

ARTICLE I

A. Definitions

- 1. Declarant.** The term "Declarant" shall mean Hodge Construction Company, an Iowa corporation, the maker of this Declaration, and its successor or assigns.
- 2. Declaration.** The term "Declaration" shall mean this instrument, by which Forest Greens Condominiums is established pursuant to the Horizontal Property Act.
- 3. Project.** The term "project" shall mean the entire parcel of real property, including all structures thereon, which is hereby divided into condominiums.
- 4. Unit.** The term "unit" shall mean one or more rooms, occupying all or part of a floor or floors, which are intended for use as a residence and which are not owned in common with other owners in the regime. The boundary lines of each unit are the interior surfaces of its perimeter walls, bearing walls, floors, ceilings, windows and window frames, doors and door frames, and trim, and includes the portions of the building so described and the air space so encompassed. There may be one hundred forty-four (144) units within this project.
- 5. General Common Elements.** The term "general common elements" shall have the meaning as defined in Article IV of this Declaration.
- 6. Limited Common Elements.** The term "limited common elements" shall have the meaning as defined in Article V of this Declaration.
- 7. Building.** The term "building" shall mean the structural improvements located on the land, forming part of the real estate and containing units as more particularly described on Exhibit "B" and in paragraph 2 of Article II of this Declaration.
- 8. Garage.** The term "garage" means a structure abutting a driveway and intended for, but not limited to, the storage of an automobile.
- 9. Condominium.** The term "condominium" means the entire estate in the real property owned by an Owner, consisting of an undivided interest in the Common Elements and ownership of a separate interest in a unit.
- 10. Owner.** The term "owner" means any person with an ownership interest in a unit in the project.
- 11. Council of Co-Owners.** The term "council of co-owners" means all the co-owners of the building and is otherwise known and synonymous with the term "association" and/or "homeowners association."

12. Association. The term "association" means the same as the "council of co-owners" as defined in Paragraph II hereof and refers to Forest Greens Condominium Association and its successors.

13. Condominium Documents. The term "condominium documents" means this Declaration and all exhibits attached hereto, including the Bylaws of the Association,

14. Plural and Gender. Words and phrases herein shall be construed as in the singular or plural number, and as masculine, feminine, or neuter, according to the context.

15. Severability. The invalidity of any covenant, restriction, agreement, undertaking, or other provisions of any condominium document shall not affect the validity of the remaining portions thereof.

16. Incorporation. Exhibits attached hereto and referred to herein are hereby made a part hereof with the same force and effect as other provisions of this document.

B. Development Phases

1. General. The project is being developed in several phases as follows: Building 200, a twenty-four Unit building is substantially completed at the time of this Declaration. The remaining 120 units may be constructed periodically hereafter. Nonetheless, this Declaration shall apply to and be binding upon all buildings and all one hundred forty four units subject to the special provisions in this Article.

As each building is constructed, the Declarant shall construct the garages for the units contained within the respective building and the additional required land improvements including, but not limited to, sidewalks, driveways, parking areas, signage, mail boxes, and landscaping as may be required by the City of Hiawatha, Iowa, for obtaining a certificate of occupancy for each building as it is constructed and completed.

The Declarant, or its successor or assigns, shall have the perpetual right to construct the additional buildings and improvements as described in this Declaration.

2. Special Provisions.

(a) Until such time that any building has been fully constructed and a certificate of occupancy issued by the City of Hiawatha, Iowa, no assessments for maintenance or any association expenses shall be chargeable to the association for any said building or shall be made against any units in said building. Until such time as the certificate of occupancy is issued, the Declarant shall retain sole responsibility for all expenses associated with incomplete units and the limited common elements adjacent thereto. After the certificate of occupancy is issued for a building, the Board of Directors for the association shall assess and collect fees from the owners of the units in said building with all such owners in completed buildings sharing the common expenses on a pro rata basis. However, even if any units in this condominium regime are not complete or no certificate of occupancy has been issued, assessments shall be made against all said units effective June 1, 2010.

(b) Building shall be constructed substantially in the same manner as shown by the building plans marked Exhibit "C" and incorporated herein. However, Declarant reserves the right to file amended building plans for said building in the event that the actual construction deviates from the Declarant's intentions. Declarant also reserves the right to file an amended Exhibit "B" to show the correct location of said building and such amended exhibits need not be approved by the owners of any condominium units within the regime.

(c) Further, because none of the buildings have been completed and occupancy certificates issued at the time of the filing of this Declaration, the Declarant reserves the right to complete all buildings in the condominium regime according to the plans marked Exhibit "C" and may deviate from the plans as long as each condominium unit is substantially the quality as the units shown on Exhibit "C" herein. Declarant reserves the right to construct up to a total of one hundred forty-four (144) units within the Forest Greens Condominiums in any combination of twenty-four (24) unit and twelve (12) unit buildings and may file amended plans (Exhibit "C") after construction of each respective building has been completed, all without obtaining the approval of any owners of units in this condominium regime. In the same regard, Declarant reserves the right to file an amended Exhibit "B" to show correct locations of any new buildings and garages as they are constructed.

(d) Further, because at the time of the filing of this Declaration, the additional buildings and/or improvements have not yet been fully planned or constructed, the Declarant reserves the right to construct said building and/or improvements in a location and manner consistent with the overall appearance and integrity of the project. The Declarant shall have the right to construct such buildings and improvements without obtaining the approval of the owners of units in the condominium regime.