

RECORDER'S CERTIFICATION
JACKSON COUNTY, MISSOURI
09/09/2002 10:19:40 AM

INSTRUMENT TYPE: MISC FEE: \$38.00 7 Pages



INSTRUMENT NUMBER/BOOK & PAGE:

200210077721

MARY HELEN MURPHY, DIRECTOR OF RECORDS

(ABOVE SPACE RESERVED FOR RECORDER OF DEEDS' USE)

Document Title: Third Supplement to Homes Association Declaration of The Eagle Creek Home Owners Association
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: Homes Association Declaration of The Eagle Creek Home Owners Association, Document No. 1998I-0104093

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

THIS THIRD SUPPLEMENT TO HOMES ASSOCIATION DECLARATION OF THE EAGLE CREEK HOME OWNERS ASSOCIATION (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 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 Recorder of Deeds 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 the Office of the Recorder of Deeds for Jackson County, Missouri, at Independence (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 Recorder's Office, as such Declaration has been amended and supplemented.

D. Pursuant to its right to do so therein contained, the Developer has amended, supplemented and modified the Homes Association Declaration pursuant to those certain Supplements to the Homes Association Declaration 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 _____, 2002, the Developer executed that certain subdivision plat entitled "EAGLE CREEK - FOURTH PLAT" (the "Eagle Creek Fourth 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 "Fifth Expansion Property"), which Eagle Creek Fourth Plat was approved on _____, 2002, by the City Council of the City, and was recorded on _____, 2002, under Document No. 2002I-_____, in said Recorder's Office.

F. The Developer presently owns all of the Lots, Tracts, any Common Areas or other property shown on the Eagle Creek Fourth Plat.

G. 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 Fifth Expansion Property and to subject the Fifth Expansion Property to the covenants, conditions and provisions contained in the Homes Association Declaration, as previously supplemented and amended and as supplemented and amended hereby.

H. 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.

I. 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.

J. For purposes of this Supplemental Declaration, the Property and the Second, Third and Fourth Expansion Properties are collectively referred to herein as the "Eagle Creek Property".

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 Fifth Expansion Property.

2. **Expansion Effective Upon Recording.** The expansion set forth above shall be effective immediately upon filing of the Eagle Creek Fourth Plat and this Supplemental Declaration of record in the Office of the Recorder of Deeds for Jackson County, Missouri, at Independence. Recording of the Eagle Creek Fourth Plat and this Supplemental Declaration shall automatically grant, transfer and convey to the Association any new Common Area added by the Fifth 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 previously expanded and as expanded by the Fifth Expansion Property. For example, (i) "Common Area" means all tracts, Streets (except those previously, or by the Eagle Creek Fourth Plat, dedicated to and accepted by the City), parks (except those previously, or by the Eagle Creek Fourth Plat, 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

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 Fifth 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 Fourth Plat and this Supplemental Declaration. Additionally, all references to the "Declaration" shall mean the Declaration, as previously supplemented and amended and by this Supplemental Declaration.

3. **Association Documents Operative on New Lots, Tracts and Common Areas.** Immediately upon the recording of this Supplemental Declaration in the public records in said Office of Director of Records, the Fifth Expansion Property shall be subject to all of the terms and conditions of the Association Documents including, without limitation, the Declaration, as previously supplemented and amended and by this Supplemental Declaration, and the Homes Association Declaration, as supplemented and amended before and on the date hereof.

4. **Landscaping Reservations, Rights and Easements.** The south fifteen (15) feet of Lots 121, 139, 140, 149 and 150 and the southwest or west, as applicable, fifteen (15) feet of Lots 155, 156, 157 and 164 (which abut S.W. Eagle Creek Drive) of the Fifth Expansion Property (i.e. the Fourth Plat) [the "Restricted Areas"] are hereby subjected to the following:

(a) The Developer, for itself and the Association, reserves and retains an exclusive perpetual easement over, along, across, through and under the Restricted Areas for the installation, location, erection, placement, construction, reconstruction, replacement, maintenance, operation and repair of landscaping and landscape features of any and all kinds including, without limitation, sod or seeding with grass, herbaceous plantings, planting of trees and shrubs of any and all kinds, sculptures or art works and fencing of any kind (i.e. split rail, white farm, wrought iron, cedar or otherwise) [collectively, the "Landscape Features"].

