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Robert T Sevier, Recorder

Grantor: KANSAS CITY CITY OF

Grantee: BENSON PLACE HOMEOWNERS ASSN

Space above reserved for Recorder of Deeds certification)

Title of Document: TENTH SUPPLEMENT TO DECLARATION OF HOMES
ASSOCIATION AND COVENANTS, CONDITIONS, RESTRICTIONS AND
EASEMENTS OF BENSON PLACE

Date of Document: OCTOBER 1ST, 2004

Grantor(s): KANSAS CITY MISSOURI

Grantee(s): BENSON PLACE HOMEOWNERS ASSOCIATION

Grantee(s) Mailing Address: SUITE 100 8300 N. E. UNDERGROUND
DRIVE KANSAS CITY, MO MISSOURI 64161

Legal Description:

SEE ATTACHED LEGAL DESCRIPTION ON PAGE (see below)
BENSON PLACE FOURTH PLAT

Stewart Title
2601 Kendallwood Parkway
Gladstone, MO 64119

04050637

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: Tenth Supplement to Declaration of Homes Association and Covenants, Conditions, Restrictions and Easements of Benson Place
Document Date: October 1, 2004
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 Descriptions: 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

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

THIS TENTH SUPPLEMENT TO DECLARATION OF HOMES ASSOCIATION AND COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS OF BENSON PLACE (this "Supplemental Declaration") is made and executed as of October 1, 2004, 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 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 November 24th, 2004, the Developer executed that certain subdivision plat entitled "BENSON PLACE - FOURTH PLAT" (the "Fourth 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 "Eighth Expansion Property"), which Fourth Plat was approved on November 9th, 2004, by the City Council of the City, and was recorded on _____, 2004 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 Fourth 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 Eighth Expansion Property and to subject the Eighth 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 Eighth Expansion Property.

2. Expansion Effective Upon Recording. The expansion set forth above, shall be effective immediately upon filing the Fourth Plat and this Supplemental Declaration of record in the Office of the Recorder of Deeds for Clay County, Missouri, at Liberty. Recording of the Fourth 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 Eighth 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 Fourth Plat, and this Supplemental Declaration to include the Eighth 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 Fourth 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 Eighth Expansion Property, shall be subject to all of the terms and conditions of the Declaration immediately upon recording of the Fourth Plat and this Supplemental Declaration in the Office of the Recorder of Deeds for Clay County, Missouri, at Liberty.

5. Landscaping Reservations, Rights, Easements and Restrictions Applicable to Portions of Certain Lots. The West or Northwesterly fifteen (15) feet of Lots 155, 156, 169, 168, 173, 174, 189 and 190 of the Fourth Plat which abut N. Tullis Avenue (the "Restricted Areas") are hereby subjected to the following:

(a) The Developer, for itself and the Association, reserves and retains an exclusive perpetual easement over, along, across, through and under the Restricted Areas for the installation, location, erection, placement, construction, reconstruction, replacement, maintenance, operation and repair of landscaping and landscape features of any and all kinds including, without limitation, sod or seeding with grass, herbaceous plantings, planting of trees and shrubs of any and all kinds,

sculptures or art works and fencing of any kind (i.e. split rail, white farm, wrought iron or otherwise) [collectively, the "Landscape Features"].

(b) The foregoing notwithstanding, until such time as the Developer or the Association installs any such Landscape Features (which it or they may, but shall not be obligated to, do at any time), the Owners of the Lots which contain the Restricted Areas shall sod or seed with grass and mow and maintain such Restricted Areas in good condition.

6. **Fencing Restriction.** The Owners of the above-described Lots which contain the Restricted Areas shall not at any time install, erect or construct on or in any part of such Lots (whether or not in the Restricted Areas) any fencing of any type and, in the event of any violation of the foregoing, the Developer or the Association at any time may enter upon such Lots and remove or cause the removal of any such fencing without liability of any kind to any Owner, without prior notice, and no Owner shall have any recourse against the Developer or the Association for such entry and removal.

7. **Association's Maintenance of Detention Tract and Detention Facilities.** Pursuant to the Benson Place Detention Plat referred to in the Eighth Supplement identified on EXHIBIT A attached hereto, a Detention Tract was conveyed to the Association. Such Detention Tract also serves the Eighth Expansion Property. The Association previously entered into or will be entering into an agreement with the City pursuant to which the Association agrees to and shall maintain, repair and replace, when and as necessary, the storm water detention facilities constructed or to be constructed thereon by the Developer in accordance with the provisions of such agreement. The agreement is incorporated herein by this reference and the Association shall be responsible, at its cost, for complying with all provisions thereof from time to time.

8. **Storm and Surface Drainage Easements Affecting Certain Lots.** Portions of Lots 174, 175, 176, 177, 185, 186, 187, 188 and 189 are subject to either a storm drainage easement or a surface drainage easement as shown on the Fourth Plat and the Owners of such Lots shall use and maintain the portions thereof subject to such easements only for such purposes.

9. **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, 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 Eighth Expansion Property or any Lots, Tracts, Common Areas or Restricted Common Areas otherwise subject to the terms hereof.

