

RECORDER'S CERTIFICATION
JACKSON COUNTY, MISSOURI
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200510023175



ROBERT T. KELLY, DIRECTOR OF RECORDS

(ABOVE SPACE RESERVED FOR RECORDER OF DEEDS' USE)

Document Title: Fourth Supplement to Amended and Restated Declaration of Homes Association and Covenants, Conditions, Restrictions and Easements of Eagle Creek
Document Date: March 17, 2005
Grantors Names: Hunt Midwest Real Estate Development, Inc., SAB Construction, LLC, Keleher Building Group, LLC, and D.C. Olsen, Inc.
Grantee Name: N/A
Statutory Address: Suite 100, 8300 N.E. Underground Drive, Kansas City, Missouri 64161
Legal Description: See Exhibit B attached - page 7
Reference Book and Page: Amended and Restated Declaration of Homes Association and Covenants, Conditions, Restrictions and Easements of Eagle Creek, Document No. 20031 0066203, Pages 1 - 48

**FOURTH SUPPLEMENT TO AMENDED AND RESTATED
DECLARATION OF HOMES ASSOCIATION AND
COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS
OF EAGLE CREEK**

THIS FOURTH SUPPLEMENT TO AMENDED AND RESTATED DECLARATION OF HOMES ASSOCIATION AND COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS OF EAGLE CREEK (this "Supplemental Declaration") is made and executed as of March 17, 2005, by HUNT MIDWEST REAL ESTATE DEVELOPMENT, INC., a Missouri corporation (the "Developer"), Suite 100, 8300 N.E. Underground Drive, Kansas City, Missouri 64161, and SAB CONSTRUCTION, LLC, KELEHER BUILDING GROUP, LLC and D.C. OLSEN, INC. (the "Undersigned Lot Owners").

RECITALS:

A. The Developer has been developing and continues to develop a residential Subdivision known as Eagle Creek in the City of Lee's Summit (the "City"), Jackson County, Missouri. The real property constituting the Eagle Creek Subdivision (the "Property" or the "Eagle Creek Property") prior to the date of this Supplemental Declaration is legally described as shown on Exhibit C to the amended and restated Declaration identified in Recital B below as expanded pursuant to the Supplemental Declaration(s) shown on EXHIBIT A attached hereto.

B. The Developer has executed that certain Amended and Restated Declaration of Homes Association and Covenants, Conditions, Restrictions and Easements of Eagle Creek, dated May 30, 2003, which was recorded on June 4, 2003, under Document No. 20031 0066203, Pages 1 - 48, in the Office of the Director of Records of Jackson County, Missouri, at Independence (the "Declaration"), pursuant to which Declaration the Developer continues to subject the Property to certain amended and modified covenants, conditions, restrictions and easements for the purpose of protecting the value and desirability of the Property. The Declaration amended and restated the previous Original Supplemented Declaration and Original Supplemented HOA Declaration identified and defined therein pursuant to which various parcels of property were made a part of the Subdivision. Pursuant to the Supplemental Declaration(s) identified on EXHIBIT A attached hereto, the Developer has expanded the Property to include additional real property as described therein.

C. Pursuant to Section 17.2 of the amended and restated 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. The Developer and the Undersigned Lot Owners presently own all of the Lots described in EXHIBIT B attached hereto (the "Restricted Lots").

E. The Developer desires to subject the Restricted Lots to the fencing restrictions set forth below and the Undersigned Lot Owners are willing to subject the Restricted Lots they own to such fencing restrictions.

NOW, THEREFORE, in consideration of the premises, the Developer states and declares as follows:

1. Fencing Restriction on Restricted Lots. The Restricted Lots 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.

2. Ratification of Amended and Restated 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, the Undersigned Lot Owners 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 or the Restricted Lots subject to the terms hereof.

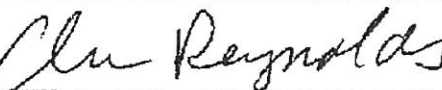
IN WITNESS WHEREOF, the Developer has caused this Supplemental Declaration to be executed by its duly authorized officers and the Undersigned Lot Owners have executed this Supplemental Declaration as of the day and year first above written.

All signatures must be in black ink!

DEVELOPER:

HUNT MIDWEST REAL ESTATE DEVELOPMENT, INC.

By:

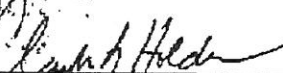


Ora H. Reynolds, Vice President and General Manager
of Residential Development

{Corporate Seal}

ATTEST:

By:

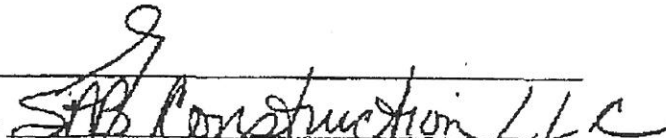

Donald K. Hagan, Secretary

Clayton L. Holder, Asst Sec.

