

FOURTH AMENDMENT TO
DECLARATION OF
COVENANTS, CONDITIONS, EASEMENTS AND
RESTRICTIONS
FOR SOUTHERN LAKES

THIS FOURTH AMENDMENT TO DECLARATION ("Declaration") is made as of the 27th day of April, 1999 by Lyman Development Co., a Minnesota Corporation (the "Declarant")

RECITALS

WHEREAS, the Declaration for Southern Lakes, (the "Declaration") dated September 19, 1997 was filed in the office of the Dakota County Recorder/Registrar of Deeds on October 9, 1997 as Document No. 361509, and

WHEREAS, the Declaration was amended by that certain "First Amendment to Declaration" dated January 19, 1998 filed in the office of the Dakota County Recorder/Registrar of Deeds on February 6, 1998 as Document No. 367628, and

WHEREAS, the Declaration was amended by that certain "Second Amendment to Declaration" dated June 1, 1998 filed in the office of the Dakota County Recorder/Registrar of Deeds on July 21, 1998 as Document No. 377906, and

WHEREAS, the Declaration was amended by that certain "Third Amendment to Declaration" dated September 8, 1998 filed in the office of the Dakota County Recorder/Registrar of Deeds on September 24, 1998 as Document No. 382660, and

WHEREAS, the Declaration provides for the addition of certain Additional Property as defined in the Declaration, and grants to Declarant the authority to add said property, and,

WHEREAS, Declarant desires to add and incorporate into the Homeowners Association the Additional Property legally described as follows (the "Fourth Additional Property"):

Lots 1 through 19, Block 1, Southern Lakes 5th Addition.
Lots 1 through 25, Block 2, Southern Lakes 5th Addition.
Lots 1 through 22, Block 3, Southern Lakes 5th Addition.
Lots 1 through 12, Block 4, Southern Lakes 5th Addition.

Which Fourth Additional Property includes seventy eight additional residential lots as described herein, and,

WHEREAS, the Declarant desires to subject those portions of the "Fourth Additional Property" as legally described in Exhibit C, attached hereto, to the Conservation Easement set forth in Article VIII of the Declaration.

NOW, THEREFORE, the undersigned hereby enacts the following Fourth Amendment to the Declaration, in accordance with the requirements of the Declaration, for the purpose of subjecting the Fourth Additional Property described above to the Declaration and, hereby declaring that said Fourth Additional Property shall be held, sold, conveyed and occupied subject to the covenants, restrictions, easements, charges and liens provided for in the Declaration and this Fourth Amendment, and to the Conservation Easement described in Section VIII of the Declaration as to those portions of the Fourth Additional Property described in attached Exhibit C, 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.

REALLOCATION OF VOTING RIGHTS & ASSESSMENT OBLIGATIONS

Voting rights and Assessment obligations shall be reallocated among all lots created by the Declaration and this and any prior or future Amendments thereto in accordance with the formulas set forth in Section 3.2 of the Declaration.

LEGAL DESCRIPTIONS

Exhibit A to the Declaration containing the legal description of the Property shall be amended and replaced by Exhibit A attached

hereto. All references to Exhibit A in the Declaration, as amended, shall henceforth mean and refer to Exhibit A attached hereto.

Exhibit B to the Declaration containing the legal description of the remaining Additional Property shall be amended and replaced by Exhibit B attached hereto. All references to Exhibit B in the Declaration, as amended, shall henceforth mean and refer to Exhibit B attached hereto.

Exhibit C to the Declaration and Exhibit C to any prior amendment thereto shall remain in full force and effect, and the legal description contained in Exhibit C hereto shall supplement and be in addition to Exhibit C to the Declaration. All references to Exhibit C in the Declaration; as amended, shall henceforth include the property legally described in Exhibit C attached hereto.

