



RE/MAX Lakes Realty provides these covenants/bylaws/horizontal property regime declarations as a convenience, and in no way guarantees the accuracy of these documents, and in no way represents that these documents are up to date and/or legally binding. It is the responsibility of any potential buyer, seller, investor, and/or real estate agent to contact any association contact and/or the Dickinson County recorder's office in order to satisfy themselves as to the very latest available documents.

These documents are the property of Sellboji.com, BojiHomes.com and RE/MAX Lakes Realty. The downloading of these documents for use by any other Real Estate Agency is strictly prohibited.

Filed at 1:20 PM
June 20, 1996
Fee \$36.00

Recorders Note; See Misc. Book M Pages 593 & 613.

INSTR. NO. **963054**

EX _____ PAGE _____

JUN 20 1996

JUN 20 PM 1:20

AMENDED AND SUBSTITUTED BY-LAWS OF BROOKS COUNTY

VILLA NO. 2 ASSOCIATION

JAN BURTSCHELLER
RECORDER
DICKINSON COUNTY, IOWA

The co-owners of the horizontal property regime located on Lot ~~36~~ ³⁶ Thirty-six (36), of Brooks County Club Addition, Second Platting, in Okoboji, Dickinson County, Iowa do hereby repeal all by-laws heretofore adopted by said co-owners and hereby adopt the following amended and substituted by-laws in accordance with Chapter 499B of the Code of Iowa and in accordance with the declaration submitting said property to a horizontal property regime:

ARTICLE I

MEMBERSHIP AND ADMINISTRATION

Section 1. The owners of all apartment units in the buildings located on the above described property shall be members of "Country Club Villa No. 2 Association" (hereinafter referred to as "Association") which shall have the responsibility of administering and collecting monthly assessments and arranging for the maintenance of the property on behalf of the co-owners in accordance with these by-laws, the aforesaid Declaration and the laws of the State of Iowa pertaining thereto.

Section 2. Meetings of the Association shall be held in such apartment of the apartment buildings or other suitable place convenient to the owners as may be designated by the Board of Directors.

Section 3. Annual meetings. Annual meetings of the Association shall be held in the last week in August or the first week in September of each year, the specific date to be fixed by the Board of Directors of the Association. At such meetings there shall be elected by ballot of the members, a Board of Directors in accordance with the provisions hereinafter set forth. The members may also transact such other business as they may deem proper.

Section 4. It shall be the duty of the president to call a special meeting of the Association as directed by resolution of the Board of Directors or upon a petition signed by a majority of the members and having been presented to the secretary. The notice of any special meetings shall state the time and place of such meeting and the purpose thereof. No business shall be transacted at a special meeting except as stated in the notice unless by consent of the thirds (2/3) of the members present either in person or by proxy.

Section 4. Vacancies. Vacancies in the Board of Directors caused by any reason other than expiration of the director's term shall be filled by a vote of majority of the remaining directors.

Section 5. Meetings. Meetings of the Board of Directors may be called by the president of the Association and shall be called at the request of any director. The president shall give not less than three days notice to each director of any meeting either personally or by mail, telephone or other means, which notices shall state the time, place and the purpose of the meeting. Presence of a director in person at any such meeting shall constitute a waiver of the above notice provision.

Section 6. At all meetings of the Board of Directors a majority of the directors shall constitute a quorum for the transaction of business and the acts of the majority of the directors present at a meeting at which a quorum is present shall be the acts of the Board of Directors.

ARTICLE III

Section 1. Designation. The officers of the Association shall be a president, a vice-president, a secretary-treasurer, all of whom shall be elected at each annual meeting of the Association. Said officers shall constitute the Board of Directors of the Association. All officers shall serve for a term of one year and until their successors are elected.

Section 2. President. The president shall be the chief executive officer of the Association. He shall preside at all meetings of the Association and of the Board of Directors and shall have all of the general powers and duties which are usually vested in the office of the president of the Association.

Section 3. Vice-President. The vice-president shall perform all duties of the president when the president is absent or unable to act. He shall perform such other duties as shall be delegated to him by the president or the Board of Directors.

Section 4. Secretary-Treasurer. The secretary-treasurer shall keep the minutes of all meetings of the Board of Directors and of the Association; he shall have charge of all books and records of the Board of Directors and the Association; he shall have responsibility for keeping full and accurate accounts of all receipts and disbursements of the Association which accounts shall be open to all members of the Association at all reasonable times. He shall perform such other duties as may be specified by the Board of Directors of the Association.

unduly disturb or annoy other occupants of the premises or unduly interfere with the use, enjoyment and occupancy of other persons lawfully upon the premises.

b. Use of the swimming pool shall be prohibited between the hours of 10:00 o'clock P.M. and 8:00 o'clock A.M.

c. Pets shall not be permitted in the fenced-in area of the premises adjoining the Brooks golf course, and no pets weighing over 30 pounds shall be permitted anywhere on the premises.

d. No motor vehicle shall be permitted on the premises that is not currently licensed as required by the laws of the state of Iowa for use on the public highways or that is not in operating condition. In the event such a vehicle is on the premises for a period of more than seven days the Board of Directors, or the custodian, shall cause the same to be removed at the expense of the owner of the vehicle.

e. Unit owners are permitted to enclose their porches or patios, but no owner shall do so without the approval of the Board of Directors who shall establish a uniform design therefore and require all enclosures to conform to said design.

f. An owner shall not place or cause to be placed upon the stairways or walk-ways any objects that restrict or endanger the normal use of such areas.

g. "For Sale" signs and other advertising signs shall not be permitted anywhere on the premises, except that the Board of Directors may erect one sign with instructions concerning real estate sales.

h. The Board of Directors must give prior approval before an owner may make any changes to the outside of a building.

Section 4. An owner shall permit other owners or their representatives, when so required, to enter his unit for the purpose of performing installations, alterations or repairs to the mechanical or electrical services, providing that requests for entry are made in advance and that such entry is at a time convenient to the owner.

Section 5. An owner shall require all tenants, occupants and guests to abide by all rules of conduct set forth in these by-laws or approved by the Board of Directors. Leases must be at least six months in duration, and copies of leases must be kept on file with the Secretary or Treasurer of the Board of Directors.

