

ISSUE #1

Section 1: [Article X, Section 2] Duration of Covenants and Restrictions

All covenants, conditions, and restrictions set forth in this Declaration shall run with the land perpetually and shall remain in full force and effect for thirty (30) years from the date of recording and automatically renew every ten (10) years thereafter without the necessity of recording any further notice or verified claim.

MARKUP #1 ->

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. Article X, Section 2 (p. 1): Purported perpetual duration and waiver of verified-claim filing after 21 years conflicts with Iowa Code § 614.24.

Statutory / Legal Reference: Iowa Code § 614.24

Statutory Comparison: Iowa Code § 614.24 extinguishes use restrictions on real property 21 years after recording unless a verified claim is recorded with the county recorder prior to the expiration of the 21-year period. Private covenant language cannot waive the statutory recording requirement.

CURRENT WORDING IN DOCUMENT:

[Article X, Section 2] Duration of Covenants and Restrictions - All covenants, conditions, and restrictions set forth in this Declaration shall run with the land perpetually and shall remain in full force and effect for thirty (30) years from the date of recording and automatically renew every ten (10) years thereafter without the necessity of recording any further notice or verified claim.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section Article X, Section 2 ([Article X, Section 2] Duration of Covenants and Restrictions - All covenants, conditions, and restrictions set forth in this Declaration shall run with the land perpetually and shall remain in full force and effect for thirty (30) years from the date of recording and automatically renew every ten (10) years thereafter without the necessity of recording any further notice or verified claim.) to conform with Iowa Code § 614.24 and the manual attorney audit recommendations for Siena Hills Homeowners Association.