

COPY

RECORDER'S CERTIFICATION
JACKSON COUNTY, MISSOURI

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2003I0049134



ROBERT T. KELLY, DIRECTOR OF RECORDS

(ABOVE SPACE RESERVED FOR RECORDER OF DEEDS' USE)

Document Title: Fifth Supplement to Declaration of Covenants, Conditions, Restrictions and Easements of Eagle Creek
Document Date: April 23, 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 Exhibits B, C and D attached
Reference Book and Page: Declaration of Covenants, Conditions, Restrictions and Easements of Eagle Creek, Document No. 1998I-0104092

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

THIS FIFTH SUPPLEMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS OF EAGLE CREEK (this "Supplemental Declaration") is made and executed as of April 23rd, 2003, 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 _____, 2003, the Developer executed that certain subdivision plat entitled "EAGLE CREEK - SEVENTH PLAT" (the "Seventh 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 "Sixth Expansion Property"), which Seventh Plat was approved on _____, 2003, by the City Council of the City, and was recorded on _____, 2003, under Document No. 2003I-_____, in said Director of Records' Office;

F. The Developer also owns those certain unplatted tracts or parcels of real property legally described on Exhibit D attached to this Supplemental Declaration which will become part of the Subdivision and which the Developer desires to subject to the terms and provisions of the Declaration (the "Seventh Expansion Property");

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 and unplatted ground which will become part of the Subdivision;

H. The Developer presently owns all of the Sixth Expansion Property and the Seventh Expansion Property;

I. The Developer desires to exercise its unilateral right to expand the Eagle Creek Property to include the Sixth Expansion Property and the Seventh Expansion Property and to subject the Sixth Expansion Property and the Seventh Expansion Property to the covenants, conditions, restrictions and easements set forth in the Declaration so that all of the Sixth Expansion Property and the Seventh 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,

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.

8. **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.

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

ACKNOWLEDGEMENT

STATE OF MISSOURI)
) SS.
COUNTY OF CLAY

On this 23rd day of April, 2003, 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 Fifth 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
Notary Public - Notary Seal
{Notary Seal} **STATE OF MISSOURI**
County of Clay
My Commission Expires November 1, 2005

Donna K Willis
Signature of Notary Public in and for said County and State
DONNA K. WILLIS
Notary Public - Notary Seal
STATE OF MISSOURI
County of Clay
Typed or Printed Name of Notary Public
My Commission Expires November 1, 2005

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	Document #2000I0058892 (1-10)	Second	Eagle Creek - 2 nd Plat and 3 rd Plat - Expands Property to include Eagle Creek 2 nd Plat (1 st Expansion Property) and Eagle Creek 3 rd Plat (2 nd Expansion Property)
08-21-01/10-09-01	Document #2002I 0082131(1 - 9)	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)
07-08-02/09-09-02	Document #2002I 0077720	Fourth	Eagle Creek - 4 th Plat - Expands Property to include Eagle Creek 4 th Plat (5 th Expansion Property)

