

0000 I 58893

FIRST SUPPLEMENT
TO
HOMES ASSOCIATION DECLARATION
OF
THE EAGLE CREEK HOME OWNERS ASSOCIATION

THIS FIRST SUPPLEMENT TO HOMES ASSOCIATION DECLARATION OF THE EAGLE CREEK HOME OWNERS ASSOCIATION (this "Supplemental Declaration") is made and executed as of August 16, 2000, by HUNT MIDWEST REAL ESTATE DEVELOPMENT, INC., a Missouri corporation (the "Developer"), with a notice mailing address at Suite 100, 8300 N.E. Underground Drive, Kansas City, Missouri 64161.

RECITALS

A. On August 20, 1998, the Developer executed that certain subdivision plat entitled "EAGLE CREEK - FIRST PLAT" (the "First Plat"), covering the real property formerly legally described as shown therein (and on Exhibit A attached to the Homes Association Declaration identified below), and platting the same into the Lots, Tracts, Common Areas, the streets, roadways and other areas shown and marked thereon (collectively, the "Property" or the "Eagle Creek Property" as identified therein and in the Homes Association Declaration identified below), which First Plat was approved on June 9, 1998, by the City Council of the City of Lee's Summit, Missouri (the "City"), and was recorded on December 29, 1998, under Document No. 1998I 0104091, in the Office of the Director of Records for Jackson County, Missouri, at Independence;

B. The Developer executed that certain Homes Association Declaration of The Eagle Creek Home Owners Association (the "Association"), dated December 18, 1998, which was recorded on December 29, 1998, as Document No. 1998I 0104093, in said Director of Records' Office (the "Homes Association Declaration"), pursuant to which the Developer subjected the Property to the covenants, conditions, restrictions and other matters set forth therein;

C. Under ARTICLE 8 of the Homes Association Declaration, the Developer reserved the right to expand the Property to include additional Lots, Common Areas and other property as set forth therein and in ARTICLE 6 of that certain Declaration of Covenants, Conditions, Restrictions and Easements of Eagle Creek (the "Declaration"), dated December 18, 1998, recorded on December 29, 1998, under Document No. 1998I 0104092, in said Director of Records' Office;

D. Pursuant to its right to do so therein contained, the Developer has amended, supplemented and modified the Declaration pursuant to those certain Supplement(s) thereto identified on Exhibit A attached to this Supplemental Declaration (each a "Supplement" or "Supplemental Declaration" further identified by number as shown on Exhibit A);

E. On AUGUST 15, 2000, Developer executed that certain subdivision plat entitled "EAGLE CREEK - SECOND PLAT" (the "Eagle Creek Second 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, and any Tracts, Common Areas, streets, roadways and other areas shown and marked thereon and as identified on Exhibit C attached to this Supplemental Declaration, (the "First Expansion Property") which Eagle Creek Second Plat was approved on AUG 18, 2000 the City Council of the City, and was recorded on SEPT, 2000, under Document No. X, in said Director of Records' Office;

* 2000 I 005889 ✓

F. On AUGUST 15, 2000, Developer executed that certain subdivision plat entitled "EAGLE CREEK - THIRD PLAT" (the "Eagle Creek 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, and any Tracts, Common Areas, streets, roadways and other areas shown and marked thereon and as identified on Exhibit C attached to this Supplemental Declaration, (the "Second Expansion Property"), which Eagle Creek Third Plat was approved on AUG 18, 2000 the City Council of the City, and was recorded on SEPT, 2000, under Document No. * 20001005891, in said Director of Records' Office;

G. The Developer presently owns all of the Lots, Tracts, any Common Areas or other property shown on the Eagle Creek Second Plat and the Eagle Creek Third Plat;

H. The Developer desires to exercise its right to expand the Eagle Creek Property to include the additional Lots, any Common Areas and other property which constitute the First Expansion Property and the Second Expansion Property and to subject the First and Second Expansion Properties to the covenants, conditions and provisions contained in the Homes Association Declaration, as supplemented and amended hereby;

I. Under Section 9.2 of the Homes Association Declaration, Owners (including the Developer) holding a majority of the votes possible to be cast under the Homes Association Declaration and the Developer may amend any provision of the Homes Association Declaration by supplemental declaration; and

J. The Developer presently owns Lots entitling it to cast a majority of the votes possible to be cast thereunder and it desires to amend the Homes Association Declaration as set forth herein.

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

1. Exercise of Expansion Right. The Developer hereby exercises its unilateral right to expand the Property to include the additional Lots, any Common Areas or other property which constitute the First Expansion Property and the Second Expansion Property.

2. Expansion Effective Upon Recording. The expansion set forth above shall be effective immediately upon filing of the Eagle Creek Second Plat, the Eagle Creek Third Plat and this Supplemental Declaration of record in the Office of the Director of Records for Jackson County, Missouri, at Independence. Recording of the Eagle Creek Second Plat, the Eagle Creek Third Plat and this Supplemental Declaration shall automatically grant, transfer and convey to the Association any new Common Area added by the First Expansion Property and the Second Expansion Property.

