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Pymt: Check

Colleen Pearce, Cerro Gordo County Recorder



Aud

Prepared by and return document to: John L. Duffy, Heiny, McManigal, Duffy, Stambaugh & Anderson,  
P.L.C., 11 Fourth Street NE, P.O. Box 1567, Mason City, Iowa 50402-1567 (641-423-5154)

*JL*

REINSTATEMENT OF USE RESTRICTIONS ALSO DESCRIBED AS COVENANTS,  
CONDITIONS, AND RESTRICTIONS CONTAINED OR REFERRED TO IN  
RECORDED DOCUMENTS PERTAINING TO ASBURY FARM ITEMIZED IN EXHIBIT  
"A" ATTACHED HERETO AND MADE A PART HEREOF,  
("REINSTATEMENT OF USE RESTRICTIONS" OR "REINSTATEMENT")

The Association, for its Reinstatement of Use Restrictions,  
STATES:

1. Recorded Documents. The recorded documents which pertain to Asbury Farm and which are referred to in this Reinstatement are itemized in Exhibit "A" attached hereto and made a part hereof and are referred to in Exhibit "A" and herein as the "Declaration and Plats and Supplements."

2. Asbury Farm Homeowners' Association, Inc. Asbury Farm Homeowners' Association, Inc. (herein the "Association") is an Iowa nonprofit corporation. Its purpose and function is described in the Declaration and Plats and Supplements. The authority of the Association to file this Reinstatement of Use Restrictions is contained or referred to in the Declaration and Plats and Supplements.

3. Use Restrictions. This Reinstatement pertains to "Use Restrictions," also described as Covenants, Conditions, and Restrictions, as defined in §614.24(5) of the Iowa Code and contained or referred to in the Declaration and Plats and Supplements. The Use Restrictions may have expired by operation of law pursuant to §614.24(1) of the Iowa Code.

4. Lot. For purposes of this Reinstatement, the definition of "Lot" or "Lots" is that contained or referred to in the Declaration and Plats and Supplements. The Use Restrictions encumber all Lots identified in the Declaration and Plats and Supplements. This Reinstatement pertains to all Lots identified in the Declaration and Plats and Supplements.

5. Owner. For purposes of this Reinstatement, the definition of "Owner" or "Owners" is that contained or referred to in the Declaration and Plats and Supplements. This Reinstatement pertains to all Owners of all Lots identified in the Declaration and Plats and Supplements.

6. Reinstatement. The Association reinstates for itself, for all Owners of all Lots, and for all Lots, all Use Restrictions contained or referred to in the Declaration and Plats and Supplements. The legal effect of this Reinstatement is that the Use Restrictions will be treated for all purposes as if they had never expired. The legal effectiveness of the Use Restrictions is retroactive to date of their expiration as provided in §624.24(1) of the Iowa Code.

7. Counterpart Signature. This Reinstatement is signed on a counterpart signature page by the Association in accordance with the authority granted to it in the Declaration and Plats and Supplements, and its Bylaws.

The remainder of this page is intentionally left blank.

COUNTERPART SIGNATURE PAGE TO REINSTATEMENT

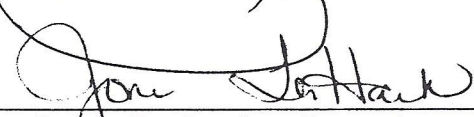
Dated the 25<sup>th</sup> day of January, 2016.

ASBURY FARM HOMEOWNERS' ASSOCIATION, INC.

By

  
\_\_\_\_\_  
Ken Zimmerman, President

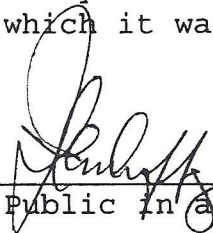
By

  
\_\_\_\_\_  
Joni Terhark, Secretary

"ASSOCIATION"

STATE OF IOWA, COUNTY OF CERRO GORDO ) ss:

This Reinstatement was executed before me on the 25<sup>th</sup> day of January, 2016, by Ken Zimmerman, as President, and Joni Terhark, as Secretary, of Asbury Farm Homeowners' Association, Inc., on behalf of which it was executed.

  
\_\_\_\_\_  
Notary Public in and for said State



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**EXHIBIT "A"**  
**RECORDED DOCUMENTS PERTAINING TO ASBURY FARM**

1. Declaration of Covenants, Conditions, and Restrictions dated June 18, 1973, and recorded April 30, 1974, in Book 9, page 353 (referred to in the Reinstatement as the "Declaration").
2. Dedication of Plat of Asbury Farm dated June 18, 1973, and recorded February 11, 1974, in Book 9, page 305.
3. Dedication of Plat of Asbury Farm Second Subdivision dated May 3, 1976, and recorded November 29, 1976, in Book 209, page 446.
4. First Supplement to Declaration of Covenants, Conditions, and Restrictions dated August 24, 1977, and recorded August 24, 1977, in Book 110, page 61.
5. Dedication of Plat of Asbury Farm Third Addition dated May 22, 1978, and recorded October 15, 1979, in Book 122, page 013.
6. Second Supplement to Declaration of Covenants, Conditions, and Restrictions dated October 10, 1979, and recorded October 15, 1979, in Book 122, page 026.
7. Dedication of Plat of Asbury Farm Fourth Addition dated June 19, 1990, and recorded June 21, 1990, in Book 90, page 3724.
8. Third Supplement to Declaration of Covenants, Conditions, and Restrictions dated June 21, 1990, and recorded June 21, 1990, as Document #90-3725.
9. Dedication of Plat of Asbury Farm Fifth Addition dated August 7, 1990, and recorded August 22, 1990, in Book 90 at page 5262.
10. Fourth Supplement to Declaration of Covenants, Conditions, and Restrictions dated October 11, 1990, and recorded October 26, 1990, in Volume 90 at page 6874.
11. Dedication of Plat of Asbury Farm Sixth Addition dated April 22, 1992, and recorded May 27, 1992, as Document #92-4139.
12. Fifth Supplement to Declaration of Covenants, Conditions, and Restrictions dated May 26, 1992, and recorded May 27, 1992, as Document #9204140 (also #92-4140).

The above Dedications of Plat and Supplements (items 2 through 12) are referred to collectively in the Reinstatement as "Plats and Supplements."