Paul A. Neppel
Paul Neppel, President

State of Iowa)
) ss
Dickinson County)

I, Barb Pelisek, being first duly sworn, depose and state that I am the duly elected and acting Secretary-Treasurer of Country Club Villa No. 2 Association; that as such Secretary I have custody of the records of said association and said records show that the above and foregoing Amended and Substituted By-laws of Brooks Country Club Villa No. 2 Association were duly adopted by said association at its 1996 special meeting on May 27, 1996 by a majority of the owners of the apartment units represented by said association.

Barb Pelisek
Barb Pelisek

SUBSCRIBED AND SWORN TO before me by Barb Pelisek this 20th day of June, 1996.

Susan Reiter
Susan Reiter
Notary Public in and for
the State of Iowa



AMENDED AND SUBSTITUTED BY-LAWS OF BROOKS COUNTRY CLUB

VILLA NO. 2 ASSOCIATION

The co-owners of the horizontal property regime located on Lot Thirty-six (36), of Brooks Country Club Addition, Second Platting, in Okoboji, Dickinson County, Iowa do hereby repeal all by-laws heretofore adopted by said co-owners and hereby adopt the following amended and substituted by-laws in accordance with Chapter 499B of the Code of Iowa and in accordance with the declaration submitting said property to a horizontal property regime:

ARTICLE I

MEMBERSHIP AND ADMINISTRATION

Section 1. The owners of all the apartment units in the buildings located on the above described property shall be members of "Country Club Villa No. 2 Association" (hereafter referred to as "Association") which shall have the responsibility of administering and collecting monthly assessments and arranging for the maintenance of the property on behalf of the co-owners in accordance with these by-laws, the aforesaid Declaration and the laws of the State of Iowa pertaining thereto.

Section 2. Meetings of the Association shall be held in such apartment of the apartment buildings or other suitable place convenient to the owners as may be designated by the Board of Directors.

Section 3. Annual Meetings. Annual meetings of the Association shall be held in the last week in August or the first week in September of each year, the specific date to be fixed by the Board of Directors of the Association. At such meetings there shall be elected by ballot of the members, a Board of Directors in accordance with the provisions hereinafter set forth. The members may also transact such other business as they may deem proper.

Section 4. It shall be the duty of the president to call a special meeting of the Association as directed by resolution of the Board of Directors or upon a petition signed by a majority of the members and having been presented to the secretary. The notice of any special meetings shall state the time and place of such meeting and the purpose thereof. No business shall be transacted at a special meeting except as stated in the notice unless by consent of two thirds (2/3) of the members present either in person or by proxy.

Section 5. Notice of meetings. It shall be the duty of the secretary to mail a notice of each annual or special meeting, stating the purpose thereof as well as the time and place where it will be held to each owner of record at least five but not more than twenty days prior to such meeting.

Section 6. Quorum. Except as otherwise provided in these by-laws, the presence in person or by proxy of the owners of thirteen apartment units shall constitute a quorum.

Section 7. Proxies. Votes may be cast in person or by proxy. Proxies must be filed with the secretary before the appointed time of each meeting. The owners or co-owners of each apartment shall be entitled to cast one vote per apartment unit so that the maximum number of votes that may be cast on any proposition shall be twenty-four.

Section 8. If any meetings of the Association cannot be organized because of quorum is not present, the members who are present, either in person or by proxy, may adjourn the meeting to any time not less than forty-eight hours from the time the original meeting was called.

ARTICLE II

BOARD OF DIRECTORS

Section 1. Number and qualification. The affairs of the Association shall be governed by a Board of Directors composed of three persons, all of whom must be owners of apartments or spouses of such owners.

Section 2. Powers and duties. The Board of Directors shall have the powers and duties necessary for the administration of the affairs of the Association and may do all such acts and things as are not by law or by these by-laws or the Declaration herein directed to be exercised and done by the owners.

Section 3. Other duties. In addition to the duties imposed by these by-laws or by resolution of the Association, the Board of Directors shall be responsible for the following:

- a. Care, upkeep and maintenance of the apartment buildings and the common areas and facilities and limited common areas and facilities.
- b. Collection of monthly assessments from the owners.
- c. Enforcement of the rules and regulations of the Association.

Section 4. Vacancies. Vacancies in the Board of Directors caused by any reason other than expiration of the director's term shall be filled by a vote of majority of the remaining directors.

Section 5. Meetings. Meetings of the Board of Directors may be called by the president of the Association and shall be called at the request of any director. The president shall give not less than three days notice to each director of any meeting either personally or by mail, telephone or other means, which notices shall state the time, place and the purpose of the meeting. Presence of a director in person at any such meeting shall constitute a waiver of the above notice provision.

Section 6. At all meetings of the Board of Directors a majority of the directors shall constitute a quorum for the transaction of business and the acts of the majority of the directors present at a meeting at which a quorum is present shall be the acts of the Board of Directors.

ARTICLE III

Section 1. Designation. The officers of the association shall be a president, a vice-president, a secretary-treasurer, all of whom shall be elected at each annual meeting of the Association. Said officers shall constitute the Board of Directors of the Association. All officers shall serve for a term of one year and until their successors are elected.

Section 2. President. The president shall be the chief executive officer of the Association. He shall preside at all meetings of the Association and of the Board of Directors and shall have all of the general powers and duties which are usually vested in the office of the president of the Association.

Section 3. Vice-President. The vice-president shall perform all duties of the president when the president is absent or unable to act. He shall perform such other duties as shall be delegated to him by the president or the Board of Directors.

Section 4. Secretary-Treasurer. The secretary-treasurer shall keep the minutes of all meetings of the Board of Directors and of the Association; he shall have charge of all books and records of the Board of Directors and the Association; he shall have responsibility for keeping full and accurate accounts of all receipts and disbursements of the Association which accounts shall be open to all members of the Association at all reasonable times. He shall perform such other duties as may be specified by the Board of Directors of the Association.

ARTICLE IV

OBLIGATIONS OF OWNERS

Section 1. Assessments. All owners are obligated to pay assessments established by the Association to meet all expenses incurred by the Association in managing, protecting, repairing, replacing and improving the common areas, facilities and property of the apartment owners, including expenses incurred in maintaining in force such insurance protection as the Association or Board of Directors may deem prudent. The owners of each apartment unit shall be responsible for one twenty-fourth (1/24) of such expenses, unless the Association determines that a particular expense item will benefit one or more owners to a greater extent than other owners, in which event the Association may assess said expense in proportion to the benefit to be received. A budget establishing such proposed expenses, the amount to be assessed against each apartment unit and the time payments shall be due and payable, shall be adopted by majority vote of the members present at each annual meeting of the Association. A finance charge of one per-cent (1%) per month of the amount due, shall be assessed when a payment is thirty (30) days past due. Such finance charges shall be a lien on a owner's property to the same extent, and enforceable in the same manner as other assessments.

