

FIFTH AMENDMENT TO

DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND DEDICATION, AND OF CONDOMINIUM OWNERSHIP

FOR

BELLA SERA AT THE PRESERVE CONDOMINIUMS

This Fifth Amendment to Condominium Declaration is made this 9th day of May, 2018 (the "Effective Date"), by Bella Sera Condominium Association, Inc., a Kansas not for profit corporation (the "Community Association").

Recitals

- A. On or about December 17, 2007, Bella Sera Development, L.L.C. executed a Declaration of Covenants, Conditions, Restrictions and Dedication, and of Condominium Ownership for Bella Sera at the Preserve Condominiums (the "Declaration") with respect to that certain real property located in Douglas County, Kansas (the "Real Estate"), as described in the Declaration. The Declaration was recorded on December 19, 2007 in Book 1031, beginning on page 1722 in the Office of the Register of Deeds of Douglas County, Kansas.
B. The Original Declaration was amended by that certain First Amendment dated March 31, 2010 and recorded on April 21, 2010 in Book 1060, beginning on page 5283, in the Office of the Register of Deeds of Douglas County, Kansas, by that certain Second Amendment dated April 19, 2013 and recorded on April 22, 2013 in Book 1101, beginning on page 261, in the Office of the Register of Deeds of Douglas county, Kansas, and by that certain Third Amendment dated July 15, 2013 and recorded on July 22, 2013 in Book 1104, beginning on page 5704, in the Office of the Register of Deeds of Douglas County, Kansas, and by that certain Fourth Amendment dated October 16, 2014 and recorded on October 16, 2014 in Book 1118, beginning on page 988, in the Office of the Register of Deeds of Douglas County, Kansas (collectively, the "Amendments"). The Original Declaration and the Amendment are collectively referred to as the "Declaration".
C. At a meeting duly held on or about May 2, 2018, the Board of Directors of the Community Association adopted a resolution by majority vote to propose an amendment to the Declaration in accordance with the terms and provisions of this Amendment.
D. Upon proper notice given, at a special meeting of the Community Association duly attended by a quorum of the owners and held on May 9, 2018, (the "Meeting") for the purpose of considering this Amendment, the minimum votes of the Owners in attendance at such meeting resolved to amend the Declaration in accordance with the terms and provisions of this Amendment.



Douglas County Register of Deeds
BK: 1157 PG: 3472 - 3474 Receipt #:507891
Rec Fees: \$55.00
Pages: 3 Record Date: 5/10/2018 1:43 PM
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Authorized By Kay Pesnell

**Amendment**

1. Pursuant to Paragraph 3 of Article Two of the Declaration is hereby amended as follows:

- i. **Garage Level:** This Amendment assigns Unit specific parking and storage space. The Parking Spaces and Storage Units remain part the Limited Common area and assigned usage does not imply ownership of Limited Common area. Parking Spaces and Storage Units in the Limited Common Area on the garage level of the Building are assigned as follows:

<b>Unit Number</b>	<b>Parking Space Numbers</b>	<b>Storage Unit Number</b>
139	27 and 28	9
140	15 and 16	12
201	69 and 70	3
202	64 and 65	24
203	26 and 66	19
204	49 and 50	17
205	21 and 22	2
206	45 and 46	14
207	54 and 59	33
208	14 and 47	13
209	19 and 20	15
210	73 and 74	7
301	1 and 2	6
302	29 and 30	20
303	62 and 63	22
304	13 and 37	5
305	36, 48, 77 and 78	4
306	23 and 35	32
307	11 and 12	31
308	17 and 18	25
309	9 and 80	27
310	7 and 8	26
401	75 and 76	10
402	67 and 68	21
403	24 and 25	1
404	71 and 72	29
405	43 and 44	11
406	42 and 53	35
407	33 and 34	30
408	51 and 52	34
409	3 and 4	28
410	81 and 82	16
501	60 and 61	23
502	57 and 58	18
503	10, 31, 32, 38 and 39	36
504	40 and 41	8
505	55 and 56	37
115	79	none
133	5 and 6	none

**NOW, THEREFORE**, the Declaration is hereby amended as aforesaid, and the provision of this Amendment shall control any ambiguity or conflict between provisions of the Declaration and provisions of this Amendment.

**IN WITNESS WHEREOF**, the Community Association has caused this Amendment to be made and executed as of the Effective Date.

BELLA SERA COMMUNITY ASSOCIATION, INC., a  
Kansas not for profit corporation

By: Judith E. Calhoun, President  
Judith E. Calhoun, President

**ATTEST:**

I, Mary Frances Locniskar, as Secretary of the Community Association, do hereby attest that the above and foregoing Amendment has been properly adopted in accordance with the terms of the Declaration.

Mary Frances Locniskar  
Mary Frances Locniskar, Secretary  
STATE OF KANSAS, COUNTY OF DOUGLAS

**BE IT REMEMBERED**, that on this 9<sup>TH</sup> day of MAY, 2018, before me, the undersigned, a notary public in and for the County and State aforesaid, came Judith E. Calhoun, President of Bella Sera Community Association, Inc., a Kansas not for profit corporation, and Mary Frances Locniskar, Secretary of said not for profit corporation, who are personally known to me to be the same persons who executed the foregoing instrument of writing and duly acknowledged the execution of the same on behalf of said not for profit corporation.

**IN TESTIMONY WHEREOF**, I hereunto set my hand and affixed my official seal on the day and year last above written.

L. P. L.  
Notary Public LINDSAY LANDIS

My Appointment expires: 8/18/2018

