

Recorded in Clay County, Missouri

Date and Time: 09/06/2012 at 08:53:20 AM

Instrument Number: 2012035094

Book: 6921 Page: 98

Instrument Type: REST

Page Count: 5

Recording Fee: \$36.00 S



Grantor: HUNT MIDWEST REAL ESTATE DEVELOPMEN...
Grantee: HUNT MIDWEST REAL ESTATE DEVELOPMEN...
Jav Lawson, Recorder



(ABOVE SPACE RESERVED FOR RECORDER OF DEEDS' USE)

Document Title: Eighteenth Supplement to Declaration of Homes Association and Covenants, Conditions, Restrictions and Easements of Benson Place
Document Date: June 5, 2012
Grantor Names: Hunt Midwest Real Estate Development, Inc.
Grantee Names: Hunt Midwest Real Estate Development, Inc.
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

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

THIS EIGHTEENTH SUPPLEMENT TO DECLARATION OF HOMES ASSOCIATION AND COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS OF BENSON PLACE (this "Supplemental Declaration") is made and executed as of June 5, 2012, 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").

KANSAS CITY TITLE

D. On July 26, 2012, the Developer executed that certain subdivision plat entitled "BENSON PLACE FIELDSTONE - THIRD PLAT" (the "Fieldstone 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 "Fifteenth Expansion Property"), which Fieldstone Third Plat was approved on July 26th, 2012, by the City Council of the City, and was recorded on Sept 9th, 2012, under Document No. 2012, 2612035092, in Cabinet H, at Sleeve 46, 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 Third 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 Fifteenth Expansion Property and to subject the Fifteenth 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 Fifteenth Expansion Property.
2. **Expansion Effective Upon Recording.** The expansion set forth above, shall be effective immediately upon filing the Fieldstone Third 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 Third 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 Fifteenth 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 Third Plat, and this Supplemental Declaration to include the Fifteenth 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 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 Fifteenth Expansion Property, shall be subject to all of the terms and conditions of the Declaration immediately upon recording of the Fieldstone Third 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 Third Plat has been reserved for storm water drainage and detention serving the Fifteenth 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, 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
Ora H. Reynolds, President

ATTEST:

By: Clayton L. Holder
Clayton L. Holder, Asst. Sec.

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

On this 5th day of June, 2012, 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.

{Notary Stamp}

CONNIE S. THOMAS
Notary Public - Notary Seal
State of Missouri
Commissioned for Ray County
My Commission Expires: January 22, 2014
Commission Number: 10440209

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
EIGHTEENTH 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)
07-12-11/11-21-11	Doc. #2011037828/Book 6727, Page 14	Seventeenth	Benson Place - Fieldstone - 2 nd Plat (14 th Expansion Property)

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

Legal Description of Fifteenth Expansion Property:

Lots 120 through and including 166, and Tract A, BENSON PLACE FIELDSTONE – THIRD PLAT, a subdivision in Kansas City, Clay County, Missouri, according to the recorded plat thereof.

Legal Description of Fifteenth Expansion Property Prior to Platting:

A tract of land in the 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 a point on the East line of the West Fifty (50) Acres of the North Half of said Northeast Quarter, said point also being the Northeast corner of "BENSON PLACE FIELDSTONE - FIRST PLAT", a subdivision of land in said Kansas City, Clay County, Missouri; thence North 86°16'54" West, along the North line of said "BENSON PLACE FIELDSTONE - FIRST PLAT", 132.29 feet; thence Northerly, continuing along said North line, along a curve to the left, having an initial tangent bearing of North 03°43'06" East with a radius of 1,525.00 feet, a central angle of 02°02'43" and an arc distance of 54.44 feet; thence North 88°19'37" West, continuing along said North line, 50.00 feet; thence North 84°31'10" West, continuing along said North line, 217.18 feet; thence North 86°24'20" West, continuing along said North line, 75.52 feet; thence North 89°28'55" West, continuing along said North line, 75.52 feet; thence South 87°21'24" West, continuing along said North line, 75.52 feet; thence South 84°11'43" West, continuing along said North line, 75.52 feet; thence South 80°43'16" West, continuing along said North line, 6.56 feet to the Southeast corner of "BENSON PLACE FIELDSTONE - SECOND PLAT", a subdivision of land in said Kansas City, Clay County, Missouri; thence North 07°43'40" West, along the East line of said "BENSON PLACE FIELDSTONE - SECOND PLAT", 180.35 feet; thence Westerly, continuing along said East line, along a curve to the left, having an initial tangent bearing of South 82°16'20" West with a radius of 1,545.00 feet, a central angle of 00°44'49" and an arc distance of 20.14 feet; thence North 08°28'30" West, continuing along said East line, 130.00 feet; thence South 79°54'53" West, continuing along said East line, 86.80 feet; thence South 77°55'07" West, continuing along said East line, 50.00 feet; thence South 75°28'38" West, continuing along said East line, 79.98 feet; thence South 72°55'44" West, continuing along said East line, 69.00 feet; thence South 70°34'08" West, continuing along said East line, 68.99 feet; thence South 68°12'32" West, continuing along said East line, 68.98 feet; thence North 22°44'42" West, continuing along said East line, 179.29 feet; thence Southwesterly, continuing along said East line, along a curve to the left, having an initial tangent bearing of South 67°15'18" West with a radius of 1,855.00 feet, a central angle of 00°20'00" and an arc distance of 10.79 feet; thence North 22°56'21" West, continuing along said East line, 335.11 feet; thence North 00°30'00" East, continuing along said East line, 100.00 feet to the Northeast corner of said "BENSON PLACE FIELDSTONE - SECOND PLAT", said corner also being a point on the North line of said Northeast Quarter; thence South 89°29'59" East, along the North line of said Northeast Quarter, 1,385.01 feet to the Northeast corner of said West Fifty (50) Acres; thence South 00°09'16" West, along said East line, 825.98 feet to the Point of Beginning. Containing 849,126 square feet or 19.49 acres, more or less.