Section 2. Maintenance and repair.

- (a) Each owner shall perform promptly all maintenance and repair work within his own unit which if omitted would affect the property of another owner or any of the common elements.
- (b) All repairs to internal installations of each apartment unit, including doors, windows and all other accessories belonging to the apartment unit shall be at the owner's expense to the extent that the same are not covered by insurance carried in the name of the Association.
- (c) An owner shall reimburse the Association for any expenditures incurred in repairing or replacing any common element damaged through the fault of such owner, his tenants or guests.

Section 3. Rules of conduct. The following rules shall be observed by the apartment owners:

- a. Each person while on the condominium premises shall conduct himself or herself in such manner as will not unduly disturb or annoy other occupants of the premises or unduly interfere with the use, enjoyment and occupancy of other persons lawfully upon the premises.
- b. Use of the swimming pool shall be prohibited between the hours of 11:00 o'clock p.m. and 7:00 o'clock a.m.
- c. Pets shall not be permitted in the fenced-in area of the premises adjoining the Brooks golf course, and no pets weighing over 30 pounds shall be permitted anywhere on the premises.
- d. No motor vehicle shall be permitted on the premises that is not currently licensed as required by the laws of the state of Iowa for use on the public highways or that is not in operating condition. In the event such a vehicle is on the premises for a period of more than seven days the Board of Directors, or the custodian, shall cause the same to be removed at the expense of the owner of the vehicle.
- e. Unit owners are permitted to enclose their porches or patios, but no owner shall do so without the approval of the Board of Directors who shall establish a uniform design therefore and require all enclosures to conform to said design.
- f. An owner shall not place or cause to be placed upon the stairways or walk-ways any objects that restrict or endanger the normal use of such areas.

Section 4. An owner shall permit other owners or their representatives, when so required, to enter his unit for the purpose of performing installations, alterations or repairs to the mechanical or electrical services, providing that requests for entry are made in advance and that such entry is at a time convenient to the owner.

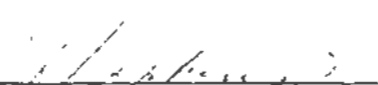
Section 5. An owner shall require all tenants and guests to abide by all rules of conduct set forth in these by-laws.

ARTICLE V

AMENDMENTS

Section 1. These by-laws may be amended by the Association at any annual meeting of the Association or at any special meeting of the Association called for such purpose, but no amendment shall take effect unless approved by the owners of a majority of the apartment units.

The foregoing Amended and Substituted by-laws were passed, approved and adopted at the 1978 annual meeting of Country Club Villa Association held in Okoboji, Iowa on the 3rd day of September, 1978.


E. J. Hopkins, President

State of Iowa)
)ss
Woodbury County)

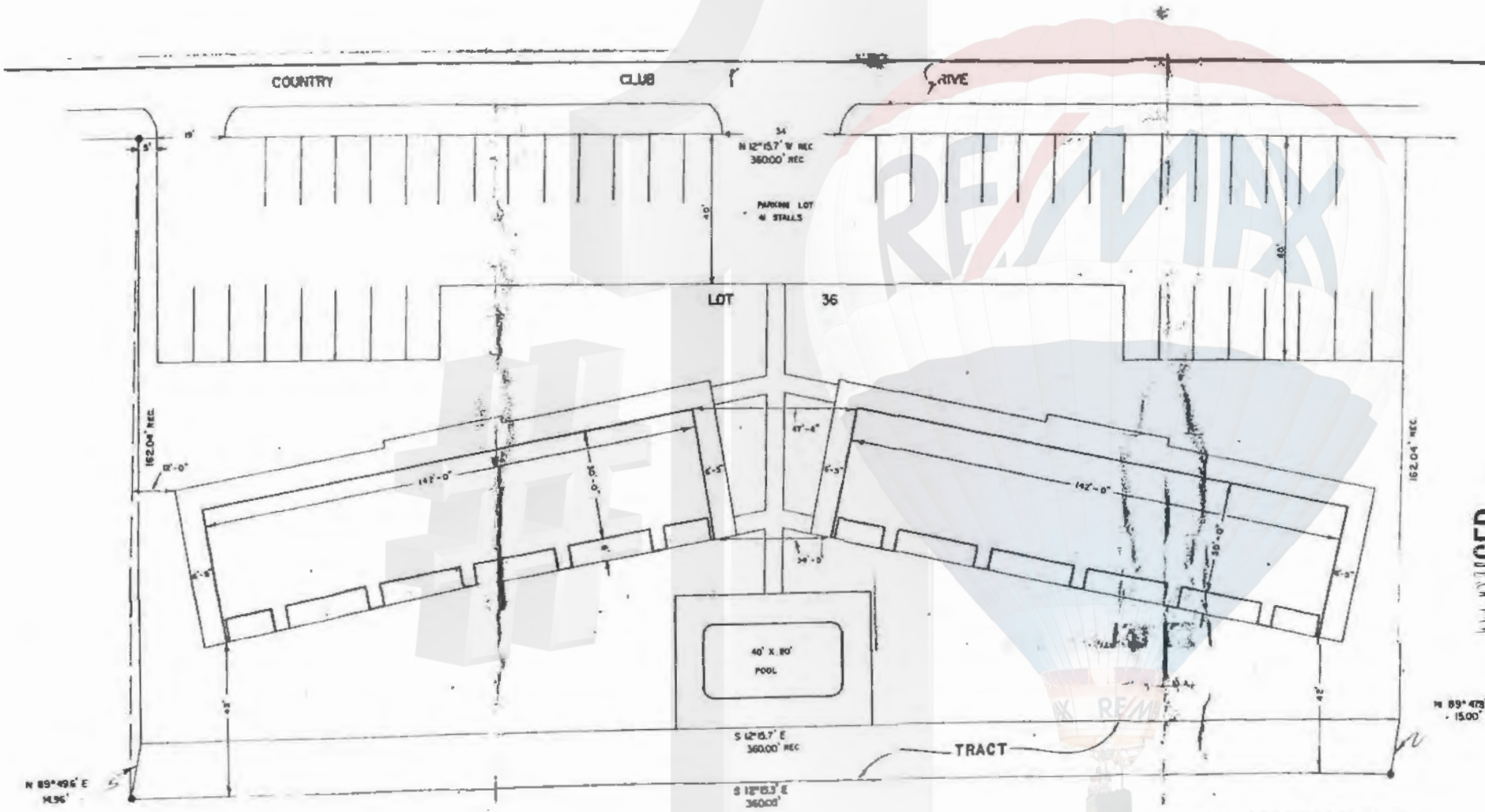
I, Paul A. Mahr, being first duly sworn, depose and state that I am the duly elected and acting Secretary-Treasurer of Country Club Villa No. 2 Association; that as such Secretary I have custody of the records of said association and said records show that the above and foregoing Amended and Substituted By-laws of Brooks Country Club Villa No. 2 Association were duly adopted by said association at its 1978 annual meeting on September 3, 1978 by a majority of the owners of the apartment units represented by said association.

