## THIS DOCUMENT NUMBER REPRESENTS A PLAT

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#### **ANOKA COUNTY MINNESOTA**

I HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WAS FILED IN THIS OFFICE

FOR RECORD ON MAR 14 2003 2:00 PM

AND WAS DULY RECORDED

FEES AND TAXES IN THE AMOUNT OF

\$880 00 PAID

2003032424 RECEIPT NO

MAUREEN J DEVINE

ANOKA COUNTY PROPERTY TAX ADMINISTRATOR/RECORDER/REGISTRAR OF TITLES

TAP

BY DEPUTY PROPERTY TAX ADMINISTRATOR/RECORDER/REGISTRAR OF TITLES

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### **DECLARATION FOR NEW CIC**

THIS PAGE IS NOT PART OF THE ORIGINAL DOCUMENT PRESENTED FOR RECORDING
Added by Anoka County Recorder for posting only.

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#### **COMMON INTEREST COMMUNITY NUMBER 117**

#### WINDERMERE

#### A Planned Community

#### THIRD AMENDMENT TO DECLARATION

STEWART TITLE-RK 0370009039

THIS THIRD AMENDMENT TO DECLARATION, made on this 6th day of November, 2003, by Tiadition Development, LLC, a Minnesota limited liability company ("Tradition") and The Rottlund Company, Inc., a Minnesota corporation ("Rottlund"), hereinafter Tiadition and Rottlund collectively referred to as "Declarant", pursuant to the provisions of the Minnesota Common Interest Ownership Act, Minnesota Statutes Sections 515B 1-101 to 515B 4-118, (hereinafter referred to as the "Act"), as amended

WHEREAS, on the 22<sup>nd</sup> day of May, 2002, Declarant made and executed that certain Declaration for Common Interest Community Number 117, Windermere, (hereinafter referred to as the "Declaration"), whereby Declarant submitted certain real estate situated in Anoka County, Minnesota (hereinafter referred to as the "Real Estate") to the provisions of the Act, which Declaration was filed for record on May 22, 2002, as Document No 398444 in the office of the Registrar of Titles in and for Anoka County, Minnesota, and

WHEREAS, the Declaration was amended by a First Amendment to Declaration which was executed on October 7, 2002 and recorded in the office of the Registrai of Titles in and for Anoka County, Minnesota, on October 11, 2002 as Document Number 409130, and

WHEREAS, the Declaration was amended by a Second Amendment to Declaration which was executed on February 6, 2003 and recorded in the office of the Registral of Titles in and for Anoka County, Minnesota, on February 6, 2003 as Document Number 420743, and

WHEREAS, the Declaration reserves to Declarant the option to add to Common Interest Community No 117, Windermere (hereinafter referred to as the "Community") any one or more of certain parcels of land described in said the Declaration and referred to in the Declaration as "Additional Real Estate", and

WHEREAS, Declarant intends by this Amendment to add to the Community the following Additional Real Estate referred to in the Declaration

Lot 1 through and including Lot 15, Block 1, Lot 1 through and including Lot 11, Block 2, CLUB WEST EIGHTH ADDITION, Anoka County, Minnesota

(the "Added Lots"), and

NOW, THEREFORE, in order to add the Added Lots to the Community, Declarant hereby declares that the Added Lots, as herein described, are subject to the covenants, restrictions, terms and conditions set forth in the Declaration, as amended hereby, which shall constitute covenants running with the Added Lots and shall be binding upon Declarant, its successors and assigns, and on all subsequent holders of any right, title or interest in or to all or any part of the Added Lots, their grantees, successors, heres, personal representatives, devisees and assigns

1 <u>Description of Added Lots</u> The legal description of Added Lots which are hereby added to the Declaration pursuant to the Act, is as follows

Lot 1 through and including Lot 15, Block 1, Lot 1 through and including Lot 11, Block 2, CLUB WEST EIGHTH ADDITION, Anoka County, Minnesota