**EXHIBIT A TO FOURTH AMENDMENT TO
DECLARATION**

LEGAL DESCRIPTION OF PROPERTY

Lots 1 through 22, inclusive, Block 1 Southern Lakes;
Lots 1 through 5, inclusive, Block 2 Southern Lakes;
Lots 1 through 10, inclusive, Block 3 Southern Lakes;
Lots 1 through 15, inclusive, Block 4 Southern Lakes;
Lots 1 through 25, inclusive, Block 5 Southern Lakes;
Lots 1 through 4, inclusive, Block 1, Southern Lakes 2nd Addition;
Lots 1 through 11, inclusive, Block 1, Southern Lakes 3rd Addition;
Lots 1 through 15, inclusive, Block 2, Southern Lakes 3rd Addition;
Lots 1 through 9, inclusive, Block 3, Southern Lakes 3rd Addition;
Lots 1 through 13, inclusive, Block 1 Southern Lakes 4th Addition;
Lots 1 through 35, inclusive, Block 2 Southern Lakes 4th Addition;
Lots 1 through 19, inclusive, Block 1 Southern Lakes 5th Addition;
Lots 1 through 25, inclusive, Block 2 Southern Lakes 5th Addition;
Lots 1 through 22, inclusive, Block 3 Southern Lakes 5th Addition;
Lots 1 through 12, inclusive, Block 4 Southern Lakes 5th Addition;

according to the recorded plat thereof on file and of record in the offices of the County Registrar of Titles, Dakota County, Minnesota.

**EXHIBIT B TO FOURTH AMENDMENT TO
DECLARATION**

LEGAL DESCRIPTION OF THE ADDITIONAL
PROPERTY

None

**EXHIBIT C TO FOURTH AMENDMENT TO
DECLARATION**

LEGAL DESCRIPTION OF THE CONSERVATION
EASEMENT ENCUMBERING THE FOURTH
ADDITIONAL PROPERTY

A permanent easement for conservation purposes over, under and across the following described properties:

[5th Addition, Block 1]

[10614 Alison Way]

All that part of Lot 1, Block 1, lying southwesterly of a line that is 110 feet southwesterly of and parallel with the front lot line of said lot 1, and;

[10616 Alison Way]

All that part of Lot 2, Block 1, lying southwesterly of a line that is 110 feet southwesterly of and parallel with the front lot line of said lot 2, and;

[10620 Alison Way]

All that part of Lot 3, Block 1, lying southwesterly of a line that is 110 feet southwesterly of and parallel with the front lot line of said lot 3, and;

[10624 Alison Way]

All that part of Lot 4, Block 1, lying southwesterly of a line that is 110 feet southwesterly of and parallel with the front lot line of said lot 4, and;

[10628 Alison Way]

All that part of Lot 5, Block 1, lying southwesterly of a line that is 110 feet southwesterly of and parallel with the front lot line of said lot 5, and;

[10632 Alison Way]

All that part of Lot 6, Block 1, lying southwesterly of a line that is 110 feet southwesterly of and parallel with the front lot line of said lot 6, and;

[10636 Alison Way]

All that part of Lot 7, Block 1, lying southwesterly of a line that is 110 feet southwesterly of and parallel with the front lot line of said lot 7, and;

[10640 Alison Way]

All that part of Lot 8, Block 1, lying southwesterly of a line that is 110 feet southwesterly of and parallel with the front lot line of said lot 8, and;

[10644 Alison Way]

All that part of Lot 9, Block 1, lying southwesterly of a line that is 110 feet southwesterly of and parallel with the front lot line of said lot 9, and;

[10648 Alison Way]

All that part of Lot 10, Block 1, lying southwesterly of a line that is 110 feet southwesterly of and parallel with the front lot line of said lot 10, and;

[10652 Alison Way]

All that part of Lot 11, Block 1, lying southwesterly of a line that is 110 feet southwesterly of and parallel with the front lot line of said lot 11, and;

[10656 Alison Way]

All that part of Lot 12, Block 1, lying southwesterly of a line that is 110 feet southwesterly of and parallel with the front lot line of said lot 12, and;

[10660 Alison Way]

All that part of Lot 13, Block 1, lying southwesterly of a line that is 110 feet southwesterly of and parallel with the front lot line of said lot 13, and;

