

STATE OF KANSAS
COUNTY OF JOHNSON

1200 1994 APR 28 P 3:21.1

SARA F. ULLMANN
REGISTER OF DEEDS

SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS FOR CEDAR CREEK VILLAGE I
(Seventeenth Plat)

THIS SUPPLEMENTAL DECLARATION is made this 28th day of
April, 1994, by Cedar Creek Properties, Inc., a
Kansas corporation (hereinafter referred to as "Declarant"):

W I T N E S S E T H

WHEREAS, on July 3, 1989, Declarant filed that certain Declaration of Covenants, Conditions and Restrictions for the Cedar Creek Village I recorded in Deed Book 3012, Page 124 of the public records of Johnson County, Kansas, as amended by that certain Amendment to the Declaration of Covenants, Conditions and Restrictions for Cedar Creek Village I recorded in Volume 3326, Page 311 of the public records of Johnson County, Kansas, that certain Amendment to the Declaration of Covenants, Conditions and Restrictions for Cedar Creek Village I recorded in Volume 3449, Page 394 of the public records of Johnson County, Kansas and that certain Amendment to the Declaration of Covenants, Conditions and Restrictions for Cedar Creek Village I recorded in Volume 4155, Page 243 of the public records of Johnson County, Kansas (collectively, the "Declaration"); and

WHEREAS, Declarant is the owner of the real property described in Exhibit "A", attached hereto ("Additional Property"); and

WHEREAS, pursuant to the terms of Article I, Section 28 and Article VIII, Section 1 of the Declaration, the Declarant may submit certain additional property described in Article VIII, Section 1 of the Declaration to the terms of the Declaration and impose additional covenants and restrictions on such property; and

WHEREAS, the Additional Property is a portion of that property described in Article VIII, Section 1 of the Declaration; and

WHEREAS, the Declarant desires to submit the Additional Property to the terms of the Declaration;

NOW, THEREFORE, pursuant to the powers retained by Declarant under the Declaration, Declarant hereby subjects the real property described on Exhibit "A" hereof to the provisions of the Declaration and this Supplemental Declaration, which shall apply to such property in addition to the provisions of the Declaration. Such property shall be sold, transferred, used, conveyed, occupied,

and mortgaged or otherwise encumbered pursuant to the provisions of this Supplemental Declaration and the Declaration, both of which shall run with the title to such property and shall be binding upon all persons having any right, title, or any interest in such property, their respective heirs, legal representatives, successors, successors-in-title, and assigns. The provisions of this Supplemental Declaration shall be binding upon Cedar Creek Village I Association, Inc. in accordance with the terms of the Declaration.

ARTICLE I

Definitions

The definitions set forth in Article I of the Declaration are incorporated herein by reference.

ARTICLE II

Amendments

Prior to conveyance of the first Unit subject to this Supplemental Declaration, Declarant may unilaterally amend this Supplemental Declaration for any purpose. After such conveyance, the Declarant may unilaterally amend this Supplemental Declaration any time and from time to time if such amendment is (a) necessary to bring any provision hereof into compliance with any applicable governmental statute, rule or regulation, or judicial determination; (b) necessary to enable any reputable title insurance company to issue title insurance coverage on the Units subject to this Supplemental Declaration; (c) required by an institutional or governmental lender or purchaser of mortgage loans, including, for example, the Federal National Mortgage Association or Federal Home Loan Mortgage Corporation, to enable such lender or purchaser to make or purchase mortgage loans on the Units subject to this Supplemental Declaration; (d) necessary to enable any governmental agency or reputable private insurance company to insure mortgage loans on the Units subject to this Supplemental Declaration; or (e) for the purpose of subjecting additional property to the terms of this Supplemental Declaration; provided, however, any such amendment shall not adversely affect the title to any Unit unless the Owner shall consent thereto in writing. So long as it still owns property described in Exhibit "A" or described in Article VIII, Section 1 of the Declaration for development as part of the Village Properties, the Declarant may unilaterally amend this Supplemental Declaration for any other purpose, provided the amendment has no material adverse effect upon any right of any Owner. Thereafter and otherwise, this Supplemental Declaration may be amended only by the affirmative vote or written consent, or any combination thereof, of Voting Members representing sixty-seven (67%) percent of the total Class "A" votes in the Association, including sixty-seven (67%) percent of the Class "A" votes held by Members other than the Declarant, and the consent of the Class "B" Member, so long as such membership exists.

