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COUNTY OF PLATTE
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RECORDED BOOK 1067 PG 151
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Deputy 1725

(Space above this line for recording date.)

Title of Document: Amendment to Declaration of Covenants, Conditions and Restrictions for Fountain Hills - Third and Fourth Plot

Date of Document: July 5, 2005

Grantor: BT Residential, LLC

Grantor Address: 5201 Johnson Drive, Suite 450
Mission, KS 66205

Grantee: BT Residential, LLC

Grantee Address: 5201 Johnson Drive, Suite 450
Mission, KS 66205

Legal Description: Exhibits A and B

BK 1067 PG 151

This document has been recorded in the
Platte County Recorder's Office. Contact this
office for certified copies: Recorder of Deeds
- Ida Cox, 415 3rd St., Suite 70, Platte City,
MO 64079, (816) 858-3328

Source One

BK 1067PG0151

Recorded in Clay County, Missouri

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Instrument Number: 2005045637

Book: 5146 Page: 136

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Robert T. Sawyer, Recorder

Grantor: BT RESIDENTIAL
Grantee: BT RESIDENTIAL

Title of Document: Amendment to Declaration of Covenants, Conditions and Restrictions for Fountain Hills - Third and Fourth Plats

Date of Document: July 5, 2005

***Grantor(s):** BT RESIDENTIAL, LLC, a Missouri limited liability company

***Grantee(s):** BT RESIDENTIAL, LLC, a Missouri limited liability company

Grantee(s) Mailing Address:
c/o M D Management
5201 Johnson Drive, Suite 450
P.O. Box 129
Mission, KS 66205

Legal Description: Set forth on Exhibits A and B, Pages 4, 5 and 6

Reference Book and Page(s): Declaration of Covenants, Conditions and Restrictions for Fountain Hills recorded on November 16, 2004 as Dec. No. T04903 in Book 4823 at Page 169 with the Clay County Recorder of Deeds and on November 16, 2004 as Dec. No. 022341 in Book 1046 at Page 901 with the Platte County Recorder of Deeds

***FOR INDEXING PURPOSES ONLY**

Ref: Same One Title

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**AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR FOUNTAIN HILLS -
THIRD AND FOURTH PLATS**

This Amendment to Declaration of Covenants, Conditions and Restrictions for Fountain Hills - Third and Fourth Plats is made this 5 day of July, 2005 by BT RESIDENTIAL, LLC, a Missouri limited liability company ("Declarant"), having a mailing address of c/o M D Management, 5201 Johnson Drive, Suite 450, P.O. Box 129, Mission, KS 66205.

RECITALS:

(A) Declarant executed and caused to be recorded that certain Declaration of Covenants, Conditions and Restrictions for Fountain Hills recorded on November 16, 2004 as Doc. No. T04903 in Book 4823 at Page 169 with the Clay County Recorder of Deeds and on November 16, 2004 as Doc. No. 022341 in Book 1046 at Page 901 with the Platte County Recorder of Deeds (the "Declaration").

(B) The Declaration now encumbers those certain properties set forth on Exhibit A attached hereto and incorporated herein by this reference.

(C) Declarant is the owner of certain real property legally described on Exhibit B attached hereto and incorporated herein by this reference ("Additional Property"), which Additional Property is contiguous and/or near to the Property now subject to the Declaration, and Declarant now desires to add the Additional Property to the Declaration.

NOW, THEREFORE, for and in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Declarant hereby declares as follows:

1. Capitalized terms not otherwise defined herein shall have the meanings therefore set forth in the Declaration.

2. The Additional Property is hereby added and made subject to the Declaration. The Property subject to the Declaration hereafter shall mean and refer to the Additional Property and the property described on Exhibit A attached hereto, together with such additional land as may be subjected hereafter to the Declaration pursuant to the terms thereof.

3. Declarant hereby declares that all of the Additional Property shall be held, sold and conveyed subject to the easements, covenants, conditions and restrictions contained in the Declaration, which shall run with the Additional Property and be binding on all parties having or acquiring any right, title or interest in the Additional Property or any part thereof (including, without limitation, obligations as to membership in a homeowner's association and as to the payment of annual and special assessments). The easements, covenants, conditions and restrictions as set forth

in the Declaration are made for the mutual and reciprocal benefit of each owner of any portion of the Additional Property and are intended to create (i) mutual and equitable servitudes upon all land therein (including each lot, tract and Common Area, if any) in favor of each and all other portions of land within the Property, (ii) reciprocal rights between the respective owners of any portion of the land, and (iii) privity of contract and estate between the grantees of each portion of the land, their heirs, legal representatives, successors and assigns.

