

OFFICE OF THE COUNTY RECORDER
DAKOTA COUNTY, MINNESOTA
CERTIFIED THAT THE WITHIN INSTRUMENT
WAS RECORDED IN THIS OFFICE ON AND AT
FEBRUARY 15th 8:00 am 2006

JOEL T. BECKMAN, COUNTY RECORDER
BY: *[Signature]* Deputy
FEE *10.50* SURCHARGE
CASH CHECK ESCROW

WELL CHARGE
CHARGE TO: _____
O/R _____

+ Floor Plans

Return To:
College City Homes
7980 Lakeville Blvd.
Lakeville, MN
55044

Common Interest Community Number 391

A Condominium

LIBERTY PARK CONDOMINIUM

SIXTH AMENDMENT TO DECLARATION



This Sixth Amendment is made this 14 day of January, 2006, by College City Homes, Inc., a Minnesota corporation, (hereinafter 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, as amended.

WHEREAS, on the 14th day of August, 2003, College City Homes, Inc., a Minnesota corporation, as Declarant, created LIBERTY PARK CONDOMINIUM (the "Condominium") by filing the Declaration creating LIBERTY PARK CONDOMINIUM, as a Flexible Common Interest Community ("CIC No. 391"), hereinafter referred to as the "Declaration", as Document No. 2093937 in the office of the County Recorder, Dakota County, Minnesota, initially including the real estate legally described as:

See Exhibit A attached hereto

which Condominium initially consisted of ten (10) Residential Units and Common Elements and Limited Common Elements as described and defined in the Declaration, CIC plat, and exhibits thereto; and

WHEREAS, Sections 2.02, 2.03 and 2.04 of said Declaration provide:

2.02 Additional real estate which may be added to the CIC, pursuant to Section 515B.2-106 is legally described as follows:

See Exhibit B attached hereto.

2.03 Portions of the additional real estate may be added to the CIC at different times, but all such additional real estate shall be brought into the CIC within ten years from the date

No Delinquent Taxes
This 3rd Day of February 2006
Carol Leonard
Dakota County Treasurer-Auditor *KL*

Current ~~2006~~ Taxes Paid on
this 3rd day of February 2006
DAKOTA COUNTY
TREASURER AUDITOR *KL*

of the recording the Declaration. The maximum number of units that may be created within the additional real estate is 52 units, all of which units shall be restricted to residential use. All buildings and units erected upon additional real estate will be compatible with the other buildings and units in the CIC in terms of architectural appearance, quality of construction, and principal materials employed in construction. The size of the buildings and number of units in additional buildings will vary as described in Section 5.01 below. All restrictions in this Declaration affecting use, occupancy, and alienation of units will apply to units created in the additional real estate upon addition to the CIC. Any of the foregoing assurances related to additional real estate will lapse and be of no effect relative to any portion of the additional real estate not added to the CIC within the ten year period set forth above.

2.04 Additional real estate shall be added to the CIC by the procedures set forth in Section 515B.2-111.

WHEREAS, on October 21, 2003, in accordance with Sections 515B.2-106 and 515B.2-111 of the Minnesota Common Interest Ownership Act (the "Act") and Sections 2.02, 2.03 and 2.04 of the Declaration, Declarant added a portion of said additional real estate to this Condominium by filing of the First Amendment to Declaration, as Document No. 2127725 in the office of the County Recorder, Dakota County, Minnesota, wherein said additional real estate was legally described as:

Lot 2, Block 4, LIBERTY PARK, according to the recorded plat thereof, Dakota County, Minnesota.

WHEREAS, on February 19, 2004, in accordance with Sections 515B.2-106 and 515B.2-111 of the Act and Sections 2.02, 2.03 and 2.04 of the Declaration, Declarant added a portion of said additional real estate to this Condominium by filing of the Second Amendment to Declaration, as Document No. 2176851 in the office of the County Recorder, Dakota County, Minnesota, wherein said additional real estate was legally described as:

Lot 5, Block 4, LIBERTY PARK, according to the recorded plat thereof, Dakota County, Minnesota.

