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FIFTH AMENDMENT TO THE DECLARATION OF SIERRA

THIS FIFTH AMENDMENT TO DECLARATION of Sierra is made this 30th day of September, 2022, by the undersigned President and Secretary of SIERRA Association, a Minnesota nonprofit corporation (the "Association").

RECITALS

WHEREAS, certain real property located in Carver County, Minnesota, was made subject to that certain Sierra Declaration dated December 7, 2000, and filed with the Carver County Recorder on December 7, 2000, as Document No. A279108, as amended by the First Amendment to the Declaration dated January 23, 2002, and filed with the Carver County Recorder on February 4, 2002, as Document No. A307210, and the Second Amendment to the Declaration dated June 11, 2002, and filed with the Carver County Recorder on June 26, 2002, as Document No. A318765, and the Third Amendment to the Declaration dated November 1, 2002, and filed with the Carver County Recorder on January 29, 2003, as Document No. A339129, and the Fourth Amendment to the Declaration dated October 29, 2003, and filed with the Carver County Recorder on October 30, 2003, as Document No. A371579 (collectively the "Declaration");

WHEREAS, the Owners of the Association are desirous of amending the Declaration to revise and clarify Article VII, Sections 1.f. and 1.g.;

WHEREAS, at least sixty-seven percent (67%) of the Owners of a Lot (as such terms are defined and described in Article I, Sections 2 and 4, respectively, of the Declaration), have voted to amend the Declaration as required by Article XIV, Section 3 thereof, as attested to by the Secretary of the Association as indicated below;

WHEREAS, pursuant to Article XI, the proposed amendment to the Declaration does not require Eligible Mortgagee (as such term is defined and described in Article I, Section 7 of the Declaration), approval.

NOW THEREFORE, the Declaration is hereby amended as follows:

1. ARTICLE VII – ADDITIONAL RESTRICTIONS; RULES AND REGULATIONS. Article VII, Section 1. Subsections f. and g. are deleted in their entirety and replaced with the following:

Section 1. Additional Restrictions.

f. No structure of a temporary character, trailer, shack, tent, garage, barn or other out-building shall be constructed on any Lot. This restriction does not prevent the construction of decorative gazebos, birdhouses, or sheds. However, sheds shall only be allowed to be constructed on a Lot if the construction of the shed is in compliance with Article VII herein, it has received architectural committee approval and complies with any and all rules and regulations adopted and promulgated by the Board of Directors. While the shed is being constructed, one construction trailer may be located on the Lot, but for no longer than three (3) months.

g. Trailers, boats, buses, motor homes, campers, snowmobiles or other types of recreational vehicles ("Vehicles") may be parked on a Lot provided that parking is in compliance with Article VII herein and any and all rules and regulations adopted and promulgated by the Board of Directors. Vehicles must be in operable condition unless such Vehicles are parked within a garage located on such Lot. Vehicles shall not be parked on any Common Element. Recreational vehicles on a trailer shall constitute one Vehicle.

2. Other than as explicitly amended or modified herein, all other provisions of the Declaration remain in full force and effect.

IN WITNESS WHEREOF, the Secretary and President have executed this Fifth Amendment to the Declaration of Sierra and certify compliance with the requirements for such amendment set forth in the Declaration and Minn. Stat. §317A, effective the day and year first above written.

SIERRA ASSOCIATION

By: _____ (signature)

Dan Viessman (printed name)

Its: President

By: _____ (signature)

Jenna Schultz (printed name)

Its: Secretary

STATE OF MINNESOTA)
)ss.
COUNTY OF CARVER)

The foregoing instrument was acknowledged before me this 30th day of September, 2022 by Dan Viessman, the President of SIERRA Association, a Minnesota non-profit corporation, on behalf of the non-profit corporation.

LOGAN M HELMAN
Notary Public
State of Minnesota
My commission expires
1/31/2027

Notary Public

STATE OF MINNESOTA)
)ss.
COUNTY OF CARVER)

The foregoing instrument was acknowledged before me this 30th day of September, 2022 by Jenna Schultz, the Secretary of SIERRA Association, a Minnesota non-profit corporation, on behalf of the non-profit corporation.

LOGAN M HELMAN
Notary Public
State of Minnesota
My commission expires
1/31/2027

Notary Public

AFFIDAVIT OF THE SECRETARY OF
SIERRA ASSOCIATION

I, Jenna Schultz, being the Secretary of SIERRA Association, hereby state that the required number of votes for the adoption of the foregoing amendment to the Declaration dated December 7, 2000, as amended, have been duly obtained by virtue of the Owners' votes upon the amendment.

_____(signature)

Jenna Schultz (printed name)

STATE OF MINNESOTA)
) ss.
COUNTY OF CARVER)

The foregoing Affidavit was acknowledged before me this 30th day of September 2022, by Jenna Schultz, known to me to be the Secretary of the SIERRA Association, on behalf of the Association.

LOGAN M HELMAN
Notary Public
State of Minnesota
My commission expires
1/31/2027

_____
Notary Public

THIS INSTRUMENT WAS DRAFTED
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