

R36640

SEP 23 2002

STATE OF MO.  
CLAY COUNTY  
RECORDING INSTR. REC'D

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BOOK 3780 PAGE 238  
ROBERT T. SEVIER  
RECORDER OF DEEDS  
By *Shawn G. Gorton*  
*Duty*

BOOK 3780 PAGE 238

(ABOVE SPACE RESERVED FOR RECORDER OF DEEDS' USE)

Document Title: Third Supplement to Declaration of Homes Association and Covenants, Conditions, Restrictions and Easements of Benson Place  
Document Date: September 23 2002  
Grantor Names: Hurtt 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 A 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

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

THIS THIRD SUPPLEMENT TO DECLARATION OF HOMES ASSOCIATION AND COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS OF BENSON PLACE (this "Supplemental Declaration") is made and executed as of September 23rd, 2002, 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 the First Supplement thereto date August 12, 2002, which was recorded on August 16, 2002, under Document No. R29197, Book 3725, Page 928, in said Recorder of Deeds

02041216

STEWART TITLE

Benson Place - Sign Monumentation Easements

Office (pursuant to which the "First Expansion Property" as identified therein was subjected to the Declaration), and by the Second Supplement thereto date August 13, 2002, which was recorded on August 16, 2002, under Document No. R29198, Book 3725, Page 933, in said Recorder of Deeds [collectively, the "Declaration"], pursuant to which Declaration the Developer subjected the Benson Place Property, as expanded by the First Expansion Property, to certain covenants, conditions, restrictions and easements for the purpose of protecting the value and desirability of the Property.

C. The Developer owns other properties adjacent or nearby to the Benson Place Property and desires to grant easements on three (3) Tracts of such properties to the Association identified below for purposes of erecting thereon and maintaining entrance signs and monumentation identifying the Benson Place Subdivision.

D. 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.

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

1. **Easements for Sign Monumentation and Landscaping.** The Developer hereby grants to the Benson Place Home Owner's Association (the "Association") an irrevocable and perpetual easement in, on, over, under and through those certain three (3) parcels or tracts of real property legally described on **EXHIBIT A** attached hereto and incorporated herein by reference for purposes of erecting, installing or constructing thereon, and thereafter maintaining, repairing and replacing, entrance or other signs and monuments identifying the Benson Place Subdivision and related landscaping features.

2. **Installation by Developer.** The Developer, at its cost and expense, shall install, construct and erect such sign monumentation on such three (3) parcels.

3. **Maintenance by Association.** After such sign monumentation is installed, constructed and erected by the Developer, the Association shall thereafter maintain and repair the same and keep the same in good condition as a Common Expense.

4. **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, restrictions and easements contained in the Declaration, as previously supplement and as supplemented and amended by this Supplemental 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 Benson Place 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.

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



ATTEST:  
By: *Donald K. Hagan*  
Donald K. Hagan, Secretary

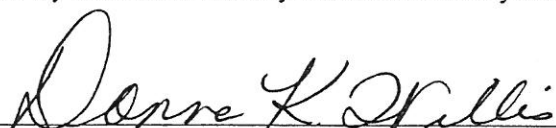
ACKNOWLEDGMENT

STATE OF MISSOURI   )  
                                  ) SS.  
COUNTY OF CLAY    )

On this 23<sup>rd</sup> day of September, 2002, before me, the undersigned Notary Public, appeared Ora H. Reynolds, who, being by me 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 Third Supplement to Declaration of Homes Association and Covenants, Conditions, Restrictions and Easements on behalf of said corporation, with full authority to do so, and she acknowledged that she executed the same as the free act and deed of said corporation.

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

**DONNA K. WILLIS**  
**Notary Public - Notary Seal**  
**STATE OF MISSOURI**  
**County of Clay**  
My Commission Expires November 1, 2005

  
\_\_\_\_\_  
Signature of Notary Public in and for said County and State

**DONNA K. WILLIS**  
**Notary Public - Notary Seal**  
**STATE OF MISSOURI**  
**County of Clay**  
My Commission Expires November 1, 2005

My Commission expires:

11/1/05

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

Legal Descriptions of Sign Monument Easement Tracts

**Monument Easement #1**

A tract 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, 262.60 feet; thence North 89°28'34" West, 1339.88 feet to the True Point of Beginning of the tract to be herein described; thence South 0°03'31" East, 34.91 feet; thence Southwesterly on a curve to the right, tangent to the last described course, having a radius of 35.00 feet, an arc distance of 54.98 feet; thence South 89°56'29" West, 29.50 feet; thence North 0°03'31" West, 31.73 feet; thence North 44°56'29" East, 54.00 feet; thence North 89°56'29" East, 26.31 feet to the True Point of Beginning.

**Monument Easement #2**

A tract 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, 206.24 feet; thence North 89°28'34" West, 1187.25 feet to the True Point of Beginning of the tract to be herein described; thence South 89°56'29" West, 31.05 feet; thence Northerly on a curve to the right, tangent to the last described course, having a radius of 35.00 feet, an arc distance of 54.98 feet; thence North 0°03'31" West, 27.95 feet; thence North 89°56'29" East, 27.87 feet; thence South 45°03'31" East, 54.00 feet; thence South 0°03'31" East, 24.76 feet to the True Point of Beginning.

**Monument Easement #3**

A tract of land in the Southwest 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 Southwest Quarter; thence North 0°38'32" East along the East line of said Southwest Quarter, 190.76 feet; thence North 89°21'28" West, 81.15 feet to the True Point of Beginning of the tract to be herein described; thence North 82°04'57" West, 22.09 feet; thence North 88°55'31" West, 8.19 feet to a point on the Easterly right-of-way line of N. Tullis Drive, as now established; thence Northerly along said Easterly line, on a curve to the right, tangent to the last described course, having a radius of 35.00 feet, an arc distance of 54.29 feet; thence North 0°03'31" West along said Easterly line, 30.56 feet; thence North 89°56'29" East, 26.19 feet; thence South 45°03'31" East, 54.00 feet; thence South 0°03'31" East, 30.60 feet to the True Point of Beginning.