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Ref 3532475

STATE OF KANSAS
COUNTY OF JOHNSON
FILED FOR RECORD

2002 OCT 17 P 12:46 S

REBECCA L. DAVIS
REGISTER OF DEEDS

SIXTH SUPPLEMENTARY DECLARATION

OF

EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS

OF

ARLINGTON PARK

A SUBDIVISION IN

THE CITY OF OLATHE

JOHNSON COUNTY, KANSAS

\$12.00
\$8.00
STATE OF KANSAS
COUNTY OF JOHNSON
FILED FOR RECORD

2002 DEC 17 P 5:21 S

REBECCA L. DAVIS
REGISTER OF DEEDS

THIS SUPPLEMENTARY DECLARATION OF EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS ("Sixth Supplementary Declaration") is made this 14th day of October, 2002, by PARACORP, INC., an Iowa corporation ("Developer").

RECITALS:

A. Developer is the assignee of Duggan Land Development, Inc. (now know as Duggan Investments, Inc.) under the Declaration (as defined below), wherein Developer became the successor to Duggan Land Development, Inc. with regard to that certain real property located in Arlington Park, a subdivision in the City of Olathe, Johnson County, Kansas, according to the Plat thereof (the "Seventh Plat") recorded on April 30, 2002 Plat Book 125, Page 2, as Document No. 3409541, in the office of the Register of Deeds for Johnson County, Kansas, as more particularly described in Exhibit A.

B. Pursuant to paragraph 12.2 of the Declaration, the Developer desires to amend the Declaration of Easements, Covenants, Conditions, and Restrictions ("Declaration") dated January 20, 1998 and recorded on January 27, 1998 in Book 5440, Page 86, as Document No. 2785589, in the office of the Register of Deeds for Johnson County, Kansas; as amended by the Supplemental Declaration of Easements, Covenants, Conditions and Restrictions ("Supplemental Declaration") dated May 28, 1999 and recorded on June 4, 1999 in Book 6196, Page 137, as Document No. 2997022, in the office of the Register of Deeds for Johnson County, Kansas; and as further amended by the Second Supplemental Declaration of Easements, Covenants, Conditions and Restrictions ("Second Supplemental Declaration") dated October 18, 1999 and recorded on October 19, 1999 in Book 6359, Page 992, as Document No. 3051975; and amended by the Third Supplemental Declaration of Easements, Covenants, Conditions and Restrictions ("Third Supplemental Declaration") dated November 23, 1999 and recorded on December 2, 1999 in Book 6406, Page 678, as Document No. 3066246, in the office of the Register of Deeds for Johnson County, Kansas and amended by the Fourth Supplemental Declaration of Easements, Covenants, Conditions and Restrictions

BOOK 8228 PAGE 861
BOOK 8457 PAGE 53912.00
8.00
20.00
CK1596731 ~~CK~~ Duggan-Shadwick

("Fourth Supplemental Declaration") dated June 28, 2000 and recorded on June 30, 2000 in Book 6618, Page 628, as Document No. 3134598 in the office of the Register of Deeds for Johnson County, Kansas and amended by the Fifth Supplemental Declaration Easements, Covenants, Conditions and Restrictions ("Fifth Supplemental Declaration") dated December 14, 2001 and recorded on December 17, 2001 in Book 7499, Page 990, as Document No. 3343102 in the office of the Register of Deeds for Johnson County, Kansas.

NOW, THEREFORE, in consideration of these mutual Agreements and other consideration, it is hereby agreed as follows:

1. That Developer assumes and agrees to perform any and all obligations pertaining to the rights, powers and easements of the Declaration binding Duggan Land Development, Inc., and Duggan Land Development, Inc. is hereby released and relieved from all liability with respect to such obligations accruing from and after the date of the recording of this Supplement.
2. That Developer, pursuant to paragraph 13.1 of the Declaration, hereby annexes the property described in Exhibit A attached hereto as additional Land to be covered by and subject to the Declaration.
3. That all terms and provisions of the Declaration and any amendments thereto will be binding on that certain real property described in Exhibit A attached hereto and incorporated herein.
4. All other terms and provisions of the Declaration shall remain the same.
5. Duggan Homes, Inc. to the extent it has any interest in the property described in Exhibit A hereby consents to the filing of this Sixth Supplementary Declaration.

IN WITNESS WHEREOF, Developer has executed this Amendment as of the date first above written.

PARACORP, INC.

By *Dorothy J. Haegeler*
Dorothy J. Haegeler, Vice President

DUGGAN HOMES, INC.

By *John M. Duggan*
John M. Duggan, President

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STATE OF KANSAS)
) ss.
 COUNTY OF JOHNSON)

On this 14th day of October, 2002, before me appeared Dorothy J. Haegle, to me personally known, who being by me duly sworn, did say that she is the Vice President of Paracorp, Inc., a Kansas corporation, and that the foregoing instrument was signed on behalf of said corporation by authority of its Board of Directors, and said Dorothy J. Haegle acknowledged said instrument to be the free act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal at my office the day and year last above written.

Patricia J. Stout
 Notary Public

My commission expires:

November 15, 2004

Notary Public State of Kansas
 Patricia J Stout
 My Appt Exp 11-15-04

STATE OF KANSAS)
) ss.
 COUNTY OF JOHNSON)

On this 19th day of October, 2002, before me appeared John M. Duggan, to me personally known, who being by me duly sworn, did say that he is the President of Duggan Homes, Inc., a Kansas corporation, and that the foregoing instrument was signed on behalf of said corporation by authority of its Board of Directors, and said John M. Duggan acknowledged said instrument to be the free act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal at my office the day and year last above written.

