

RECORDER'S CERTIFICATION  
JACKSON COUNTY, MISSOURI  
07/16/2004 01:27:33 PM

INSTRUMENT TYPE: REST FEE: \$33.00 5 Pages



INSTRUMENT NUMBER/BOOK & PAGE:

200410068231



ROBERT T. KELLY, DIRECTOR OF RECORDS

(ABOVE SPACE RESERVED FOR RECORDER OF DEEDS' USE)

Document Title: Third Supplement to Amended and Restated Declaration of Homes Association and Covenants, Conditions, Restrictions and Easements of Eagle Creek  
Document Date: July 12, 2004  
Grantor Names: Hunt Midwest Real Estate Development, Inc.  
Grantee Names: ~~NA~~ EAGLE CREEK - NINTH PLAT LOTS 349 THRU 400\*  
Statutory Address: Suite 100, 8300 N.E. Underground Drive, Kansas City, Missouri 64161  
Legal Description: See Exhibit B attached  
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

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

THIS THIRD 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 July 12, 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. 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.

**\* INCLUSIVE AND TRACT E**

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 June 9, 2004, the Developer executed that certain subdivision plat entitled "EAGLE CREEK - NINTH PLAT" (the "Ninth 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 "Tenth Expansion Property"), which Ninth Plat was approved on July 16, 2004, by the City Council of the City, and was recorded on July 16, 2004, under Document No. 2004I 0068230, 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 Ninth 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 Tenth Expansion Property and to subject the Tenth 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 Tenth Expansion Property.

2. Expansion Effective Upon Recording. The expansion set forth above, shall be effective immediately upon filing the Ninth Plat and this Supplemental Declaration of record in the Office of the Director of Records for Jackson County, Missouri, at Independence. Recording of the Ninth 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 Tenth 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 Ninth Plat and this Supplemental Declaration to include the Tenth 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 Ninth Plat and (ii) all references to the Declaration shall mean the amended and restated Declaration as previously supplemented and 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 Tenth Expansion Property, shall be subject to all of the terms and conditions of the amended and restated Declaration immediately upon recording of the Ninth 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 Tenth 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.



By:

*Ora H. Reynolds*

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

By:

*Donald K. Hagan*

Donald K. Hagan, Secretary

ACKNOWLEDGMENT

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

On this 12<sup>th</sup> day of July, 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

*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  
Typed or Printed Name of Notary

My Commission expires:

11/1/05

EXHIBIT A  
TO  
THIRD 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 <sup>st</sup> Plat
09-26-03/10/14/03	Doc #20031 0126509 (Pages 1 - 6)	Second	Eagle Creek -- 8 <sup>th</sup> Plat (Lots 283 - 348 and Tract D)

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

**Legal Description of Tenth Expansion Property:** EAGLE CREEK - NINTH PLAT, LOTS 349 THRU 400, INCLUSIVE, AND TRACT E, a subdivision in Lee's Summit, Jackson County, Missouri, according to the recorded plat thereof.

**Legal Description of Tenth Expansion Property Prior to Platting:**

A subdivision of land in the Northwest Quarter and the Southwest 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 Southwest Quarter; thence North 87°45'23" West along the North line of said Southwest Quarter, 815.58 feet; thence South 02°14'37" West, 82.92 feet to a point on the Westerly line of EAGLE CREEK - EIGHTH PLAT, a subdivision in City of Lee's Summit, Jackson County, Missouri, said point being also the True Point of Beginning of the tract to be herein described; thence South 42°57'27" East along said Westerly line, 183.00 feet; thence South 32°45'15" East along said Westerly line, 50.00 feet; thence Northeasterly along said Westerly line, on a curve to the left, having an initial tangent bearing of North 57°14'45" East, a radius of 925.00 feet, a central angle of 07°45'52", an arc distance of 125.35 feet; thence Easterly along said Westerly line, on a curve to the right, having a common tangent with the last described course, a radius of 15.00 feet, a central angle of 87°33'40", an arc distance of 22.92 feet; thence South 42°57'27" East along said Westerly line, 122.11 feet; thence South 42°01'24" West, 33.32 feet; thence South 58°19'17" West, 270.92 feet; thence South 71°17'01" West, 280.18 feet; thence South 88°02'56" West, 160.34 feet; thence North 88°26'02" West, 211.10 feet; thence North 71°37'52" West, 351.38 feet; thence North 50°37'41" West, 47.87 feet; thence North 31°24'10" East, 140.29 feet; thence Westerly on a curve to the right, having an initial tangent bearing of North 58°35'50" West, a radius of 925.00 feet, a central angle of 07°07'26", an arc distance of 115.01 feet; thence North 38°31'47" East, 180.00 feet; thence North 45°28'13" West, 155.85 feet; thence North 37°54'04" West, 234.20 feet; thence North 52°10'25" East, 517.86 feet; thence North 54°18'37" East, 50.00 feet; thence North 59°43'53" East, 91.06 feet; thence North 65°56'20" East, 70.28 feet to the Northwest corner of the aforementioned EAGLE CREEK - EIGHTH PLAT; thence South 21°12'38" East, along the Westerly line of said EAGLE CREEK - EIGHTH PLAT, 132.39 feet; thence South 29°23'25" East along said Westerly line, 224.33 feet; thence South 62°46'49" West along said Westerly line, 179.78 feet; thence South 58°35'57" West along said Westerly line, 98.63 feet; thence South 35°30'57" East along said Westerly line, 130.00 feet; thence Southwesterly along said Westerly line, on a curve to the left, having an initial tangent bearing of South 54°29'03" West, a radius of 725.00 feet, a central angle of 03°28'04", an arc distance of 43.88 feet; thence South 38°59'01" East along said Westerly line, 186.61 feet; thence South 52°14'04" West along said Westerly line, 73.96 feet; thence South 46°46'52" East along said Westerly line, 84.59 feet; thence South 59°51'57" East along said Westerly line, 73.04 feet; thence North 88°34'19" East along said Westerly line, 132.75 feet; thence North 72°48'25" East along said Westerly line, 133.09 feet; thence North 30°45'55" East along said Westerly line, 79.01 feet; thence North 55°59'14" East along said Westerly line, 44.27 feet to the True Point of Beginning. Containing 15.98 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.

RETURN DOCUMENT TO:  
HUNT MOWEST  
8300 NE 11th Avenue  
#100 KC MO 64116  
ATTN: KIM GRADINGS  
SECURITY LAND TITLE COMPANY  
FILE NO. 1N0400331