(b) The foregoing notwithstanding, until such time as the Developer or the Association installs any such Landscape Features (which it or they may, but shall not be obligated to, do at any time), the Owners of the Lots which contain the Restricted Areas shall sod or seed with grass and mow and maintain such Restricted Areas in good condition.

5. **Fencing Restriction on Certain Lots.** Lots 121, 122, 123, 124, 125, 126, 127, 128, 129, 139, 140, 149, 150, 155, 156, 157 and 164 of the Fifth Expansion Property (i.e. the Fourth Plat) are hereby further subjected to the following:

(a) Any fencing permitted on such Lots as set forth below shall be constructed of only natural cedar (unstained), dog eared pickets, no more than four (4) feet in height, with the finished side facing out, all as set forth in the fencing guidelines established from time to time by the Review Committee and no other fencing of any type shall be permitted thereon; and

(b) Such fencing shall be permitted only at locations on such Lots as are approved in advance by the Review Committee upon application of a Lot Owner affected hereby.

6. **Ratification of Declaration.** The Developer, on behalf of itself and as the holder of a majority of the votes possible to be cast under the Homes Association Declaration hereby ratifies, affirms and confirms all covenants, conditions, restrictions and easements contained in the Declaration, as supplemented and amended by this Supplemental 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 Eagle Creek Property or any Lot otherwise subject to the terms hereof.

7. **Capitalized Terms.** Capitalized terms used herein that are not specifically defined in this Supplemental Declaration shall have the meaning ascribed to them by the Declaration.

easements all as listed, shown or identified in the Declaration, as previously amended, or in previous plats or in the Eagle Creek Fourth Plat, (ii) "Lot" means all Lots described in the Declaration, as previously amended, or in previous plats or in the Eagle Creek Fourth Plat, and (iii) all references to the "Homes Association Declaration" shall mean the Homes Association Declaration as previously supplemented and amended and 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 Fifth Expansion Property shall be subject to all terms and conditions of the Homes Association Declaration immediately upon recording of the Eagle Creek Fourth Plat and this Supplemental Declaration in the Office of the Recorder of Deeds for Jackson County, Missouri, at Independence.

5. Ratification of the Homes Association Declaration. The Developer, on behalf of itself and as the holder of a majority of the votes possible to be cast under the Homes Association Declaration, hereby ratifies, affirms and confirms all covenants, conditions, restrictions and easements contained in the Homes Association Declaration, which covenants, conditions and provisions shall run with the land and be binding upon the Owners, including the Developer, and their 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 Eagle Creek Property, the Fifth Expansion Property or any Lot included as a part of the foregoing.

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

STATE OF MISSOURI)
) SS.
COUNTY OF CLAY)

On this 30th 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 Third 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.

{Notary Seal}

My Commission expires:

11/1/05

Donna K Willis
Signature of Notary Public

NOTARY PUBLIC STATE OF MISSOURI
CLAY COUNTY

Typed or Printed Name of Notary

Exhibit A

Previous Supplements to Declaration

DATE EXECUTED/ DATE RECORDED	RECORDING INFORMATION	SUPPLEMENT #	INFORMATION
12-18-98 / 12-29-98	Document #1998I 0104093	Original	Full Homes Assoc. Document - includes Eagle Creek - 1 st Plat
08-16-00/09-05-00	Document #2000I 0058893	First	Eagle Creek 2 nd Plat (1 st Expansion Property) and 3 rd Plat (2 nd Expansion Property)
_____-02/_____-02	Document #2002I _____	Second	Eagle Creek 5 th Plat (3 rd Expansion Property) and 6 th Plat (4 th Expansion Property)

Exhibit B

Legal Description of Fifth Expansion Property Prior to Platting

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.

Note: The above-described Fifth Expansion Property has been platted. The recording information identifying the Eagle Creek Fourth Plat is shown in the Recital paragraphs of the Supplemental Declaration to which this Exhibit B is attached.

Exhibit C


Description of Lots Contained in Eagle Creek 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 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 8th day of July, 2002.


Tamara S. Henderson

