

OLD REPUBLIC TITLE COMPANY OF  
KANSAS CITY, MO.  
110 SOUTH G. ST., STE. 103  
PLATTE COUNTY, MO 64051-1431  
accam 30-001-5

3205059

accam

SECOND AMENDMENT TO  
NOTTINGHAM FOREST SOUTH DECLARATION OF RESTRICTIONS

THIS SECOND AMENDMENT (the "Second Amendment") is made and entered into as of the 2nd day of January, 2001 by and among the persons who have executed this document in their capacities as owners of record of the lots described below (collectively the "Owners") and NOTTINGHAM FOREST SOUTH HOMES ASSOCIATION INC., a Kansas non-profit corporation (the "Homeowner's Association").

WITNESSETH:

WHEREAS, HANOVER DEVELOPMENT COMPANY II ("Hanover"), as developer of the lots described below, has previously executed a certain Nottingham Forest South Declaration of Restrictions and caused such document (the "Declaration") to be recorded in the office of the Register of Deeds of Johnson County, Kansas on July 21, 1987 as Instrument No. 1726218 in Volume 2632 at Page 425;

WHEREAS, on January 15, 2001, Hanover irrevocably assigned to the Homeowner's Association, all of Hanover's right to approve or not to approve any amendments to the foregoing Declaration of Restrictions;

WHEREAS, the Declaration places restrictions upon the following described real property:

Lots 1 through 24 of Block 1 and Lots 1 through 23 of Block 2, Lots 1 through 19 of Block 3 and Lots 1 and 2 of Block 4 of NOTTINGHAM FOREST SOUTH, a subdivision in the City of Overland Park, Johnson County, Kansas, according to the recorded plat thereof; and

WHEREAS, the Declaration was amended by a First Amendment to Nottingham Forest South Declaration of Restrictions dated of even date herewith, which will be recorded in the Office of the Register of Deeds of Johnson County, Kansas; and

WHEREAS, the Owners and Homeowner's Association desires to further amend and clarify certain provisions of the Declaration in the manner set forth herein pertaining to the use and location of certain types of fencing materials and to allow the regulation of the location, colors, styles, dimensions or other aesthetic factors of fencing materials that may be allowed on the Lots.

NOW, THEREFORE, the parties hereto agree as follows:

1. It is the specific intent and purpose of this Amendment to establish a mechanism to regulate the aesthetic factors and placement of fencing materials that may be erected or re-erected on the Lots.

2. Section 8 Exterior Structures, subsection (b)(i) is hereby modified by deleting the first sentence thereof in its entirety and replace it with the following: "All residential fences and privacy screens (other than those installed by the Developer) shall be consistent with the standard designs, heights and materials to be selected by the Architectural Committee and shall also be in compliance with the restrictions set forth in this Declaration." In addition, the following are hereby added at the end of Section 8 Exterior Structures, subsection (b)(i) as follows: "The maximum height of a fence shall be four (4) feet and the maximum height of a privacy screen for a pool or hot tub shall be six (6) feet. No stockade fence or fences (other than wrought iron) shall be approved. Perimeter fences shall be of the picket design with a minimum space between pickets of at least fifty (50%) percent of the width of the picket used in the fence. Fences shall be constructed along lot lines. Privacy screens shall be next to the pool deck or a reasonable distance from the pool or hot tub, as determined by the Architectural Committee. Fence posts must be on the inside of the fence or privacy screen. All fences along Antioch and the private drive leading to the subdivision clubhouse must be wrought iron which is consistent with the wrought iron fences existing at the time of this Second Amendment. Fences must meet and connect to any existing fences on adjacent lots. Only natural wood colored stains and shellac shall be permitted on fences and privacy screens and no colorful paints or stains shall be permitted with the exception of wrought iron which must be black."

3. Section 8 Exterior Structures, subsection (b)(v) is hereby modified to delete: "... and runs" ... therefrom. It being the intent of this Second Amendment to prohibit outdoor dog or animal runs; provided, however, doghouses and other animal shelters shall be permitted so long as they comply with the terms of this Declaration and have a roof over the entire doghouse or animal shelter.

4. All fencing materials, dog runs and animal shelters in place on or before March 10, 2000 shall not be subject to the restrictions set forth in this Second Amendment; provided, however, in the event any Owner shall replace more than one-third (1/3) of the fencing materials, dog run or animal shelter on a Lot which do not conform with the requirements of this Second Amendment, then the Owner shall be obligated to install fencing or other materials which do conform with the terms of this Second Amendment.

5. Invalidation of any of the provisions set forth in this Amendment, or any part thereof, by an order, judgment or decree of any court, or otherwise, shall not invalidate or affect the other provisions, or any part thereof, but they shall remain in full force and effect.

6. Except as otherwise expressly modified or amended hereby, the Declaration, as amended, shall remain in full force and effect.

7. The execution of this Amendment may occur in counterparts with only one (1) copy of the main body hereof being recorded together with the various signature and acknowledgment pages from such counterpart.