

Recorded in Clay County, Missouri

Date and Time: 09/22/2005 at 12:31:51 PM

Instrument Number: 2005046131

Book: 5150 Page: 4

Instrument Type: REST

Page Count: 7

Recording Fee: \$42.00 S



Grantor: HUNT MIDWEST REAL ESTATE DEVELOPMENT...
Grantee: BENSON PLACE
Robert T Sevier, Recorder

(ABOVE SPACE RESERVED FOR RECORDER OF DEEDS' USE)

Document Title: Twelfth Supplement to Declaration of Homes Association and Covenants, Conditions, Restrictions and Easements of Benson Place.
Document Date: August 1, 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

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

THIS TWELFTH SUPPLEMENT TO DECLARATION OF HOMES ASSOCIATION AND COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS OF BENSON PLACE (this "Supplemental Declaration") is made and executed as of August 1, 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.

STANDARD PAGE 66

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").

D. On JUNE 20, 2005, 2005, the Developer executed that certain subdivision plat entitled "BENSON PLACE - FIFTH PLAT" (the "Fifth 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 "Ninth Expansion Property"), which Fifth Plat was approved on JUNE 2, 2005, 2005, by the City Council of the City, and was recorded on SEPTEMBER 22, 2005, under Document No. 2005046109, in Cabinet G, at Sleeve 10, in said Recorder of Deeds' Office.

E. The Developer presently owns all of the Lots, Tracts, Common Areas, Restricted Common Areas or other areas, if any, shown on the Fifth 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 Ninth Expansion Property and to subject the Ninth 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 Ninth Expansion Property.

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

5. **Fencing Restriction on Restricted Lots.** The Owners of Lots 259 through and including 281 (legally described on **EXHIBIT B** attached hereto) are hereby subjected to the following:

(a) Any fencing permitted on such Lots as set forth below shall be constructed of only natural cedar (unstained), dog eared pickets, no more than four (4) feet in height, with the finished side facing out, all as set forth in the fencing guidelines established from time to time by the Review Committee and no other fencing of any type shall be permitted thereon; and

(b) Such fencing shall be permitted only at locations on such Lots as are approved in advance by the Review Committee upon application of a Lot Owner affected hereby.

6. No Fencing on Lots 215, 216, 257, 258, 232 and 282. The Owners of Lots 215, 216, 257, 258, 232 and 282 (which are legally described as set forth on **EXHIBIT B** attached hereto) shall not at any time install, erect or construct on or in any part of any such Lots any fencing of any type and, in the event of any violation of the foregoing restriction, the Developer or the Association at any time may enter upon any of such Lots and remove or cause the removal of 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 Ninth 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. Association's Maintenance of Tract A Private Open Space. Tract A of the Fifth Plat has been reserved as private open space and, at its cost, the Association shall maintain the same as private open space.

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 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.

All signatures must be in black ink!

DEVELOPER:

HUNT MIDWEST REAL ESTATE DEVELOPMENT, INC.

{Corporate Seal}

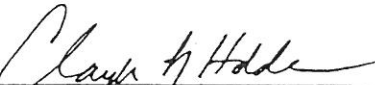
By:



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

ATTEST:

By:



~~Donald K. Ingram, Secretary~~


CLAYTON L. HOLDER, Asst. Sec.

ACKNOWLEDGMENT

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

On this 1st day of August, 2005, before me, the undersigned Notary Public in and for said County and State, personally appeared Ora ~~W.~~ 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



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

My Commission expires:

11/1/05

EXHIBIT A
TO
TWELFTH 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)
07-1904/10-07-04	Doc. #S98223/Book 4782, Page 789	Ninth	Benson Place – Woodchase – 1 st Plat (7 th Expansion Property)
10-01-04/01-26-05	Doc. #2005003637/Book 4889, Page 99	Tenth	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
			...

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

Legal Description of Ninth Expansion Property:

Lots 199 through and including 282 and Tract A, BENSON PLACE – FIFTH PLAT, a subdivision in Kansas City, Clay County, Missouri, according to the recorded plat thereof.

