

Receipt# 352902

4102745

DCR

\$46.00

Return to:
SUMMERSGATE
DEVELOPMENT LLC
17305 CEDAR AVE S
SUITE 200
LAKEVILLE MN 55044



Certified Filed and/or recorded on:

2/14/2017 10:43 AM

4102745

Office of the County Recorder
Washington County, Minnesota
Jennifer Wagenius, County Recorder

SUMMERS LANDING HOMEOWNERS ASSOCIATION

FIRST AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS, EASEMENTS AND RESTRICTIONS

THIS FIRST AMENDMENT TO DECLARATION ("First Amendment") is made as of the 19 day of October, 2016, Summersgate Development, LLC, a Minnesota limited liability company ("Declarant").

RECITALS

WHEREAS, Declarant, as the owner of all of the Property and Common Elements legally described in that said Declaration dated June 6, 2016, filed for record with the office of the County Recorder for Washington County, Minnesota on June 8, 2016 as Doc. No. 4069983, thereby subjected the said Property to the covenants, easements and restrictions of the said Declaration; and

WHEREAS, Declarant currently remains fee owner of the Common Elements and also fee owner of those portions of the Property legally described as follows:

Lots 5 through 21, inclusive, Block 1;
Lots 1 through 32, inclusive, Block 2,
Lots 1 and 2, Block 3;

WHEREAS, Distinctive Design Build, LLC is the owner of Lot 3, Block 1, Summers Landing, Washington County, Minnesota; and

WHEREAS, Fieldstone Family Homes, Inc. is the owner of Lots 1 and 2, Block 1, Summers Landing, Washington County, Minnesota; and

WHEREAS, Robert McNearney Custom Homes is the owner of Lot 4, Block 1, Summers Landing, Washington County, Minnesota; and

WHEREAS, the above-described real property constitutes the entirety of the Property made subject to the covenants, easements and restrictions of the Declaration; and

WHEREAS, the city of Cottage Grove requires a small portion of the Common Elements identified in the Declaration for roadway purposes, which said portion is legally described as follows:

All that part of the 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

WHEREAS, Declarant, and each of the other owners, above-named, owning any portion of the Property collectively desire to permit the City of Cottage Grove to acquire and exclusively use the above-described portion of the Common Elements for public roadway purposes.

NOW THEREFORE, Declarant, joined by all other owners of any portion of the Property, makes this First Amendment for the purpose of deleting from the legal description of the Common Elements the portion thereof required by the City of Cottage Grove for use for public roadway purposes, which shall be binding upon all persons having or hereafter acquiring any right, title or interest in the Property, or any portion thereof, their heirs, personal representatives, grantees, successors and assigns.

AMENDMENT AND SUBSTITUTION OF EXHIBIT B TO DECLARATION

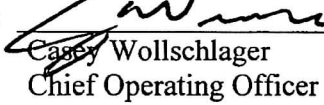
Exhibit B to the Declaration is herewith deleted in its entirety, and shall be replaced by the attached Summers Landing -- Exhibit B to Declaration. Henceforth, all references to Exhibit B to the Declaration shall mean and refer to the Exhibit B attached hereto, and all references to the Common Elements shall mean and refer to the Common Elements legally described in the attached Exhibit B.

APPLICABILITY AND BINDING EFFECT

Except as specifically modified by this First Amendment, the Declaration, as amended, shall remain in full force and effect. Unless otherwise specifically set forth herein, all words and terms used in this Amendment shall have the same meaning as set forth in the Declaration.

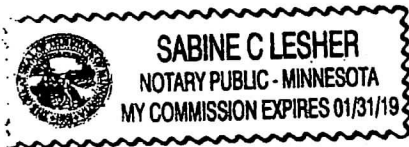
IN WITNESS WHEREOF, Declarant has executed this instrument the day and year first set forth.

SUMMERGATE DEVELOPMENT, LLC
a Minnesota limited liability company

By: 
Casey Wollschlager
Its: Chief Operating Officer

STATE OF MINNESOTA)
) ss.
COUNTY OF DAKOTA)

The foregoing instrument was acknowledged before me this 19 day of October, 2016, by Casey Wollschlager, the Chief Operating Officer of Summergate Development, LLC, a Minnesota limited liability company, on behalf of the company




Notary Public

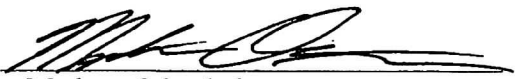
This instrument was drafted by:

S. Todd Rapp, P.A.
P. O. Box 1619
Burnsville, MN 55337

CONSENT BY DISTINCTIVE DESIGN BUILD, LLC

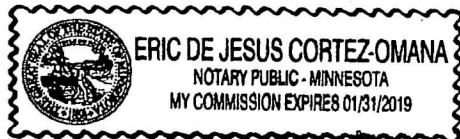
Distinctive Design Build, LLC, the owner of Lot 3, Block 1, Lot 3 Block 2 and Lot 1 Block 3, Summers Landing, Washington County, Minnesota, herewith joins and consents to the foregoing First Amendment.