4. Except as specifically supplemented hereby, the Declaration is ratified and confirmed and remains in full force and effect.

IN WITNESS WHEREOF, Declarant has caused this instrument to be executed by its authorized officer the date and year first above written.

BT RESIDENTIAL, LLC, a Missouri limited liability company

By: Thomas S. Morgan
Thomas S. Morgan, Manager

STATE OF KANSAS

COUNTY OF JOHNSON

On this 5th day of July, 2005, before me appeared Thomas S. Morgan, to me personally known, and who, being by me duly sworn, did say that he is Manager of BT RESIDENTIAL, LLC, a Missouri limited liability company, and that the instrument was signed in behalf of said company and Thomas S. Morgan acknowledged said instrument to be the free act and deed of said company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal at my office in Johnson County, Kansas the day and year last above written.

[SEAL]

Sarah Barragree
Notary Public

My Commission Expires:

8/23/2008

SARAH BARRAGREE
Notary Public - State of Kansas
My Appt Expires 8/23/2008

BK 067PG0151

EXHIBIT A

Existing Fountain Hills Property

FOUNTAIN HILLS, FIRST PLAT, a subdivision of land in Kansas City, Clay and Platte Counties, Missouri, according to the recorded plat thereof.

FOUNTAIN HILLS, SECOND PLAT, a subdivision of land in Kansas City, Clay County, Missouri, according to the recorded plat thereof.

EXHIBIT B
Additional Property

A subdivision of land in the fractional Northwest Quarter and the fractional Southwest Quarter of Section 3, Township 51 North, Range 33 West of the Fifth Principal Meridian in Kansas City, Clay County, Missouri described as follows: Commencing at the Southwest corner of said fractional Northwest Quarter; thence North $89^{\circ}51'09''$ East along the South line of said fractional Northwest Quarter, 1310.13 feet to a point on the Easterly line of Lot 9, "Fountain Hills Second Plat", a subdivision of land in said Kansas City, said point also being the True Point of Beginning of the tract of land to be herein described; thence South $24^{\circ}27'57''$ East along said Easterly lot line, 126.56 feet to the Southeast corner thereof, said point also being on the Westerly line of Tract "A", said "Fountain Hills Second Plat"; thence Northerly along said Westerly line the following ten courses: thence North $58^{\circ}13'01''$ East, 160.51 feet; thence North $43^{\circ}34'59''$ East, 160.51 feet; thence North $44^{\circ}29'40''$ East, 177.46 feet; thence North $21^{\circ}39'55''$ East, 74.23 feet; thence North $23^{\circ}09'25''$ West, 74.23 feet; thence North $30^{\circ}24'25''$ West, 71.10 feet; thence North $60^{\circ}11'30''$ West, 71.19 feet; thence North $72^{\circ}55'34''$ West, 197.33 feet; thence North $46^{\circ}12'39''$ West, 91.68 feet; thence North $43^{\circ}47'21''$ East, 139.00 feet; thence North $58^{\circ}11'27''$ West, departing aforesaid Westerly line, 521.54 feet; thence Southwesterly along a curve to the left having an initial tangent bearing of South $31^{\circ}48'33''$ West, with a radius of 1670.00 feet, a central angle of $2^{\circ}13'23''$ and an arc distance of 64.80; thence North $60^{\circ}24'50''$ West, 60.00 feet; thence Southwesterly along a curve to the left having an initial tangent bearing of South $29^{\circ}35'10''$ West with a radius of 1730.00 feet, a central angle of $4^{\circ}24'56''$ and an arc distance of 133.33; thence Westerly along a curve to the right having a common tangent with the last described curve, with a radius of 20.00 feet, a central angle of $89^{\circ}30'44''$ and an arc distance of 31.25 feet; thence Westerly along a curve to the left, having a common tangent with the last described curve, with a radius of 1275.00 feet, a central angle of $1^{\circ}09'37''$ and an arc distance of 25.82 feet; thence South $23^{\circ}31'21''$ West, 50.00 feet; thence Southeasterly along a curve to the right having an initial tangent bearing of South $66^{\circ}28'39''$ East with a radius of 1225.00 feet, a central angle of $1^{\circ}12'28''$ and an arc distance of 25.82 feet; thence Southerly along a curve to the right having a common tangent with the last described course with a radius of 20.00 feet, a central angle of $88^{\circ}55'47''$ and an arc distance of 31.04 feet; thence South $23^{\circ}39'35''$ West, 109.58 feet to a point on the Northerly line of said "Fountain Hills Second Plat"; thence South $66^{\circ}20'25''$ East along said Northerly line 60.00 feet to the Northwest corner of Lot 1, said "Fountain Hills Second Plat"; thence Southeasterly along the Northerly line of Lots 1 through 9 inclusive, said "Fountain Hills Second Plat", the following eight courses: thence South $58^{\circ}58'37''$ East, 82.61 feet; thence South $54^{\circ}00'42''$ East, 101.63 feet; thence South $49^{\circ}18'48''$ East, 99.01 feet; thence $43^{\circ}47'46''$ East, 298.40 feet; thence South $63^{\circ}17'37''$ West, 65.31 feet; thence South $25^{\circ}58'18''$ East, 186.01 feet; thence Southwesterly on a curve to the right, having an initial tangent bearing of South $64^{\circ}01'42''$ West, with a radius of 495.00 feet, a central angle of $1^{\circ}30'21''$ and an arc distance of 13.01 feet; thence South $24^{\circ}27'57''$ East, 8.57 feet to the True Point of Beginning.