Legal Description of Ninth Expansion Property Prior to Platting:

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

Commencing at the Southwest corner of said Northeast Quarter; thence South 89°14'10" East along the South line of said Northeast Quarter, 157.22 feet; thence North 00°45'50" West, 75.05 feet to the Northernmost point of BENSON PLACE – FOURTH PLAT, a subdivision in Kansas City, Clay County, Missouri, said point being also the True Point of Beginning of the tract to be herein described; thence North 44°23'49" East, 473.53 feet; thence Northerly on a curve to the left, tangent to the last described course, having a radius of 15.00 feet, a central angle of 91°09'06", an arc distance of 23.86 feet; thence North 42°54'50" East, 50.00 feet; thence Southerly on a curve to the left, having an initial tangent bearing of South 46°44'22" East, a radius of 15.00 feet, a central angle of 91°37'16", an arc distance of 23.99 feet; thence Northeasterly on a curve to the left, having a common tangent with the last described course, a radius of 1650.00 feet, a central angle of 03°47'26", an arc distance of 109.16 feet; thence South 52°09'04" East, 222.84 feet; thence North 75°00'24" East, 215.82 feet to the Northwest corner of BENSON PLACE WOODCHASE – SECOND PLAT, a subdivision in Kansas City, Clay County, Missouri; thence South 13°48'33" East along the Westerly line of said BENSON PLACE WOODCHASE – SECOND PLAT, 536.20 feet; thence South 26°24'55" East along said Westerly line, 88.86 feet; thence South 30°49'58" East along said Westerly line, 88.61 feet; thence South 39°06'46" East along said Westerly line and also along the Westerly line of BENSON PLACE WOODCHASE – FIRST PLAT, a subdivision in Kansas City, Clay County, Missouri, 306.52 feet; thence South 52°32'49" East along said Westerly line, 193.07 feet; thence South 72°18'42" East along said Westerly line, 199.67 feet to a point on the Westerly right-of-way line of N. McKinley Avenue, as now established; thence South 07°37'44" West along said Westerly line, 203.26 feet; thence Southerly along said Westerly line, on a curve to the right, having a radius of 1975.00 feet, a central angle of 05°09'18", an arc distance of 177.69 feet; thence Southerly along said Westerly line, on a curve to the right, having a common tangent with the last described course, a radius of 25.00 feet, a central angle of 99°19'41", an arc distance of 43.34 feet; thence South 07°18'52" West, 51.55 feet; thence Southerly along said Westerly line, on a curve to the right, having an initial tangent bearing of South 69°14'50" East, a radius of 25.00 feet, a central angle of 84°59'34", an arc distance of 37.09 feet; thence Southerly along said Westerly line, on a curve to the right, having a common tangent with the last described course, a radius of 1975.00 feet, a central angle of 04°23'26", an arc distance of 151.34 feet to a point on the Northeasterly line of BENSON PLACE – FIRST PLAT, a subdivision in Kansas City, Clay County, Missouri; thence North 54°46'23" West, along said Northeasterly line, 248.22 feet; thence North 43°02'42" West along said Northeasterly line, 125.89 feet; thence North 34°06'02" West along said Northeasterly line, 127.29 feet; thence North 27°58'14" West along said Northeasterly line, 143.32 feet; thence North 35°06'53" West along said Northeasterly line, 119.63 feet; thence North 47°47'48" West along said Northeasterly line, 32.32 feet; thence South 46°56'34" West along the Northwestern line of said BENSON PLACE – FIRST PLAT, 188.51 feet; thence Southeasterly along a curve to the right, having an initial tangent bearing of South 43°03'26" East, a radius of 845.00 feet, a central angle of 01°17'31", an

arc distance of 19.05 feet; thence South 48°14'04" West along said Northwesterly line, 130.00 feet to a point on the Northeasterly line of BENSON PLACE – THIRD PLAT, a subdivision in Kansas City, Clay County, Missouri; thence North 31°23'18" West along said Northeasterly line, 14.02 feet; thence North 41°55'21" West along said Northeasterly line, 47.38 feet; thence South 56°05'54" West along said Northeasterly line, 53.45 feet; thence North 29°04'14" West along said Northeasterly line, 90.64 feet; thence North 39°39'27" West along said Northeasterly line, 82.12 feet; thence North 42°53'27" West along said Northeasterly line, 140.85 feet; thence North 40°21'40" West along said Northeasterly line, 60.07 feet; thence North 34°19'59" West along said Northeasterly line, 60.00 feet; thence North 30°10'18" West along the Northeasterly line of BENSON PLACE – FOURTH PLAT, a subdivision in Kansas City, Clay County, Missouri, 60.15 feet; thence North 25°45'22" West along said Northeasterly line, 64.90 feet; thence North 20°22'16" West along said Northeasterly line, 215.56 feet; thence North 26°56'53" West along said Northeasterly line, 88.48 feet; thence North 39°47'47" West along said Northeasterly line, 82.38 feet; thence North 45°36'11" West along said Northeasterly line, 201.00 feet to the True Point of Beginning. Containing 27.85 acres, more or less.