

STATE OF MO.
CLAY COUNTY
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BOOK# 4696 PAGE# 927
ROBERT T. SEVIER
RECORDER OF DEEDS

(ABOVE SPACE RESERVED FOR RECORDER OF DEEDS' USE)

Document Title: Eighth Supplement to Declaration of Homes Association and Covenants, Conditions, Restrictions and Easements of Benson Place
Document Date: May 6, 2004
Grantor Names: Hunt Midwest Real Estate Development, Inc.
Grantee Names: Benson Place Townhomes - 3rd Plat
Statutory Address: Suite 100, 8300 N.E. Underground Drive, Kansas City, Missouri 64161
Legal Descriptions: See Exhibit B attached Page 5
Reference Book and Page: Declaration of Homes Association and Covenants, Conditions, Restrictions and Easements of Benson Place, Document No. R24799, Book 3699, Page 69

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

THIS EIGHTH SUPPLEMENT TO DECLARATION OF HOMES ASSOCIATION AND COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS OF BENSON PLACE (this "Supplemental Declaration") is made and executed as of May 6, 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.

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.

STEWART TITLE
04010740

Benson Place - Townhomes - 3rd Plat

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 TOWNHOMES – THIRD PLAT" (the "Townhomes 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 "Sixth Expansion Property"), which Townhomes Third Plat was approved on _____, 2004, by the City Council of the City, and was recorded on July 22, 2004, under Document No. 883943, in Cabinet 7, at Sleeve 135 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 Townhomes Third Plat.

G. 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 Sixth Expansion Property and to subject the Sixth 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 Sixth Expansion Property.

2. **Expansion Effective Upon Recording.** The expansion set forth above, shall be effective immediately upon filing the Townhomes 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 Townhome 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 Sixth 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 Townhomes Third Plat and this Supplemental Declaration to include the Sixth 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 Townhomes 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 Sixth Expansion Property, shall be subject to all of the terms and conditions of the Declaration immediately upon recording of the Townhomes 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.** Pursuant to the Benson Place Detention Plat referred to in the Seventh Supplement identified on **EXHIBIT A** attached hereto, a Detention Tract was conveyed to the Association. Such Detention Tract also serves the Sixth Expansion Property. The Association previously entered into that certain Covenant to Maintain Storm Water Detention Facility – Benson Place Detention Plat (the "Covenant") with the City pursuant to which the Association agreed to and 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.

6. **Use and Maintenance of Any Private Open Space, Community Park Area and Sign Monumentation Tracts.** Tract 1 and 2 of the Townhomes Third Plat and any other private open space or sign monumentation tracts shown on or in the Townhomes Third Plat shall be used and maintained by the Association under the terms of the Declaration, as amended, as private open green space areas, community park areas or for entrance or subdivision identification monumentation or any combination thereof, as applicable.

7. **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 Sixth Expansion Property 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 6th day of May, 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
(Notary Seal) County of Clay
My Commission Expires November 1, 2005

My Commission expires:

11/1/05

Donna K. Willis
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

EXHIBIT A
TO
EIGHTH 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)
- - -04/17-22-04	Doc. # <u>7</u> /Book <u>135</u> <u>583938</u>	Seventh	Benson Place – 3 rd Plat (5 th Expansion Property) and Detention Plat

7.22.04 583934 7.134 Detention Plat

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

Legal Description of Sixth Expansion Property: Lots D and E and Tracts 1 and 2, BENSON PLACE TOWNHOMES – THIRD PLAT, a subdivision in Kansas City, Clay County, Missouri, according to the recorded plat thereof.

Legal Description of Sixth Expansion Property 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 Northeast corner of said Southeast Quarter; thence South 0°31'26" West along the East line of said Southeast Quarter, 518.42 feet to the True Point of Beginning of the tract to be herein described; thence continuing South 0°31'26" West along said East line, 1345.96 feet; thence South 75°40'04" West, 876.80 feet; thence North 57°47'50" West, 96.06 feet to the Southeast corner of BENSON PLACE TOWNHOMES – FIRST PLAT, a subdivision in Kansas City, Clay County, Missouri; thence North 39°29'39" East along the Easterly line of said BENSON PLACE TOWNHOMES – FIRST PLAT, 182.14 feet; thence North 04°08'27" East along said Easterly line, 50.00 feet; thence North 34°01'16" East along said Easterly line, 137.85 feet; thence North 70°10'52" East along said Easterly line, 121.62 feet; thence North 32°24'14" East along said Easterly line, 130.15 feet; thence North 19°30'49" West along said Easterly line, 180.70 feet to the Southeast corner of BENSON PLACE TOWNHOMES – SECOND PLAT, a subdivision in Kansas City, Clay County, Missouri; thence North 29°11'25" East along the Easterly line of said BENSON PLACE TOWNHOMES – SECOND PLAT, 194.40 feet; thence North 15°11'33" East along said Easterly line, 68.68 feet; thence North 12°51'07" West along said Easterly line, 97.47 feet; thence North 45°06'40" West along said Easterly line, 180.79 feet; thence North 62°57'28" West along said Easterly line, 232.56 feet to a point on the Southerly line of WOODCHASE – FIRST PLAT, a subdivision in Kansas City, Clay County, Missouri; thence Northerly along said Southerly line, on a curve to the left, having an initial tangent bearing of North 08°57'17" East, a radius of 2035.00 feet, a central angle of 01°19'32", an arc distance of 47.08 feet; thence North 07°37'44" East along said Southerly line, 207.65 feet; thence South 87°43'06" East along said Southerly line, 260.17 feet; thence North 02°50'31" East along said Southerly line, 138.84 feet; thence Easterly along said Southerly line, on a curve to the right, having an initial tangent bearing of South 87°09'29" East, a radius of 1975.00 feet, a central angle of 09°55'39", an arc distance of 342.21 feet; thence Easterly along said Southerly line, on a curve to the left, having a common tangent with the last described course, a radius of 525.00 feet, a central angle of 12°46'10", an arc distance of 117.01 feet; thence North 90°00'00" East along said Southerly line, 110.94 feet to the True Point of Beginning. Containing 22.92 acres, more or less.

Note: The above-described property has been platted. The recording information identifying such Plat is shown in **Recital E** of the Supplemental Declaration to which this **Exhibit B** is attached.