Paul A. Mahr
Paul A. Mahr

SUBSCRIBED AND SWORN TO before me by Paul A. Mahr this 28th day of September, 1978.

Virginia Forker
VIRGINIA FORKER Notary Public in and for the State
of Iowa

Virginia Forker I.O. Notarial Seal



RE/MAX

REDUCED

I hereby certify that this plat, map, survey or report was made by me or under my direct personal supervision and that I am a duly registered Land Surveyor under the laws of the State of Iowa.
 Date
Eric Peterson 3-3-11
 E. D. BOSTERMAN, L.S. Iowa Reg. No. 380

JALONSON WY SIZENBARD & ASS'N
 120 SOUTH SIXTH STREET
 ESTHERVILLE IOWA 52728



LOT 36, BROOKS COUNTRY CLUB ADDITION SECOND PLATTING AND ADJOINING TRACT OKOBOJI, IOWA

MISC BK #33

23

#03564

Fee \$32.00

Filed at 3:12 P.M.
June 02, 2009

INST. NO. 09-03564

PAGE

2009 JUN 2 PM 3 12

JAN BOUTCHER
RECORDER
DICKINSON COUNTY IOWA
FEE \$ 32.00

Prepared by and return to: William J. Thatcher, 136 N. 9th St., Fort Dodge, IA 50501 - 515-573-7612

**AMENDED AND REAFFIRMED BY-LAWS OF BROOKS COUNTRY CLUB
VILLA NO. 2 ASSOCIATION**

The co-owners of the horizontal property regime located on Lot Thirty six (36), of Brooks Country Club Addition, Second Platting, in Okoboji, Dickinson County, Iowa do hereby amend Article IV, Section 3c; Article IV, Section 3d; Article IV, Section 3e; Article IV, and Section 3g of the by-laws. All other by-laws are reaffirmed as amended and substituted on May 27, 1996 and filed for record with the Dickinson County Recorder on June 20, 1996 as Instrument No. 963054 in Book 9, Page 283. Said co-owners hereby adopt the following Amended and Reaffirmed By-laws in accordance with Chapter 499B of the Code of Iowa and in accordance with the declaration submitting said property to a horizontal property regime:

**ARTICLE I
MEMBERSHIP AND ADMINISTRATION**

Section 1. The owners of all apartment units in the buildings located on the above described property shall be members of "Country Club Villa No. 2 Association" (hereinafter referred to as "Association") which shall have the responsibility of administering and collecting monthly assessments and arranging for the maintenance of the property on behalf of the co-owners in accordance with these by-laws, the aforesaid Declaration and the laws of the State of Iowa pertaining thereto.

Section 2. Meetings of the Association shall be held in such apartment of the apartment buildings or other suitable place convenient to the owners as may be designated by the Board of Directors.

Section 3. Annual meetings. Annual meetings of the Association shall be held in the last week in August or the first week in September of each year, the specific date to be fixed by the Board of Directors of the Association. At such meetings there shall be elected by ballot of the members, a

Board of Directors in accordance with the provisions hereinafter set forth. The members may also transact such other business as they may deem proper.

Section 4. It shall be the duty of the president to call a special meeting of the Association as directed by resolution of the Board of Directors or upon a petition signed by a majority of the members and having been presented to the secretary. The notice of any special meetings shall state the time and place of such meeting and the purpose thereof. No business shall be transacted at a special meeting except as stated in the notice unless by consent of two-thirds (2/3) of the members present either in person or by proxy.

Section 5. Notice of meetings. It shall be the duty of the secretary to mail a notice of each annual or special meeting, stating the purpose thereof as well as the time and place where it will be held to each owner of record at least five but not more than twenty days prior to such meeting.

Section 6. Quorum. Except as otherwise provided in these by-laws, the presence in person or by proxy of the owners of thirteen apartment units shall constitute a quorum.

Section 7. Proxies. Votes may be cast in person or by proxy. Proxies must be filed with the secretary before the appointed time of each meeting. The owners or co-owners of each apartment shall be entitled to cast one vote per apartment unit so that the maximum number of votes that may be cast on any proposition shall be twenty-four.

Section 8. If any meetings of the Association cannot be organized because a quorum is not present, the members who are present, either in person or by proxy, may adjourn the meeting to any time not less than forty-eight hours from the time the original meeting was called.

ARTICLE II BOARD OF DIRECTORS

Section 1. Number and qualification. The affairs of the Association shall be governed by a Board of Directors composed of three persons, all of whom must be owners of apartments or spouses of such owners.

Section 2. Powers and duties. The Board of Directors shall have the powers and duties necessary for the administration of the affairs of the Association and may do all such acts and things as are not by law or by these by-laws or the Declaration herein directed to be exercised and done by the owners.

Section 3. Other duties. In addition to the duties imposed by these by-laws or by resolution of the Association, the Board of Directors shall be responsible for the following:

- a. Care, upkeep and maintenance of the apartment buildings and the common areas and facilities and limited common areas and facilities.
- b. Collection of monthly assessments from the owners.
- c. Enforcement of the rules and regulations of the Association.

Section 4. Vacancies. Vacancies in the Board of Directors caused by any reason other than expiration of the director's term shall be filled by a vote of majority of the remaining directors.

Section 5 Meetings. Meetings of the Board of Directors may be called by the president of the Association and shall be called at the request of any director. The president shall give not less than three days notice to each director of any meeting either personally or by mail, telephone or other means, which notices shall state the time, place and the purpose of the meeting. Presence of a director in person at any such meeting shall constitute a waiver of the above notice provision.

Section 6. At all meetings of the Board of Directors a majority of the directors shall constitute a quorum for the transaction of business and the acts of the majority of the directors present at a meeting at which a quorum is present shall be the acts of the Board of Directors.