Exhibit B

Legal Description of Sixth Expansion Property

A subdivision of land in the Northwest Quarter and 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 Southeast corner of said Northwest Quarter; thence North 02°43'24" East along the East line of said Northwest Quarter, 921.59 feet; thence North 87°16'36" West, 54.18 feet to a point on the Northerly line of EAGLE CREEK – FOURTH 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 65°10'18" West along said Northerly line, 214.28 feet; thence North 86°25'45" West along said Northerly line, 87.70 feet; thence North 10°39'56" West along said Northerly line, 121.05 feet; thence Easterly along said Northerly line, on a curve to the left, having an initial tangent bearing of North 79°20'04" East, a radius of 675.00 feet, a central angle of 01°11'55", an arc distance of 14.12 feet; thence North 11°51'51" West along said Northerly line, 179.34 feet; thence South 76°40'25" West along said Northerly line, 65.69 feet; thence North 88°50'32" West along said Northerly line, 132.04 feet; thence North 76°33'08" West along said Northerly line, 106.18 feet; thence North 71°53'18" West along said Northerly line, 90.04 feet; thence South 88°21'27" West along said Northerly line, 199.31 feet; thence Northerly on a curve to the right, having an initial tangent bearing of North 01°38'33" West, a radius of 480.00 feet, a central angle of 26°21'46", an arc distance of 220.86 feet; thence Northwesterly 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 83°44'51", an arc distance of 36.54 feet; thence North 30°58'23" East, 60.00 feet; thence Northerly on a curve to the left, having an initial tangent bearing of South 59°01'37" East, a radius of 25.00 feet, a central angle of 83°44'51", an arc distance of 36.54 feet; thence Northwesterly on a curve to the right, having a common tangent with the last described course, a radius of 480.00 feet, a central angle of 45°18'45", an arc distance of 379.56 feet; thence Northerly 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 84°19'04", an arc distance of 36.79 feet; thence North 88°12'52" East, 50.00 feet; thence Southerly on a curve to the left, having an initial tangent bearing of South 01°47'08" East, a radius of 25.00 feet, a central angle of 84°19'04", an arc distance of 36.79 feet; thence Easterly on a curve to the right, having a common tangent with the last described course, a radius of 480.00 feet, a central angle of 11°46'24", an arc distance of 98.63 feet; thence South 74°19'48" East, 149.68 feet; thence Northerly on a curve to the left, tangent to the last described course, having a radius of 25.00 feet, a central angle of 90°00'00", an arc distance of 39.27 feet; thence South 74°19'48" East, 50.00 feet; thence Southeasterly on a curve to the left, having an initial tangent bearing of South 15°40'12" West, a radius of 25.00 feet, a central angle of 90°00'00", an arc distance of 39.27 feet; thence South 74°19'48" East, 234.54 feet; thence Northerly on a curve to the left, tangent to the last described course, having a radius of 25.00 feet, a central angle of 90°30'08", an arc distance of 39.49 feet; thence South 73°51'59" East, 50.01 feet; thence Southeasterly on a curve to the left, having an initial tangent bearing of South 15°14'42" West, a radius of 25.00 feet, a central angle of 89°34'40", an arc distance of 39.08 feet; thence South 74°19'48" East, 210.02 feet; thence Northerly on a curve to the left, tangent to the last described course, having a radius of 25.00 feet, a central angle of 90°00'00", an arc distance of 39.27 feet; thence South 74°19'48" East, 50.00 feet; thence Southeasterly on a curve to the left, having an initial tangent bearing of South 15°40'12" West, a radius of 25.00 feet, a central angle of 90°00'00", an arc distance of 39.27 feet; thence South 74°19'48" East, 0.13 feet; thence Easterly on a curve to the left, tangent to the last described course, having a radius of 770.00 feet, a central angle of 32°54'51", an arc distance of 442.34 feet; thence Northerly 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, 50.00 feet; thence Southeasterly 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 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 $01^{\circ}37'23''$, an arc distance of 21.81 feet; thence North $63^{\circ}26'11''$ East, 289.12 feet; thence Northeasterly on a curve to the right, tangent to the last described course, having a radius of 1362.00 feet, a central angle of $02^{\circ}25'40''$, an arc distance of 57.71 feet; thence Northerly 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 $87^{\circ}43'39''$, an arc distance of 38.28 feet; thence North $67^{\circ}43'25''$ East, 50.00 feet; thence Southeasterly on a curve to the left, having an initial tangent bearing to South $21^{\circ}51'48''$ East, a radius of 25.00, a central angle of $88^{\circ}08'26''$, an arc distance of 38.46 feet; thence Easterly 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 $21^{\circ}51'22''$, an arc distance of 519.55 feet; thence South $88^{\circ}08'52''$ East, 369.12 feet; thence South $87^{\circ}13'52''$ East, 291.02 feet; thence Northerly on a curve to the left, tangent to the last described course, having a radius of 25.00 feet, a central angle of $90^{\circ}00'00''$, an arc distance of 39.27 feet; thence North $02^{\circ}46'08''$ East, 636.07 feet to a point on the North line of said Northeast Quarter; thence South $87^{\circ}37'40''$ East along said North line, 50.00 feet to the Northeast corner of said Northeast Quarter; thence South $02^{\circ}46'08''$ West along the East line of said Northeast Quarter, 1323.83 feet; thence North $87^{\circ}41'31''$ West, 50.00 feet; thence North $02^{\circ}46'08''$ East, 555.81 feet; thence Westerly on a curve to the left, tangent to the last described course, having a radius of 25.00 feet, a central angle of $90^{\circ}00'00''$, an arc distance of 39.27 feet; thence North $87^{\circ}13'52''$ West, 290.91 feet; thence North $85^{\circ}30'24''$ West, 328.06 feet; thence Westerly on a curve to the left, tangent to the last described course, having a radius of 1270.00 feet, a central angle of $31^{\circ}03'25''$, an arc distance of 688.40 feet; thence South $63^{\circ}26'11''$ West, 285.62 feet; thence Westerly on a curve to the right, tangent to the last described course, having a radius of 830.00 feet, a central angle of $29^{\circ}39'14''$, an arc distance of 429.57 feet; thence South $02^{\circ}46'08''$ West, 197.92 feet; thence South $87^{\circ}41'31''$ East, 81.41 feet to the Northwest corner of EAGLE CREEK – SIXTH PLAT, a subdivision in the City of Lee's Summit, Jackson County, Missouri; thence South $23^{\circ}52'16''$ West along the West line of said EAGLE CREEK – SIXTH PLAT, 227.70 feet; thence North $52^{\circ}23'19''$ West along said West line, 8.13 feet; thence South $20^{\circ}39'08''$ West along said West line, 223.87 feet to a point on the aforementioned Northerly line of EAGLE CREEK – FOURTH PLAT; thence North $43^{\circ}24'14''$ West along said Northerly line, 264.02 feet; thence North $51^{\circ}39'26''$ West along said Northerly line, 130.01 feet; thence Northerly along said Northerly line, on a curve to the left, having an initial tangent bearing of North $37^{\circ}57'48''$ East, a radius of 1025.00 feet, a central angle of $0^{\circ}21'12''$, an arc distance of 6.32 feet; thence North $52^{\circ}23'24''$ West along said Northerly line, 170.00 feet; thence South $38^{\circ}17'44''$ West along said Northerly line, 74.14 feet; thence South $33^{\circ}25'06''$ West along said Northerly line, 125.10 feet; thence South $26^{\circ}22'25''$ West along said Northerly line, 175.85 feet; thence South $23^{\circ}47'09''$ West along said Northerly line, 23.45 feet to the True Point of Beginning. Containing 25.87 acres, more or less.

