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Revenue Tax:  
PATRICK F GILL AUDITOR & RECORDER  
Woodbury County, Iowa

**THIRD AMENDMENT TO  
DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS  
FOR THE RESIDENCE AT ELK CREEK  
Recorder's Cover Sheet**

**Preparer Information:**

Cody M. McCullough  
329 Pierce Street, Suite 200  
Sioux City, IA 51101  
(712) 224-7557

**Taxpayer Information:**

Elk Creek Development, LLC  
2106 3<sup>rd</sup> Street  
Sioux City, IA 51102

**Return Document To:**

Cody M. McCullough  
Attorney at Law  
329 Pierce Street, Suite 200  
Sioux City, IA 51101

**Grantors:**

Elk Creek Development, LLC

**Grantees:**

See page 2.

**Legal Description:** See Exhibit "A".

**Document or instrument number of previously recorded documents:** Instrument No. 2021-10801; Instrument No. 2022-07065; Instrument No. 2024-01931.

**THIRD AMENDMENT TO  
DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS  
FOR THE RESIDENCE AT ELK CREEK**

**THIS THIRD AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE RESIDENCE AT ELK CREEK** (hereinafter “**Third Amendment**”) is made as of June 4, 2024 (the “**Effective Date**”), by **Elk Creek Development, LLC**, an Iowa limited liability company (hereinafter “**Declarant**”).

**RECITALS:**

WHEREAS, Declarant established a Declaration of Covenants, Conditions and Restrictions for the Residence at Elk Creek dated July 23, 2021 and filed for record with the Woodbury County Auditor and Recorder’s Office on August 4, 2021 as Instrument No. 2021-10801, as subsequently amended by that certain First Amendment to Declaration of Covenants, Conditions and Restrictions for the Residence at Elk Creek dated June 3, 2022 and filed June 6, 2022 as Instrument No. 2022-07065 and the Second Amendment to Declaration of Covenants, Conditions and Restrictions for the Residence at Elk Creek dated March 6, 2024 and filed March 7, 2024 as Instrument No. 2024-01931 (collectively, hereinafter referred to as the “**Declaration**”) which said Declaration imposes covenants, conditions and restrictions against the real estate described on **Exhibit “A”** attached hereto and incorporated herein by this reference;

WHEREAS, Declarant owns one or more Parcels under the terms of the Declaration and has the sole right to amend the Declaration; and

WHEREAS, Declarant desires to amend the Declaration as set forth below.

NOW, THEREFORE, it is hereby declared, as of the Effective Date, as follows:

1. Section 21 of Article VIII is hereby deleted in its entirety and replaced with the following:

21. **Fences**. Fences may be constructed upon a Parcel but only as provided in the Design Guidelines.

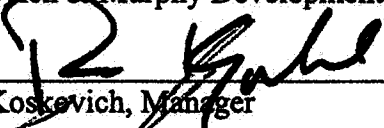
2. The Declaration is hereby ratified, confirmed and approved as amended by this Third Amendment.

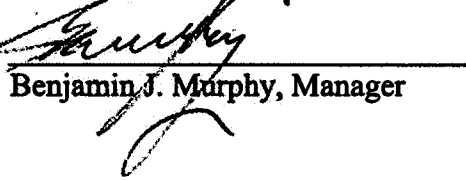
[SIGNATURE PAGE FOLLOWS]

**IN WITNESS WHEREOF**, we have hereunto set our hands on the day and year first above written.

**ELK CREEK DEVELOPMENT, LLC**

By: Koskovich & Murphy Developments, LLC, Its Manager

By:   
Paul Koskovich, Manager

By:   
Benjamin J. Murphy, Manager

STATE OF IOWA, COUNTY OF WOODBURY:

This record was acknowledged before me on June 4, 2024 by Paul Koskovich and Benjamin J. Murphy as Managers of Koskovich & Murphy Developments, LLC as Manager of Elk Creek Development, LLC.

  
Notary Public - State of Iowa



**Exhibit "A"**  
**(Original Legal Description)**

The East ½ of the Northwest ¼ of the Southeast ¼ of Section 17, Township 88 North, Range 47 West of the Fifth Principal Meridian, Woodbury County, Iowa, more particularly described as follows:

Beginning at the Northeast corner of said East ½ of the Northwest ¼ of the Southeast ¼ of said Section 17; thence South 0°13'18" East along the East line of said East ½ of the Northwest ¼ of the Southeast ¼ for 1310.31 feet to the Southeast corner of said East ½ of the Northwest ¼ of the Southeast ¼; thence South 88°18'02" West along the South line of said East ½ of the Northwest ¼ of the Southeast ¼ for 658.57 feet to the Southwest corner of said East ½ of the Northwest ¼ of the Southeast ¼; thence North 0°06'38" West along the West line of said East ½ of the Northwest ¼ of the Southeast ¼ for 1307.13 feet to the Northwest corner of said East ½ of the Northwest ¼ of the Southeast ¼; thence North 88°00'59" East along the North line of said East ½ of the Northwest ¼ of the Southeast ¼ for 656.12 feet to the point of beginning.

Said described parcel contains 19.741 acres, more or less.

And

All that part of the Northeast ¼ of the Southeast ¼ of Section 17, Township 88 North, Range 47 West of the Fifth Principal Meridian, Woodbury County, Iowa, described as follows:

Beginning at the Northwest corner of said Northeast ¼ of the Southeast ¼ of said Section 17; thence South 0°13'18" East along the West line of said Northeast ¼ of the Southeast ¼ for 1310.31 feet to the Southwest corner of said Northeast ¼ of the Southeast ¼; thence North 88°25'20" East along the South line of said Northeast ¼ of the Southeast ¼ for 1281.14 feet to the centerline of Elk Creek Road; thence North 0°20'43" West along said centerline for 80.69 feet; thence Northwesterly along said centerline for 291.81 feet on a 350.00 foot radius curve, concave Southwesterly, having a long chord of 283.43 feet, bearing North 24°13'48" West; thence North 48°06'53" West along said centerline for 1261.01 feet; thence Northwesterly along said centerline for 139.74 feet on a 1350.00 foot radius curve, concave Northeasterly, having a long chord of 139.68 feet, bearing North 45°08'58" West to the North line of said Northeast ¼ of the Southeast ¼; thence South 88°00'59" West along said North line for 131.17 feet to the point of beginning.

Said described parcel contains 24.157 acres, more or less, which includes 1.345 acres in roadway easement.