

**HIGHLANDS RANCH
DECLARATION OF RESTRICTIONS
ADDITIONAL PHASE**

THIS DECLARATION is made as of the _____ day of June, 2000, by Highlands Group, a Kansas general partnership (the "Developer");

WITNESSETH:

WHEREAS, the Developer has executed and filed with the Office of the Register of Deeds of Johnson County, Kansas, an additional plat of the subdivision known as "Highlands Ranch"; and

WHEREAS, such plat adds the following lots to the subdivision (the "Additional Lots"):

Lots 77 through 153, Highlands Ranch 2nd Plat, a subdivision in
City of Leawood, Johnson County, Kansas.

WHEREAS, the Developer, as the owner of the Additional Lots, desires to subject the Additional Lots to the covenants, restrictions, easements and other provisions contained in that certain Highlands Ranch Declaration of Restrictions, dated as of January 20, 1998 (the "Original Declaration"), executed by the Developer and filed with the Office of the Register of Deeds of Johnson County, Kansas on March 10, 1998, and recorded as Instrument No. 2800744 in Book 5492 at Page 425.

NOW, THEREFORE, in consideration of the premises, the Developer, for itself and for its successors and assigns, and for its future grantees, hereby agrees and declares that all of the Additional Lots shall be, and they hereby are, subject to the covenants, restrictions, easements and other provisions set forth in the Original Declaration. As contemplated in Section 19 of the Original Declaration, this instrument shall have the effect of subjecting the Additional Lots to all of the provisions of the Original Declaration as though the Additional Lots had been originally described therein and subject to the provisions thereof.

Notwithstanding the foregoing, the Additional Lots shall be subject to the following additional restrictions or provisions (with capitalized terms not defined herein having the meanings set forth in the Original Declaration):

1. No fence on any Additional Lot shall exceed four feet in height, except as and to the extent required by the City to be taller around a pool or hot tub. All fence plans for the Additional Lots must be approved by the Approving Party and the City prior to installation.
2. All deck plans for the Additional Lots must be approved by the Approving Party and the City prior to installation. All decks on the Additional Lots must be painted or stained to match the residence.
3. All retaining walls located on an Additional Lot in the front yard or in a side yard area that is viewable from the front of the house shall be poured concrete walls finished in stucco

and/or stone or brick; stacked stone retaining walls shall not be permitted in these areas. Stacked stone retaining walls may be used on an Additional Lot in the rear yard or, if not viewable from the front of the house, the side yard, if approved by the Approving Party prior to installation.

IN WITNESS WHEREOF, the Developer has caused this Declaration to be duly executed the day and year first above written.

HIGHLANDS GROUP,
a Kansas general partnership

By: CASEY-MATT, INC., a partner

By: _____
Don D. Donahoo, President

By: N.W. REALTY, INC., a partner

By: _____
Kenneth E. Nichols, President

STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

BE IT REMEMBERED, That on this ____ day of _____, 1998, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Don D. Donahoo, President of Casey-Matt, Inc., a Kansas corporation, and Kenneth E. Nichols, President of N.W. Realty, Inc., a Kansas corporation, who are personally known to me to be such officers, and who are personally known to me to be the same persons who executed, as such officers, the within instrument on behalf of said corporations, in their capacities as partners in and on behalf of Highlands Group, a Kansas general partnership, and such persons duly acknowledged the execution of the same to be the act and deed of said corporations and partnership.

IN WITNESS WHEREOF, I have hereto set my hand and affixed my official seal the day and year last above written.

Notary Public

Print or Type Name

My commission expires:

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