

RECORDER'S CERTIFICATION
JACKSON COUNTY, MISSOURI

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MARY HELEN MURPHY, DIRECTOR OF RECORDS

(ABOVE SPACE RESERVED FOR RECORDER OF DEEDS' USE)

Document Title: Fourth Supplement to Declaration of Covenants, Conditions, Restrictions and Easements of Eagle Creek
Document Date: July 8, 2002
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 Exhibits B and C attached
Reference Book and Page: Declaration of Covenants, Conditions, Restrictions and Easements of Eagle Creek, Document No. 1998I-0104092

FOURTH SUPPLEMENT
TO
DECLARATION OF COVENANTS, CONDITIONS,
RESTRICTIONS AND EASEMENTS
OF
EAGLE CREEK

THIS FOURTH SUPPLEMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS OF EAGLE CREEK (this "Supplemental Declaration") is made and executed as of July 8, 2002, 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 Declaration, defined below); and platting the same into certain Lots, Tracts, Common Areas, the streets, roadways and other areas shown and marked on the First Plat as identified therein and in the Declaration, defined below (collectively, the "Property" or the "Eagle Creek Property"), which First Plat was approved on June 9, 1998, by the City Council of the City of Lee's Summit, Missouri 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 has executed that certain Declaration of Covenants, Conditions, Restrictions and Easements of Eagle Creek, dated December 18, 1998, which was recorded on December 29, 1998, under Document No. 1998I 0104092, in said Director of Records Office (the "Declaration"), pursuant to which the Developer subjected the Property (the "Eagle Creek Property"), to certain covenants, conditions, restrictions and easements for the purpose of protecting the value and desirability of the Eagle Creek Property and creating, establishing, maintaining and preserving a residential neighborhood possessing features of more than ordinary value;

C. Pursuant to its right to do so therein contained, the Developer has amended, supplemented and modified the Declaration pursuant to those certain Supplements 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**);

D. The Developer has also executed that certain Homes Association Declaration of The Eagle Creek Homes 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");

E. On _____, 2002, the Developer executed that certain subdivision plat entitled "EAGLE CREEK - FOURTH PLAT" (the "Fourth Plat"), covering the real property formerly legally described as shown therein and on **Exhibit B** to this Supplemental Declaration, and platting the same into the Lots and any Tracts, streets, roadways and other areas shown and marked thereon and as identified on **Exhibit C** attached to this Supplemental Declaration (the "Fifth Expansion Property"), which Fourth Plat was approved on _____, 2002, by the City Council of the City, and was recorded on _____, 2002, under Document No. 2002I-_____, in said Director of Records' Office;

F. In Article 6 of the Declaration, the Developer reserved the right to unilaterally expand the Eagle Creek Property governed by the Declaration to include additional Lots, Common Areas and other real estate added to the Subdivision;

G. The Developer presently owns all of the Fifth Expansion Property;

H. The Developer desires to exercise its unilateral right to expand the Eagle Creek Property to include the Fifth Expansion Property and to subject the Fifth Expansion Property to the covenants, conditions, restrictions and easements set forth in the Declaration so that all of the Fifth Expansion Property shall hereafter be held, sold and conveyed subject to the Declaration, as previously supplemented and amended and by the terms hereof;

I. Under 9.2 of the Declaration, at any time the Developer owns any Class B stock of the Association, the Declaration may be amended, by the execution of a supplemental declaration which is approved by Owners (including the Developer) holding a majority of the votes possible to be cast under the Homes Association Declaration and the Developer; and

J. The Developer presently owns all of the Class B stock of the Association, owns Lots entitling it to cast a majority of the votes possible to be cast under the Declaration and desires to amend the Declaration as set forth herein.


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

1. **Exercise of Expansion Right: Effective Date of Expansion.** The Developer hereby exercises its right to expand the Eagle Creek Property to include the additional Lots, Tracts and Common Areas, if any, constituting the Fifth Expansion Property. The expansion of the Eagle Creek Property shall be effective immediately upon the recording of the Eagle Creek Fourth Plat and this Supplemental Declaration of record in the Office of the Director of Records for Jackson County, Missouri, at Independence.

(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

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

ACKNOWLEDGEMENT

STATE OF MISSOURI)
COUNTY OF CLAY) SS.

On this 1st day of July, 2002, 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 Fourth Supplement to Declaration of Covenants, Conditions, Restrictions and Easements on behalf of said corporation, with full authority to do so, and she acknowledged that she executed the same as the free act and deed of said corporation.