- 2 Applicability of Provisions of Declaration All of the terms, covenants, restrictions and conditions created in the Declaration as applicable to the Properties are hereby extended to, and shall be deemed to apply to the Added Lots, including but not limited to all restrictions contained in the Declaration affecting the use, occupancy, and alienation of Lots
- 3 <u>Definition of Terms</u>. As used in this Amendment, any words or terms defined in the Declaration shall have the meaning ascribed in the Declaration
- 4 <u>Relationship to Prior Documents</u>. Except as herein amended, the Declaration shall remain in full force and effect
- 5 Allocation of Interests, Voting. In accordance with the Declaration, each of the Added Lots, except Common Elements, is allocated an equal interest in the common elements and an equal allocation of the common expenses liabilities which is equal to the

interest and allocation of all Lots subject to the Declaration. Each of the Added Lots, except Common Elements, is allocated one vote in the Association

- 6 Changes to Additional Real Estate Outlot Q, which is listed as Additional Real Estate on Exhibit B of the Declaration, has been replatted as shown on that certain plat known as CLUB WEST EIGHTH ADDITION filed of record in the office of the Registrai of Titles in and for Anoka County, Minnesota ("Outlot Q Lots") The Outlot Q Lots are the Added Lots as defined herein
- 7 <u>Remaining Additional Real Estate</u> The portion of the Additional Real Estate which remains subject to Article X of the Declaration and Exhibit B to Declaration is hereby amended so as to read as follows

Additional Real Estate

None

IN WITNESS WHEREOF, Declarant has caused this Third Amendment to Declaration to be executed the date and year first above written

THE ROTTLUND COMPANY, INC

Ву

Its Chief Financial Officei

STATE OF MINNESOTA)

)SS

COUNTY OF RAMSEY )

On this 6th day of November, 2003, before me, a Notary Public within and for said County, personally appeared Steven A. Kahn, the Chief Financial Officer of The Rottlund Company, Inc, a Minnesota corporation, who acknowledged the foregoing instrument to be the free act and deed of said corporation

Notary Public

KATHERINE A DOLS
NOTARY PUBLIC-MINNESOTA
MY COMMISSION EXPIRES 1-31 2005

	ADITION DEVELOPMENT, LLC, a Minnesota ted liability company  MANACIE  MANAC
STATE OF MINNESOTA ) )SS	
COUNTY OF HENNEPIN )	
said County, personally app	, 2003, before me, a Notary Public within and for eared T. Sacob Enebar, the evelopment, LLC, a Minnesota limited liability ing instrument to be the free act and deed of said
MOLLY CATHERINE COPE NOTARY PUBLIC MINNESOTA My Commission Expires Jan 31, 2007	Molly atherine Cope Notary Public

THIS INSTRUMENT WAS DRAFTED BY:

BARNA, GUZY & STEFFEN, LTD. 400 Northtown Financial Plaza 200 Coon Rapids Boulevard Minneapolis, MN 55433 (763) 780-8500 (KRR)

#### CONSENT OF MORTGAGEE

Wells Fargo Bank National Association, a national banking association and mortgagee of the Real Estate described in the within instrument pursuant to a certain mortgage filed in the office of the Anoka County Registrar of Titles dated November 19, 2001, filed November 26, 2001, as Document No 384984, Anoka County, Minnesota, hereby joins in and consents to all of the terms, provisions, covenants, conditions, restrictions and easements contained in the within the Third Amendment to Declaration of Windermere, a Planned Community, C I C No. 117, and agrees that its interest in the Real Estate covered by and pursuant to said mortgage is subject to said Third Amendment to Declaration and to all the terms, provisions, covenants, conditions, restrictions and easements contained therein.

Dated: 10/20/03	Wells Fargo Bank, National Association  By:
	Its: Vice President
STATE OF MINNESOTA )	
)ss COUNTY OF HENNEPIN )	
The foregoing instrument wa	as acknowledged before me this 20 <sup>th</sup> day of
October, 2003, by Some Social Section S	the Vice President of ation, a national banking association, on behalf of the
	Notary Public

THIS INSTRUMENT WAS DRAFTED BY:

BARNA, GUZY & STEFFEN, LTD. 400 Northtown Financial Plaza 200 Coon Rapids Boulevard Minneapolis, MN 55433 (763) 780-8500 (KRR)

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#### AFFIDAVIT OF SERVICE

STATE OF MINNESOTA )

(COUNTY OF RAMSEY )