ARTICLE III

Section 1 Designation. The officers of the Association shall be a president, a vice president, a secretary-treasurer, all of whom shall be elected at each annual meeting of the Association. Said officers shall constitute the Board of Directors of the Association. All officers shall serve for a term of one year and until their successors are elected.

Section 2. President. The president shall be the chief executive officer of the Association, shall preside at all meetings of the Association and of the Board of Directors and shall have all of the general powers and duties which are usually vested in the office of the president of the Association.

Section 3 Vice-President. The vice-president shall perform all duties of the president when the president is absent or unable to act and shall perform such other duties as shall be delegated by the president or the Board of Directors.

Section 4 Secretary-Treasurer. The secretary-treasurer shall keep the minutes of all meetings of the Board of Directors and of the Association, shall have charge of all books and records of the Board of Directors and the Association, shall have responsibility for keeping full and accurate accounts of all receipts and disbursements of the Association which accounts shall be open to all members of the Association at all reasonable times and shall perform such other duties as may be specified by the Board of Directors of the Association.

ARTICLE IV OBLIGATIONS OF OWNERS

Section 1 Assessments. All owners are obligated to pay assessments established by the Association to meet all expenses incurred by the Association in managing, protecting, repairing, replacing and improving the common areas, facilities and property of the apartment owners, including expenses incurred in maintaining in force such insurance protection as the Association or Board of Directors may deem prudent. The owners of each apartment unit shall be responsible for one twenty-fourth (1/24) of such expenses, unless the Association determines that a particular expense item will benefit one or more owners to a greater extent than other owners, in which event the Association may assess said expense in proportion to the benefit to be received. A budget establishing such proposed expenses, the amount to be assessed against each apartment unit and the time payments shall be due and payable, shall be adopted by the majority vote of the members present at each annual meeting of the Association. A finance charge of one and one-

half per-cent (1/2 %) per month of the amount due, shall be assessed when a payment is thirty (30) days past due. Such finance charges shall be a lien on an owner's property to the same extent, and enforceable in the same manner as other assessments

Section 2. Maintenance and repair.

- a. Each owner shall perform promptly all maintenance and repair work within his own unit which if omitted would affect the property of another owner or any of the common elements.
- b. All repairs to internal installations of each apartment unit, including doors, windows and all other accessories belonging to the apartment unit shall be at the owner's expense to the extent that the same are not covered by insurance carried in the name of the Association.
- c. An owner shall reimburse the Association for any expenditures incurred in repairing or replacing any common element damaged through the fault of such owner, his tenants or guests.

Section 3 Rules of conduct The following rules shall be observed by the apartment owners:

- a. Each person while on a condominium premises shall conduct himself or herself in such manner as will not unduly disturb or annoy other occupants of the premises or unduly interfere with the use, enjoyment and occupancy of other persons lawfully upon the premises.
- b. Use of the swimming pool shall be prohibited between the hours of 10.00 o'clock P.M. and 8.00 o'clock A.M.
- c. A maximum of three (3) pets per unit are permitted. Pets shall not be permitted in the area of the premises adjoining the Brooks golf course. **Owners must clean up after their pets and keep them on a leash while on association property.** Owners must not allow any of their pets to cause a serious annoyance or disturbance to any person or persons by frequent and habitual howling, yelping, barking, or otherwise, or by running after or chasing persons, bicycles, automobiles, or other vehicles.
- d. No motor vehicle shall be permitted on the premises that is not currently licensed as required by the laws of the State of Iowa for use on the public highways or that is not in operating condition. There shall be no storage on association property of boats, boat trailers, campers, mobile homes, fifth wheels, camper trailers, livestock trailers, jet skis or their trailers, snowmobiles or their trailers, semi trucks, buses, or any other object that detracts from the aesthetics of our buildings. In the event such a vehicle is on the premises for a period of more than seven days the Board of Directors, or the custodian shall cause the same to be removed at the expense of the owner of the vehicle.

- c. **Unit owners are not permitted to enclose their porches or patios. Owners shall make no alterations to common areas of the buildings (this includes any changes beyond the inside walls of each unit), without prior approval by the Board of Directors.**
- f. An owner shall not place or cause to be placed upon the stairways or walk-ways any objects that restrict or endanger the normal use of such areas.
- g. One "For Sale" sign per unit may be posted in the grass area between the parking lot and the road. All other signage is prohibited on association property.
- h. The Board of Directors must give prior approval before an owner may make any changes to the outside of a building.

Section 4. An owner shall permit other owners or their representatives, when so required, to enter his unit for the purpose of performing installations, alterations or repairs to the mechanical or electrical services, providing that requests for entry are made in advance and that such entry is at a time convenient to the owner.

Section 5. An owner shall require all tenants, occupants and guests to abide by all rules of conduct set forth in these by-laws or approved by the Board of Directors. Leases must be at least six months in duration, and copies of leases must be kept on file with the Secretary or Treasurer of the Board of Directors.

Section 6. If the owner, tenant or occupant of a unit fails to comply with the provisions of the by-laws, decisions or resolutions of the Association, the Board of Directors may send a written notice of the violation to the owner. If the violation is not corrected within ten days after the third written notice, the Board of Directors may make an assessment against the owner in an amount of not more than \$250.00. If the violation is a continuing violation, not more than \$100.00 may be assessed each day until the violation ceases. If the owner fails to pay the assessment, the Board shall file the assessment as a lien against the owner at the Office of the Dickinson County Recorder.

ARTICLE V SWIMMING POOL EXEMPTION

The Association's swimming pool shall be exempt from the requirements of Chapter 1351, Code of Iowa. The Board of Directors shall arrange for inspection of the pool as provided by law. The Association will assume liability associated with the operation of the pool, and the Board of Directors will purchase liability insurance. This by-law is made pursuant to Section 1351.2, Code of Iowa, as amended.

ARTICLE VI AMENDMENTS

Section 1. These by-laws may be amended by the Association at any annual meeting of the Association or at any special meeting of the Association called for such purpose, but no amendment shall take effect unless approved by the owners of a majority of the apartment units.

The foregoing Amended and Reaffirmed By-laws were passed, approved and adopted at the 2008 annual meeting of Brooks Country Club Villa Association held in Okoboji, Iowa on the 31st day of August, 2008.