3. Expansion of Definitions. The definitions contained in the Homes Association Declaration are hereby expanded to encompass and refer to the Property as expanded by the First Expansion Property and the Second Expansion Property. For example, (i) "Common Area" means all tracts, Streets (except those previously, or by the Eagle Creek Second or Third Plats, dedicated to and accepted by the City), parks (except those previously, or by the Eagle Creek Second or Third Plats, dedicated to and accepted by the City), swimming pools and related facilities, recreational areas, open or green space areas, storm sewer drainage facilities and improvements and similar places, the use of which is dedicated to, or set aside for, the general, non-exclusive use of all Owners within the District, or which may, with appropriate consent, be used by all of the Owners within the District or reserved to the Association's use pursuant to easements all as listed, shown or identified in the Declaration or in the Eagle Creek First, Second or Third Plats, and (ii) "Lot" means all Lots described in the Declaration or in the Eagle Creek First, Second or Third Plats, and (iii) all references to the "Homes Association Declaration" shall mean the Homes Association Declaration as supplemented and amended by this Supplemental Declaration.

4. Homes Association Declaration Operative on New Lots and Common Area and Other Areas, if Any. The new Lots, any Common Areas or other property which constitute the First Expansion Property and the Second Expansion Property shall be subject to all terms and conditions of the Homes Association Declaration immediately upon recording of the Eagle Creek Second Plat, the Eagle Creek Third Plat and this Supplemental Declaration in the Office of the Director of Records' for Jackson County, Missouri, at Independence.


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.

HUNT MIDWEST REAL ESTATE DEVELOPMENT, INC.

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

By: Donald K. Hagan
Donald K. Hagan, Secretary

On this 16th day of August, 2000, before me, the undersigned Notary Public, appeared Ora H. Reynolds, who, being by me 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 First Supplement to Homes Association Declaration on behalf of said corporation under and with full authority and she acknowledged that she executed the same as the free act and deed of said corporation.


 Signature of Notary Public
 CONNIE S THOMAS
 NOTARY PUBLIC STATE OF MISSOURI
 RAY COUNTY
 MY COMMISSION EXP. JAN. 22, 2002
 Typed or Printed Name of Notary

1-27-02

Exhibit A

Previous Supplements to Declaration

DATE EXECUTED/ DATE RECORDED	RECORDING INFORMATION	SUPPLEMENT #	INFORMATION
12-18-98 / 12-29-98	Doc #1998I 0104093	Original	Full Homes Assoc. Document - includes Eagle Creek - First Plat

Exhibit B

Legal Description of First and Second Expansion Properties Prior to Platting

First Expansion Property

A subdivision of land in the Northeast Quarter of Section 23, Township 47, Range 32, Lee's Summit, Jackson County, Missouri, being bounded and described as follows: Commencing at the Southwest corner of said Northeast Quarter; thence South 87°45'23" East along the South line of said Northeast Quarter, 172.65 feet to the True Point of Beginning of the tract to be herein described; thence North 17°59'00" East, 467.94 feet; thence South 70°08'41" East, 10.51 feet; thence Easterly on a curve to the left, tangent to the last described course, having a radius of 805.00 feet, a central angle of 26°25'19", an arc distance of 371.23 feet; thence Northerly on a curve to the left, having a common tangent with the last described course, a radius of 25.00 feet, a central angle of 100°00'20", an arc distance of 43.64 feet; thence North 85°03'26" East, 50.88 feet; thence Southerly on a curve to the left, having an initial tangent bearing of South 14°45'49" East, a radius of 25.00 feet, a central angle of 89°11'08", an arc distance of 38.91 feet; thence Northeasterly on a curve to the left, having a common tangent with the last described course, a radius of 805.00 feet, a central angle 14°53'44", an arc distance of 209.28 feet; thence Northeasterly on a curve to the right, having a common tangent with the last described course, a radius of 1025.00 feet, a central angle of 02°10'41", an arc distance of 38.97 feet; thence Northerly on a curve to the left, having a common tangent with the last described course, a radius of 25.00 feet, a central angle of 90°48'50", an arc distance of 39.63 feet; thence North 69°35'22" East, 50.38 feet; thence Southerly on a curve to the left, having an initial tangent bearing of South 27°28'50" East, a radius of 25.00 feet, a central angle of 83°43'01", an arc distance of 36.53 feet; thence Northeasterly on a curve to the right, having a common tangent with the last described course, a radius of 1025.00 feet, a central angle of 03°50'11", an arc distance of 68.63 feet; thence North 72°38'20" East, 39.10 feet; thence Northeasterly on a curve to the right, tangent to the last described course, having a radius of 875.00 feet, a central angle of 15°24'30", an arc distance of 235.31 feet; thence Easterly on a curve to the right, having a common tangent with the last described course, a radius of 1030.00 feet, a central angle of 09°00'07", an arc distance of 161.83 feet to a point on the Westerly line of EAGLE CREEK - FIRST PLAT, a subdivision of land in Lee's Summit, Jackson County, Missouri; thence South 06°55'45" West along said Westerly line, 70.00 feet; thence Easterly along said Westerly line on a curve to the right, having an initial tangent bearing of South 83°04'15" East, a radius of 960.00 feet, a central angle of 02°42'58", an arc distance of 45.51 feet; thence South 00°05'07" West along said Westerly line, 180.60 feet; thence South 03°26'29" West along said Westerly line, 278.31 feet; thence South 86°33'31" East along said Westerly line, 65.70 feet; thence South 03°26'29" West along said Westerly line, 139.26 feet to the aforementioned South line of said Northeast Quarter; thence North 87°45'23" West along said South line, 1512.90 feet to the True Point of Beginning. Containing 17.17 acres, more or less.

