

RECORDER'S CERTIFICATION
JACKSON COUNTY, MISSOURI
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2003I0068065

ROBERT T. KELLY, DIRECTOR OF RECORDS

(ABOVE SPACE RESERVED FOR RECORDER OF DEEDS' USE)

Document Title: First Supplement to Amended and Restated Declaration of Homes Association and Covenants, Conditions, Restrictions and Easements of Eagle Creek
Document Date: June 4, 2003
Grantor Names: Hunt Midwest Real Estate Development, Inc.
Grantee Names: N/A
Statutory Address: Suite 100, 8300 N.E. Underground Drive, Kansas City, Missouri 64161
Legal Description: See Exhibit A attached
Reference Book and Page: Amended and Restated Declaration of Homes Association and Covenants, Conditions, Restrictions and Easements of Eagle Creek, Document No. 2003I 0068065, Pages _____

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

THIS FIRST 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 June 4, 2003, 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. 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.

B. The Developer has executed that certain Amended and Restated Declaration of Homes Association and Covenants, Conditions, Restrictions and Easements of Eagle Creek, dated 5-30, 2003, which was recorded on 6-4, 2003, under Document No. 2003I 0068065, Pages n/a, 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.

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. Pursuant to Section 14.1 of the amended and restated 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 5-1, 2003, the Developer executed that certain subdivision plat entitled "EAGLE CREEK TOWNHOMES - FIRST PLAT" (the "Townhomes First Plat"), covering the real property formerly legally described as shown therein and on **EXHIBIT A** 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 "Eighth Expansion Property"), which Townhomes First Plat was approved on 5-14, 2003, by the City Council of the City, and was recorded on 6-4, 2003, under Document No. 200310000181, Pages 112, in said Director of Records' 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 First 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 Eighth Expansion Property and to subject the Eighth Expansion Property to the covenants, conditions, restrictions and easements contained within the amended and restated 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 Eighth Expansion Property.

2. **Expansion Effective Upon Recording.** The expansion set forth above, shall be effective immediately upon filing the Townhomes First Plat and this Supplemental Declaration of record in the Office of the Director of Records for Jackson County, Missouri, at Independence. Recording of the Townhomes First 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 Eighth Expansion Property.

3. **Expansion of Definitions.** The definitions contained in the amended and restated Declaration are hereby expanded to encompass and refer to the Property, as expanded by the Townhomes First Plat and this Supplemental Declaration to include the Eighth Expansion Property. For example, (i) "Lot" shall mean the Lots described in the amended and restated Declaration and in all prior plats described in the amended and restated Declaration, any subsequent plats and in the Townhomes First Plat and (ii) all references to the Declaration shall mean the amended and restated 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 Eighth Expansion Property, shall be subject to all of the terms and conditions of the amended and restated Declaration immediately upon recording of the Townhomes First Plat and this Supplemental Declaration in the Office of the Director of Records for Jackson County, Missouri, at Independence.

5. **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 amended and restated Declaration, hereby ratifies, affirms and confirms all covenants, conditions, restrictions and easements contained in the amended and restated 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 Eighth 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)
COUNTY OF CLAY) S.S.

On this 4th day of June, 2003, 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

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

Legal Description of Eighth Expansion Property: Lots A, B and C, EAGLE CREEK TOWNHOMES – FIRST PLAT, a subdivision in Lee's Summit, Jackson County, Missouri, according to the recorded plat thereof.

Legal Description of Eighth Expansion Property Prior to Platting:

A subdivision of land in the Northeast Quarter of Section 23, Township 47, Range 32, City of Lee's Summit, Jackson County, Missouri, being bounded and described as follows:

Commencing at the Northeast Corner of said Northeast Quarter; thence North 87°37'40" West along the North line of said Northeast Quarter, 1704.13 feet; thence South 02°22'20" West, 219.49 feet to the True Point of Beginning of the tract to be herein described; thence South 67°08'49" West, 345.88 feet; thence South 02°46'08" West, 701.26 feet to a point on the Northerly right-of-way line of SW Eagle View Drive, as now established; thence Easterly along said Northerly line, on a curve to the left, having an initial tangent bearing of South 86°53'05" East, a radius of 770.00 feet, a central angle of 20°21'34", an arc distance of 273.61 feet; thence Northerly along said Northerly line, on a curve to the left, having a common tangent with the last described, a radius of 25.00 feet, a central angle of 93°50'54", an arc distance of 40.95 feet; thence North 68°54'27" East along said Northerly line, 50.00 feet; thence Southeasterly along said Northerly line, on a curve to the left, having an initial tangent bearing of South 21°05'33" East, a radius of 25.00 feet, a central angle of 93°50'54", an arc distance of 40.95 feet; thence Northeasterly along said Northerly line, on a curve to the left, having a common tangent with the last described course, a radius of 770.00 feet, a central angle of 01°37'23", an arc distance of 21.81 feet; thence North 63°26'11" East along said Northerly line, 289.12 feet; thence Northeasterly along said Northerly line, on a curve to the right, tangent to the last described course, having a radius of 1362.00 feet, a central angle of 02°25'40", an arc distance of 57.71 feet; thence Northerly along said Northerly line, 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 87°43'39", an arc distance of 38.28 feet; thence North 67°43'25" East along said Northerly line, 50.00 feet; thence Southeasterly along said Northerly line, on a curve to the left, having an initial tangent bearing to South 21°51'48" East, a radius of 25.00, a central angle of 88°08'26", an arc distance of 38.46 feet; thence Easterly along said Northerly line, on a curve to the right, having a common tangent with the last described course, a radius of 1362.00 feet, a central angle of 04°18'04", an arc distance of 102.25 feet; thence North 21°51'48" West, 502.38 feet; thence North 75°06'27" West, 142.83 feet; thence Southerly on a curve to the right, having an initial tangent bearing of South 37°56'25" West, a radius of 375.00 feet, a central angle of 05°04'08", an arc distance of 33.17 feet; thence South 43°00'32" West, 35.60 feet; thence North 63°28'54" West, 180.72 feet to the True Point of Beginning. Containing 11.88 acres, more or less.

RETURN DOCUMENT TO:

Jan-LS

ATTN: _____

SECURITY LAND TITLE COMPANY

FILE NO. IN 202508

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 A is attached.