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Jay Lawson, Recorder

Grantor: HUNT MIDWEST REAL ESTATE DEVELOPMEN...

Grantee: BENSON PLACE FIELDSTONE



(ABOVE SPACE RESERVED FOR RECORDER OF DEEDS' USE)

Document Title: Seventeenth Supplement to Declaration of Homes Association and Covenants, Conditions, Restrictions and Easements of Benson Place
Document Date: July 12, 2011
Grantor Names: Hunt Midwest Real Estate Development, Inc.
Grantee Names: ~~Hunt Midwest Real Estate Development, Inc.~~ Benson Place Fieldstone
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

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

THIS SEVENTEENTH SUPPLEMENT TO DECLARATION OF HOMES ASSOCIATION AND COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS OF BENSON PLACE (this "Supplemental Declaration") is made and executed as of July 12, 2011, 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 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").

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D. On 14th of September, 2011, the Developer executed that certain subdivision plat entitled "BENSON PLACE FIELDSTONE - SECOND PLAT" (the "Fieldstone 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 "Fourteenth Expansion Property"), which Fieldstone Second Plat was approved on September 29, 2011, by the City Council of the City, and was recorded on 11-21-2011, under Document No. 2011037525, in Cabinet H, at Sleeve 32, 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 Fieldstone Second Plat.

F. 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 Fourteenth Expansion Property and to subject the Fourteenth Expansion Property to the covenants, 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 Fourteenth Expansion Property.

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

5. Association's Maintenance of Detention Tract and Detention Facilities. Tract A of the Fieldstone Second Plat has been reserved for storm water drainage and detention serving the Fourteenth Expansion Property. The Association 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.

6. 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, 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.

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.

DEVELOPER: All signatures must be in black ink!

HUNT MIDWEST REAL ESTATE DEVELOPMENT, INC.

By: Ora H. Reynolds, President
Ora H. Reynolds
Pres

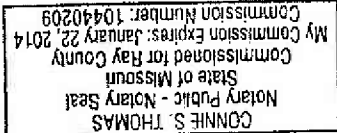


By: Donald K. Hagan, Secretary
Donald K. Hagan

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

On this 12th day of July, 2011, 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 President 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.

Connie S. Thomas
Signature of Notary Public



Connie S. Thomas
Typed or Printed Name of Notary

My Commission expires:

1-22-14

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

Previous Supplements to Declaration

<u>DATE EXECUTED/ DATE RECORDED</u>	<u>RECORDING INFORMATION</u>	<u>SUPPLEMENT #</u>	<u>INFORMATION</u>
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	First	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)
07-1904/10-07-04	Doc. #S98223/Book 4782, Page 789	Ninth	Benson Place – Fieldstone – 1 st Plat (7 th Expansion Property)
10-01-04/01-26-05	Doc. #2005003637/Book 4889, Page 99	Twelfth	Benson Place – Single Family – 4 th Plat (8 th Expansion Property)
02-17-05/05-06-05	Doc. #2005020572/Book 4992, Page 94	Eleventh	Benson Place – Replat – Lots 27 and 44
08-01-05/09-22-05	Doc. #2005046131/Book 5150, Page 4	Twelfth	Benson Place – 5 th Plat (9 th Expansion Property)
08-01-05/10-07-05	Doc. #2005049075/Book 5168, Page 121	Thirteenth	Benson Place – Woodchase – 2 nd Plat (10 th Expansion Property)
04-12-06/07-19-06	Doc. #2006030908/Book 5436, Page 130	Fourteenth	Benson Place – Woodchase – 3 rd Plat (11 th Expansion Property)

04-27-06/07-31-06	Doc. #2006033128/Book 5449, Page 102	Fifteenth	Benson Place Fieldstone -- 1 st Plat (12 th Expansion Property)
10-26-06/10-26-06	Doc #2006047419/Book 5535, Page 34	Sixteenth	Benson Place -- Patio Homes -- 2 nd Plat (13 th Expansion Property)

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

Legal Description of Fourteenth Expansion Property:

Lots 78 through and including 119 and Tract A, BENSON PLACE FIELDSTONE - SECOND PLAT, a subdivision in Kansas City, Clay County, Missouri, according to the recorded plat thereof.