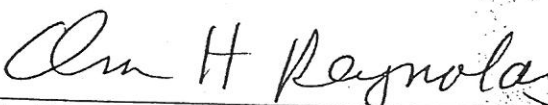
IN WITNESS WHEREOF, the Developer has caused this Supplemental Declaration to be executed by its duly authorized officers as of the day and year first above written.

All signatures must be in black ink!

DEVELOPER:

HUNT MIDWEST REAL ESTATE DEVELOPMENT, INC.

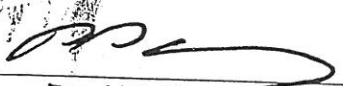
By:

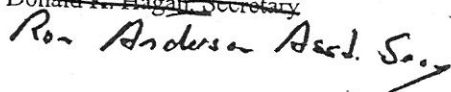


Ora H. Reynolds, Vice President and General Manager
of Residential Development

ATTEST:

By:


Donald K. Hagan, Secretary

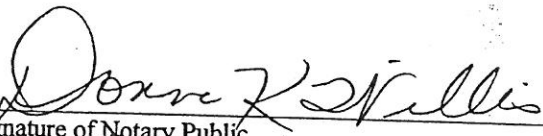

Ron Anderson, Asst. Secy.

ACKNOWLEDGMENT

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

On this 1st day of October, 2004, 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
County of Clay
My Commission Expires November 1, 2005
(Notary Seal)



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

Typed or Printed Name of Notary

My Commission expires:

11/1/05

EXHIBIT A
TO
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)
04-25-03/07-25-03	Doc #S09742/Book 4246, Page 281	Fifth	Benson Place – 2 nd Plat (3 rd Expansion Property)
04-25-03/08-25-03	Doc #S18375/Book 4301, Page 819	Sixth	Benson Place – Townhomes – 2 nd Plat (4 th Expansion Property)
04-08-04/07-22-04	Doc. #S83939/Book 4696, Page 904	Seventh	Benson Place – 3 rd Plat (5 th Expansion Property) and Detention Plat
05-06-04/07-22-04	Doc. #S83944/Book 4696, Page 927	Eighth	Benson Place – Townhomes 3 rd Plat (6 th Expansion Property)
<u>07-19-04/10-1-04</u>	Doc. # <u>S-98223</u> /Book <u>4702</u> , Page <u>789</u>	Ninth	Benson Place – Woodchase – 1 st Plat (7 th Expansion Property)

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

Legal Description of Eighth Expansion Property: Lots 144 through and including 198, BENSON PLACE – FOURTH PLAT, a subdivision in Kansas City, Clay County, Missouri, according to the recorded plat thereof.

Legal Description of Eighth Expansion Property Prior to Platting:

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

Commencing at the Northeast corner of said Southwest Quarter; thence North 89°17'45" West along the North line of said Southwest Quarter, 9.54 feet; thence South 0°42'15" West, 99.74 feet to the True Point of Beginning of the tract to be herein described; thence North 44°23'49" East, 241.51 feet; thence South 45°36'11" East, 201.00 feet; thence South 39°47'47" East, 82.38 feet; thence South 26°56'53" East, 88.48 feet; thence South 20°22'16" East, 215.56 feet; thence South 25°45'22" East, 64.90 feet; thence South 30°10'18" East, 60.15 feet to the Northeasterly corner of BENSON PLACE – THIRD PLAT, a subdivision in Kansas City, Clay County, Missouri; thence South 56°31'08" West, this and subsequent courses being along the Northerly line of said BENSON PLACE – THIRD PLAT, 132.17 feet; thence Northwesterly on a curve to the right, having an initial tangent bearing of North 33°28'52" West, a radius of 845.00 feet, a central angle of 01°29'24", an arc distance of 21.98 feet; thence South 58°00'32" West, 178.61 feet; thence South 33°36'53" East, 89.64 feet; thence South 38°24'13" East, 50.00 feet; thence North 51°35'47" East, 1.84 feet; thence South 38°24'13" East, 95.00 feet; thence South 47°02'15" East, 72.58 feet; thence South 60°21'20" West, 283.21 feet; thence South 62°34'49" West, 211.74 feet; thence South 71°38'37" West, 70.67 feet; thence South 74°19'31" West, 63.87 feet; thence South 79°56'54" West, 134.70 feet; thence South 84°44'52" West, 149.19 feet to the Northwest corner of said BENSON PLACE – THIRD PLAT, said point being also a point on the Easterly right-of-way line of N. Tullis Avenue, as now established; thence Northerly along said Easterly line, on a curve to the right, having an initial tangent bearing of North 02°09'59" West, a radius of 1475.00 feet, a central angle of 13°34'54", an arc distance of 349.64 feet; thence North 78°35'05" West, 50.00 feet; thence Northeasterly on a curve to the right, having an initial tangent bearing of North 11°24'55" East, a radius of 1525.00 feet, a central angle of 32°58'54", an arc distance of 877.85 feet to the True Point of Beginning. Containing 16.89 acres, more or less.

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