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

Donna K. Willis
Signature of Notary Public in and for said County and State

DONNA K WILKS
NOTARY PUBLIC STATE OF MISSOURI
CLAY COUNTY
MY COMMISSION EXP. NOV. 1, 2018

Typed or Printed Name of Notary Public

My Commission expires:

11/1/05

Exhibit A

Previous Supplements to Declaration

| DATE EXECUTED/ DATE RECORDED | DOCUMENT NUMBER/ PAGES (RECORDING INFORMATION) | SUPPLEMENT # | INFORMATION |
|---------------------------------|---|--------------|--|
| 12-18-98/12-29-98 | Document #1998I 0104092 (1-14) | Original | Full CC&R Document -- includes Eagle Creek -- 1 st Plat |
| 10-13-99/10-20-99 | Document #1999I 0084625 (1-8) | First | Eagle Creek - 1 st Plat -- Fencing Restrictions |
| 08-16-00/09-05-00 Expands | Document #2000I0058892 (1-10) | Second | Eagle Creek -- 2 nd Plat and 3 rd Plat -- Property to include Eagle Creek 2 nd Plat (1 st Expansion Property) and Eagle Creek 3 rd Plat (2 nd Expansion Property) |
| _____-02/_____-02 | Document #2002I _____ (_____-_____-) | Third | Eagle Creek -- 5 th Plat and 6 th Plat -- Expands Property to include Eagle Creek 5 th Plat (3 rd Expansion Property) and Eagle Creek 6 th Plat (4 th Expansion Property) |

Exhibit B

Legal Description of Fifth Expansion Property

A subdivision of land in the Northeast Quarter and the Northwest 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 Southwest corner of said Northeast Quarter; thence North 02°43'24" East along the West line of said Northeast Quarter, 394.98 feet; thence South 87°16'36" East, 280.00 feet to a point on the Westerly line of EAGLE CREEK – SECOND PLAT, a subdivision in the 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 North 70°08'41" West, 438.11 feet; thence Westerly on a curve to the left, tangent to the last described course, having a radius of 470.00 feet, a central angle of 25°38'35", an arc distance of 210.35 feet; thence Northerly on a curve to the right, having a common tangent with the last described course, a radius of 530.00 feet, a central angle of 92°10'01", an arc distance of 852.57 feet; thence North 03°37'14" West, 284.90 feet; thence Northerly on a curve to the right, tangent to the last described course, having a radius of 480.00 feet, a central angle of 01°58'42", an arc distance of 16.57 feet; thence North 88°21'27" East, 199.31 feet; thence South 71°53'18" East, 90.04 feet; thence South 76°33'08" East, 106.18 feet; thence South 88°50'32" East, 132.04 feet; thence North 76°40'25" East, 65.69 feet; thence South 11°51'51" East, 179.34 feet; thence Westerly on a curve to the right, having an initial tangent bearing of South 78°08'09" West, a radius of 675.00 feet, a central angle of 01°11'55", an arc distance of 14.12 feet; thence South 10°39'56" East, 121.05 feet; thence South 86°25'45" East, 87.70 feet; thence South 65°10'18" East, 214.28 feet; thence North 23°47'09" East, 23.45 feet; thence North 26°22'25" East, 175.85 feet; thence North 33°25'06" East, 125.10 feet; thence North 38°17'44" East, 74.14 feet; thence South 52°23'24" East, 170.00 feet; thence Southerly on a curve to the left, having an initial tangent bearing of South 37°36'36" West, a radius of 1025.00 feet, a central angle of 0°21'12", an arc distance of 6.32 feet; thence South 51°39'26" East, 130.01 feet; thence South 43°24'14" East, 264.02 feet to a point on the Westerly line of EAGLE CREEK – THIRD PLAT, a subdivision in the City of Lee's Summit, Jackson County, Missouri; thence South 69°20'52" East along said Westerly line, 31.61 feet; thence South 20°39'08" West along said Westerly line, 127.88 feet; thence South 40°19'50" West along said Westerly line, 130.59 feet; thence South 19°24'12" West along said Westerly line, 260.53 feet to a point on the Northerly right-of-way line of SW Eagle Creek Drive, as now established; thence Westerly along said Northerly line, on a curve to the right, having an initial tangent bearing of North 77°02'03" West, a radius of 805.00 feet, a central angle of 06°53'23", an arc distance of 96.80 feet; thence North 70°08'41" West along said Northerly line, 10.51 feet to a point on the aforementioned Westerly line of said EAGLE CREEK – SECOND PLAT; thence South 17°59'00" West along said Westerly line, 60.03 feet to the True Point of Beginning. Containing 20.87 acres, more or less.

Exhibit C

Legal Description of Lots Contained in Fourth Plat

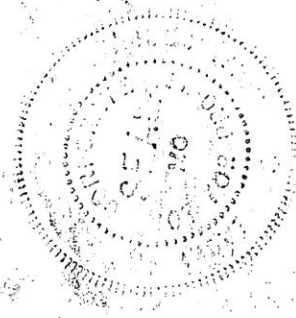
Lots 121 through and including 169 and Lot 229, EAGLE CREEK – FOURTH PLAT, a subdivision in Lee's Summit, Jackson County, Missouri, according to the recorded plat thereof.

CERTIFICATE
OF
SECRETARY
OF
THE EAGLE CREEK 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 8th day of July, 2002.


Tamara S. Henderson



RETURN DOCUMENT TO:
HmRE
Front
ATTN: _____
SECURITY LAND TITLE COMPANY
FILE NO. 1N02008854