

**HIGHLANDS CREEK
DECLARATION OF RESTRICTIONS
ADDITIONAL PHASE
(4th Plat)**

THIS DECLARATION is made as of the 11th day of March, 2005, by Highlands Group, a Kansas partnership (the "Developer");

WITNESSETH:

WHEREAS, the Developer has executed and filed with the Office of the Register of Deeds of Johnson County, Kansas (the "Recording Office"), an additional plat of the subdivision known as "Highlands Creek"; and

WHEREAS, such plat adds the following lots to the subdivision (the "Additional Lots"):

Lots 73 through 123, HIGHLANDS CREEK 4th Plat, a subdivision
in City of Leawood, Johnson County, Kansas.

WHEREAS, the Developer, as the owner of the Additional Lots, desires to subject the Additional Lots to the covenants, restrictions, easements and other provisions contained in that certain Highlands Creek Declaration of Restrictions, executed by the Developer and filed with the Recording Office as Instrument No. 3269165 in Book 7150 at Page 818 (the "Original Declaration").

NOW, THEREFORE, in consideration of the premises, the Developer, for itself and for its successors and assigns, and for its future grantees, hereby agrees and declares that all of the Additional Lots shall be, and they hereby are, subject to the covenants, restrictions, easements and other provisions set forth in the Original Declaration. As contemplated in Section 19 of the Original Declaration, this instrument shall have the effect of subjecting the Additional Lots to all of the provisions of the Original Declaration as though the Additional Lots had been originally described therein and subject to the provisions thereof.

Tracts E and F of Highlands Creek 4th Plat are "Common Areas" under the Original Declaration.

Notwithstanding the foregoing, the Additional Lots shall be subject to the following alternative or additional restrictions or provisions (with capitalized terms not defined herein having the meanings set forth in the Original Declaration):

1. Section 3(a) of the Original Declaration is hereby amended to read as follows for the Additional Lots:

(a) Exterior walls of all residences and all appurtenances thereto shall be of stucco, brick, stone, wood or other premium siding as specifically approved by the Developer, or any combination thereof. All front elevations shall include a substantial amount of natural stone or brick, unless, in Developer's sole determination, the architectural design is of a true "Tuscan" style with extensive Tuscan moldings. Batt and board and woodman siding are specifically not approved. All windows shall be constructed of glass, wood, metal or vinyl clad and wood laminate, or any combination thereof; provided, however, that storm windows may be constructed of colored metal (other than silver). All exterior doors and louvers shall be constructed of wood, metal or vinyl clad and wood laminate, colored metal (other than silver) and glass, or any combination thereof. Roofs shall be covered with slate or concrete tile or, with the specific written approval of the Developer in its absolute discretion, other materials. Notwithstanding the foregoing provisions of this Section 3 requiring or prohibiting specific building materials or products, any building materials or products that may be or come into general or acceptable usage for dwelling construction of comparable quality and style in the area, as determined by the Developer in its absolute discretion, shall be acceptable upon written approval by the Developer in its absolute discretion.

2. Section 8(b) (ii) of the Original Declaration is hereby amended to read as follows for the Additional Lots:

(ii) All retaining walls in the front yard or in a side yard, that are viewable from the front of the house, shall be poured concrete retaining walls finished in stucco and/or stone or brick to match the house; stacked stone walls, including landscape walls, shall not be permitted in these areas. Stacked stone walls, including landscaping walls, may be used in rear yards and side yards, if not viewable from the front of the house, if shown on the original site plan. In all instances, all walls shall be specifically approved by the Approving Party. In all instances, man-made stone walls and wood timber walls are specifically prohibited.

3. For the Additional Lots, the minimum expenditure on foundation plantings (excluding sod) in the front yard shall be \$5,000.00 for purposes of Section 11 of the Original Declaration.

IN WITNESS WHEREOF, the Developer has caused this Declaration to be duly executed the day and year first above written.

HIGHLANDS GROUP,
a Kansas general partnership

By: CASEY-MATT, INC., a partner

By: *Don D. Donahoo*
Don D. Donahoo, President

By: N. W. REALTY, INC., a partner

By: *Kenneth E. Nichols*
Kenneth E. Nichols, President

STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

BE IT REMEMBERED, That on this 11 day of March, 2005, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Don D. Donahoo, President of Casey-Matt, Inc., a Kansas corporation, and Kenneth E. Nichols, President of N. W. Realty, Inc., a Kansas corporation, who are personally known to me to be such officers, and who are personally known to me to be the same persons who executed, as such officers, the within instrument on behalf of said corporations, in their capacities as partners in and on behalf of Highlands Group, a Kansas general partnership, and such persons duly acknowledged the execution of the same to be the act and deed of said corporations and partnership.

IN WITNESS WHEREOF, I have hereto set my hand and affixed my official seal the day and year last above written.

My Commission Expires:

[SEAL]

CHRISTINE A. ALGEO
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Exp. 2/20/09

013073 / 023441
SNWOO 221908

Christine A. Algoe
Notary Public in and for said County and State

Print Name: Christine A. Algoe