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STATE OF KANSAS )  
COUNTY OF JOHNSON ) ss  
FILED FOR RECORD

## SECOND SUPPLEMENTARY DECLARATION

1999 OCT 19 A 10:37.0

OF

1400

SARA F. ULLMANN  
REGISTER OF DEEDS

## EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS

OF

ARLINGTON PARK

A SUBDIVISION IN

THE CITY OF OLATHE

JOHNSON COUNTY, KANSAS

THIS SUPPLEMENTARY DECLARATION OF EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS ("Second Supplementary Declaration") is made this 18<sup>th</sup> day of October, 1999, by PARACORP, INC., an Iowa corporation ("Developer").

## RECITALS:

A. Developer is the assignee of Duggan Land Development, 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 "Third Plat") recorded on October 6, 1999 in Plat Book 112, Page 42, as Document No. 3048021, 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, 1999 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.

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

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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. Ferndale, L.C., to the extent it has any interest in the property described in Exhibit A hereby consents to the filing of this Second 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

FERNDALE, L.C.

By John M. Duggan  
John M. Duggan, Member

STATE OF KANSAS       )  
                                   ) ss.  
 COUNTY OF JOHNSON )

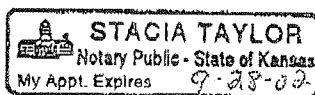
On this 18<sup>th</sup> day of October, 1999, before me appeared Dorothy J. Haegele, to me personally known, who being by me duly sworn, did say that she is the Vice President of Paracorp, Inc., a Kansas corporation, and that the foregoing instrument was signed on behalf of said corporation by authority 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 18<sup>th</sup> day of October, 1999, before me appeared John M. Duggan, to me personally known, who, being by me duly sworn, did say that he is a member of Ferndale, L.C., an Iowa limited liability company, and that said instrument was signed on behalf of said limited liability company, and said John M. Duggan acknowledged said instrument to be the free act and deed of said limited liability company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal in the county and state aforesaid on the day and year first above written.

Stacia Taylor  
 Notary Public

My commission expires:

9-28-02

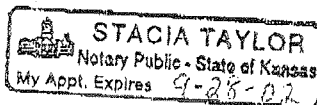


EXHIBIT A

Legal Description

Lots 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106,  
107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121,  
122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136,  
137, 138, 139, 140, 141, Arlington Park Third Plat, a subdivision in the City of  
Olathe, Johnson County, Kansas.

## Exhibit A Continu (

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Part of the Southwest One-Quarter of Section 8, Township 14 South, Range 24 East in the City of Olathe, Johnson County, Kansas described as follows:

Commencing at the Southwest corner of the above-described Southwest One-Quarter, thence North 00° 07' 55" West along the West line thereof a distance of 1659.42 feet to the True Point of Beginning; thence continuing North 00° 07' 55" West along said West line a distance of 686.66 feet to a point; thence North 89° 51' 42" East a distance of 221.22 feet to a point; thence South 64° 21' 16" East a distance of 50.00 feet to a point of curvature; thence along a curve to the left having a radius of 265.00 feet, a central angle of 09° 19' 32", an initial tangent bearing of South 25° 38' 44" West, and a length of 43.13 feet to a point; thence South 73° 40' 48" East a distance of 143.36 feet to a point; thence North 50° 07' 50" East a distance of 134.70 feet to a point; thence North 86° 17' 28" East a distance of 400.86 feet to a point; thence South 61° 49' 34" East a distance of 77.30 feet to a point; thence South 31° 28' 20" East a distance of 125.82 feet to a point; thence South 24° 26' 44" West a distance of 169.72 feet to a point; thence South 04° 09' 17" East a distance of 75.45 feet to a point; thence South 12° 23' 11" East a distance of 88.00 feet to a point; thence South 01° 04' 02" West a distance of 73.92 feet to a point of curvature; thence along a curve to the left having a radius of 570.00 feet, a central angle of 13° 26' 32", an initial tangent bearing of South 88° 55' 58" East, and a length of 133.73 feet to a point; thence North 12° 35' 00" West a distance of 17.89 feet to a point; thence North 77° 25' 00" East a distance of 50.00 feet to a point; thence South 12° 35' 00" East a distance of 15.88 feet to a point of curvature; thence along a curve to the left having a radius of 570.00 feet, a central angle of 05° 17' 34", an initial tangent bearing of North 72° 35' 37" East, and a length of 52.65 feet to a point of agency; thence North 87° 18' 03" East a distance of 68.43 feet to a point; thence South 22° 41' 57" East a distance of 149.22 feet to a point; thence South 36° 52' 28" East a distance of 165.83 feet to a point; thence South 73° 11' 51" West a distance of 92.16 feet to a point; thence South 89° 53' 30" West a distance of 144.00 feet to a point; thence South 00° 06' 30" East a distance of 120.00 feet to a point; thence North 89° 53' 30" East a distance of 25.00 feet to a point; thence South 00° 06' 30" East a distance of 50.00 feet to a point; thence South 89° 53' 30" West a distance of 25.00 feet to a point; thence North 89° 53' 30" East a distance of 240.00 feet to a point; thence North 89° 53' 30" East a distance of 25.00 feet to a point; thence South 00° 06' 30" East a distance of 50.00 feet to a point; thence South 89° 53' 30" West a distance of 25.00 feet to a point; thence South 00° 06' 30" East a distance of 115.00 feet to a point on the North line of Arlington Park, Second Plat, a subdivision of land in the City of Olathe, Johnson County, Kansas; thence South 89° 53' 30" West along said North line a distance of 50.00 feet to a Plat corner; thence continuing along said North line South 00° 06' 30" East a distance of 10.47 feet to a point of curvature, said point of curvature also being a Plat corner; thence continuing along said North line along a curve to the right having a radius of 765.60 feet, a central angle of 00° 50' 30", and a length of 11.25 feet to a Plat corner; thence continuing along said North line North 89° 18' 00" West a distance of 120.51 feet to a Plat corner; thence continuing along said North line North 00° 00' 00" East a distance of 304.95 feet to a Plat corner, said Plat corner being a point on the North line of the South One-Half of said Southwest One-Quarter; thence continuing North 00° 00' 00" East a distance of 339.05 feet to a point; thence South 86° 41' 54" West a distance of 117.76 feet to a point; thence North 79° 59' 41" West a distance of 237.37 feet to a point; thence North 32° 01' 00" West a distance of 56.49 feet to a point; thence North 08° 45' 56" East a distance of 67.89 feet to a point; thence North 29° 10' 58" East a distance of 54.69 feet to a point of curvature; thence along a curve to the right having a radius of 630.00 feet, a central angle of 10° 38' 23", an initial tangent bearing of North 60° 49' 02" West, and a length of 116.99 feet to a point of curvature; thence along a curve to the left having a radius of 175.00 feet, a central angle of 07° 19' 28", an initial tangent bearing of South 42° 15' 33" West, and a length of 22.37 feet to a point; thence North 55° 03' 55" West a distance of 50.00 feet to a point of curvature; thence along a curve to the right having a radius of 225.00 feet, a central angle of 07° 08' 43", an initial tangent

