

STATE OF MO.
CLAY COUNTY
(CERTIFY INSTR. REC'D)

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BOOK# 4301 PAGE# 819
ROBERT T. SEVIER
RECORDER OF DEEDS

(Space above reserved for Recorder of Deeds certification) **STEWART TITLE**
03042398

Title of Document: SIXTH SUPPLEMENT TO DECLARATION OF HOMES
ASSOCIATION AND COVENANTS, CONDITIONS, RESTRICTIONS AND
EASEMENTS OF BENSON PLACE Date of Document: APRIL 25, 2003

Grantor(s): HUNT MIDWEST REAL ESTATE DEVELOPMENT, INC.

Grantee(s): CITY OF KANSAS CITY

Grantee(s) Mailing Address: 414 E 12 STREET, 25TH FLOOR, KANSAS
CITY, MO. 64106

Legal Description:

SEE ATTACHED LEGAL DESCRIPTION ON PAGE 5

Reference Book and Page(s):

If there is not sufficient space on this page for the information required, state the page reference where it is contained within the document.)

(ABOVE SPACE RESERVED FOR RECORDER OF DEEDS' USE)

Document Title: Sixth Supplement to Declaration of Homes Association and Covenants, Conditions, Restrictions and Easements of Benson Place
Document Date: April 25, 2003
Grantor Names: Hunt Midwest Real Estate Development, Inc.
Grantee Names: N/A
Statutory Address: Suite 100, 8300 N.E. Underground Drive, Kansas City, Missouri 64161
Legal Description: See Exhibit B attached
Reference Book and Page: Declaration of Homes Association and Covenants, Conditions, Restrictions and Easements of Benson Place, Document No. R24799, Book 3699, Page 69

SIXTH SUPPLEMENT
TO
DECLARATION OF HOMES ASSOCIATION
AND
COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS
OF
BENSON PLACE

THIS SIXTH SUPPLEMENT TO DECLARATION OF HOMES ASSOCIATION AND COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS OF BENSON PLACE (this "Supplemental Declaration") is made and executed as of April 25, 2003, by HUNT MIDWEST REAL ESTATE DEVELOPMENT, INC., a Missouri corporation (the "Developer"), Suite 100, 8300 N.E. Underground Drive, Kansas City, Missouri 64161.

RECITALS:

A. On June 6, 2002, the Developer executed that certain subdivision plat entitled "BENSON PLACE - FIRST PLAT" (the "First Plat"), covering the real property formerly legally described as shown therein (and on Exhibit A attached to the Declaration, defined below), and platting the same into certain Lots, Tracts, Common Areas, Restricted Common Areas, the streets, roadways and other areas shown and marked on the First Plat as identified therein and in the Declaration defined below (collectively, the "Property" or the "Benson Place Property"), which First Plat was approved on July 2, 2002, by the City Council of the City of Kansas City, Missouri, and was recorded on July 24, 2002, under Document No. R24798, in Cabinet F, at Sleeve 27, in the Office of the Recorder of Deeds of Clay County, Missouri, at Liberty.

B. The Developer has executed that certain Declaration of Homes Association and Covenants, Conditions, Restrictions and Easements of Benson Place, dated May 15, 2002, which was recorded on July 24, 2002, under Document No. R24799, in Book 3699, at Page 69, in the Office of the Recorder of Deeds of Clay County, Missouri, at Liberty, as amended and supplemented by those Supplemental Declarations identified on Exhibit A attached

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hereto (collectively, the "Declaration"), pursuant to which Declaration the Developer subjected the Benson Place Property, as expanded by the Supplemental Declarations identified on Exhibit A to certain covenants, conditions, restrictions and easements for the purpose of protecting the value and desirability of the Property.

C. Pursuant to Section 16.2 of the Declaration, prior to the "Turnover Date" (which has not yet occurred), the Developer has the unilateral right to amend, alter or modify the Declaration.

D. Pursuant to Section 13.1 of the Declaration, the Developer has the absolute unilateral right to expand the Property to include additional Lots (for Single Family Residences, Attached Patio Homes, Attached Townhomes or any combination thereof), Common Area, Restricted Common Areas and other property in the Subdivision and also other property that has not yet been subdivided or platted (the "Expansion Property").