UNDERSIGNED LOT OWNERS:
SAB CONSTRUCTION, LLC

By:

Printed Name:



Title:

Member

KELEHER BUILDING GROUP, LLC

By: [Signature]

Printed Name: PAT KELEHER

Title: VP FINANCE MEMBER

D.C. OLSEN, INC.

By: [Signature]

Printed Name: D. OLSEN

Title: CEO

ACKNOWLEDGMENTS

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

On this 15th day of March, 2005, 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.

[Signature]
Signature of Notary Public

CONNIE S THOMAS
NOTARY PUBLIC STATE OF MISSOURI
RAY COUNTY

Typed or Printed Name of Notary Public
MY COMMISSION EXP. JAN. 22, 2006

(Notary Seal)
PUBLIC
NOTARY

My Commission expires:

1-22-06

STATE OF MISSOURI)
COUNTY OF Clay) S.S.

On this 17th day of March, 2005, before me, the undersigned Notary Public in and for said County and State, personally appeared Pat Kelcher, who, being by me first duly sworn, did say that he/she is the/a VP Finance Member of Keleher Building Group, LLC, a Missouri limited liability company, that he/she executed the foregoing Supplemental Declaration on behalf of said limited liability company with full authority to do so and that he/she acknowledged that he/she so executed the same as the free act and deed of said limited liability company 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

Donna K. Willis
Signature of Notary Public
DONNA K. WILLIS
Notary Public - Notary Seal
STATE OF MISSOURI
County of Clay
Typed My Commission Expires November 1, 2005

My Commission expires:

11/1/05

STATE OF MISSOURI)
COUNTY OF Clay) S.S.

On this 17th day of March, 2005, before me, the undersigned Notary Public in and for said County and State, personally appeared Scott Bamberger, who, being by me first duly sworn, did say that he/she is the/a Owner of SAB Construction, LLC, a Missouri limited liability company, that he/she executed the foregoing Supplemental Declaration on behalf of said limited liability company with full authority to do so and that he/she acknowledged that he/she so executed the same as the free act and deed of said limited liability company 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

Donna K. Willis
Signature of Notary Public
DONNA K. WILLIS
Notary Public - Notary Seal
STATE OF MISSOURI
County of Clay
Typed or Printed Name
My Commission Expires November 1, 2005

My Commission expires:

11/1/05

STATE OF MISSOURI)
COUNTY OF Clay) S.S.

On this 17th day of March, 2005, before me, the undersigned Notary Public in and for said County and State, personally appeared Dave Olsen, who, being by me first duly sworn, did say that he/she is the/a CEO President of D.C. Olsen, Inc., a Missouri corporation, that he/she executed the foregoing Supplemental Declaration on behalf of said corporation under and with the authority of its Board of Directors and that he/she acknowledged that he/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
(Notary Seal)
STATE OF MISSOURI
County of Clay
My Commission Expires November 1, 2005

Donna K Willis
Signature of Notary Public
DONNA K. WILLIS
Notary Public - Notary Seal
STATE OF MISSOURI
County of Clay
My Commission Expires November 1, 2005

My Commission expires:

11/1/05

EXHIBIT A
TO
FOURTH SUPPLEMENT TO AMENDED AND RESTATED
DECLARATION OF HOMES ASSOCIATION AND
COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS
OF EAGLE CREEK

SUMMARY OF PLATS AND SUPPLEMENTS

<u>DATE EXECUTED/ DATE RECORDED</u>	<u>RECORDING INFO.</u>	<u>SUPPLEMENT #</u>	<u>INFORMATION</u>
05-30-03/06-04-03	Doc #20031 0066203 (Pages 1 -- 48)	Original	Amended and Restated Declaration of Homes Association and Covenants, Conditions, Restrictions and Easements
06-04-03/06-09-03	Doc #20031 0068065 (Pages 1 -- 4)	First	Eagle Creek -- Townhomes -- 1 st Plat
09-26-03/10/14/03	Doc #20031 0126509 (Pages 1 -- 6)	Second	Eagle Creek -- 8 th Plat
07-12-04/07-16-04	Doc #20041 0068231 (Pages 1 -- 5)	Third	Eagle Creek -- 9 th Plat

**EXHIBIT B
TO
FOURTH SUPPLEMENT TO AMENDED AND RESTATED
DECLARATION OF HOMES ASSOCIATION AND
COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS
OF EAGLE CREEK**

Legal Description of Restricted Lots:

Lots 349 through and including 364, EAGLE CREEK - NINTH PLAT, a subdivision in Lee's Summit, Jackson County, Missouri, according to the recorded plat thereof.