Robert Bocken, President

STATE OF IOWA)
) ss
DICKINSON COUNTY)

I, Nancy Heinen, being first duly sworn, depose and state that I am the duly elected and acting Secretary-Treasurer of Brooks Country Club Villa No. 2 Association; that as such Secretary I have custody of the records of said association and said records show that the above and foregoing Amended and Reaffirmed By-laws of Brooks Country Club Villa No. 2 Association were duly adopted by said association at its 2008 annual meeting on August 31, 2008 by a majority of the owners of the apartment units represented by said association


Nancy Heinen, Secretary-Treasurer

SUBSCRIBED AND SWORN TO before me by Nancy Heinen this 26 day of May, 2009.




Notary Public in and for the State of Iowa

INSTR. NO. 10-02514

OR. PAGE _____

2010 JUN 7 PM 3 14

JAN BOARSCHHELLER
RECORDED
DICKINSON COUNTY, IOWA
FEE \$ 34.00

Prepared by and return to: William J. Thatcher, 136 N. 9th St., Fort Dodge, IA 50501 - 515-573-7612

AMENDED AND REAFFIRMED BY-LAWS OF BROOKS COUNTRY CLUB

VILLA NO. 2 ASSOCIATION

The co-owners of the horizontal property regime located on Lot Thirty-six (36), of Brooks Country Club Addition, Second Platting, in Okoboji, Dickinson County, Iowa do hereby amend Article IV, Section 3c and Article IV, Section 3d of the by-laws. All other by-laws are reaffirmed as amended and substituted on August 31, 2008 and filed for record with the Dickinson County Recorder on June 2, 2009 as Instrument No. 09-03054 in Book 33, Page 23. Said co-owners hereby adopt the following Amended and Reaffirmed By-laws in accordance with Chapter 499B of the Code of Iowa and in accordance with the declaration submitting said property to a horizontal property regime:

**ARTICLE I
MEMBERSHIP AND ADMINISTRATION**

Section 1. The owners of all apartment units in the buildings located on the above described property shall be members of "Country Club Villa No. 2 Association" (hereinafter referred to as "Association") which shall have the responsibility of administering and collecting monthly assessments and arranging for the maintenance of the property on behalf of the co-owners in accordance with these by-laws, the aforesaid Declaration and the laws of the State of Iowa pertaining thereto.

Section 2. Meetings of the Association shall be held in such apartment of the apartment buildings or other suitable place convenient to the owners as may be designated by the Board of Directors.

Section 3. Annual meetings. Annual meetings of the Association shall be held in the last week in August or the first week in September of each year, the specific date to be fixed by the Board of Directors of the Association. At such meetings there shall be elected by ballot of the members, a

Board of Directors in accordance with the provisions hereinafter set forth. The members may also transact such other business as they may deem proper.

Section 4. It shall be the duty of the president to call a special meeting of the Association as directed by resolution of the Board of Directors or upon a petition signed by a majority of the members and having been presented to the secretary. The notice of any special meetings shall state the time and place of such meeting and the purpose thereof. No business shall be transacted at a special meeting except as stated in the notice unless by consent of two-thirds (2/3) of the members present either in person or by proxy.

Section 5. Notice of meetings. It shall be the duty of the secretary to mail a notice of each annual or special meeting, stating the purpose thereof as well as the time and place where it will be held to each owner of record at least five but not more than twenty days prior to such meeting.

Section 6. Quorum. Except as otherwise provided in these by-laws, the presence in person or by proxy of the owners of thirteen apartment units shall constitute a quorum.

Section 7. Proxies. Votes may be cast in person or by proxy. Proxies must be filed with the secretary before the appointed time of each meeting. The owners or co-owners of each apartment shall be entitled to cast one vote per apartment unit so that the maximum number of votes that may be cast on any proposition shall be twenty-four.

Section 8. If any meetings of the Association cannot be organized because a quorum is not present, the members who are present, either in person or by proxy, may adjourn the meeting to any time not less than forty-eight hours from the time the original meeting was called.

ARTICLE II BOARD OF DIRECTORS

Section 1. Number and qualification. The affairs of the Association shall be governed by a Board of Directors composed of three persons, all of whom must be owners of apartments or spouses of such owners.

Section 2. Powers and duties. The Board of Directors shall have the powers and duties necessary for the administration of the affairs of the Association and may do all such acts and things as are not by law or by these by-laws or the Declaration herein directed to be exercised and done by the owners.

Section 3. Other duties. In addition to the duties imposed by these by-laws or by resolution of the Association, the Board of Directors shall be responsible for the following:

- a. Care, upkeep and maintenance of the apartment buildings and the common areas and facilities and limited common areas and facilities.
- b. Collection of monthly assessments from the owners.
- c. Enforcement of the rules and regulations of the Association.

Section 4. Vacancies. Vacancies in the Board of Directors caused by any reason other than expiration of the director's term shall be filled by a vote of majority of the remaining directors

Section 5. Meetings. Meetings of the Board of Directors may be called by the president of the Association and shall be called at the request of any director. The president shall give not less than three days notice to each director of any meeting either personally or by mail, telephone or other means, which notices shall state the time, place and the purpose of the meeting. Presence of a director in person at any such meeting shall constitute a waiver of the above notice provision.

Section 6. At all meetings of the Board of Directors a majority of the directors shall constitute a quorum for the transaction of business and the acts of the majority of the directors present at a meeting at which a quorum is present shall be the acts of the Board of Directors.

ARTICLE III

Section 1. Designation. The officers of the Association shall be a president, a vice-president, a secretary-treasurer, all of whom shall be elected at each annual meeting of the Association. Said officers shall constitute the Board of Directors of the Association. All officers shall serve for a term of one year and until their successors are elected.

Section 2. President. The president shall be the chief executive officer of the Association, shall preside at all meetings of the Association and of the Board of Directors and shall have all of the general powers and duties which are usually vested in the office of the president of the Association.

Section 3. Vice-President. The vice-president shall perform all duties of the president when the president is absent or unable to act and shall perform such other duties as shall be delegated by the president or the Board of Directors.

Section 4. Secretary-Treasurer. The secretary-treasurer shall keep the minutes of all meetings of the Board of Directors and of the Association, shall have charge of all books and records of the Board of Directors and the Association, shall have responsibility for keeping full and accurate accounts of all receipts and disbursements of the Association which accounts shall be open to all members of the Association at all reasonable times and shall perform such other duties as may be specified by the Board of Directors of the Association.

