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Duggan, Shadwick
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STATE OF KANSAS }
COUNTY OF JOHNSON } SS
FILED FOR RECORD

SUPPLEMENTARY DECLARATION

1999 JUN -4 P 12:34.3

OF

1600
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 ("Supplement") is made this 28th day of May, 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 "Second Plat") recorded on August 6, 1998 in Plat Book 106, Page 8, as Document No. 2867165, 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, at Document No. 2785589, 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.

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BOOK 6196 PAGE 137

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.

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

STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

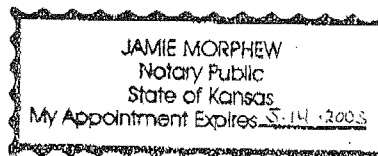
On this 28TH day of May, 1999, before me appeared Dorothy J. Haegele, to me personally known, who being by me duly sworn, did say that she is the Vice President of Paracorp, Inc., a Kansas corporation, and that the foregoing instrument was signed on behalf of said corporation by authority of its Board 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.

Jamie Morpheu
Notary Public

My commission expires:

5-14-2003



J.M. DUGGAN CONSTRUCTION COMPANY

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

MISSOURI
STATE OF ~~KANSAS~~)
JACKSON) ss.
COUNTY OF ~~JOHNSON~~)

On this 11th day of May, 1999, 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.

Tracy L. Hobbs
Notary Public

My commission expires:

TRACY L. HOBBS
NOTARY PUBLIC STATE OF MISSOURI
JACKSON COUNTY
MY COMMISSION EXP. FEB. 19, 2002

JANRICK, INC.

By Janet Browner
Name Janet Browner
Title President

STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

On this 24th day of May, 1999, before me appeared Janet Browner, to me personally known, who being by me duly sworn, did say that s/he is the President of JanRick, 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 Janet Browner 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



NU CREST, INC.

By J.B. Nickelsen, Sr.
Name J.B. Nickelsen, Sr.
Title President

STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

On this 24th day of May, 1999, before me appeared J.B. Nickelsen, Sr., to me personally known, who being by me duly sworn, did say that s/he is the President of Nu Crest, 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 J.B. Nickelsen, Sr. 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

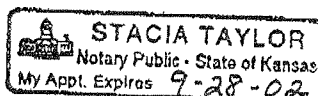


EXHIBIT A
ARLINGTON PARK
SECOND PLAT
Legal Description

Description

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

Commencing at the Southwest corner of the above-described Southwest One-Quarter; thence South 90°00'00" East (assumed bearing) on the South line thereof, a distance of 655.61 feet to the Southwest corner of Arlington Park First Plat; thence North 00°05'17" West on the West line of the East One-Half of the Southwest One-Quarter of the said Southwest One-Quarter and the West line of said Arlington Park First Plat a distance of 789.91 feet to the Point of Beginning; thence continuing North 00°05'17" West on the said West line of the East One-Half of the Southwest One-Quarter of the Southwest One-Quarter of Section 8 a distance of 535.52 feet to the Northwest corner of the said East One-Half; thence North 89°53'30" East on the North line of the South One-Half of the said Southwest One-Quarter of Section 8 a distance of 365.00 feet to a point; thence South 00°00'00" West a distance of 304.95 feet to a point; thence South 89°16'00" East a distance of 120.51 feet to a point of curvature; thence on a curve to the left having a radius of 765.60 feet an initial tangent bearing of North 00°44'00" East, a central angle of 00°50'30" and a length of 11.25 feet to a point; thence North 00°06'30" West a distance of 10.47 feet to a point; thence North 89°53'30" East a distance of 385.84 feet to a point; thence South 24°09'44" East a distance of 287.36 feet to a point; thence South 24°06'45" East a distance of 172.67 feet to a point; said point being the Northwest corner of the East 910.00 feet of the South 622.29 feet of the said Southwest One-Quarter of Section 8; thence South 00°03'45" West on the West line of the said East 910.00 feet of the South 622.29 feet a distance of 229.77 feet to a point; thence South 88°49'42" West on the North line of Arlington Park First Plat a distance of 369.31 feet to a point; thence South 64°45'38" West on said North line a distance of 85.00 feet to a point; thence North 25°14'22" West on said North line a distance of 20.00 feet to a point of curvature; thence Northerly on said North line and on a curve to the right having a radius of 800.05 feet; a central angle of 08°04'56" and a length of 112.85 feet to a point; thence North 74°38'00" East on said North line a distance of 25.00 feet to a point; thence North 15°22'00" West on said North line a distance of 50.00 feet to a point; thence South 74°38'00" West on said North line a distance of 25.00 feet to a point of curvature; thence Northerly on said North line and on a curve to the right having a radius of 800.05 feet, and initial tangent bearing of North 13°34'34" West, a central angle of 03°04'34" and a length of 42.95 feet to a point; thence South 79°30'00" West on said North line a distance of 179.21 feet to a point; thence North 16°38'00" West on said North line a distance of 67.38 feet to a point; thence North 00°52'38" West on said North line a distance of 69.57 feet to a point; thence North 71°32'21" West on said North line a distance of 86.82 feet to a point; thence North 87°54'00" West on said North line a distance of 160.77 feet to a point; thence North 47°28'00" West on said North line a distance of 137.42 feet to the Point of Beginning and containing 13.9985 acres, more or less.

Including all of the following Lots:

Lots 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, Arlington Park Second Plat, a subdivision in the City of Olathe, Johnson County, Kansas.