E. On _____, 2003, the Developer executed that certain subdivision plat entitled "BENSON PLACE TOWNHOMES – SECOND PLAT" (the "Townhomes Second Plat"), covering the real property formerly legally described as shown therein and on EXHIBIT B attached to this Supplemental Declaration, and platting the same into the Lots, Tracts, streets, roadways, private open space and other areas shown and marked thereon, if any, (the "Fourth Expansion Property"), which Townhomes Second Plat was approved on _____, 2003, by the City Council of the City, and was recorded on _____, 2003, under Document No. _____, in Cabinet _____, at Sleeve _____, in said Recorder of Deeds' Office.

F. The Developer presently owns all of the Lots, Tracts, Common Areas, Restricted Common Areas or other areas, if any, shown on the Townhomes Second Plat.

G. The Developer desires to exercise its right to expand the Property to include the additional Lots, Tracts, Common Areas, Restricted Common Areas or other areas, if any, which constitute the Fourth Expansion Property and to subject the Fourth Expansion Property to the covenants, conditions, restrictions and easements contained within the Declaration.

NOW, THEREFORE, in consideration of the premises, the Developer states and declares as follows:

1. **Exercise of Right to Expand.** The Developer hereby exercises its unilateral right to expand the Property to include the additional Lots, Tracts, Common Areas, Restricted Common Areas or other areas, if any, which constitute the Fourth Expansion Property.

2. **Expansion Effective Upon Recording.** The expansion set forth above, shall be effective immediately upon filing the Townhomes Second Plat and this Supplemental Declaration of record in the Office of the Recorder of Deeds for Clay County, Missouri, at Liberty. Recording of the Townhomes Second Plat and this Supplemental Declaration shall automatically grant, transfer and convey to the Association any new Common Areas, Restricted Common Areas and all other areas designed for Members' or Association use, if any, added by the Fourth Expansion Property.

3. **Expansion of Definitions.** The definitions contained in the Declaration are hereby expanded to encompass and refer to the Property, as expanded by the Townhomes Second Plat and this Supplemental Declaration to include the Fourth Expansion Property. For example, (i) "Lot" shall mean the Lots described in the Declaration and in the Plat described in the Declaration, all subsequent Plats and in the Townhomes Second Plat and (ii) all references to the Declaration shall mean the Declaration as supplemented and amended by this Supplemental Declaration.

4. **Declaration Operative on New Lots, Tracts, Common Areas and Restricted Common Areas.** The new Lots, Tracts, Common Areas or Restricted Common Areas, which constitute the Fourth Expansion Property, shall be subject to all of the terms and conditions of the Declaration immediately upon recording of the Townhomes Second Plat and this Supplemental Declaration in the Office of the Recorder of Deeds for Clay County, Missouri, at Liberty.

5. **Ratification of Declaration.** The Developer, on behalf of itself and as the holder of a majority of the votes possible to be cast under the Declaration, hereby ratifies, affirms and confirms all covenants, conditions,

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Benson Place – Townhomes – 2nd Plat

restrictions and easements contained in the Declaration, which covenants, conditions and provisions shall run with the land and be binding upon the Owners, including the Developer, and their respective heirs, personal representatives, successors, transferees and assigns and all other persons or entities having, at any time, any right, title or interest in all, or any part of, the Property, the Fourth Expansion Property or any Lots, Tracts, Common Areas or Restricted Common Areas otherwise subject to the terms hereof.

IN WITNESS WHEREOF, the Developer has caused this Supplemental Declaration to be executed by its duly authorized officers as of the day and year first above written.

All signatures must be in black ink!

DEVELOPER:

HUNT MIDWEST REAL ESTATE DEVELOPMENT, INC.

{Corporate Seal}

By:

Ora H Reynolds

Ora H. Reynolds, Vice President and General Manager
of Residential Development

ATTEST:

By:

Donald K. Hagan
Donald K. Hagan, Secretary

ACKNOWLEDGMENT

STATE OF MISSOURI)
) S.S.
COUNTY OF CLAY)

On this 25th day of April, 2003, before me, the undersigned Notary Public in and for said County and State, personally appeared Ora H. Reynolds, who, being by me first duly sworn, did say that she is the Vice President and General Manager of Residential Development of Hunt Midwest Real Estate Development, Inc., a Missouri corporation, that she executed the foregoing instrument on behalf of said corporation under and with the authority of its Board of Directors and that she acknowledged that she so executed the same as the free act and deed of said corporation for the purposes therein stated.

