

2305943

HUNTER'S GLEN OF WELLINGTON PARK, 2ND PLAT

DECLARATION OF RESTRICTIONS  
AND HOME OWNERS' ASSOCIATION DECLARATION

THIS DECLARATION, made as of the 6 day of OCTOBER,  
1993, by the Declarant, WELLINGTON PARK PARTNERS, a Kansas General  
Partnership,

WITNESSETH:

WHEREAS, the Declarant has executed and filed with the  
Register of Deeds of Johnson County, Kansas, a Second Plat of the  
subdivision known as "HUNTER'S GLEN OF WELLINGTON PARK" which plat  
was recorded on May 26, 1993 in Book 84 of Plats at Page 10; and

WHEREAS, such plat adds the following lots to the subdivision  
of Wellington Park (the "Additional Lots"), to-wit:

Lots 43 through 94, inclusive, in HUNTER'S  
GLEN OF WELLINGTON PARK, 2ND PLAT, a  
subdivision in the City of Overland Park,  
Johnson County, Kansas, according to the  
recorded plat thereof;

and

WHEREAS, the Declarant, as the owner of the Additional Lots,  
desires to subject the Additional Lots to the covenants,  
restrictions, easements and other provisions contained in that  
certain Declaration of Restrictions, dated as of June 15, 1993 (the  
"Original Declaration"), executed by Wellington Park Partners, a  
Kansas General Partnership and filed with the Register of Deeds of  
Johnson County on June 16, 1993 and recorded in Volume 3969 at Page  
294, and in that certain Home Owners' Association Declaration dated  
as of June 15, 1993 (the "Original Home Owners' Declaration"),  
executed by Wellington Park Partners, a Kansas General Partnership  
and filed with the Register of Deeds of Johnson County, Kansas on  
June 16, 1993 and recorded in Volume 3969, at Page 278.

NOW, THEREFORE, in consideration of the premises, Declarant  
for itself, and for its successors and assigns, and for its future  
grantees, hereby agrees and declares that all of the Additional  
Lots shall be, and they hereby are, subject to the covenants,  
restrictions, easements and other provisions set forth in the  
Original Declaration and Original Home Owners' Declaration. As  
contemplated in the Original Declaration and Original Home Owners'  
Declaration, this instrument shall have the effect of subjecting  
the Additional Lots to all of the provisions of the Original  
Declaration and Original Home Owners' Declaration as though the  
Additional Lots had been originally described therein and subjected  
to the provisions thereof. Provided, however, that Paragraph 4 of

VOL 4095 P. 242

said Original Declaration, as it relates to the Additional Lots above; shall be and is hereby amended to read as follows:

"4. All single story residences shall have a total finished ground floor area of not less than 2000 square feet; all two story residences shall have a finished ground floor area of not less than 1200 square feet and a total finished floor area of 2200 square feet; all one and one-half story residences shall have a finished ground floor of not less than 1800 square feet and a total finished floor area of 2300 square feet."

IN WITNESS WHEREOF, the undersigned has caused this Declaration to be duly executed as of the date first above written.

WELLINGTON PARK PARTNERS,  
a Kansas General Partnership

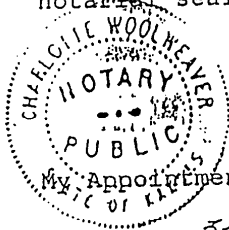
Rodrock Homes, Inc., a corporation  
Managing Partner

By: Darol Rodrock  
Darol Rodrock, President

STATE OF KANSAS, JOHNSON COUNTY, SS.:

BE IT REMEMBERED, that on this 6 day of October, 1993, before me the undersigned, a Notary Public in and for the county and state aforesaid, came Darol Rodrock, President of Rodrock Homes, Inc., a corporation, Managing Partner of Wellington Park Partners, a general partnership, who is personally known to me to be the same person who executed, as such officer of the Managing Partner, the within instrument on behalf of said partnership, and such person duly acknowledged the execution of the same to be the act and deed of said corporation and partnership.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.