Deb Ridgeway, being duly sworn, deposes and says that on the 20th day of October, 2003, she served the attached NOTICE OF DECLARANT'S INTENTION TO ADD ADDITIONAL REAL ESTATE TO COMMON INTEREST COMMUNITY NUMBER 117, A PLANNED COMMUNITY, WINDERMERE, Anoka County, Minnesota, separately on the occupants of Lots 1-13, inclusive, Block 5, Lots 4-11, inclusive, Block 6, Lots 1, 2, 3, 4, 7, 8, 10, 11, 12 & 13, Block 7; and Lots 1-16, inclusive, Block 8, CLUB WEST; Lots 1, 3, 4, 5, 7, 9, 10, 12, 13, 14 & 15, Block 2; and Lots 1, 3 4, 5 & 7, Block 5, CLUB WEST SECOND ADDITION, by inserting one copy of such notice in each of sixty-three (63) envelopes, with postage prepaid thereon, and each addressed to one of the following addresses

11304, 11310, 11316, 11322, 11328, 11334, 11340, 11346, 11352, 11358, 11364, 11370, 11376, 11335, 11341, 11347, 11353, 11359, 11365, 11371, 11377, 11382, 11404, 11410, 11416, 11428, 11440, 11446, 11458, 11464, 11470, 11476, 11383, 11403, 11409, 11415 & 11427 Goodhue Street NE; 1735, 1745 & 1755, 113<sup>th</sup> Lane NE, and 11336, 11354, 11360, 11372, 11378, 11384, 11390, 11305, 11311, 11317, 11323, 11329, 11335, 11341, 11347, 11353, 11359, 11365, 11371, 11377, 11383, 11389 & 11395 Hastings Street NE

all located in Blaine, Minnesota 55449

and depositing such envelopes in the United States Mail in the City of Roseville

By Dill Ridgeway

Subscribed and sworn to before me

this 20th day of October, 2003.

NOTARY PUBLIC

KATHERINE A DOLS
NOTARY PUBLIC MINNESOTA
MY COMMISSION EXPIRES 1-31 2005

This instrument was drafted by:
THE ROTTLUND COMPANY, INC.
3065 Centre Pointe Drive
Roseville, MN 55113

# NOTICE OF DECLARANT'S INTENTION TO ADD ADDITIONAL REAL ESTATE TO COMMON INTEREST COMMUNITY NUMBER 117 A PLANNED COMMUNITY WINDERMERE

TO: LOT OWNER ENTITLED TO LEGAL NOTICE

THE ROTTLUND COMPANY, INC, a Minnesota corporation and the Declarant in that certain Declaration for COMMON INTEREST COMMUNITY NUMBER 117, A Planned Community, WINDERMERE, filed in the office of the Registrar of Titles, Anoka County, Minnesota, on May 22, 2002, as document number 398444, hereby gives notice of its intention to add the following additional real estate to said condominium pursuant to Minnesota Statutes Section 515B 2-111 and pursuant to Article X of said Declaration:

Lots 1 through and including 15, Block 1, Lots 1 through and including 11, Block 2, CLUB WEST EIGHTH ADDITION, according to the recorded plat therof, Anoka County, Minnesota

The Declarant shall provide a copy of the amendment adding this property to the condominium at no cost to any unit owner within five business days of the unit owner's request

THE ROTTLIND COMPANY, INC. a Mingrespta corporation

Its Executive Vice President

STATE OF MINNESOTA )

COUNTY OF RAMSEY )

The foregoing instrument was acknowledged before me this 17th day of October, 2003, by Todd M. Stutz, the Executive Vice President of THE ROTTLUND COMPANY, INC, a Minnesota corporation, on behalf of the corporation.

CTARY PUBLIC

This instrument was drafted by: THE ROTTLUND COMPANY, INC 3065 Centre Pointe Drive Roseville, Minnesota 55113



#### TORRENS

Receipt # 159017 /22 - Tax Lien/Release	
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Doc Order	
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DOCUMENT NO. 451671.0 TORRENS

#### ANOKA COUNTY MINNESOTA

BY CERTIFY THAT THE WITHIN INSTRUMENT WAS FILFD IN THIS OFFICE CORD ON NOV 12 2003 AND WAS DULY RECORDED 3:15 PM

ND TAXES IN THE AMOUNT OF

RECEIPT NO 2003159017

\$22.00 PAID

MAUREEN J DEVINE

COUNTY PROPERTY TAX ADMINISTRATOR/RECORDER/REGISTRAR OF TITLES

TAP

PUTY PROPERTY TAX ADMINISTRATOR/RECORDER/REGISTRAR OF TITLES