Exhibit C

Legal Description of Lots Contained in Seventh Plat

Lots 230 through and including 282 and Tract C, EAGLE CREEK – SEVENTH PLAT, a subdivision in Lee's Summit, Jackson County, Missouri, according to the recorded plat thereof.

EXHIBIT D

Legal Description of Seventh Expansion Property (i.e. Unplatted Ground)

The Seventh Expansion Property consists of Tracts 1 and 2 described below less and excluding the real property identified as the "Excluded Tracts" described below:

Tract 1:

The South One-Half of the Northeast Quarter and the South One-Half of the Northwest Quarter all in Section 23, Township 47, Range 32, Jackson County, Missouri, also, all that part of the Southwest Quarter of Section 23, Township 47, Range 32, Jackson County, Missouri being described as follows: Beginning at the Northwest corner of said Southwest Quarter; thence South 87°46'58" East, along the North line of said Southwest Quarter, 2655.08 feet to the Northeast corner of said Southwest Quarter; thence South 2°41'49" West, along the East line of said Southwest Quarter, 1138.42 feet to the Centerline of Mouse Creek, as now established; thence North 25°52'53" West, along said Centerline, 73.83 feet; thence North 67°54'44" West, along said Centerline, 379.20 feet; thence South 38°58'52" West, along said Centerline, 187.72 feet; thence North 48°38'42" West, along said Centerline, 131.31 feet; thence North 73°29'58" West, along said Centerline, 279.90 feet; thence North 26°36'22" West, along said Centerline, 312.25 feet; thence North 62°31'21" West, along said Centerline, 134.47 feet; thence South 52°08'40" West, along said Centerline, 85.16 feet; thence South 19°35'34" West, along said Centerline, 142.83 feet; thence South 79°20'04" West, along said Centerline, 68.92 feet; thence North 73°29'23" West, along said Centerline, 114.02 feet; thence North 25°48'03" West, along said Centerline, 73.12 feet; thence North 87°31'54" West, along said Centerline, 473.33 feet; thence North 49°47'23" West, along said Centerline, 343.23 feet; thence North 56°24'00" West, along said Centerline, 277.94 feet; thence North 65°44'24" West, along said Centerline, 182.37 feet; thence North 22°57'30" West, along said Centerline, 65.99 feet to its intersection with the West line of said Southwest Quarter; thence North 2°34'42" East, along said West line, 239.42 feet to the Point of Beginning. Containing approximately 205 acres.