## Exhibit A Continuation

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thence South 04° 09' 17" East a distance of 75.45 feet to a point; thence South 12° 23' 11" East a distance of 88.00 feet to a point; thence South 01° 04' 02" West a distance of 73.92 feet to a point of curvature; thence along a curve to the left having a radius of 570.00 feet, a central angle of 13° 26' 32", an initial tangent bearing of South 88° 55' 58" East, and a length of 133.73 feet to a point; thence North 12° 35' 00" West a distance of 17.89 feet to a point; thence North 77° 25' 00" East a distance of 50.00 feet to a point; thence South 12° 35' 00" East a distance of 15.88 feet to a point of curvature; thence along a curve to the left having a radius of 570.00 feet, a central angle of 06° 17' 34", an initial tangent bearing of North 72° 35' 37" East, and a length of 52.65 feet to a point of agency; thence North 87° 18' 03" East a distance of 69.43 feet to a point; thence South 22° 41' 57" East a distance of 149.22 feet to a point; thence South 36° 52' 28" East a distance of 165.83 feet to a point; thence South 73° 11' 51" West a distance of 92.16 feet to a point; thence South 89° 53' 30" West a distance of 144.00 feet to a point; thence South 00° 06' 30" East a distance of 120.00 feet to a point; thence North 89° 53' 30" East a distance of 25.00 feet to a point; thence South 00° 06' 30" East a distance of 50.00 feet to a point; thence South 89° 53' 30" West a distance of 25.00 feet to a point; thence South 00° 06' 30" East a distance of 240.00 feet to a point; thence North 89° 53' 30" East a distance of 25.00 feet to a point; thence South 00° 06' 30" East a distance of 50.00 feet to a point; thence South 89° 53' 30" West a distance of 25.00 feet to a point; thence South 00° 06' 30" East a distance of 115.00 feet to a point on the North line of Arlington Park, Second Plat, a subdivision of land in the City of Olathe, Johnson County, Kansas; thence South 89° 53' 30" West along said North line a distance of 50.00 feet to a Plat corner; thence continuing along said North line South 00° 06' 30" East a distance of 10.47 feet to a point of curvature, said point of curvature also being a Plat corner; thence continuing along said North line along a curve to the right having a radius of 765.60 feet, a central angle of 00° 50' 30", and a length of 11.25 feet to a Plat corner; thence continuing along said North line North 89° 18' 00" West a distance of 120.51 feet to a Plat corner; thence continuing along said North line North 00° 00' 00" East a distance of 304.95 feet to a Plat corner, said Plat corner being a point on the North line of the South One-Half of said Southwest One-Quarter; thence continuing North 00° 00' 00" East a distance of 339.05 feet to a point; thence South 86° 41' 54" West a distance of 117.78 feet to a point; thence North 79° 59' 41" West a distance of 237.37 feet to a point; thence North 32° 01' 00" West a distance of 56.49 feet to a point; thence North 06° 45' 56" East a distance of 67.88 feet to a point; thence North 29° 10' 58" East a distance of 54.69 feet to a point of curvature; thence along a curve to the right having a radius of 830.00 feet, a central angle of 10° 38' 23", an initial tangent bearing of North 60° 48' 02" West, and a length of 116.98 feet to a point of curvature; thence along a curve to the left having a radius of 175.00 feet, a central angle of 07° 19' 28", an initial tangent bearing of South 42° 15' 33" West, and a length of 22.37 feet to a point; thence North 55° 03' 55" West a distance of 50.00 feet to a point of curvature; thence along a curve to the right having a radius of 225.00 feet, a central angle of 07° 09' 43", an initial tangent bearing of North 34° 56' 05" East, and a length of 26.13 feet to a point; thence North 47° 54' 12" West a distance of 111.04 feet to a point; thence South 42° 05' 48" West a distance of 133.51 feet to a point; thence South 00° 48' 18" East a distance of 133.41 feet to a point; thence South 18° 08' 00" West a distance of 149.97 feet to a point; thence South 89° 54' 43" West a distance of 330.43 feet to a point on the West line of said Southwest One-Quarter, said point being the True Point of Beginning, and containing 17.3479 acres, more or less.

Point of Beginning, and containing 17.3479 acres,  
more or less.