

Prepared by & Return to: Thomas G. Fisher, Jr. 3101 Ingersoll Avenue, Des Moines, IA 50312 (515) 279-9059

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

KNOW ALL PERSONS BY THESE PRESENTS:

THAT Windfield II Townhomes, L.C., an Iowa limited liability company ("Declarant"), as developer of Windfield Townhomes Plat 1, in the City of Waukee, Dallas County, Iowa, desires to establish and place residential covenants, conditions and restrictions and does hereby reserve certain easements, all as hereinafter specifically set forth, on the following described real property:

Lots 1-42 in WINDFIELD TOWNHOMES PLAT 1, an Official Plat, now included in and forming a part of the City of Waukee, Dallas County, Iowa (hereinafter the "Properties").

NOW, THEREFORE, Declarant hereby declares that the Properties shall be held, sold and conveyed subject to the following easements, restrictions, covenants, and conditions, which are for the purpose of protecting the value and desirability of, and which shall run with the real property and be binding on all parties having any rights, title or interest in the Properties or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each Owner thereof.

ARTICLE I DEFINITIONS

Section 1. "Association" shall mean and refer to Windfield Townhomes Association, its successors and assigns, a non-profit corporation organized pursuant to Chapter 504A of the Code of Iowa, 1999, as amended.

Section 2. "Association Responsibility Elements" shall mean the following:

- (a) The exterior surface of the Building upon a Lot, excluding windows, doors, stoops, patios and decks.
- (b) The structural portion of the Building upon a Lot.
- (c) The roof, gutters, downspouts, and foundations of the Building upon a Lot.