DONNA K. WILLIS
Notary Public - Notary Seal
STATE OF MISSOURI

(Notary Seal) County of Clay
My Commission Expires November 1, 2005

Donna K Willis
Signature of Notary Public

DONNA K. WILLIS
Notary Public - Notary Seal
STATE OF MISSOURI

County of Clay
Typed or Printed Name of Notary
My Commission Expires November 1, 2005

My Commission expires:

11/1/05

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Benson Place - Townhomes - 2nd Plat

EXHIBIT A
TO
SIXTH SUPPLEMENT TO
DECLARATION OF HOMES ASSOCIATION
AND
COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS
OF BENSON PLACE

Previous Supplements to Declaration

DATE EXECUTED/ DATE RECORDED	RECORDING INFORMATION	SUPPLEMENT #	INFORMATION
08-12-02/08-16-02	Doc #R29197/Book 3725, Page 928	First	Benson Place - Townhomes - 1 st Plat (1 st Expansion Property)
08-13-02/08-16-02	Doc #R29198/Book 3725, Page 933	Second	Benson Place - 1 st Plat (Landscaping and Fencing)
09-23-02/09-23-02	Doc #R36640/Book 3780, Page 238	Third	Benson Place - Sign Monumentation Easements
09-24-02/10-04-02	Doc #R39449/Book 3799, Page 120	Fourth	Benson Place - Patio Homes - 1 st Plat (2 nd Expansion Property)
-- -- -03/ -- -- -03	Doc. # /Book , Page	Fifth	Benson Place - 2 nd Plat (3 rd Expansion Property)

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EXHIBIT B
TO
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AND
COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS
OF BENSON PLACE

Legal Description of Fourth Expansion Property: Lot C, BENSON PLACE TOWNHOMES – SECOND PLAT, a subdivision in Kansas City, Clay County, Missouri, according to the recorded plat thereof.

Legal Description of Fourth Expansion Property Prior to Platting:

A subdivision of land in the Southeast Quarter of Section 34, Township 52, Range 32, Kansas City, Clay County, Missouri, being bounded and described as follows

Commencing at the Southeast corner of said Southeast Quarter; thence North 0°31'26" East along the East line of said Southeast Quarter, 1224.48 feet; thence North 89°28'34" West, 614.59 feet to the Northeast corner of BENSON PLACE TOWNHOMES – FIRST PLAT, a subdivision in Kansas City, Clay County, Missouri, said point being also the True Point of Beginning of the tract to be herein described; thence North 68°38'45" West along the Northerly line of said BENSON PLACE TOWNHOMES – FIRST PLAT, 385.35 feet to a point on the Easterly right-of-way line of N. McKinley Avenue, as now established; thence Northerly along said Easterly line, on a curve to the left, having an initial tangent bearing of North 21°20'49" East, a radius of 2035.00 feet, a central angle of 01°12'49", an arc distance of 43.01 feet; thence North 69°51'50" West, 60.00 feet; thence Northerly on a curve to the left, having an initial tangent bearing of North 20°08'10" East, a radius of 1975.00 feet, a central angle of 04°23'26", an arc distance of 151.34 feet; thence Northwesterly on a curve to the left, having a common tangent with the last described course, a radius of 25.00 feet, a central angle of 84°59'34", an arc distance of 37.09 feet; thence North 07°18'52" East, 51.55 feet; thence Northeasterly on a curve to the left, having an initial tangent bearing of South 67°53'16" East, a radius of 25.00 feet, a central angle of 99°19'41", an arc distance of 43.34 feet; thence Northerly on a curve to the left, having a common tangent with the last described course, a radius of 1975.00 feet, a central angle of 03°49'46", an arc distance of 132.00 feet; thence South 81°02'43" East, 60.00 feet; thence South 62°57'28" East, 232.56 feet; thence South 45°06'40" East, 180.79 feet; thence South 12°51'07" East, 97.47 feet; thence South 15°11'33" West, 68.68 feet; thence South 29°11'25" West, 194.40 feet to the True Point of Beginning. Containing 4.31 acres, more or less.

Note: The above-described Property has been platted. The recording information identifying such Plat is shown in Recital E of the Supplemental Declaration to which this Exhibit B is attached.

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