ARTICLE IV OBLIGATIONS OF OWNERS

Section 1. Assessments. All owners are obligated to pay assessments established by the Association to meet all expenses incurred by the Association in managing, protecting, repairing, replacing and improving the common areas, facilities and property of the apartment owners, including expenses incurred in maintaining in force such insurance protection as the Association or Board of Directors may deem prudent. The owners of each apartment unit shall be responsible for one twenty-fourth (1/24) of such expenses, unless the Association determines that a particular expense item will benefit one or more owners to a greater extent than other owners, in which event the Association may assess said expense in proportion to the benefit to be received. A budget establishing such proposed expenses, the amount to be assessed against each apartment unit and the time payments shall be due and payable, shall be adopted by the majority vote of the members present at each annual meeting of the Association. A finance charge of one and one-

half per-cent (1/2 %) per month of the amount due, shall be assessed when a payment is thirty (30) days past due. Such finance charges shall be a lien on an owner's property to the same extent, and enforceable in the same manner as other assessments.

Section 2. Maintenance and repair.

- a. Each owner shall perform promptly all maintenance and repair work within his own unit which if omitted would affect the property of another owner or any of the common elements.
- b. All repairs to internal installations of each apartment unit, including doors, windows and all other accessories belonging to the apartment unit shall be at the owner's expense to the extent that the same are not covered by insurance carried in the name of the Association.
- c. An owner shall reimburse the Association for any expenditures incurred in repairing or replacing any common element damaged through the fault of such owner, his tenants or guests.

Section 3. Rules of conduct. The following rules shall be observed by the apartment owners:

- a. Each person while on a condominium premises shall conduct himself or herself in such manner as will not unduly disturb or annoy other occupants of the premises or unduly interfere with the use, enjoyment and occupancy of other persons lawfully upon the premises.
- b. Use of the swimming pool shall be prohibited between the hours of 10:00 o'clock P.M. and 8:00 o'clock A.M.
- c. **Owners must clean up after their pets and keep them on a leash and attended while on association property.** Owners must not allow any of their pets to cause a serious annoyance or disturbance to any person or persons by frequent and habitual howling, yelping, barking, or by running after or chasing persons, bicycles, automobiles, or other vehicles. A maximum of three (3) pets per unit are permitted.
- d. No motor vehicle shall be permitted on the premises that is not currently licensed as required by the laws of the State of Iowa for use on the public highways or that is not in operating condition. There shall be no storage on association property of boats, boat trailers, campers, mobile homes, fifth wheels, camper trailers, livestock trailers, jet skis or their trailers, snowmobiles or their trailers, semi trucks, buses, or any other object that detracts from the aesthetics of our buildings. In the event such a vehicle is on the premises for a period of more than seven days in a calendar year, the Board of Directors, or the custodian shall cause the same to be removed at the expense of the owner of the vehicle.

- e. Unit owners are not permitted to enclose their porches or patios. Owners shall make no alterations to common areas of the buildings (this includes any changes beyond the inside walls of each unit), without prior approval by the Board of Directors.
- f. An owner shall not place or cause to be placed upon the stairways or walk-ways any objects that restrict or endanger the normal use of such areas.
- g. One "For Sale" sign per unit may be posted in the grass area between the parking lot and the road. All other signage is prohibited on association property.
- h. The Board of Directors must give prior approval before an owner may make any changes to the outside of a building.

Section 4. An owner shall permit other owners or their representatives, when so required, to enter his unit for the purpose of performing installations, alterations or repairs to the mechanical or electrical services, providing that requests for entry are made in advance and that such entry is at a time convenient to the owner.

Section 5. An owner shall require all tenants, occupants and guests to abide by all rules of conduct set forth in these by-laws or approved by the Board of Directors. Leases must be at least six months in duration, and copies of leases must be kept on file with the Secretary or Treasurer of the Board of Directors.

Section 6. If the owner, tenant or occupant of a unit fails to comply with the provisions of the by-laws, decisions or resolutions of the Association, the Board of Directors may send a written notice of the violation to the owner. If the violation is not corrected within ten days after the third written notice, the Board of Directors may make an assessment against the owner in an amount of not more than \$250.00. If the violation is a continuing violation, not more than \$100.00 may be assessed each day until the violation ceases. If the owner fails to pay the assessment, the Board shall file the assessment as a lien against the owner at the Office of the Dickinson County Recorder.

ARTICLE V SWIMMING POOL EXEMPTION

The Association's swimming pool shall be exempt from the requirements of Chapter 135I, Code of Iowa. The Board of Directors shall arrange for inspection of the pool as provided by law. The Association will assume liability associated with the operation of the pool, and the Board of Directors will purchase liability insurance. This by-law is made pursuant to Section 135I.2, Code of Iowa, as amended.

ARTICLE VI AMENDMENTS

Section 1. These by-laws may be amended by the Association at any annual meeting of the Association or at any special meeting of the Association called for such purpose, but no amendment shall take effect unless approved by the owners of a majority of the apartment units.

The foregoing Amended and Reaffirmed By-laws were passed, approved and adopted at the 2009 annual meeting of Brooks Country Club Villa Association held in Okoboji, Iowa on the 6th day of September, 2009.

Robert Boeken
Robert Boeken, President

STATE OF IOWA)
)
DICKINSON COUNTY)

I, Nancy Heinen, being first duly sworn, depose and state that I am the duly elected and acting Secretary-Treasurer of Brooks Country Club Villa No. 2 Association; that as such Secretary I have custody of the records of said association and said records show that the above and foregoing Amended and Reaffirmed By-laws of Brooks Country Club Villa No. 2 Association were duly adopted by said association at its 2009 annual meeting on September 6th, 2009 by a majority of the owners of the apartment units represented by said association

Nancy Heinen
Nancy Heinen, Secretary-Treasurer

SUBSCRIBED AND SWORN TO before me by Nancy Heinen this 29th day of May, 2010

Nancy L. Ellis
Notary Public in and for the State of Iowa



CONDOMINIUM BY-LAWS

The owners of the condominium apartment building located on the property legally described in Exhibit A attached hereto, situated in Okoboji, Iowa, do hereby adopt the following By-laws in accordance with the Iowa "Horizontal Property Act", Senate File 117, Laws of the 60th General Assembly, State of Iowa, as amended, and in accordance with the Declaration establishing this condominium recorded in the office of the County Recorder of Dickinson County, Iowa.

ARTICLE I MEMBERSHIP AND ADMINISTRATION

Section 1. The owners of all of the apartment units in the buildings located on the above described property shall constitute the Association of Owners (hereinafter referred to as "Association") who will have the responsibility of administering the said property, approving the annual budget, establishing and collecting monthly assessments and arranging for the maintenance of the building in accordance with these By-laws, the aforesaid Declaration and the laws of the State of Iowa pertaining thereto.