Tract 2:

A tract 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: Beginning at the Northeast corner of said Northeast Quarter; thence South 02°46'08" West along the East line of said Northeast Quarter, 1323.83 feet to a point on the South line of the North One-Half of said Northeast Quarter; thence North 87°41'31" West along said South line, 2654.44 feet to the Southeast corner of the North One-Half of said Northwest Quarter; thence North 87°40'35" West along South line of the North One-Half of said Northwest Quarter, 1120.71 feet; thence North 02°19'06" East, 596.71 feet; thence South 87°36'43" East, 1765.33 feet; thence North 02°46'08" East, 364.61 feet; thence North 67°08'49" East, 345.88 feet; thence North 02°46'08" East, 219.50 feet to a point on the North line of said Northeast Quarter; thence South 87°37'40" East along said North line, 1702.61 feet to the Point of Beginning. Containing 83.28 acres, more or less.

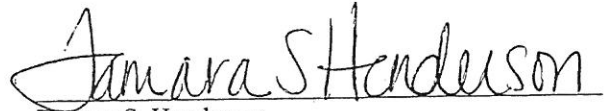
Excluded Tracts:

All of the Lots, Tracts, Common Areas, streets, roadways and other areas previously platted as EAGLE CREEK – FIRST PLAT, EAGLE CREEK – SECOND PLAT, EAGLE CREEK – THIRD PLAT, EAGLE CREEK – FOURTH PLAT, EAGLE CREEK – FIFTH PLAT, EAGLE CREEK – SIXTH PLAT and EAGLE CREEK – SEVENTH PLAT, and also identified as the First through and including the Sixth Expansion Properties on Exhibits A, B and C attached to this Supplemental Declaration.

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 23rd day of April, 2003.


Tamara S. Henderson

RETURN DOCUMENT TO:

Jan-LS

ATTN: _____

SECURITY LAND TITLE COMPANY

FILE NO. 1N02018950

Exhibit B

List of Original Supplemental HOA Declarations

<u>DATE EXECUTED/ DATE RECORDED</u>	<u>RECORDING INFO.</u>	<u>SUPPLEMENT #</u>	<u>INFORMATION</u>
12-18-98/12-29-98	Doc #1998I 0104093	Original	Full Homes Assoc. Document -- includes Eagle Creek -- 1 st Plat
08-16-00/09-05-00	Doc #2000I 0058893	First Supplement	Eagle Creek 2 nd Plat (1 st Expansion Property) and 3 rd Plat (2 nd Expansion Property)
08-21-01/10/09/01	Doc #2001I 0082130	Second Supplement	Eagle Creek 5 th Plat (3 rd Expansion Property) and 6 th Plat (4 th Expansion Property)
07-08-02/09-09-02	Doc #2002I 0077721	Third Supplement	Eagle Creek 4 th Plat (5 th Expansion Property)
04-23-03/04-25-03	Doc #2003I 0049133	Fourth Supplement	Eagle Creek 7 th Plat (6 th Expansion Property) and Unplatted Ground (7 th Expansion Property)

Exhibit C

Legal Descriptions Of Property Covered By And Subject To This Declaration

Lots 1 through and including 51, EAGLE CREEK – FIRST PLAT, a subdivision in the City of Lee's Summit, Jackson County, Missouri, according to the recorded plat thereof.

Lots 52 through and including 97, EAGLE CREEK – SECOND PLAT, a subdivision in the City of Lee's Summit, Jackson County, Missouri, according to the recorded plat thereof.

Lots 98 through and including 120, EAGLE CREEK – THIRD PLAT, a subdivision in the City of Lee's Summit, Jackson County, Missouri, according to the recorded plat thereof.

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

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

Lots 209 through and including 228, EAGLE CREEK – SIXTH PLAT, a subdivision in the City of Lee's Summit, Jackson County, Missouri, according to the recorded plat thereof.

