

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

THIS THIRD SUPPLEMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS OF EAGLE CREEK (this "Supplemental Declaration") is made and executed as of August 21, 2001, 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 Sept 17, 2001, the Developer executed that certain subdivision plat entitled "EAGLE CREEK - FIFTH PLAT" (the "Fifth 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 "Third Expansion Property"), which Fifth Plat was approved on June 7.

2001, by the City Council of the City, and was recorded on Oct. 9, 2001, under Document No. 2001T, in said Director of Records' Office;

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F. On Aug. 22, 2001, the Developer executed that certain subdivision plat entitled "EAGLE CREEK - SIXTH PLAT" (the "Sixth 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 "Fourth Expansion Property"), which Sixth Plat was approved on June 7, 2001, by the City Council of the City, and was recorded on Oct. 9, 2001, under Document No. 2001T in said Director of Records' Office;

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G. 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;

H. The Developer presently owns all of the Third Expansion Property and the Fourth Expansion Property;

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

J. 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

K. 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 Third Expansion Property and the Fourth Expansion Property. The expansion of the Eagle Creek Property shall be effective immediately upon the recording of the Eagle Creek Fifth Plat, the Eagle Creek Sixth Plat and this Supplemental Declaration of record in the Office of the Director of Records for Jackson County, Missouri, at Independence.

2. Expansion of Definitions. Upon the effectiveness of the expansion of the Eagle Creek Property, the definitions contained in the Declaration shall immediately, for all purposes, be expanded to include the Third Expansion Property and the Fourth Expansion Property within the term the "Property". For example, the term "Lot" shall mean the lots described in the First Plat and the Original Declaration plus the additional Lots added by previous plats, the Fifth and Sixth Plats and this Supplemental Declaration. Additionally, all references to the "Declaration" shall mean the Declaration, as previously supplemented and amended and by this Supplemental Declaration.

Eagle Creek 5<sup>th</sup> & 6<sup>th</sup> Plats

# Exhibit A

## Previous Supplements to Declaration

DATE EXECUTED/ DATE RECORDED	DOCUMENT NUMBER/ RECORDING INFORMATION	SUPPLEMENT #	INFORMATION
12-18-98/ 12-29-98	Doc #1998I 0104092 (1 - 14)	Original	Full CC&R Document - includes Eagle Creek - First Plat
10-13-99/ 10-20-99	Doc #1999I 0084625 (1 - 8)	First Supplement	Eagle Creek - 1 <sup>st</sup> Plat - Fencing Restrictions
08-16-00/ 09-05-00	Doc #2000I0058892 (1 - 10)	Second Supplement	Eagle Creek - 2 <sup>nd</sup> & 3 <sup>rd</sup> Plats - Expands Property to include Eagle Creek 2 <sup>nd</sup> Plat (First Expansion Property) and Eagle Creek 3 <sup>rd</sup> Plat (Second Expansion Property)

## Exhibit B

### Legal Descriptions of Third and Fourth Expansion Properties

#### Third 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 Southeast corner of said Northeast Quarter; thence North 02°46'08" East along the East line of said Northeast Quarter, 973.98 feet to the True Point of Beginning of the tract to be herein described, said point being also a point on the Northerly line of EAGLE CREEK - FIRST PLAT, a subdivision in Lee's Summit, Jackson County, Missouri; thence North 87°13'52" West along said Northerly line, 50.00 feet; thence Southerly along said Northerly line on a curve to the right, having an initial tangent bearing of South 02°46'08" West, a radius of 25.00 feet, a central angle of 85°26'53", an arc distance of 37.28 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 290.00 feet, a central angle of 59°23'11", an arc distance of 300.58 feet; thence North 35°59'56" West along said Northerly line, 172.53 feet; thence North 52°46'05" West along said Northerly line, 63.18 feet; thence North 75°06'10" West along said Northerly line, 123.32 feet; thence South 88°22'04" West along said Northerly line, 134.13 feet; thence North 86°06'57" West along said Northerly line, 248.33 feet; thence South 40°32'01" West along said Northerly line, 146.37 feet; thence South 06°55'45" West along said Northerly line, 198.88 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 left, having an initial tangent bearing of North 83°04'15" West, a radius of 1030.00 feet, a central angle of 09°00'07", an arc distance of 161.83 feet; thence Westerly along said Northerly line, on a curve to the left, having an initial tangent bearing of South 88°02'50" West, a radius of 875.00 feet, a central angle of 14°13'43", an arc distance of 217.29 feet to the Southeasterly corner of EAGLE CREEK - THIRD PLAT, a subdivision in Lee's Summit, Jackson County, Missouri; thence North 17°25'01" West, along the Easterly line of said EAGLE CREEK - THIRD PLAT, 145.50 feet; thence North 39°33'03" East, 212.91 feet; thence North 33°17'39" East, 173.45 feet; thence Northwesterly on a curve to the left, having an initial tangent bearing of North 54°48'43" West, a radius of 400.00 feet, a central angle of 03°56'46", an arc distance of 27.55 feet; thence North 31°14'31" East, 170.86 feet; thence North 02°18'29" East, 74.69 feet to a point on the North line of the South One-Half of said Northeast Quarter; thence South 87°41'31" East along said North line, 1228.64 feet to the Northeast corner of the aforementioned South One-Half of said Northeast Quarter; thence South 02°46'08" West along the aforementioned East line of said Northeast Quarter, 349.85 feet to the True Point of Beginning. Containing 13.68 acres, more or less.

#### Fourth Expansion Property

A subdivision of land in the South One-Half of 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 Northwest corner of the South One-Half of said Northeast Quarter; thence South 87°41'31" East along the North line of said South One-Half, 721.35 feet to the True Point of Beginning of the tract to be herein described; thence continuing South 87°41'31" East along said North line, 704.45 feet; thence South 02°18'29" West, 74.69 feet; thence South 31°14'31" West, 170.86 feet; thence Southeasterly on a curve to the right, having an initial tangent bearing of South 58°45'29" East, a radius of 400.00 feet, a central angle of 03°56'46", an arc distance of 27.55 feet; thence South 33°17'39" West, 173.45 feet; thence South 39°33'03" West, 212.91 feet to a point on the Northerly line of EAGLE CREEK - THIRD PLAT, a subdivision in Lee's Summit, Jackson County, Missouri; thence North 59°01'14" West along said Northerly line, 141.18 feet; thence North 45°39'09" West along said Northerly line, 81.05 feet; thence North 50°38'02" West along said Northerly line, 218.10 feet; thence Southwesterly along said Northerly line, on a curve to the left, having an initial tangent bearing of South 39°21'58" West, a radius of 450.00 feet, a central angle of 01°45'17", an arc distance of 13.78 feet; thence North 52°23'19" West along said Northerly line, 177.31 feet; thence North 23°52'16" East, 227.70 feet to the True Point of Beginning. Containing 6.52 acres, more or less.

Exhibit C

Legal Descriptions of Lots Contained in Fifth and Sixth Plats

Fifth Plat

Lots 170 through and including 208, EAGLE CREEK - FIFTH PLAT, a subdivision in Lee's Summit, Jackson County, Missouri, according to the recorded plat thereof.


Sixth Plat

Lots 209 through and including 228, EAGLE CREEK - SIXTH 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 21<sup>st</sup> day of August, 2001.

  
Tamara S. Henderson