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Robert T Sevier, Recorder

Grantor: HUNT MIDWEST REAL ESTATE DEVELOPMEN...

Grantee: HUNT MIDWEST REAL ESTATE DEVELOPMEN...



## (ABOVE SPACE RESERVED FOR RECORDER OF DEEDS' USE)

Document Title: Eleventh Supplement to Declaration of Homes Association and Covenants, Conditions, Restrictions and Easements of Benson Place

Document Date: Feb 17, 2005

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

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

THIS ELEVENTH SUPPLEMENT TO DECLARATION OF HOMES ASSOCIATION AND COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS OF BENSON PLACE (this "Supplemental Declaration") is made and executed as of Feb 17, 2005, 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 and to clarify its applicability to any of the Benson Place Property which may be subject to a further minor subdivision or lot split.

D. The Developer has submitted to the City for approval certificates of survey further subdividing or "lot splitting" Lots or Tracts that previously were subjected to the Declaration pursuant to previous Supplemental

STEWART TITLE

Benson Place - Replat - Lots 27 & 44

Declarations (as shown on **EXHIBIT A** attached hereto) into Lots 27 and 44 as identified and described on **EXHIBIT B** attached hereto (the "Lot Split Lots") and the Developer desires to confirm that, upon recording of such certificates of survey, the Lot Split Lots will be and remain subject to all the terms and provisions of the Declaration.

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

1. **Lot Split Lots Subject to Declaration.** The Developer hereby states and confirms that, upon recording of the certificates of survey described in **Recital D** above and this Supplemental Declaration, the Lot Split Lots shall be and remain subject to the Declaration and the terms and provisions thereof and the terms, provisions, restrictions of any prior Supplemental Declarations affecting the Lots or Tracts from which the Lot Split Lots were created by the lot splitting and/or further subdivision described above.

2. **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 and any Lots, Tracts, Common Areas or Restricted Common Areas otherwise subject to the terms hereof including the Lot Split Lots.

**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 17<sup>th</sup> day of February, 2005, 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

My Commission expires:

11/1/05

*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

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 <sup>st</sup> Plat (1 <sup>st</sup> Expansion Property)
08-13-02/08-16-02	Doc #R29198/Book 3725, Page 933	Second	Benson Place – 1 <sup>st</sup> 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 <sup>st</sup> Plat (2 <sup>nd</sup> Expansion Property)
04-25-03/07-25-03	Doc #S09742/Book 4246, Page 281	Fifth	Benson Place – 2 <sup>nd</sup> Plat (3 <sup>rd</sup> Expansion Property)
04-25-03/08-25-03	Doc #S18375/Book 4301, Page 819	Sixth	Benson Place – Townhomes – 2 <sup>nd</sup> Plat (4 <sup>th</sup> Expansion Property)
04-08-04/07-22-04	Doc. #S83939/Book 4696, Page 904	Seventh	Benson Place – 3 <sup>rd</sup> Plat (5 <sup>th</sup> Expansion Property) and Detention Plat
05-06-04/07-22-04	Doc. #S83944/Book 4696, Page 927	Eighth	Benson Place – Townhomes 3 <sup>rd</sup> Plat (6 <sup>th</sup> Expansion Property)
07-1904/10-07-04	Doc. #S98223/Book 4782, Page 789	Ninth	Benson Place – Woodchase – 1 <sup>st</sup> Plat (7 <sup>th</sup> Expansion Property)
10-01-04/01-26-05	Doc. #2005003637/Book 4889, Page 99	Tenth	Benson Place – Single Family – 4 <sup>th</sup> Plat (8 <sup>th</sup> Expansion Property)

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

**Lot 27:**

All that part of Tract B-1 of the Certificate of Survey of Lots 5A-5D, 6A-6D, 7A-7D, 8A-8D and Tract B-1 of Lot B, BENSON PLACE TOWNHOMES – FIRST PLAT and all that part of Tract B-2 of the Certificate of Survey of Lots 12A-12D, 13A-13D, 14A-14D, 15A-15D and Tract B-2 of Lot B, BENSON PLACE TOWNHOMES – FIRST PLAT and all that part of Tract 1, BENSON PLACE TOWNHOMES – THIRD PLAT, all being in the Southeast Quarter of Section 34, Township 52, Range 32, Kansas City, Clay County, Missouri, being more particularly described as follows: Commencing at the Southeast corner of the Southeast Quarter of said Section 34; thence North 00°31'26" East, along the East line of said Southeast Quarter, 786.14 feet; thence North 89°28'34" West, 751.91 feet to a point on the Northerly right-of-way line of NE 97<sup>th</sup> Street, as now established, said point being the True Point of Beginning of the tract to be herein described; thence Westerly, along said Northerly right-of-way line, on a curve to the right, having an initial tangent bearing of South 88°29'31" West, a radius of 605.00 feet and a central angle of 07°06'28", an arc distance of 75.05 feet; thence North 02°45'21" East, 109.53 feet; thence South 87°14'39" East, 75.00 feet; thence South 02°45'21" West, 108.60 feet to the True Point of Beginning. Containing 8,238 square feet or 0.19 acres, more or less.

**Lot 44:**

All that part of Tract A-1 of the Certificate of Survey of Lots 1A-1D, 2A-2D, 3A-3D, 4A-4D and Tract A-1 of Lot A, BENSON PLACE TOWNHOMES – FIRST PLAT and all that part of Lot E, BENSON PLACE TOWNHOMES – THIRD PLAT, both being in the Southeast Quarter of Section 34, Township 52, Range 32, Kansas City, Clay County, Missouri, being more particularly described as follows: Commencing at the Southeast corner of the Southeast Quarter of said Section 34; thence North 00°31'26" East, along the East line of said Southeast Quarter, 737.10 feet; thence North 89°28'34" West, 815.26 feet to a point on the Southerly right-of-way line of NE 97<sup>th</sup> Street, as now established, said point being the True Point of Beginning of the tract to be herein described; thence South 09°35'04" West, 112.22 feet; thence North 80°24'56" West, 75.00 feet; thence North 09°35'04" East, 109.46 feet to a point on the Southerly right-of-way line of said NE 99<sup>th</sup> Street; thence Easterly, along said Southerly right-of-way line, on a curve to the left, having an initial tangent bearing of South 79°14'23" East, a radius of 655.00 feet and a central angle of 06°34'07", an arc distance of 75.09 feet to the True Point of Beginning. Containing 8,259 square feet or 0.19 acres, more or less.