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Document Title: Seventeenth Supplement to Amended and Restated Declaration of Homes Association and Covenants, Conditions, Restrictions and Easements of Eagle Creek
Document Date: August 11, 2017
Grantors Names: Hunt Midwest Real Estate Development, Inc.
Grantee Name: Hunt Midwest Real Estate Development, Inc.
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. 2003I 0066203, Pages 1 - 48

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

THIS SEVENTEENTH 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 August 11th, 2017, 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") 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 Declarations 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. 2003I 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 Declarations identified on **EXHIBIT A** attached hereto, the Developer has expanded the Property to include additional real property as described therein. All capitalized words and terms used herein and not otherwise defined shall have the meanings ascribed to them in the Declaration.

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KANSAS CITY TITLE
202196

Eagle Creek - Certain
Definitions Changes

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. The Developer has previously caused those certain subdivision plats identified and described on EXHIBIT B attached hereto to be approved by the City Council of the City, and recorded in said Director of Records' Office, such platted property (and the Lots created thereby as have been or may be further subdivided by Lot split, minor subdivision or otherwise) being intended for development of Attached Townhomes. The Developer also owns vacant ground not yet platted adjacent to the Property which is intended for development of Attached Patio Homes.

E. The Developer desires to amend the Declaration to modify and change the definitions of certain words or phrases used therein relating to Attached Townhomes and Attached Patio Homes as set forth below.

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

1. **Amendment of Article 1.9.** Article 1.9 of the Declaration is amended to read as follows:

"1.9 "Attached Patio Home Owner's Proportionate Share" means a fraction, the numerator of which is the number of Attached Patio Home dwellings on Attached Patio Home Lots then owned by an Attached Patio Home Owner then within the Property, and the denominator of which is the total number of all Attached Patio Home dwellings on all Attached Patio Home Lots then within the Property, as it may be expanded. Multiple living units within any building shall each constitute a "dwelling" so that a duplex shall count as 2 dwellings, a quadplex as 4 dwellings, etc."

2. **Amendment of Article 1.13.** Article 1.13 of the Declaration is amended to read as follows:

"1.13 "Attached Townhome Owner's Proportionate Share" means a fraction, the numerator of which is the number of Attached Townhome dwellings on Attached Townhome Lots then owned by an Attached Townhome Owner then within the Property, and the denominator of which is the total number of all Attached Townhome dwellings on all Attached Townhome Lots then within the Property, as it may be expanded. Multiple living units within any building shall each constitute a "dwelling" so that a duplex shall count as 2 dwellings, a quadplex as 4 dwellings, etc."

3. **Amendment of Article 1.33.** Article 1.33 of the Declaration is amended to read as follows:

"1.33 "Owner's Proportionate Share" means: (a) for Single Family Residences, a fraction, the numerator of which is the number of Single Family Residences then owned by such Owner within the Property, and the denominator of which is the total number of all dwellings on all Lots (i.e., all Single Family Residence Lots, Attached Patio Home Lots and Attached Townhome Lots) then within the Property as it may be expanded; (b) for Attached Patio Homes, the fraction described in Article 1.9 with the denominator modified to be the total number of all dwellings on all Lots (i.e., Single Family Residence Lots, Attached Patio Home Lots and Attached Townhome Lots) then within the Property, as it may be expanded; and (c) for Attached Townhomes, the fraction described in Article 1.13 with the denominator modified to be the total number of all dwellings on all Lots (i.e., Single Family Residence Lots, Attached Patio Home Lots and Attached Townhome Lots) then within the Property, as it may be expanded. "Dwelling" shall have the meaning set forth in Articles 1.9 and 1.13"

4. **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 Declaration, hereby ratifies, affirms and confirms all covenants, conditions, restrictions and easements contained in the 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, or any Restricted Lots, Lots, Tracts, Commons 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.

DEVELOPER: HUNT MIDWEST REAL ESTATE DEVELOPMENT, INC.

