

Second Amendment to Declaration of
Morgan Square Homeowners' Association

Common Interest Community No. 373

(Annexing Additional Real Estate)

THIS AMENDMENT, is executed the _____ day of _____, 2005, by M.W. Johnson Construction, Inc., a Minnesota corporation ("the "Declarant").

RECITALS

1. The following described property in Dakota County, Minnesota is subject to the Declaration of Morgan Square Homeowners' Association, Common Interest Community No. 373, dated June 19, 2003, and recorded December 5, 2003, as Dakota County Doc. No. 2148493 (the "Declaration"):

Lots 1 through 9, Block 2;
Lot 20, Block 1;
Lots 10 through 13, Block 1;
Outlots A and B
Morgan Square, Dakota County, Minnesota

2. Section 16 of the Declaration reserves unto the Declarant the right to add Additional Real Estate to the Property by unilateral action under Minnesota Statutes Section 515B.2-111. That additional real estate is described on Exhibit C of the Declaration and consists of Lots 1 through 20, Block 1, Lots 10 to 20, Block 2, and Outlots C, D, and E, Morgan Square, Dakota County, Minnesota.

3. The Declarant now desires to add the Additional Real Estate into the Property, and to fully subject said real estate to the Declaration, as amended.

AMENDMENT

1. Additional Property. The Declaration is hereby amended by adding the following described real estate to the definition of the "Property" that is subjected to the Declaration.

Lots 1 through 8, Block 1; Lots 14 through 19, Block 1;
Lots 10 through 19, Block 2, Morgan Square, Dakota County, Minnesota (hereinafter "Additional Property").

2. Units. The Additional Property consists of 24 different Units, and constitutes no additional Common Area.

3. Subjection to Declaration. The Additional Property is hereby fully subjected to the Declaration. The Additional Property shall be transferred, held, sold, conveyed, and developed always subject to the easements, covenants, restrictions, conditions and other terms and provisions of the Declaration to the same extent as though the Additional Property had been designated as Property in the original Declaration.

4. Completion of Governed Real Estate. The Additional Property subjected herein constitutes all of the remaining property to be subjected to the Declaration.

5. Maximum Number of Units. The maximum number of Units to be built in CIC No. 373 is as set forth in the Declaration, which is inclusive of the Additional Property.

6. Unit Owners. All of the Additional Property subjected herein is owned by the Declarant.

7. Unit Identifiers. Each Unit's unit identifier is its lot and block numbers and the subdivision name.

8. Property Interests. Common element interests, votes in the association, and common expense liabilities shall remain as equal rights and obligations of the Unit Owners, as stated in the Declaration, with the additional twenty-four (24) Units now included by way of this Amendment.

9. Limited Common Elements. Any limited common elements formed out of the Additional Property are determined and governed under the Declaration.

10. Effect of Amendment. All provisions of the Declaration shall remain in full force and effect, except as amended hereby.

IN WITNESS WHEREOF, the Declarant has executed this Amendment as of the day and year first above written.

M.W. Johnson Construction, Inc.

By: _____

Its: _____

STATE OF MINNESOTA)
) ss.
COUNTY OF DAKOTA)

The foregoing instrument was acknowledged before me this
____ day of _____, 2005, by _____,
the _____ of M.W. Johnson Construction, Inc.,
a Minnesota corporation, on behalf of the corporation.

Notary Public

This instrument was drafted by:
Richard K. Hocking, P.A.
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