

SUMMERS LANDING HOMEOWNERS ASSOCIATION

SUPPLEMENTAL DECLARATION

This Supplemental Declaration is made as of the 22nd day of May, 2018, by Summergate Development, LLC, a Minnesota limited liability company ("Declarant").

WHEREAS, the Declaration of Protective Covenants, Easements and Restrictions for Summers Landing Homeowners Association, (the "**Declaration**") was filed in the office of the Washington County Recorder on June 8, 2016, as Document No: 4069983 amended by that certain First Amendment to Declaration of Protective Covenants, Easements and Restrictions dated October 19, 2016, filed for record with the office of the County Recorder for Washington County, Minnesota on February 14, 2017 as Doc. No. 4102745 and by that certain Second Amendment to Declaration of Protective Covenants, Easements and Restrictions dated May 31, 2017, filed for record with the office of the County Recorder for Washington County, Minnesota on June 6, 2017 as Doc. No. 4114527

WHEREAS, the Declaration provides for the addition to the Association of Additional Real Estate as defined in the Declaration, and grants to Declarant the authority to add said property, all in accordance with Section 13 of the Declaration, and

WHEREAS, Declarant desires to add and incorporate into the Association that portion of the Additional Real Estate legally described as follows (the "First Additional Real Estate"):

Lots 1-13, Block 1

Lots 1-7, Block 2

Lots 1-16, Block 3

Lots 1-15, Block 4

Lots 1-16, Block 5

Lots 1-16, Block 6

Lots 1-8, Block 7

And

Outlots A, B, D, F, G, H, and I,

SUMMERS LANDING 2ND ADDITION, Washington County, Minnesota

which First Additional Real Estate includes ninety one (91) additional Lots, as described herein, and,

WHEREAS, attached hereto as Exhibits D and E is evidence of service, showing that notice of this Amendment has been given to the Association and the Owners of the Lots.

NOW, THEREFORE, the undersigned hereby enacts the following Amendment to the Declaration, in accordance with the requirements of the Declaration, for the purpose of subjecting the First Additional Real Estate described above to the Declaration, hereby declaring that said First Additional Real Estate shall be held, sold, conveyed and occupied subject to the covenants, restrictions, easements, charges and liens provided for in the Declaration and this Amendment, all of which shall be binding upon all persons having or hereafter acquiring any right, title or interest therein, including their heirs, personal representatives, grantees, successors and assigns.

IDENTIFICATION OF LOTS

Section 2.1 of the Declaration shall be amended to read as follows:

2.1 Lots. There are one hundred forty six (146) Lots, all of which are restricted exclusively to residential use. Each Lot constitutes a separate parcel of real estate. No additional Lots may be created by the subdivision or conversion of Lots.

REALLOCATION OF VOTING RIGHTS, COMMON EXPENSE OBLIGATIONS AND COMMON ELEMENT INTERESTS

Voting rights and Common Expense obligations shall be reallocated among all Lots created by the Declaration and the Amendments thereto in accordance with the formulas set forth in Section 4.2 of the Declaration.

LEGAL DESCRIPTIONS

Exhibits A, B, and C of the Declaration, containing the legal descriptions of the Property, the Common Elements, and of the Additional Real Estate, shall be amended and replaced by Exhibits A and B attached hereto. All references to Exhibits A or B, respectively, in the Declaration, as amended, shall henceforth mean and refer to Exhibits A or B, respectively, attached hereto.

APPLICABILITY AND BINDING EFFECT

Except as specifically modified by this Amendment, the Declaration, as amended, shall remain in full force and effect, and all of the rights, benefits restrictions and obligations conferred by the Declaration, as amended, shall apply to the First Additional Real Estate added hereby and all Lots created therein. Unless otherwise specifically set forth herein, all words and terms used in this Amendment shall have the same meaning set forth in the Declaration.

IN WITNESS WHEREOF, **Declarant** has executed this instrument the day and year first set forth above.

DECLARANT:

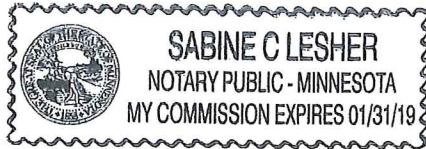
SUMMERGATE DEVELOPMENT, LLC
a Minnesota limited liability company

By: *Long Wall & Co.*

Its: *VP*

STATE OF MINNESOTA)
) ss.
COUNTY OF DAKOTA)

The foregoing instrument was acknowledged before me this *18th* day of July, 2018, by *Long Wall & Co.*
Wall & Co., the *VP* of Summergate
Development, LLC, a Minnesota limited liability company, on behalf of the company



Sabine C. Leshner
Notary Public

This instrument was drafted by:

S. Todd Rapp, P.A.
P. O. Box 1619
Burnsville, MN 55337
(651) 379-3000

CONSENT BY CAPSTONE HOMES, INC.

