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## FOURTH SUPPLEMENTARY DECLARATION

STATE OF KANSAS  
COUNTY OF JOHNSON  
FILED FOR RECORD

OF

200 JUN 30 P 4:16.4

EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS

SARA FULLMANN  
REGISTER OF DEEDS

OF

ARLINGTON PARK

A SUBDIVISION IN

THE CITY OF OLATHE

JOHNSON COUNTY, KANSAS

THIS SUPPLEMENTARY DECLARATION OF EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS ("Fourth Supplementary Declaration") is made this 28<sup>th</sup> day of June, 2000, 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 "Fifth Plat") recorded on May 2, 2000 in Plat Book 116, Page 13, as Document No. 3113106, 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.

env. Stacia Taylor  
Duggan Shadwick & Doerr P.C.

BOOK 6618 PAGE 628

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. J.M. Duggan Construction Company to the extent it has any interest in the property described in **Exhibit A** hereby consents to the filing of this Fourth Supplementary Declaration.

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

PARACORP, INC.

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

J.M. DUGGAN CONSTRUCTION COMPANY

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

STATE OF KANSAS       )  
                                   ) ss.  
 COUNTY OF JOHNSON )

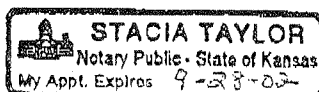
On this 28<sup>th</sup> day of June, 2000, before me appeared Dorothy J. Haegele, to me personally known, who being by me duly sworn, did say that she is the Vice President of Paracorp, Inc., a Kansas corporation, and that the foregoing instrument was signed on behalf of said corporation by authority of its Board of Directors, and said Dorothy J. Haegele 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.

Stacia Taylor  
 Notary Public

My commission expires:

9-28-02



STATE OF KANSAS       )  
                                   ) ss.  
 COUNTY OF JOHNSON )

On this 28<sup>th</sup> day of June, 2000, before me appeared John M. Duggan, to me personally known, who being by me duly sworn, did say that he is the President of J.M. Duggan Construction Company, 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.

Stacia Taylor  
 Notary Public

My commission expires:

9-28-02