By: F. B. Holland, Jr.
F. Brenner Holland, Jr., Vice President

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

On this 11th day of August, 2017, before me, the undersigned Notary Public in and for said County and State, personally appeared F. Brenner Holland, Jr., who, being by me first duly sworn, did say that he is a Vice President of Hunt Midwest Real Estate Development, Inc., a Missouri corporation, that he executed the foregoing instrument on behalf of said corporation under and with the authority of its Board of Directors and that he acknowledged that he so executed the same as the free act and deed of said corporation for the purposes therein stated.

Peggy L. Wells
Signature of Notary Public
Peggy L. Wells
Typed or Printed Name of Notary

My Commission expires:

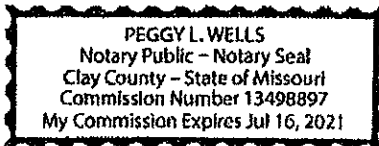


EXHIBIT A
TO
SEVENTEENTH SUPPLEMENT TO AMENDED AND RESTATED
DECLARATION OF HOMES ASSOCIATION AND
COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS
OF EAGLE CREEK

SUMMARY OF 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 st Plat
09-26-03/10/14/03	Doc #20031 0126509 (Pages 1 - 6)	Second	Eagle Creek - 8 th Plat
07-12-04/07-16-04	Doc #20041 0068231 (Pages 1 - 5)	Third	Eagle Creek - 9 th Plat
03-17-05/03-22-05	Doc #20051 0023175 (Pages 1 - 7)	Fourth	Eagle Creek - 9 th Plat - Imposed Fencing Restrictions on Lots 349 through 364
10-14-05/10-28-05	Doc #20051 0096058 (Pages 1 - 5)	Fifth	Eagle Creek - 10 th Plat
11-08-05/11-09-05	Doc #20051 0100013 (Pages 1 - 5)	Sixth	Eagle Creek - Townhomes - 2 nd Plat
06-14-06/10-23-06	Doc #2006E0111119 (Pages 1 - 7)	Seventh	Eagle Creek - 11 th Plat
10-23-06/10-26-06	Doc #2006E0112929 (Pages 1 - 6)	Eighth	Eagle Creek - Townhomes - 3 rd Plat
07-12-11/07-22-11	Doc #2011E0067745 (Pages 1-7)	Ninth	Eagle Creek - 12 th Plat
09-23-13/01-22-14	Doc #2014E0005951 (Pages 1-6)	Tenth	Eagle Creek - 13 th Plat
10-06-14/10-09-14	Doc #2014E0084761 (Pages 1-5)	Eleventh	Eagle Creek - 13 th Plat - Revised Fencing Restrictions

01-12-15/01-14-15	Doc #2015E0003947 (Pages 1-5)	Twelfth	Eagle Creek – 1 st and 5 th Plats – Revised Fencing
06-30-15/07-06-15	Doc #2015E0058737 (Pages 1-5)	Thirteenth	Eagle Creek – 13 th Plat – Further Revised Fencing Restrictions
06-16-16/08-03-16	Doc #2016E0071376 (Pages 1-7)	Fourteenth	Eagle Creek – 14 th Plat
10-31-16/11-07-16	Doc #2016E0105433 (Pages 1-7)	Fifteenth	Eagle Creek – Revised Limited Property Rentals
02-10-17/02-16-17	Doc #2017E0014794 (Pages 1-6)	Sixteenth	Eagle Creek – 14 th Plat – Fencing Restrictions

**EXHIBIT B
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Legal Descriptions of Lots of Attached Townhome Plats:

Lots A, B and C, EAGLE CREEK TOWNHOMES – FIRST PLAT, a subdivision in Lee's Summit, Jackson County, Missouri, according to the recorded plat thereof;

Lots D, E, F and G, EAGLE CREEK TOWNHOMES – SECOND PLAT, a subdivision in Lee's Summit, Jackson County, Missouri, according to the recorded plat thereof;

Lots H, I and J, EAGLE CREEK TOWNHOMES – THIRD PLAT, a subdivision in Lee's Summit, Jackson County, Missouri, according to the recorded plat thereof; and

Any Lots created by any further subdivision of the above-described Lots by lot split, minor subdivision or otherwise.