Legal Description of Fourteenth Expansion Property Prior to Platting:

A tract of land in the Northwest Quarter and Northeast Quarter of Section 34, Township 52 North, Range 32 West of the 5th Principal Meridian in Kansas City, Clay County, Missouri being bounded and described as follows:

Beginning at the Northwest corner of "BENSON PLACE FIELDSTONE - FIRST PLAT", a subdivision of land in said Kansas City, Clay County, Missouri; thence South 62°57'04" West, along the North line of said "BENSON PLACE FIELDSTONE - FIRST PLAT", 7.13 feet; thence North 25°33'10" West, 130.00 feet; thence Southwesterly, along a curve to the right, having an initial tangent bearing of South 64°26'50" West with a radius of 925.00 feet, a central angle of 00°32'53" and an arc distance of 8.85 feet; thence North 29°03'36" West, 206.43 feet; thence South 64°57'45" West, 51.50 feet; thence North 29°03'36" West, 178.11 feet; thence South 64°06'19" West, 64.75 feet; thence North 55°08'59" East, 183.45 feet; thence Southeasterly, along a curve to the right, having an initial tangent bearing of South 34°51'01" East with a radius of 670.00 feet, a central angle of 03°14'17" and an arc distance of 37.86 feet; thence North 58°23'15" East, 130.89 feet; thence North 34°16'44" West, 70.44 feet; thence North 39°13'11" West, 71.40 feet; thence North 44°33'45" West, 63.88 feet; thence North 00°38'32" East, 323.95 feet to the North line of said Northwest Quarter; thence South 89°32'54" East, along the North line of said Northwest Quarter, 36.11 feet to the Northeast corner of said Northwest Quarter; thence South 89°29'59" East, along the North line of said Northwest Quarter, 277.62 feet; thence South 00°30'00" West, 100.00 feet; thence South 22°56'21" East, 335.11 feet; thence Northeasterly, along a curve to the right, having an initial tangent bearing of North 66°55'18" East with a radius of 1,855.00 feet, a central angle of 00°20'00" and an arc distance of 10.79 feet; thence South 22°44'42" East, 179.29 feet; thence North 68°12'32" East, 68.98 feet; thence North 70°34'08" East, 68.99 feet; thence North 72°55'44" East, 69.00 feet; thence North 79°54'53" East, 86.80 feet; thence South 08°28'30" East, 130.00 feet; thence Easterly, along a curve to the right, having an initial tangent bearing of North 81°31'30" East with a radius of 1,545.00 feet, a central angle of 00°44'49" and an arc distance of 20.14 feet; thence South 07°43'40" East, 180.35 feet to a point on the North line of said "BENSON PLACE FIELDSTONE - FIRST PLAT"; thence South 80°43'16" West, continuing along said North line, 85.07 feet to a point on the East right-of-way line of N. Marsh Avenue, as now established; thence South 77°39'03" West, continuing along said North line, 50.00 feet to a point on the West right-of-way line of said Marsh Avenue; thence South 74°34'51" West, continuing along said North line, 90.96 feet; thence South 71°06'46" West, continuing along said North line, 77.68 feet; thence South 64°36'15" West, continuing along said North line, 75.48 feet; thence South 61°00'09" West, continuing along said North line 229.84 feet to a point on the East right-of-way line of N. Tullis Drive, as now established; thence South 60°35'18" West, continuing along said North line, 50.00 feet to a point on the West right-of-way line of said N. Tullis Drive; thence South 62°24'08" West, continuing along said North line, 82.91 feet to the Point of Beginning. Containing 606,088 square feet or 13.91 acres, more or less.