[10664 Alison Way]

All that part of Lot 14, Block 1, lying southwesterly of a line that is 110 feet southwesterly of and parallel with the front lot line of said lot 14, and;

[10668 Alison Way]

All that part of Lot 15, Block 1, lying southerly of a line that is 110 feet southerly of and parallel with the front lot line of said lot 15, and;

[10672 Alison Way]

All that part of Lot 16, Block 1, lying southerly of a line that is 110 feet southerly of and parallel with the front lot line of said lot 16, and;

[10676 Alison Way]

All that part of Lot 17, Block 1, lying southerly of a line that is 110 feet southerly of and parallel with the front lot line of said lot 17, and;

[10680 Alison Way]

All that part of Lot 18, Block 1, lying southerly of a line that is 110 feet southerly of and parallel with the front lot line of said lot 18, and;

[10684 Alison Way]

All that part of Lot 19, Block 1, lying southerly of a line that is 110 feet southerly of and parallel with the front lot line of said lot 19, and;

[5th Addition, Block 2]

[10627 Alvin Court]

[Lot 1, Block 2 - No conservation easement]

[10619 Alvin Court]

[Lot 2, Block 2 - No conservation easement]

[10609 Alvin Court]

[Lot 3, Block 2 - No conservation easement]

[10607 Alvin Court]

[Lot 4, Block 2 - No conservation easement]

[10606 Alvin Court]

[Lot 5, Block 2 - No conservation easement]

[10618 Alvin Court]

[Lot 6, Block 2 - No conservation easement]

[10626 Alvin Court]

[Lot 7, Block 2 - No conservation easement]

[10669 Alison Way]

[Lot 8, Block 2 - No conservation easement]

[10665 Alison Way]
[Lot 9, Block 2 - No conservation easement]

[10645 Amery Court]
[Lot 10, Block 2 - No conservation easement]

[10633 Amery Court]
[Lot 11, Block 2 - No conservation easement]

[10601 Amery Circle]
[Lot 12, Block 2 - No conservation easement]

[10591 Amery Circle]
[Lot 13, Block 2 - No conservation easement]

[10594 Amery Circle]
[Lot 14, Block 2 - No conservation easement]

[10602 Amery Circle]
[Lot 15, Block 2 - No conservation easement]

[10614 Amery Circle]
[Lot 16, Block 2 - No conservation easement]

[10613 Amery Court]
[Lot 17, Block 2 - No conservation easement]

[10607 Amery Court]
All that part of Lot 18, Block 2, lying northeasterly of a line that is 110 feet northeasterly of and parallel with the front lot line of said lot 18, and;

[10608 Amery Court]
All that part of Lot 19, Block 2, lying easterly, northeasterly and southeasterly of a line that is 110 feet easterly, northeasterly and southeasterly of and parallel with the front lot line of said lot 19, and;

[10612 Amery Court]
All that part of Lot 20, Block 2, lying southeasterly of a line that is 110 feet southeasterly of and parallel with the front lot line of said lot 20, and;

[10616 Amery Court]

All that part of Lot 21, Block 2, lying southeasterly of a line that is 110 feet southeasterly of and parallel with the front lot line of said lot 21, and;

[10620 Amery Court]

All that part of Lot 22, Block 2, lying southeasterly of a line that is 110 feet southeasterly of and parallel with the front lot line of said lot 22, and;

[10630 Amery Court]

All that part of Lot 23, Block 2, lying southeasterly of a line that is 110 feet southeasterly of and parallel with the front lot line of said lot 23, and;

[10655 Alison Way]

[Lot 24, Block 2 - No conservation easement]

[10647 Alison Way]

All that part of Lot 25, Block 2, lying northeasterly of a line that is 110 feet northeasterly of and parallel with the front lot line of said lot 25, and;

[5th Addition, Block 3]

[10643 Alison Way]

[Lot 1, Block 3 - No conservation easement]

[10740 Amherst Way]

[Lot 2, Block 3 - No conservation easement]

