

STATE OF MO.
CLAY COUNTY
I CERTIFY INSTR. REC'D

S83939

2004 JUL 22 A 9:56 8

BOOK# 4696 PAGE# 904
ROBERT T. SEVIER
RECORDER OF DEEDS

(ABOVE SPACE RESERVED FOR RECORDER OF DEEDS' USE)

Document Title: Seventh Supplement to Declaration of Homes Association and Covenants, Conditions, Restrictions and Easements of Benson Place
Document Date: April 8, 2004
Grantor Names: Hunt Midwest Real Estate Development, Inc.
Grantee Names: N/A ~~THE ROBERT BENSON PLACE - 3rd Plat~~
Statutory Address: Suite 100, 8300 N.E. Underground Drive, Kansas City, Missouri 64161
Legal Descriptions: See Exhibit B attached Page 6 + 7
Reference Book and Page: Declaration of Homes Association and Covenants, Conditions, Restrictions and Easements of Benson Place, Document No. R24799, Book 3699, Page 69

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

THIS SEVENTH 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 8, 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.

STEWART TITLE
04010743

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 _____, 2004, the Developer executed that certain subdivision plat entitled "BENSON PLACE - THIRD PLAT" (the "Third 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 "Fifth Expansion Property"), which Third Plat was approved on _____, 2004, by the City Council of the City, and was recorded on July 22, 2004, under Document No. 883938, in Cabinet 7, at Sleeve 135, in said Recorder of Deeds' Office.

F. On _____, 2004, the Developer executed that certain subdivision plat entitled "BENSON PLACE DETENTION PLAT" (the "Detention 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 Tract A, a tract for private open space and storm water detention facilities as shown and marked thereon (the "Detention Tract"), which Detention Plat was approved on _____, 2004, by the City Council of the City, and was recorded on July 22, 2004, under Document No. 883934, in Cabinet 7, at Sleeve 135, in said Recorder of Deeds' Office.

G. The Developer presently owns all of the Lots, Tracts, Common Areas, Restricted Common Areas or other areas, if any, shown on the Third Plat and the Detention Plat.

H. 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 Fifth Expansion Property and the Detention Tract and to subject the Fifth Expansion Property and the Detention Tract 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 Fifth Expansion Property and the Detention Tract.

2. **Expansion Effective Upon Recording.** The expansion set forth above, shall be effective immediately upon filing the Third Plat, the Detention Plat and this Supplemental Declaration of record in the Office of the Recorder of Deeds for Clay County, Missouri, at Liberty. Recording of Third Plat, the Detention 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 Fifth Expansion Property and the Detention Tract.

3. Expansion of Definitions. The definitions contained in the Declaration are hereby expanded to encompass and refer to the Property, as expanded by the Third Plat, the Detention Plat and this Supplemental Declaration to include the Fifth Expansion Property and the Detention Tract. 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 Third 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 Fifth Expansion Property, and the Detention Tract, shall be subject to all of the terms and conditions of the Declaration immediately upon recording of the Third Plat, the Detention 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 fifteen (15) feet of Lots 132 and 133 of the Third Plat (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. Pursuant to Paragraph 2 above, the Detention Tract is conveyed to the Association. The Association, the Developer or both either has entered into or will enter into that certain Covenant to Maintain Storm Water Detention Facility – Benson Place Detention Plat (the "Covenant") with the City pursuant to which the Association shall maintain, repair and replace, when and as necessary, the storm water detention facilities to be constructed thereon by the Developer in accordance with the provisions of such Covenant. The Covenant 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. 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 Fifth Expansion Property, the Detention Tract 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 8th day of April, 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

(Notary Seal) 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

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

My Commission expires:

11/1/05

EXHIBIT A
TO
SEVENTH 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)

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

Legal Description of Fifth Expansion Property: Lots 90 through and including 143, BENSON PLACE – THIRD PLAT, a subdivision in Kansas City, Clay County, Missouri, according to the recorded plat thereof.

