

# TOM RILEY LAW FIRM, P.L.C.

Cedar Rapids and Iowa City

Tom Riley (1929-2011)

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November 16, 2017

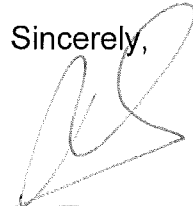
Glen Gardner  
PO Box 8184  
Cedar Rapids, IA 52406-8184

Re: Riviera Condominium Owners Association, Inc.

Dear Glen:

Attached are the Resolutions which need to be signed and notarized and sent to me for recording.

Sincerely,



Peter C. Riley

PCR/pd

Enclosure

## RESOLUTIONS OF RIVIERA CONDOMINIUM OWNERS ASSOCIATION, INC.

At a special meeting of the members of Riviera Condominium Owners Association, Inc., on November 14, 2017, the members of the corporation adopted certain Amendments to Declaration of Submission of Property to Horizontal Property Regime for Riviera, A Condominium pursuant to the provisions of Article III, Part 1 of the Declaration, and adopted pursuant to that Article the following resolutions:

### Resolution No. 1

#### AMENDMENT TO DECLARATION OF SUBMISSION OF PROPERTY TO HORIZONTAL PROPERTY REGIME FOR RIVIERA, A CONDOMINIUM

The Declarations are amended by adding the following new part 14 to Article X:

#### ARTICLE X

14. Fireworks. The use or storage of any fireworks shall not be permitted on the property constituting Riviera, A Condominium, including all individual units and all common areas. Fireworks shall be defined to include Display Fireworks, Consumer Fireworks and Novelties as defined in the American Pyrotechnics Association Standard 87-1 as published in December of 2001. The definition of fireworks shall also include any fireworks that are presently defined as legal to use under Iowa Code Section 727.2, as well as any fireworks that are not legal to use under that section or any other provision of Iowa law. Any owner or other person in possession of a unit, legally or in violation of the Declarations, as amended, or any guest of an owner or possessor, shall not store or use fireworks on the property constituting Riviera, A Condominium. Any owner or person in possession shall be responsible for any damage caused by their use, or the use of their guest, of fireworks and any costs incurred in enforcing this provision.

### Resolution No. 2

#### AMENDMENT TO DECLARATION OF SUBMISSION OF PROPERTY TO HORIZONTAL PROPERTY REGIME FOR RIVIERA, A CONDOMINIUM

The Declarations are amended by adding the following new part 15 to Article X:

#### ARTICLE X

15. Rental of Units. Notwithstanding the provisions of Article X, part 11, the right to enter into an agreement by an owner of a unit to lease the property to any person, other than persons who own a controlling interest in any unit owned by a

corporation, limited liability or other corporate entity, or to the creator or any beneficiary of any unit owned by a trust, shall be limited as provided in this part. Any lease shall be for a period of not less than one (1) calendar year. No units of Riviera, A Condominium, can be leased at any time, other than leases to the creator or any beneficiary, or corporate entities leasing to persons who own a controlling interest in the entity, or creator or any beneficiary of a trust that owns a unit, except in the case of hardship as otherwise provided in this part. A beneficiary of a trust must be specifically identified, and must have some close relationship, familiar or otherwise, to the creator of the trust. The purpose of this amendment is to limit long-term leases and prohibit short-term leases.

However, there shall be an exception to this provision of the declarations where enforcement would impose a hardship on the owner of a unit. In this case, the owner of the unit may petition the Board of Directors for a written waiver of the leasing restriction, as to that owner's home based upon the hardship. For purposes of this amendment to the declarations, the term "hardship" would include:

- (a) A situation in which the owner has a prolonged illness or injury requiring the owner to live in a hospital, nursing home, or other similar assisted living facility for an extended period of time, and preventing him or her from residing in the owner's unit in Riviera, A Condominium.
- (b) A military deployment to a location more than one hundred (100) miles from the Riviera, A Condominium, community, which deployment will result in the absence of the owner from the Riviera, A Condominium, community for more than seven (7) consecutive months. The Board may request written proof of deployment as a condition of granting a waiver;
- (c) A situation in which a member of the owner's family is in need of physical assistance for an extended period of time (e.g., to recover from an illness or injury), and such family member lies more than fifty (50) miles from the Riviera, A Condominium, community. "Family member" shall be defined as an owner's spouse, brother, sister, parent, stepparent, child, stepchild, grandparent, grandchild, aunt, uncle, niece or nephew.

For purposes of determining hardship with respect to any unit that is owned by a trust, corporation, limited liability or other corporate entity, the creator or any beneficiary of that trust, or the person or persons owning the controlling interest in the entity, shall be considered the unit owners.

Owners are required to certify that they have done a required background check on tenants to whom they rent. Specifically, the background check must include evidence of any of the following criminal activities: assault, battery or other evidence of violence against persons or property, sexual assault or other criminal sexual activity, stalking, harassment or similar acts, robbery, burglary, murder, rape or other violent felony against persons or property, drug-related activity. Such background check must be

performed by an independent, reputable, experienced professional. The agency conducting the background check holds any and all licenses necessary to conduct such background checks as may be required by state or federal law. The cost of the background check is the responsibility of the unit owner.

No lease agreements, regardless of their term of duration, can be made via internet hospitality sites such as Airbnb.

Resolution No. 3

AMENDMENT TO DECLARATION OF SUBMISSION  
OF PROPERTY TO HORIZONTAL PROPERTY REGIME  
FOR RIVIERA, A CONDOMINIUM

The Declarations are amended by adding the following new part 16 to Article X.

ARTICLE X

16. Drones. The use of any device, commonly referred to as a drone, and including any other device which is capable of movement in the air, is prohibited in the airspace above the boundaries of the property that is part of Riviera, A Condominium, which boundaries are set forth in the Condominium Declarations, as amended. Owners of units, any person in possession of a unit, either by virtue of a lease, or in violation of these Declarations, as amended, or any guest of an owner or possessor of a unit, shall not use these devices in the air space above the above-stated boundaries. For purposes of this part, with respect to any unit owned by a trust, corporation, limited liability company, or other corporate entity, the creator or a beneficiary of the trust, as defined in the preceding part 15, or the persons holding a controlling interest in the entity who has permitted any guest to use any such device above the boundaries of the property of Riviera, A Condominium, shall be responsible for any damage caused by the use of these devices or costs incurred in enforcing this provision. This provision does not apply to kites or balloons.


Dated this 14<sup>th</sup> day of November, 2017.

RIVIERA CONDOMINIUM OWNERS  
ASSOCIATION, INC.

By: 

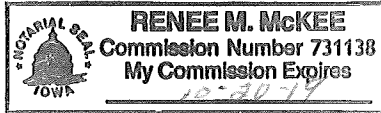
Glen Gardner, President

Attest:

  
Tara A. McCormally, Secretary

STATE OF IOWA     )  
                                  ) SS.  
COUNTY OF LINN    )

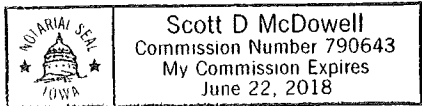
This Resolution was acknowledged before me on January 4,  
2018, by Glen Gardner, President of Riviera Condominium Owners Association, Inc.



Renee M. McKee  
Notary Public in and for the State of  
Iowa

STATE OF IOWA     )  
                                  ) SS.  
COUNTY OF LINN    )

This Resolution was acknowledged before me on January 22,  
2018, by Tara A. McCormally, Secretary of Riviera Condominium Owners Association,  
Inc.



Scott McDowell  
Notary Public in and for the State of  
Iowa