EXHIBIT "A"

Additional Property

Cedar Creek Village I, Seventeenth Plat - Recorded in Book 86, Page 28 of the Public Records of Johnson County, Kansas.

Description

Part of the Southeast One-Quarter of Section 7, Township 13 South, Range 23 East, in the City of Olathe, Johnson County, Kansas, being more particularly described as follows:

Commencing at the Northeast corner of the above-described Southeast One-Quarter; thence South $02^{\circ}08'34''$ East along the East line thereof a distance of 1118.41 feet to a point; thence South $87^{\circ}51'26''$ West a distance of 479.15 feet to the most Southerly corner of Lot 22 of Cedar Creek Village I Fourth Plat, said point being the Point of Beginning; thence South $50^{\circ}44'01''$ West a distance of 462.65 feet to a point; thence South $85^{\circ}49'25''$ West a distance of 99.62 feet to a point; thence South $74^{\circ}17'31''$ West a distance of 50.00 feet to a point in a curve; thence along a curve to the left having an initial tangent bearing of North $15^{\circ}42'29''$ West, a central angle of $13^{\circ}11'53''$, a radius of 300.00 feet and a length of 69.11 feet to a point; thence South $86^{\circ}03'21''$ West a distance of 234.78 feet to a point; thence North $13^{\circ}17'18''$ West a distance of 216.00 feet to a point; thence North $25^{\circ}15'59''$ West a distance of 50.92 feet to a point; thence North $00^{\circ}21'35''$ West a distance of 147.96 feet to a point; thence North $31^{\circ}26'59''$ West a distance of 141.98 feet to a point in a curve; thence along a curve to the left having an initial tangent bearing of North $16^{\circ}36'00''$ East, a central angle $43^{\circ}10'31''$, a radius of 150.00 feet and a length of 113.03 feet to a point; thence North $70^{\circ}34'41''$ East a distance of 76.00 feet to a point in a curve; thence along a curve to the left having an initial tangent bearing of North $61^{\circ}17'29''$ West, a central angle of $07^{\circ}36'01''$, a radius of 275.00 feet and a length of 36.48 feet to a point; thence North $68^{\circ}53'31''$ West a distance of 183.13 feet to a point; thence North $21^{\circ}06'29''$ East a distance of 50.00 feet to a point; thence South $68^{\circ}53'31''$ East a distance of 183.13 feet to a point in a curve; thence along a curve to the right having an initial tangent bearing of South $68^{\circ}53'31''$ East, a central angle of $31^{\circ}32'59''$, a radius of 325.00 feet and a length of 178.96 feet to a point; thence North $37^{\circ}24'51''$ East a distance of 91.00 feet to a point; thence South $74^{\circ}25'09''$ East a distance of 421.90 feet to a point in a curve; thence along a curve to the left having an initial tangent bearing of South $74^{\circ}25'09''$ East, a central angle of $19^{\circ}31'05''$, a radius of 150.00 feet and a length of 51.10 feet to the Northwest corner of Lot 21 of Cedar Creek Village I Fourth Plat; thence South $03^{\circ}55'51''$ East along the West line of said Lot 21 a distance of 21.67 feet to a point; thence South $36^{\circ}38'55''$ East along the West line of Lots 21 and 22 of said Cedar Creek Village I Fourth Plat a distance of 352.39 feet to the Point of Beginning and containing 10.555 acres, more or less.