Second Expansion Property

A subdivision of land in the Northeast Quarter of Section 23, Township 47, Range 32, Lee's Summit, Jackson County, Missouri, being bounded and described as follows: Commencing at the Southwest corner of said Northeast Quarter; thence South 87°45'23" East along the South line of said Northeast Quarter, 403.40 feet; thence North 02°14'37" East, 423.54 feet to a point on the Northerly right-of-way line of SW Eagle Creek Drive, as now established, said point being also the True Point of Beginning of the tract to be herein described; thence North 19°24'12" East, 260.53 feet; thence North 40°19'50" East, 130.59 feet; thence North 20°39'08" East, 127.88 feet; thence North 69°20'52" West, 31.61 feet; thence North 20°39'08" East, 223.87 feet; thence South 52°23'19" East, 185.44 feet; thence Northeasterly on a curve to the right, having an initial tangent bearing of North 37°36'41" East, a radius of 450.00 feet, an arc distance of 13.78 feet; thence South 50°38'02" East, 218.10 feet; thence South 45°39'09" East, 81.05 feet; thence South 59°01'14" East, 141.18 feet; thence South 17°25'01" East, 145.50 feet to a point on the aforementioned Northerly line of said SW Eagle Creek Drive; thence Southwesterly along said Northerly line, on a curve to the left, having an initial tangent bearing of South 73°49'09" West, a radius of 875.00 feet, an arc distance of 18.02 feet; thence South 72°38'20" West along said Northerly line, 39.10 feet; thence Southwesterly along said Northerly line, on a curve to the left, tangent to the last described course, having a radius of 1025.00 feet, an arc distance of 68.63 feet; thence Northerly along said Northerly line, on a curve to the right, having a common tangent with the last described course, a radius of 25.00 feet, an arc distance of 36.53 feet; thence

South 69°35'22" West along said Northerly line, 50.38 feet; thence Southerly along said Northerly line on a curve to the right, having an initial tangent bearing of South 27°28'50" East, a radius of 25.00 feet, an arc distance of 39.63 feet; thence Southwesterly along said Northerly line, on a curve to the left, having a common tangent with the last described course, a radius of 1025.00 feet, an arc distance of 38.97 feet; thence Southwesterly along said Northerly line, on a curve to the right, having a common tangent with the last described course, a radius of 805.00 feet, an arc distance of 209.28 feet; thence Northerly along said Northerly line, on a curve to the right, having a common tangent with the last described course, a radius of 25.00 feet, an arc distance of 38.91 feet; thence South 85°03'26" West along said Northerly line, 50.88 feet; thence Southerly along said Northerly line, on a curve to the right, having an initial tangent bearing of South 16°34'20" East, a radius of 25.00 feet, an arc distance of 43.64 feet; thence Westerly along said Northerly line, on a curve to the right, having a common tangent with the last described course, a radius of 805.00 feet, an arc distance of 274.43 feet to the True Point of Beginning. Containing 7.11 acres, more or less.

Note: The above-described First and Second Expansion Properties have been platted. The recording information identifying the Eagle Creek Second and Third Plats is shown in the Recital paragraphs of the Supplemental Declaration to which this Exhibit A is attached.

Exhibit C

Description of Lots Contained in Eagle Creek Second and Third Plats

Second Plat

Lots 52 through and including 97, EAGLE CREEK - SECOND PLAT, a subdivision in Lee's Summit, Jackson County, Missouri, according to the recorded plat thereof.

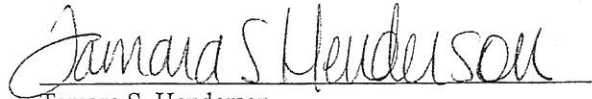
Third Plat

Lots 98 through and including 120, EAGLE CREEK - THIRD PLAT, a subdivision in Lee's Summit, Jackson County, Missouri, according to the recorded plat thereof.

CERTIFICATE
OF
SECRETARY
OF
THE EAGLE CREEK FARMS HOME OWNERS ASSOCIATION

I, Tamara S. Henderson, hereby certify that I am the duly elected and qualified Secretary of the Eagle Creek Home Owners Association. I hereby also certify that Hunt Midwest Real Estate Development, Inc., the Developer identified in the Declaration of Covenants, Conditions, Restrictions and Easements of Eagle Creek, dated December 18, 1998 (the "Declaration"), is the Owner and holder of all of the Class B stock of The Eagle Creek Home Owners Association and of sufficient Lots in the District to give Hunt Midwest Real Estate Development, Inc., a majority of the votes possible to be cast under the Declaration.

Dated this 16 day of August, 2000.


Tamara S. Henderson