Section 2. Meetings of the Association shall be held in such apartment of the apartment building or other suitable place convenient to the owners as may be designated by the Board of Directors.

Section 3. Annual meetings. The first annual meeting of the Association shall be held on the 31st day of August, 1969. Thereafter, the annual meetings of the Association shall be held on the last Saturday in August of each succeeding year. At such meetings there shall be elected by ballot of the owners a Board of Directors in accordance with these By-laws. The owners may also transact such other business of the Association as may properly come before them at such time.

Section 4. It shall be the duty of the president to call a special meeting of the owners as directed by resolution of the Board of Directors or upon a petition signed by a majority of the owners and having been presented to the secretary. The notice of any special meeting shall state the time and place of such meeting and the purpose thereof. No business shall be transacted at a special meeting except as stated in the notice unless by consent of two thirds (2/3) of the owners present either in person or by proxy.

Section 5. Notice of meetings. It shall be the duty of the secretary to mail a notice of each annual or special meeting, stating the purpose thereof as well as the time and place where it will be held to each owners of record at least five but not more than ten days prior to such meeting. Mailing of notice in the manner provided by this section shall be considered notice served.

Section 6. Quorum. Except as otherwise provided in these By-laws, the presence in person or by proxy of the owners of ~~four~~ thirteen apartment units shall constitute quorum.

Section 7. Proxies. Votes may be cast in person or by proxy. Proxies must be filed with the secretary before the appointed time of each meeting.

Section 8. If any meeting of owners can not be organized because a quorum has not attended, the owners who are present, either in person or by proxy, may adjourn the meeting to any time not less than forty eight hours from the time the original meeting was called.

[Handwritten signature]

ARTICLE II
BOARD OF DIRECTORS

Section 1. Number and qualification. The affairs of the Association shall be governed by a Board of Directors composed of three persons, all of whom must be owners of apartments in the apartment building.

Section 2. Powers and duties. The Board of Directors shall have the powers and duties necessary for the administration of the affairs of the Association and may do all such acts and things as are not by law or by these By-laws or the Declaration herein directed to be exercised and done by the owners.

Section 3. Other duties. In addition to duties imposed by these By-laws or by resolution of the Association, the Board of Directors shall be responsible for the following:

- a. Care, upkeep and maintenance of the apartment building and the common areas and facilities and restricted common areas and facilities.
- b. Collection of monthly assessments from the owners.

Section 4. Election and term of office. At the first annual meeting of the Association all directors shall be elected for a term of one year. An entire Board of Directors shall be elected at each succeeding annual meeting of the Association.

Section 5. Vacancies. Vacancies in the Board of Directors caused by any reason other than expiration of the director's term shall be filled by a vote of the majority of the remaining directors. Each person elected a director shall continue in office until a successor is elected at the next annual meeting of the Association.

Section 6. Meetings. Meetings of the Board of Directors may be called by the president of the Association and shall be called at the request of any director. The president shall give three days notice to each director of any meeting either personally or by mail, telephone or other means, which notice shall state the time, place and purpose of the meeting. Presence of a director in person at any such meeting shall constitute a waiver of the above notice provision.

Section 7. At all meetings of the Board of Directors a majority of the directors shall constitute a quorum for the transaction of business and the acts of a majority of the directors present at a meeting at which a quorum is present shall be the acts of the Board of Directors.

ARTICLE III
OFFICERS

Section 1. Designation. The officers of the Association shall be a president, a secretary and a treasurer, all of whom shall be elected by and from the Board of Directors at the first meeting of the Board of Directors following the annual meeting of the members of the Association. All officers shall serve for a term of one year.

Section 2. President. President shall be the chief executive officer of the Association. He shall preside at all meetings of the Association and of the Board of Directors and shall have all of the general powers and duties which are usually vested in the office of the president of the Association.

Section 3. Secretary. The secretary shall keep the minutes of all meetings of the Board of Directors and the minutes of all meetings of the Association; he shall have charge of such books and

papers as the Board of Directors may direct and shall in general perform all the duties incident to the office of secretary.

Section 4. Treasurer. The treasurer shall have responsibility of Association funds and security and shall be responsible for keeping full and accurate accounts of all receipts and disbursements in books of the Association, which said books shall be open to all members of the Association at any time.

ARTICLE IV OBLIGATIONS OF OWNERS

Section 1. Assessments. All owners are obligated to pay monthly assessments imposed by the Association to meet all common expenses including fire insurance and extended coverage, utility bills and charges, and all other expenses reasonably appertaining to the building. The owners of each apartment unit shall be responsible for one twenty-fourth (1/24) of such expenses, and a budget setting up such proposed expenses shall be approved by the owners at each annual meeting of the Association.

Section 2. Maintenance and repair.

- a. Each owner must perform promptly all maintenance and repair work within his own unit, which if omitted would affect the project in its entirety or in a part belonging to other owners.
- b. All repairs of internal installations of the unit including doors, windows, and all other accessories belonging to the unit shall be at the owner's expense.
- c. An owner shall reimburse the Association for any expenditures incurred in repairing or replacing any common area and facility damaged through such owner's fault.

Section 3. Use of common areas and facilities and restricted common areas and facilities.

- a. An owner shall not place or cause to be placed in the lobbies, vestibules, stairways, elevators and other project areas and facilities of a similar nature both common and restricted, any furniture, packages or objects of any kind. Such areas shall be used for no other purpose than for normal transit through them.

Section 4. An owner shall permit other owners or their representatives, when so required, to enter his unit for the purpose of performing installations, alterations or repairs to the mechanical or electrical services, providing that requests for entry are made in advance and that such entry is at a time convenient to the owner.

Section 5. Rules of conduct. Each resident shall conduct himself in the use of his apartment unit in such manner that he will not unduly interfere with the use, enjoyment and occupancy of other apartment units, and shall abide by such reasonable regulations as shall be enacted by the Board of Directors concerning the use of the premises.

ARTICLE V AMENDMENTS

Section 1. By-laws. These By-laws may be amended by the Association in a duly constituted meeting of members of the Association for such purpose, but no amendment shall take effect unless approved by the owners of a majority

The foregoing By-laws passed, approved and adopted at the first annual meeting of the Association of owners of the above described property, this 5th day of June, 1969.

Robert W. Hillman
Chairman

David W. Brown
Secretary



RE/MAX