My Appointment Expires:

5-14-94

J:100493/RODROCK/WELL/HUNTER/12279

Charlotte Woolweaver  
Notary Public

STATE OF KANSAS  
COUNTY OF JOHNSON  
FILED FOR RECORD

900 93 OCT -7 P 2:01.6  
-2- SARA F. ULLMANN  
REGISTER OF DEEDS

VOL 4095 PAGE 243

9<sup>00</sup> 1993 JUN 22 P 2: 53.4

DECLARATION OF RESTRICTIONS  
AND HOME OWNERS' ASSOCIATION DECLARATION

SARA F. ULLMANN  
REGISTER OF DEEDS

THIS DECLARATION, made as of the 21 day of JUNE, 1993, by the Declarant, WELLINGTON PARK PARTNERS, a Kansas General Partnership,

WITNESSETH:

WHEREAS, the Declarant has executed and filed with the Register of Deeds of Johnson County, Kansas, a First Plat of the subdivision known as "HUNTERS GLEN OF WELLINGTON PARK" which plat was recorded on March 17, 1993 in Book 83 of Plats at Page 30; and

WHEREAS, such plat adds the following lots to the subdivision of Wellington Park (the "Additional Lots"), to-wit:

Lots 1 through 42, inclusive, in HUNTERS GLEN OF WELLINGTON PARK, 1ST PLAT, a subdivision in the City of Overland Park, Johnson County, Kansas, according to the recorded plat thereof;

and

WHEREAS, the Declarant, as the owner of the Additional Lots, desires to subject the Additional Lots to the covenants, restrictions, easements and other provisions contained in that certain Declaration of Restrictions, dated as of JUNE 15, 1993 (the "Original Declaration"), executed by Wellington Park Partners, a Kansas General Partnership and filed with the Register of Deeds of Johnson County on JUNE 16, 1993 and recorded in Volume 3969 at Page 294, and in that certain Home Owners' Association Declaration dated as of JUNE 15, 1993 (the "Original Home Owners' Declaration"), executed by Wellington Park Partners, a Kansas General Partnership and filed with the Register of Deeds of Johnson County, Kansas on JUNE 16, 1993 and recorded in Volume 3969, at Page 278.

NOW, THEREFORE, in consideration of the premises, Declarant for itself, and for its successors and assigns, and for its future grantees, hereby agrees and declares that all of the Additional Lots shall be, and they hereby are, subject to the covenants, restrictions, easements and other provisions set forth in the Original Declaration and Original Home Owners' Declaration. As contemplated in the Original Declaration and Original Home Owners' Declaration, this instrument shall have the effect of subjecting the Additional Lots to all of the provisions of the Original Declaration and Original Home Owners' Declaration as though the Additional Lots had been originally described therein and subjected to the provisions thereof. Provided, however, that Paragraph 4 of said Original Declaration, as it relates to the Additional Lots above, shall be and is hereby amended to read as follows:

"4. All single story residences shall have a total finished ground floor area of not less than 2000 square feet; all two story residences shall have a finished ground floor area of not less than 1200 square feet and a total finished floor area of 2200 square feet; all one and one-half story residences shall have a finished ground floor of not less than 1800 square feet and a total finished floor area of 2300 square feet."

IN WITNESS WHEREOF, the undersigned has caused this Declaration to be duly executed as of the date first above written.

WELLINGTON PARK PARTNERS,  
a Kansas General Partnership

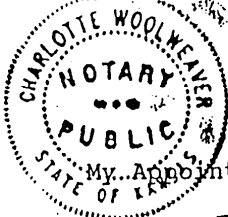
Rodrock Homes, Inc., a corporation  
Managing Partner

By: Darol Rodrock  
Darol Rodrock, President

STATE OF KANSAS, JOHNSON COUNTY, SS.:

BE IT REMEMBERED, that on this 31<sup>st</sup> day of June, 1993, before me the undersigned, a Notary Public in and for the county and state aforesaid, came Darol Rodrock, President of Rodrock Homes, Inc., a corporation, Managing Partner of Wellington Park Partners, a general partnership, who is personally known to me to be the same person who executed, as such officer of the Managing Partner, the within instrument on behalf of said partnership, and such person duly acknowledged the execution of the same to be the act and deed of said corporation and partnership.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.