Lots 230 through and including 282 and Tract C, EAGLE CREEK – SEVENTH PLAT, a subdivision in the City of Lee's Summit, Jackson County, Missouri, according to the recorded plat thereof.

The Unplatted Land which consists of Tracts 1 and 2 described below less and excluding the real property identified as the "Excluded Tracts" described below:

Tract 1:

The South One-Half of the Northeast Quarter and the South One-Half of the Northwest Quarter all in Section 23, Township 47, Range 32, Jackson County, Missouri, also, all that part of the Southwest Quarter of Section 23, Township 47, Range 32, Jackson County, Missouri being described as follows:

Beginning at the Northwest corner of said Southwest Quarter; thence South 87°46'58" East, along the North line of said Southwest Quarter, 2655.08 feet to the Northeast corner of said Southwest Quarter; thence South 2°41'49" West, along the East line of said Southwest Quarter, 1138.42 feet to the Centerline of Mouse Creek, as now established; thence North 25°52'53" West, along said Centerline, 73.83 feet; thence North 67°54'44" West, along said Centerline, 379.20 feet; thence South 38°58'52" West, along said Centerline, 187.72 feet; thence North 48°38'42" West, along said Centerline, 131.31 feet; thence North 73°29'58" West, along said Centerline, 279.90 feet; thence North 26°36'22" West, along said Centerline, 312.25 feet; thence North 62°31'21" West, along said Centerline, 134.47 feet; thence South 52°08'40" West, along said Centerline, 85.16 feet; thence South 19°35'34" West, along said Centerline, 142.83 feet; thence South 79°20'04" West, along said Centerline, 68.92 feet; thence North 73°29'23" West, along said Centerline, 114.02 feet; thence North 25°48'03" West, along said Centerline, 73.12 feet; thence North 87°31'54" West, along said Centerline, 473.33 feet; thence North 49°47'23" West, along said Centerline, 343.23 feet; thence North 56°24'00" West, along said Centerline, 277.94 feet; thence North 65°44'24" West, along said Centerline, 182.37 feet; thence North 22°57'30" West, along said Centerline, 65.99 feet to its intersection with the West line of said Southwest Quarter; thence North 2°34'42" East, along said West line, 239.42 feet to the Point of Beginning. Containing approximately 205 acres.

Tract 2:

A tract 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:

Beginning at the Northeast corner of said Northeast Quarter; thence South 02°46'08" West along the East line of said Northeast Quarter, 1323.83 feet to a point on the South line of the North One-Half of said Northeast Quarter; thence North 87°41'31" West along said South line, 2654.44 feet to the Southeast corner of the North One-Half of said Northwest Quarter; thence North 87°40'35" West along South line of the North One-Half of said Northwest Quarter, 1120.71 feet; thence North 02°19'06" East, 596.71 feet; thence South 87°36'43" East, 1765.33 feet; thence North 02°46'08" East, 364.61 feet; thence North 67°08'49" East, 345.88 feet; thence North 02°46'08" East, 219.50 feet to a point on the North line of said Northeast Quarter; thence South 87°37'40" East along said North line, 1702.61 feet to the Point of Beginning. Containing 83.28 acres, more or less.

Excluded Tracts:

All of the Lots, Tracts, Common Areas, streets, roadways and other areas previously platted as EAGLE CREEK - FIRST PLAT, EAGLE CREEK - SECOND PLAT, EAGLE CREEK - THIRD PLAT, EAGLE CREEK - FOURTH PLAT, EAGLE CREEK - FIFTH PLAT, EAGLE CREEK - SIXTH PLAT and EAGLE CREEK - SEVENTH PLAT, and also identified as the First through and including the Sixth Expansion Properties on Exhibits A and B attached to this amended and restated Declaration.

CERTIFICATE OF SECRETARY OF 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 amended and restated Declaration to which this Certificate is attached, is the sole and only Class B Member (which, by the amended and restated Declaration, is converted to Class D Membership) in and of The Eagle Creek Home Owners Association and owns sufficient Lots and Unplatted Land in the Subdivision to give Hunt Midwest Real Estate Development, Inc. a majority of the votes possible to be cast under the Original Supplemented HOA Declaration and the amended and restated Declaration.

Dated this 30th day of May, 2003.


Tamara S. Henderson