[10744 Amherst Way]

All that part of Lot 3, Block 3, lying northwesterly of a line that is 110 feet northwesterly of and parallel with the front lot line of said lot 3, and;

[10746 Amherst Way]

All that part of Lot 4, Block 3, lying northerly of a line that is 110 feet northerly of and parallel with the front lot line of said lot 4, and;

[10748 Amherst Way]

All that part of Lot 5, Block 3, lying northerly of a line that is 110 feet northerly of and parallel with the front lot line of said lot 5, and;

[10752 Amherst Way]

All that part of Lot 6, Block 3, lying northerly of a line that is 110 feet northerly of and parallel with the front lot line of said lot 6, and;

[10754 Amherst Way]

All that part of Lot 7, Block 3, lying northerly of a line that is 110 feet northerly of and parallel with the front lot line of said lot 7, and;

[10756 Amherst Way]

All that part of Lot 8, Block 3, lying northerly of a line that is 110 feet northerly of and parallel with the front lot line of said lot 8, and;

[10758 Amherst Way]

All that part of Lot 9, Block 3, lying northeasterly of a line that is 110 feet northeasterly of and parallel with the front lot line of said lot 9, and;

[10760 Amherst Way]

All that part of Lot 10, Block 3, lying northeasterly of a line that is 110 feet northeasterly of and parallel with the front lot line of said lot 10, and;

[10762 Amherst Way]

[Lot 11, Block 3 - No conservation easement]

[10764 Amherst Way]

[Lot 12, Block 3 - No conservation easement]

[10766 Amherst Way]

[Lot 13, Block 3 - No conservation easement]

[10768 Amherst Way]

[Lot 14, Block 3 - No conservation easement]

[10774 Amherst Court]

[Lot 15, Block 3 - No conservation easement]

[10780 Amherst Court]

[Lot 16, Block 3 - No conservation easement]

[10790 Amherst Court]

All that part of Lot 17, Block 3, lying southerly of a line that is 110 feet southerly of and parallel with the front lot line of said lot 17, and;

[10787 Amherst Court]

All that part of Lot 18, Block 3, lying southwesterly of a line that is 110 feet southwesterly of and parallel with the front lot line of said lot 18, and;

[10777 Amherst Court]

All that part of Lot 19, Block 3, lying southerly and southwesterly of a line that is 110 feet southerly and southwesterly of and parallel with the front lot line of said lot 19, and;

[10782 Amherst Way]

All that part of Lot 20, Block 3, lying southeasterly of a line that is 110 feet southeasterly of and parallel with the front lot line of said lot 20, and;

[10786 Amherst Way]

[Lot 21, Block 3 - No conservation easement]

[10813 Alison Way]

All that part of Lot 22, Block 3, lying easterly of a line that is 110 feet easterly of and parallel with the front lot line of said lot 22,

[5th Addition, Block 4]

[10785 Amherst Way]

[Lot 1, Block 4 - No conservation easement]

[10783 Amherst Way]

[Lot 2, Block 4 - No conservation easement]

[10781 Amherst Way]

[Lot 3, Block 4 - No conservation easement]

[10777 Amherst Way]

[Lot 4, Block 4 - No conservation easement]

[10773 Amherst Way]

[Lot 5, Block 4 - No conservation easement]

[10765 Amherst Way]

[Lot 6, Block 4 - No conservation easement]

[10759 Amherst Way]
[Lot 7, Block 4 - No conservation easement]

[10753 Amherst Way]
[Lot 8, Block 4 - No conservation easement]

[10749 Amherst Way]
[Lot 9, Block 4 - No conservation easement]

[10745 Amherst Way]
[Lot 10, Block 4 - No conservation easement]

[10741 Amherst Way]
[Lot 11, Block 4 - No conservation easement]

[10627 Alison Way]
[Lot 12, Block 4 - No conservation easement]

Southern Lakes 5th Addition, according to the recorded plat thereof on file and of record in the offices of the County Registrar of Titles.,
Dakota County, Minnesota.