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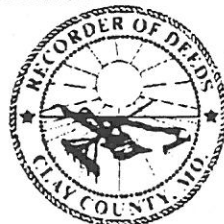
Book: 5449 Page: 102

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Robert T Sevier, Recorder

Grantor: HUNT MIDWEST REAL ESTATE DEVELOPMEN...  
Grantee: BENSON PLACE

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

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

Document Date: April 27, 2006

Grantor Names: Hunt Midwest Real Estate Development, Inc.

Grantee Names: N/A Benson Place

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

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

THIS FIFTEENTH 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 27, 2006, 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").

D. On June 14, 2006, the Developer executed that certain subdivision plat entitled "BENSON PLACE FIELDSTONE - FIRST PLAT" (the "Fieldstone First 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 "Twelfth Expansion Property"), which Fieldstone First Plat was approved on June 8<sup>th</sup>, 2006, by the City Council of the City, and was recorded on July 31, 2006, under Document No. 2006 033126, in Cabinet 6, at Sleeve 76, 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 Fieldstone First 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 Twelfth Expansion Property and to subject the Twelfth 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 Twelfth Expansion Property.
2. **Expansion Effective Upon Recording.** The expansion set forth above, shall be effective immediately upon filing the Fieldstone First 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 First 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 Twelfth 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 First Plat, and this Supplemental Declaration to include the Twelfth 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 Fieldstone First 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 Twelfth Expansion Property, shall be subject to all of the terms and conditions of the Declaration immediately upon recording of the Fieldstone First 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 11, 12, 13, 18, 19 and 20 of the Fieldstone First Plat (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 Lot 17.** The Owner of Lot 17 of the Fieldstone First Plat (which is 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 such Lot 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 such Lot and remove or cause the removal of such fencing without liability of any kind to the

Owner, without prior notice, and the Owner of such Lot shall have no recourse against the Developer or the Association for such entry and removal.

7. **Association's Maintenance of Detention Tract and Detention Facilities.** Tract A of the Fieldstone First Plat has been reserved for storm water drainage and detention serving the Twelfth 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.

8. **Association's Maintenance of Tracts B, C and D as Private Open Space.** Tracts B, C and D of the Fieldstone First Plat have 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, V.P.  
Ora H. Reynolds, Vice President and General Manager  
of Residential Development

ATTEST:

By:

Clayton L. Holder  
~~Notary Public - Notary Seal~~  
Clayton L. Holder, Asst Sec.

STATE OF MISSOURI )

) S.S.

COUNTY OF CLAY )

On this 27<sup>th</sup> day of April, 2006, 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 herein stated.

(Notary Seal) DONNA K. WILLIS  
Notary Public - Notary Seal  
State of Missouri - County of Clay  
My Commission Expires Nov. 1, 2009  
Commission #05521936

Donna K. Willis  
Signature of Notary Public DONNA K. WILLIS  
Notary Public - Notary Seal  
State of Missouri - County of Clay  
My Commission Expires Nov. 1, 2009  
Commission #05521936  
Typed or Printed Name of Notary

My Commission expires:

11/1/09

**EXHIBIT A**  
**TO**  
**FIFTEENTH 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	First	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 – Fieldstone – 1 <sup>st</sup> Plat (7 <sup>th</sup> Expansion Property)
10-01-04/01-26-05	Doc. #2005003637/Book 4889, Page 99	Twelfth	Benson Place – Single Family – 4 <sup>th</sup> Plat (8 <sup>th</sup> 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 <sup>th</sup> Plat (9 <sup>th</sup> Expansion Property)
_____/_____/____/____	Doc. #_____/Book_____, Page____	Thirteenth	Benson Place – Woodchase – 2 <sup>nd</sup> Plat (10 <sup>th</sup> Expansion Property)
_____/_____/____/____	Doc. #_____/Book_____, Page____	Thirteenth	Benson Place – Woodchase – 3 <sup>rd</sup> Plat (11 <sup>th</sup> Expansion Property)



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

**Legal Description of Twelfth Expansion Property:**

Lots 1 through and including 77 and Tracts A, B, C and D, BENSON PLACE FIELDSTONE – FIRST PLAT, a subdivision in Kansas City, Clay County, Missouri, according to the recorded plat thereof.