[To be platted as FOUNTAIN HILLS, THIRD PLAT, a subdivision of land in Kansas City, Clay County, Missouri]

And

A subdivision of land in the Fractional Northwest of Section 3, Township 51, Range 33 West of the Fifth Principal Meridian in Kansas City, Clay County, Missouri and in Fractional Northwest Quarter of Section 3, Township 51 North, Range 33 West of the Fifth Principal Meridian in Kansas City, Platte County, Missouri described as follows: Commencing at the Southwest corner of said Fractional Northwest Quarter in Clay County, Missouri; thence North $1^{\circ}44'29''$ East along the West line of said Northwest Quarter, 406.89 feet to the True Point of Beginning of the tract of land to be herein described; said point also being the most Northerly corner of Lot 16, "Fountain Hills First Plat", a subdivision of land in said Kansas City; thence Westerly along the Northerly line of said plat, the following three (3) courses; thence South $60^{\circ}13'44''$ West, 182.39 feet; thence South $77^{\circ}34'18''$ West, 182.47 feet; thence South $58^{\circ}36'39''$ West, 140.18 feet to a point on the Northeasterly right-of-way line of N Platte Purchase Drive as established by last said plat; thence Northerly along said Easterly right-of-way line along a curve to the right having an initial tangent bearing of North $52^{\circ}22'20''$ West with a radius of 700.00 feet, a central angle of $33^{\circ}45'49''$ and an arc distance of 412.50 feet; thence North $71^{\circ}11'35''$ East, 166.30 feet; thence North $81^{\circ}32'56''$ East, 188.76 feet; thence North $71^{\circ}22'00''$ East, 229.11 feet; thence North $64^{\circ}35'08''$ East, 50.00 feet; thence Southerly along a curve to the left having an initial tangent bearing of South $25^{\circ}24'52''$ East with a radius of 625.00 feet, a central angle of $4^{\circ}05'47''$ and an arc distance of 44.68 feet; thence North $76^{\circ}00'01''$ East, 115.64 feet; thence South $72^{\circ}17'39''$ East, 63.64 feet; thence South $49^{\circ}16'49''$ East, 157.07 feet to the most Northerly corner of Lot 18, said "Fountain Hills First Plat"; thence South $32^{\circ}06'18''$ West along the Northwesterly line of said Lot 18, 150.77 feet to a point on the Northeasterly right-of-way line of N Bell Street as established by said plat; thence Northerly along said Northeasterly right-of-way line along a curve to the right having an initial tangent bearing of North $57^{\circ}53'42''$ West, with a radius of 625.00 feet, a central angle of $7^{\circ}48'00''$ and an arc distance of 85.09 feet; thence South $39^{\circ}54'18''$ West along the Northerly line of said plat 121.21 feet to the True Point of Beginning.

[To be platted as FOUNTAIN HILLS, FOURTH PLAT, a subdivision of land in Kansas City, Clay and Platte Counties, Missouri]