Legal Description of Fifth Expansion Property Prior to Platting:

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

A subdivision of land in the Southwest 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 Southeast corner of said Southwest Quarter; thence North 0°38'32" East along the East line of said Southwest Quarter, 1055.04 feet; thence North 89°21'28" West, 319.59 feet to a point on the Easterly line of North Tullis Avenue, as now established, said point being also the True Point of Beginning of the tract to be herein described; thence Northerly along said Easterly line, on a curve to the right, having an initial tangent bearing of North 16°14'12" West, a radius of 1475.00 feet, a central angle of 14°04'12", an arc distance of 362.21 feet; thence North 84°44'52" East, 149.19 feet; thence North 79°56'54" East, 134.70 feet; thence North 74°19'31" East, 63.87 feet; thence North 71°38'37" East, 70.67 feet; thence North 62°34'49" East, 211.74 feet; thence North 60°21'20" East, 283.21 feet; thence North 47°02'15" West, 72.58 feet; thence North 38°24'13" West, 95.00 feet; thence South 51°35'47" West, 1.84 feet; thence North 38°24'13" West 50.00 feet; thence North 33°36'53" West, 89.64 feet; thence North 58°00'32" East, 178.61 feet; thence Southerly on a curve to the left, having an initial tangent bearing of South 31°59'28" East, a radius of 845.00 feet, a central angle of 01°29'24", an arc distance of 21.97 feet; thence North 56°31'08" East, 132.17 feet; thence South 34°19'59" East, 60.00 feet; thence South 40°21'40" East, 60.07 feet; thence South 42°53'27" East, 140.85 feet; thence South 39°39'27" East, 82.12 feet; thence South 29°04'14" East, 90.64 feet; thence North 56°05'54" East, 53.45 feet; thence South 41°55'21" East, 47.38 feet; thence South 31°23'18" East along the Westerly line of BENSON PLACE – FIRST PLAT, a subdivision in Kansas City, Clay County, Missouri, and its Northerly prolongation, 130.00 feet; thence Easterly on a curve to the left, along said Westerly line, having an initial tangent bearing of North 58°36'42" East, a radius of 1110.00 feet, a central angle of 0°25'27", an arc distance of 8.22 feet; thence South 31°48'45" East along said Westerly line, 80.38 feet; thence South 29°47'56" East along said Westerly line, 43.51 feet to the Northeast corner of BENSON PLACE – SECOND PLAT, a subdivision in Kansas City, Clay County, Missouri; thence South 59°17'06" West along the Northerly line of said BENSON PLACE – SECOND PLAT, 144.53 feet; thence South 69°03'06" West along said Northerly line, 117.57 feet; thence South 72°14'33" West along said Northerly line, 136.00 feet; thence South 79°10'11" West along said Northerly line, 136.86 feet; thence South 74°25'25" West along said Northerly line, 90.33 feet; thence South 67°09'24" West along said Northerly line, 45.93 feet; thence South 17°16'06" East along said Northerly line, 143.59 feet; thence South 72°43'54" West along said Northerly line, 5.66 feet; thence South 17°16'06" East along said Northerly line, 50.00 feet; thence South 14°49'36" East along said Northerly line, 130.61 feet; thence South 73°35'27" West along said Northerly line, 129.52 feet; thence South 86°11'06" West along said Northerly line, 54.58 feet; thence North 81°42'23" West along said Northerly line, 73.28 feet; thence North 70°41'13" West along said Northerly line, 100.28 feet; thence North 58°04'56" West along said Northerly line, 110.07 feet; thence North 82°29'21" West along said Northerly line, 136.57 feet; thence

South 80°18'13" West along said Northerly line, 231.97 feet to the True Point of Beginning. Containing 15.54 acres, more or less.

Legal Description of Detention Tract: Tract A, BENSON PLACE DETENTION PLAT, a subdivision in Kansas City, Clay County, Missouri, according to the recorded plat thereof.

Legal Description of Detention Tract 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, 381.84 feet to the True Point of Beginning of the tract to be herein described; thence Southwesterly on a curve to the left, having an initial tangent bearing of South 69°26'26" West, a radius of 572.96 feet, a central angle of 07°45'45", an arc distance of 77.63 feet; thence Southwesterly on a curve to the left, having an initial tangent bearing of South 81°38'14" West, a radius of 1232.00 feet, a central angle of 17°32'20", an arc distance of 377.13 feet; thence Southwesterly on a curve to the right, having a common tangent to the last described course, a radius of 1332.00 feet, a central angle of 10°05'40", an arc distance of 234.68 feet; thence South 89°56'29" West, 318.65 feet; thence North 01°52'45" East, 90.87 feet; thence North 21°05'42" East, 328.62 feet; thence North 75°40'04" East, 876.85 feet to a point on the aforementioned East line of said Southeast Quarter; thence South 0°31'26" West along said East line, 387.98 feet to the True Point of Beginning. Containing 8.73 acres, more or less.

Note: The above-described properties have been platted. The recording information identifying such Plats is shown in Recitals E and F of the Supplemental Declaration to which this Exhibit B is attached.