**Legal Description of Twelfth Expansion Property Prior to Platting:**

A subdivision of land in the Northeast 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 Northeast Quarter; thence North 89°32'46" West along the North line of said Northeast Quarter, 998.37 feet to the Northeast corner of the West 50 acres of the Northeast Quarter of said Section 34; thence South 00°09'16" West along the East line of said West 50 acres, 825.17 feet to the True Point of Beginning; thence continuing South 00°09'16" West along said East line, 488.65 feet to a point on the South line of the North One-half of said Northeast Quarter; thence North 89°23'12" West along said South line, 335.51 feet to the Southwest corner of the Northeast Quarter of the Northeast Quarter of said Section 34; thence South 00°18'54" West (D-S00°18'40"W) along the East line of the Southwest Quarter of said Northeast Quarter, 457.84 feet; thence North 89°13'34" West, 5.17 feet to a point of curvature; thence Westerly on a curve to the right, tangent to the last described course, having a radius of 325.000 feet, a central angle of 09°23'05", an arc distance of 53.23 feet to a point of curvature; thence Westerly on a curve to the left, tangent to the last described course, having a radius of 475.00 feet, a central angle of 09°50'51", an arc distance of 81.64 feet; thence North 89°41'20" West, 10.48 feet to a point of curvature; thence Southwesterly on a curve to the left, tangent to the last described course, having a radius of 15.00 feet, a central angle of 90°00'00", an arc distance of 23.56 feet; thence North 89°41'20" West, 50.00 feet to a point of curvature; thence Northwesterly on a curve to the left, having an initial tangent bearing of North 00°18'40" East, a radius of 15.00 feet, a central angle of 90°00'00", an arc distance of 23.56 feet; thence North 89°41'20" West, 53.03 feet to a point of curvature; thence Northwesterly on a curve to the right, tangent to the last described course, having a radius of 755.00 feet, a central angle of 15°11'47", an arc distance of 200.25 feet to a point of curvature; thence Southwesterly on a curve to the left, tangent to the last described course, having a radius of 15.00 feet, a central angle of 87°01'20", an arc distance of 22.78 feet; thence South 18°29'08" West, 64.22 feet to a point of curvature; thence Southerly on a curve to the right, tangent to the last described course, having a radius of 925.00 feet, a central angle of 19°21'48", an arc distance of 312.61 feet; thence South 37°50'56" West, 12.27 feet to a point on the North line of BENSON PLACE-FIFTH PLAT, a subdivision of land in Kansas City, Clay County, Missouri; thence North 52°09'04" West along the North line of said BENSON PLACE-FIFTH PLAT, 50.00 feet; thence North 37°50'56" East, 12.27 feet to a point of curvature; thence Northerly on a curve to the left, tangent to the last described course, having a radius of 875.00 feet, a central angle of 14°59'06", an arc distance of 228.85 feet; thence North 59°09'01" West, 311.14 feet; thence North 51°51'12" East, 42.78 feet; thence North 35°15'13" West, 126.28 feet to a point of curvature; thence Southwesterly on a curve to the right, having an initial tangent bearing of South 54°44'47" West, a radius of 875.00 feet, a central angle of 00°58'57", an arc distance of 15.00 feet; thence North 34°16'16" West, 208.41 feet; thence North 58°05'25" East, 2.27 feet; thence North 28°59'51" West, 156.39 feet; thence North 24°45'10" West, 50.14 feet; thence North 28°59'51" West, 131.66 feet; thence North 62°24'08" East, 82.91 feet; thence North 60°35'18" East, 50.00 feet; thence North 61°00'09" East, 229.84 feet; thence North 61°51'59" East, 75.48 feet; thence North 64°36'15" East, 77.67 feet; thence North 67°51'16" East, 77.68 feet; thence North 71°06'46" East, 77.68 feet; thence North 74°34'51" East, 90.96 feet; thence

North  $77^{\circ}39'03''$  East, 50.00 feet; thence North  $80^{\circ}43'16''$  East, 91.63 feet; thence North  $84^{\circ}11'43''$  East, 75.52 feet; thence North  $87^{\circ}21'24''$  East, 75.52 feet; thence South  $89^{\circ}28'55''$  East, 75.52 feet; thence South  $86^{\circ}24'20''$  East, 75.52 feet; thence South  $84^{\circ}31'10''$  East, 217.18 feet; thence South  $88^{\circ}19'37''$  East, 50.00 feet to a point of curvature; thence Southerly on a curve to the right, having an initial tangent bearing of South  $01^{\circ}40'23''$  West, a radius of 1525.000 feet, a central angle of  $02^{\circ}02'43''$ , an arc distance of 54.44 feet; thence South  $86^{\circ}16'54''$  East, 132.29 feet to the True Point of Beginning. Containing 26.58 acres, more or less.