DISTINCTIVE DESIGN BUILD, LLC
a Minnesota limited liability company

By 
Mathew Odenthal
Its: Chief Manager

STATE OF MINNESOTA)
) ss.
COUNTY OF DAKOTA)

The foregoing instrument was acknowledged before me this 19th day of October, 2016, by Mathew Odenthal, the Chief Manager of Distinctive Design Build, LLC, a Minnesota limited liability company, on behalf of the company




Notary Public

CONSENT BY ROBERT MCNEARNEY CUSTOM HOMES

Robert McNearney Custom Homes, the owner of Lot 4, Block 1, Summers Landing, Washington County, Minnesota, herewith joins and consents to the foregoing First Amendment.

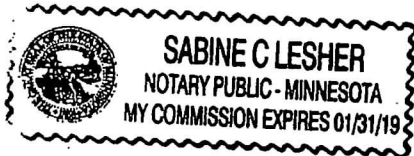
ROBERT MCNEARNEY CUSTOM HOMES

a Minnesota corporation

By *Robert McNearney*
Robert McNearney
Its: President

STATE OF MINNESOTA)
) ss.
COUNTY OF DAKOTA)

The foregoing instrument was acknowledged before me this 19 day of October, 2016, by Robert McNearney, the President of Robert McNearney Custom Homes. a Minnesota corporation, on behalf of the corporation.



Sabine C Leshner
Notary Public

CONSENT AND JOINDER BY MORTGAGEE

LAKEVIEW BANK, a Minnesota banking corporation ("Mortgagee"), the owner and holder of that certain Mortgage, Security Agreement and Fixture Financing Statement dated May 5, 2016, and filed for record with the Office of the Washington County Recorder/Registrar of Titles on May 11, 2016 as Document No. 4066515, herewith joins and consents to the foregoing First Amendment, provided, however, that by executing this Consent and Joinder, Mortgagee does not in any manner intend to modify or amend the terms and conditions of the Mortgage executed and delivered to Mortgagee.


IN WITNESS WHEREOF, the Mortgagee has caused this Consent and Joinder to be executed on the 27th day of October, 2016.

LAKEVIEW BANK
a Minnesota banking corporation

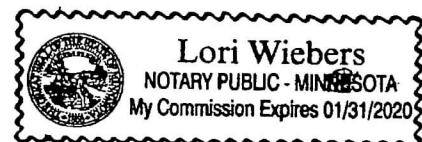
By: 
Its: Brady Folkestad
Vice President

STATE OF MINNESOTA)
)ss.
COUNTY OF DAKOTA)

The foregoing instrument was acknowledged before me this 27th day of October, 2016, by Brady Folkestad, the Vice President of Lakeview Bank, a Minnesota banking corporation, on behalf of the corporation.



Notary Public



SUMMERS LANDING

EXHIBIT B TO DECLARATION

LEGAL DESCRIPTION OF COMMON ELEMENTS

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

CONSENT BY FIELDSTONE FAMILY HOMES, INC

Fieldstone Family Homes, Inc., the owner of Lots 1 and 2 Block 1 Summers Landing, Washington County, Minnesota, herewith joins and consents to the foregoing First Amendment.

FIELDSTONE FAMILY HOMES, INC.

A Minnesota Corporation

By 

Bryan Wolfe,

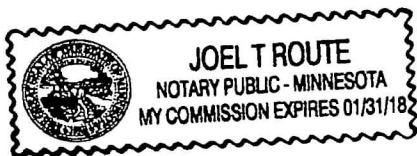
Its: President/Secretary

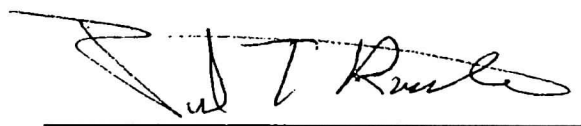
STATE OF MINNESOTA)

) ss.

COUNTY OF DAKOTA)

The foregoing instrument was acknowledged before me this 19th day of October, 2016 by Bryan Wolfe, the President/Secretary of Fieldstone Family Homes, a Minnesota Corporation, on behalf of the corporation.





Notary Public

ALTA Owner's Policy (6-17-06)

FIRST AMERICAN TITLE INSURANCE COMPANY

LT File No. 533360

Policy No. 5011400-1417563e

EXHIBIT A

Lots 1 to 21, inclusive, Block 1;

Lots 1 to 32, inclusive, Block 2;

Lots 1 and 2, Block 3;

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

All in Summers Landing, Washington County, Minnesota.

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