Capstone Homes, Inc., the owner of Lots 1 and 2, Block 4 and Lots 1 and 2, Block 6, SUMMERS LANDING 2nd Addition, Washington County, Minnesota, herewith joins and consents to the foregoing Supplemental Declaration.

CAPSTONE HOMES, INC.

a Minnesota corporation

By

Its:

STATE OF MINNESOTA

COUNTY OF

Anoka

)

) ss.

)

The foregoing instrument was acknowledged before me this 13 day of July, 2018, by Ben Minks, the President of Capstone Homes, Inc. a Minnesota corporation, on behalf of the corporation.

Heather Lorich



SUMMERS LANDING

EXHIBIT A TO DECLARATION

LEGAL DESCRIPTION OF THE PROPERTY

Lots 1 through 21, inclusive, Block 1;

Lots 1 through 32, inclusive, Block 2,

Lots 1 and 2, Block 3;

And

Outlots A, B, C, D, E, and F,

SUMMERS LANDING, Washington County, Minnesota

And

Lots 1-13, Block 1

Lots 1-7, Block 2

Lots 1-16, Block 3

Lots 1-15, Block 4

Lots 1-16, Block 5

Lots 1-16, Block 6

Lots 1-8, Block 7

And

Outlots A, B, D, F, G, H, and I,

SUMMERS LANDING 2ND ADDITION, Washington County, Minnesota

SUMMERS LANDING

EXHIBIT B TO DECLARATION

LEGAL DESCRIPTION OF COMMON ELEMENTS

Outlots A, B, C, D, and E, SUMMERS LANDING, Washington County, Minnesota

EXCEPT:

All that part of Outlot B, SUMMERS LANDING, according to the recorded plat thereof, Washington County, Minnesota, lying southeasterly of a line drawn from a point on the south line of said Outlot B distant 69.00 feet westerly of the southeast corner of said Outlot B to a point on the east line of said Outlot B distant 87.00 feet northerly of the southeast corner of said Outlot B.

And

Outlots A, B, D, F, G, H, and I,

SUMMERS LANDING 2ND ADDITION, Washington County, Minnesota

SUMMERS LANDING

EXHIBIT C TO DECLARATION


LEGAL DESCRIPTION OF ADDITIONAL REAL ESTATE

Outlot J

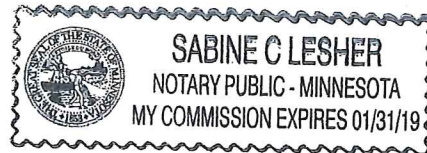
Summers Landing 2nd Addition, Washington County, Minnesota

AFFIDAVIT OF SERVICE ON ASSOCIATION

STATE OF MINNESOTA)
) ss.
COUNTY OF DAKOTA)


S. Todd Rapp

Saberi C. Rusher
Notary Public



S. TODD RAPP, P.A.

A PROFESSIONAL ASSOCIATION

S. TODD RAPP, ESQ
(651) 379-3000
(651) 379-3100 FAX

MSBA CERTIFIED REAL PROPERTY
LAW SPECIALIST

P.O. BOX 1619
BURNSVILLE, MN 55337
todd@strlawyer.com

July 2, 2018

Joann Wollschlager
Summers Landing Homeowner Association
17305 Cedar Avenue South, Suite 200
Lakeville, MN 55337

RE: SUMMERS LANDING HOMEOWNER ASSOCIATION
ADDITION OF ADDITIONAL REAL ESTATE

Dear Ms. Wollschlager:

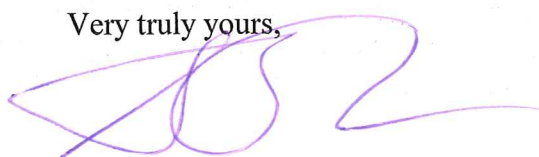
Please take notice that Declarant Summergate Development, exercising its rights to unilaterally add real property to the above Association from the Additional Real Estate referenced in the original Declaration, pursuant to its special declarant rights set forth in Section 13 thereof, herewith notifies the Association of its intent to add the following real property to the Association:

Lots 1-13, Block 1
Lots 1-7, Block 2
Lots 1-16, Block 3
Lots 1-15, Block 4
Lots 1-16, Block 5
Lots 1-16, Block 6
Lots 1-8, Block 7
And
Outlots A, B, D, F, G, H, and I,

SUMMERS LANDING 2ND ADDITION, Washington County, Minnesota

The remaining Additional Real Estate shall, hereafter, be Outlot J, Summers Landing 2nd Addition.

Very truly yours,



S. Todd Rapp

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