WHEREAS, a portion of the additional real estate legally described on Exhibit B attached to the Declaration is described as follows:

That part of Outlot B, LIBERTY PARK, lying south of the following described line: Beginning at a point on the west line of said Outlot B distant 235.83 feet north of the southwest corner of said Outlot B; thence North 60 degrees 00 minutes 00 seconds East 232.94 feet; thence South 82 degrees 02 minutes 09 seconds East

107.21 feet; thence South 21 degrees 43 minutes 34 seconds East
168.47 feet; thence South 87 degrees 43 minutes 24 seconds East
200.74 feet to the east line of said Outlot B and there terminating;

All according to the recorded plat thereof, Dakota County,
Minnesota.

WHEREAS, said described portion of said Outlot B, LIBERTY PARK, Dakota County, Minnesota, was re-platted and is now known as and legally described as Lots 11 and 12, Block 2; and Lots 1, 2 and 3, Block 3; all in LIBERTY PARK 2ND ADDITION, according to the recorded plat thereof, Dakota County, Minnesota; and

WHEREAS, on May 12, 2004, in accordance with Sections 515B.2-106 and 515B.2-111 of the Act and Sections 2.02, 2.03 and 2.04 of the Declaration, Declarant added a portion of said additional real estate to this Condominium by filing of the Third Amendment to Declaration, as Document No. 2203452 in the office of the County Recorder, Dakota County, Minnesota, wherein said additional real estate was legally described as:

Lots 1 and 3, Block 3, LIBERTY PARK 2ND ADDITION,
according to the recorded plat thereof, Dakota County, Minnesota.

WHEREAS, on October 4, 2004, in accordance with Sections 515B.2-106 and 515B.2-111 of the Act and Sections 2.02, 2.03 and 2.04 of the Declaration, Declarant added a portion of said additional real estate to this Condominium by filing of the Fourth Amendment to Declaration, as Document No. 2254134 in the office of the County Recorder, Dakota County, Minnesota, wherein said additional real estate was legally described as:

Lots 11 and 12, Block 2, LIBERTY PARK 2ND ADDITION,
according to the recorded plat thereof, Dakota County, Minnesota.

WHEREAS, on March 16, 2005, in accordance with Section 515B.2-106 and 515B.2-111 of the Act and Sections 2.02, 2.03 and 2.04 of the Declaration, Declarant added a portion of said additional real estate to this Condominium by filing of the Fifth Amendment to Declaration, as Document No. 2325986 in the office of the County Recorder, Dakota County, Minnesota, wherein said additional real estate was legally described as:

Lot 2, Block 3, LIBERTY PARK 2ND ADDITION, according to the recorded
plat thereof, Dakota County, Minnesota.

WHEREAS, in accordance with Sections 515B.2-106 and 515B.2-111 of the Act and Sections 2.02, 2.03 and 2.04 of the Declaration, Declarant now desires to add a portion of said additional real estate to this Condominium by filing this Sixth Amendment to Declaration. The portion of additional real estate to be added to this condominium by this Sixth Amendment to Declaration is hereinafter referred to as the "Sixth Added Real Estate", and is legally described as follows:

See Exhibit C attached hereto.

