions, and all amendments thereto, were extended for 20 years by a document filed with the office of the Recorder of Dickinson County, Iowa, on September 13, 2022, as Instrument No. 22-05242, and;

WHEREAS, the Declaration of Easements, Restrictions, Covenants and Conditions were again amended by an Amendment filed with the office of the Recorder of Dickinson County, Iowa, on October 26, 2022, as Instrument No. 22-06069, and;

WHEREAS, Section 614.24 of the Iowa Code provides, in effect, that all use restrictions or restrictive covenants must be renewed, or will expire after 21 years, and;

WHEREAS, a duly called meeting of the Members of Arthur Heights Owners Association has resolved that all of the foregoing contents of the Declaration of Easements, Restrictions, Covenants and Conditions, and amendments thereto, should be extended, and continue to be in full force and effect for an additional 21 years commencing on the date this Preservation of Restrictions is filed with the office of the Recorder of Dickinson County, Iowa.

NOW, THEREFORE, pursuant to the provisions of Section 624.24 of the Iowa Code, I do hereby file this verified claim, extending the effectiveness of all the contents of the Declaration of Easements, Restrictions, Covenants and Conditions, and amendments thereto, and other items referenced above. This verified claim is filed in my capacity as President of the Arthur Heights Owners Association, and on behalf of the class of all persons owning Lots within the Plat of Arthur Heights Subdivision, Dickinson County, Iowa, and also in my capacity individually as the owner of Lot 55, in the Plat of Arthur Heights, Dickinson County, Iowa.

Dated and signed this 31st day of October, 2022.



Douglas Alan Dau, President
Arthur Heights Owners Association Incorporated
Owner in Possession

On this 31st day of October, 2022, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Douglas Alan Dau to me personally known, who being by me duly sworn, did say that he is the President of the corporation known as Arthur Heights Owners Association, Inc. executing the within and foregoing instrument to which this is attached; that the instrument was signed on behalf of the corporation by authority of its Board of Directors; and that Douglas Alan Dau, President, acknowledged the execution of the foregoing instrument to be the voluntary act and deed of the corporation, by it and by him voluntarily executed.



Notary Public – State of Iowa