Patricia J. Stout
 Notary Public

My commission expires:

November 15, 2004

Notary Public State of Kansas
 Patricia J Stout
 My Appt Exp 11-15-04

EXHIBIT AARLINGTON PARK SEVENTH PLAT

Part of the Southwest Quarter of Section 8, Township 14 South, Range 24 E, in the City of Olathe, Johnson County, Kansas being more particularly described as follows:

Beginning at the Northwest Corner of the above described Southwest Quarter; thence N89°47'12"E along the North line of said Southwest Quarter and along the south line of Stone Hurst third and fourth plats and the Plat of Brougham Village part 5, a distance of 1595.84 feet to the Northwest corner of the Plat of Golden Pond, a subdivision of land in the City of Olathe; thence S00°03'56"W along the West line of said Plat of Golden Pond a distance of 567.80 feet to the Northeast corner of lot 253, Arlington Park Fifth Plat, a subdivision of land in the City of Olathe; thence S89°39'13"W along the northern plat boundary of said Arlington Park Fifth Plat a distance of 137.70 feet to a point; thence continuing along said northern plat boundary N77°39'57"W a distance of 50.00 feet to a point of curvature; thence continuing along said northern plat boundary, and along the curve to the left having a radius of 225.00 feet, a central angle of 13°13'39", an initial tangent bearing of S12°20'03"W, and a length of 51.94 feet to a point; thence S89°06'24"W continuing along said northern plat boundary S89°06'24"W a distance of 115.00 feet to a point; thence continuing along the northern plat boundary N24°38'00"W a distance of 30.87 feet to a point; thence continuing along said northern plat boundary N00°19'57"W a distance of 121.01 feet to a point; thence continuing along said northern plat boundary N85°14'17"W a distance of 249.47 feet to the Easterly corner of lot 130, Arlington Park Third Plat, a subdivision of land in the City of Olathe; thence along the northern plat boundary of said Arlington Park Third Plat N31°26'20"W a distance of 125.82 feet to a point; thence continuing along said northern plat boundary N61°49'34"W a distance of 77.30 feet to a point; thence continuing along said northern plat boundary S86°17'28"W a distance of 400.86 feet to a point; thence S50°07'50"W continuing along said northern plat boundary a distance of 134.70 feet to a point; thence continuing along said northern plat boundary N73°40'48"W a distance of 143.36 feet to a point of curvature; thence continuing along said northern plat boundary, and along a curve to the right having a radius 265.00 feet, a central angle of 09°19'32", an initial tangent bearing of N16°19'12"E, and a length of 43.13 feet to a point; thence continuing along said northern plat boundary N64°21'16"W a distance of 50.00 feet to a point; thence continuing along said northern plat boundary S89°51'42"W a distance of 221.22 feet to a point on the West line of said Southwest Quarter, thence N00°07'55"W along said West line a distance of 302.41 feet to The Point of Beginning, and containing 14.5732 acres, more or less.

Including all of the following lots:

Lots 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, ~~398, 399~~, Arlington Park Seventh Plat, a subdivision in the City of Olathe, Johnson County, Kansas.

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AFFIDAVIT

DOCUMENT RE-FILE

FOR USE ONLY IN JOHNSON COUNTYSTATE OF KANSAS
COUNTY OF JOHNSON
FILED FOR RECORD

2005 DEC 17 P 5:20 P

\$6.00
\$2.00REBECCA L. DAVIS
REGISTER OF DEEDSSTATE OF Kansas
COUNTY OF Johnson

SS:

I, Anna B. McDermed
(Print Name of Affiant)

do state that I have personal knowledge of the

statements and representations set forth in this affidavit.

INSTRUMENT INFORMATION:

BOOK PAGE

DOCUMENT BEING REFILED STATE CORRECTION

8228	861	Lots 398 and 399 are not included in 7th Plat Arlington Park. 398 and 399 need to be included in 5th Plat of Arlington Park.
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(State specifically the correction being made in the space above AND ON THE DOCUMENT BEING RE-FILED)

As the Affiant, I have the full authority from the signatories of the document to correct the error described above.

I, the undersigned and his/her company will indemnify and hold harmless the Register of Deeds of Johnson County, Kansas, from and against any and all loss, cost, or liability arising from the correction of the aforesaid error.

Affiant's Signature:

Anna B. McDermed
(Anna B. McDermed)
Print Name

SUBSCRIBED AND SWORN TO before me on

Notary Public State of Kansas
Christine E. Snell
My Appt Exp 11/19/05

Expiration Date:

12/4/02 (date).
Christine E. Snell
Notary Public Signature

USE OF THIS FORM FOR CORRECTION OF CLERICAL ERRORS ONLY. FILING FEE FOR AFFIDAVIT \$6.00 + \$2.00 for Technology Fee.

REGULAR RECORDING FEES APPLY FOR RE-FILED DOCUMENT

\$6.00 FIRST PAGE + \$2.00 for Technology Fee / \$2.00 EACH ADDITIONAL PAGE + \$2.00 for EACH ADDITIONAL PAGE for Technology Fee; ASSIGNMENTS \$5.00 + \$2.00 for Technology Fee for each actual page of the document. EACH BOOK/PAGE RELEASED \$5.00 + \$2.00 for Technology Fee for each actual page of the document.

Rel: Dugan, Shadwick
11040 Carmont
N.E. KS 66210

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