WHEREAS, Declarant has substantially completed all of the intended improvements on the Sixth Added Real Estate, consisting of eight (8) Residential Units and paid, or made satisfactory provision for payment, of all taxes and other assessments due in respect of the Sixth Added Real Estate covering any period prior to the filing of this Sixth Amendment to Declaration; and

WHEREAS, the said improvements on the Sixth Added Real Estate comply with all of the applicable requirements of the Declaration and the Act; and

NOW, THEREFORE, Declarant, as the fee owner of the Sixth Added Real Estate, hereby makes the following Sixth Amendment to Declaration pursuant to Section 515B.2-111 of the Act, for the purpose of adding the Sixth Added Real Estate to the CIC and specifies that the Amended Declaration, as hereafter amended, shall constitute covenants to run with the Property, and the Sixth Added Real Estate and shall be binding upon the Declarant, its successors and assigns, and all persons, including Declarant, who own a Unit in the CIC, together with their mortgagees, grantees, successors, heirs, executors, administrators, devisees, assigns, tenants, guests and other invitees:

I. DEFINITIONS

All words and terms used herein, unless specifically or by context otherwise defined, shall have the same definition as attributed to each in the Declaration and in the Act.

II. UNITS, COMMON ELEMENTS AND LIMITED COMMON ELEMENTS

A. The Units.

In addition to the Units created by the CIC initially and by the First, Second, Third, Fourth and Fifth Amendments to the Declaration, there is hereby created on the Sixth Added Real Estate a total of eight (8) separately dimensioned, designated and legally described Residential Units, located and dimensioned on the Sixth Supplemental CIC plat, as recorded with the Dakota County Recorder, and which are hereby made a part of this Sixth Amendment to Declaration. The boundaries and attributes of each such Unit shall be the same as contained and described in the Declaration.

B. Common Elements.

The Common Elements created on the Sixth Added Real Estate shall mean and include all portions of the Sixth Added Real Estate other than the Units. The ownership of each Unit shall include the respective undivided interest in the Common Elements contained in the CIC, including the Sixth Supplemental CIC Plat, as specified on Exhibit D attached hereto.

C. Limited Common Elements.

Certain portions of the Common Elements on the Sixth Added Real Estate are allocated as Limited Common Elements for the exclusive use of one or more but

fewer than all of the units. In addition to the Limited Common Elements specified in Section 515B.2-102(d) and (f) of the Act, certain Limited Common Elements, and the units in the Sixth Added Real Estate to which each is allocated, are depicted on the Sixth Supplemental CIC Plat.

III. IDENTIFYING NUMBER AND ALLOCATION OF COMMON ELEMENTS, VOTING RIGHTS AND COMMON EXPENSE LIABILITIES

The identifying number of each Unit created in the CIC including the Units heretofore created and those created on the Sixth Added Real Estate are as shown on Exhibit D attached hereto. The allocation to each Unit in the CIC of an undivided interest in the Common Elements, a share of the Common Expenses of the Association, and a share of the votes in the Association, as set forth in the Declaration as amended, is hereby amended to be as set forth on Exhibit D attached hereto and incorporated herein. This reallocation is made in accordance with Section 515B.2-108 of the Act and the Declaration and shall be effective immediately upon the recording of this Sixth Amendment to Declaration.

IV. REAFFIRMATION

Except as amended previously and as amended herein, the Declaration is hereby confirmed as originally recorded. The Sixth Added Real Estate, the Units created thereon, and all Unit Owners and Occupants are hereby subjected to, made the beneficiaries of, and bound by the provisions of the Declaration and Bylaws of The Liberty Park Condominium Association as hereby or hereafter amended.

V. NOTICE


Proofs of service of Declarant's intention to add the Sixth Added Real Estate upon the owners of each Unit, as required by Section 515B.2-111(b)(3) of the Act, are attached hereto as Exhibits E and F inclusive.

VI. REMAINING ADDITIONAL REAL ESTATE AFTER THIS SIXTH AMENDMENT

Upon the recording of this Sixth Amendment to Declaration, there shall be no remaining Additional Real Estate subject to the Declarant's option to add Additional Real Estate under Section 2.02 of the Declaration.

IN WITNESS WHEREOF, Declarant College City Homes, Inc. has caused this Sixth Amendment to Declaration to be executed as of the day and year recited on the first page hereof.

COLLEGE CITY HOMES, INC.

By: 
Darin D. Pavek
Its: Treasurer