Charlotte Woolweaver  
Notary Public

My Appointment Expires:

3-14-94

693/RODROCK/WELL/CARRIAGE1/12279

This instrument filed by  
Security Land Title Company  
*Accom*

2373176

STATE OF KANSAS }  
COUNTY OF JOHNSON } SS  
FILED FOR RECORD

1000 94 MAR 24 P 2:04.2

AMENDMENT TO  
HOMES ASSOCIATION DECLARATION

HUNTER'S GLEN OF WELLINGTON PARK  
(1st and 2nd Plats)

SARA F. ULLMANN  
REGISTER OF DEEDS

THIS AMENDMENT TO HOMES ASSOCIATION DECLARATION, made as of  
this 23 day of March, 1994 by the undersigned.

WHEREAS, WELLINGTON PARK PARTNERS, a Kansas partnership  
("Developer"), filed that certain Homes Association Declaration  
("Declaration") for the first plat of "HUNTER'S GLEN OF WELLINGTON  
PARK" in the Office of the Register of Deeds of Johnson County,  
Kansas at Volume 3975, at Page 684 on June 22, 1993; and

WHEREAS, the Declaration was made applicable to a subsequent  
plat of HUNTER'S GLEN OF WELLINGTON PARK by document recorded in  
the Office of the Register of Deeds of Johnson County, Kansas at  
Volume 4095, at Page 242 (2nd Plat); and

WHEREAS, the undersigned, being the owner of greater than  
seventy-five percent (75%) of the lots and land described below,  
desire to amend said Declaration by consent; and

WHEREAS, the Declaration as hereby amended encumbers and  
subjects thereto the real property more fully described as:

Lots 1 through 42, inclusive, in HUNTER'S GLEN  
OF WELLINGTON PARK, 1ST PLAT, and Lots 43  
through 94, inclusive, in HUNTER'S GLEN OF  
WELLINGTON PARK, 2ND PLAT, subdivisions in the  
City of Overland Park, Johnson County, Kansas,  
according to the recorded plats thereof.

NOW, THEREFORE, Section 7 (1) of the Declaration is hereby  
amended to read as follows:

"SECTION 7. METHOD OF PROVIDING GENERAL AND SPECIAL FUNDS

(1) For the purpose of providing a general fund to enable the Association to exercise the powers and maintain the improvements and render the services herein provided for, each Lot within the District, owned by a Class A member upon which a dwelling has been erected and is then or has been at any time theretofore occupied as a residence, shall be subject to an annual general fund assessment which may be levied by the Association from year to year, which assessment shall be paid to the Association annually or at such other times as the Association may determine in advance. Anything to the contrary herein notwithstanding, the Developer, in its sole discretion, shall fix the amount of annual assessment, for so long as Developer owns land within the District (including land added to the District). Thereafter, the Board of Directors of the Association shall from year to year fix and determine the total amount required in this general fund and may levy and collect an annual assessment for each Lot owned by a Class A member upon which a dwelling has been erected and is then or has been at any time theretofore occupied as a residence. Assessments shall commence either upon occupancy of the home or completed sale, whichever comes first. The assessment for the year in which the dwelling is erected shall be determined on the basis of the date of closing of the conveyance to the homeowner or occupant. On newly constructed single family dwellings first occupied or conveyed, assessments will be prorated on a 365-day year basis."

That the Declaration, including the amendments herein, is hereby ratified and affirmed.

IN WITNESS WHEREOF, the undersigned have executed this instrument as of the day and date first above written.

WELLINGTON PARK PARTNERS, a Kansas General Partnership

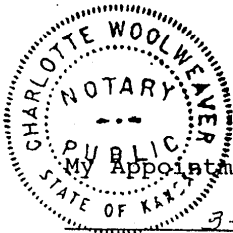
Rodrock Homes, Inc., a corporation and Managing Partner

By: Darol E. Rodrock  
Darol E. Rodrock  
Title: President

STATE OF KANSAS, JOHNSON COUNTY, SS.:

BE IT REMEMBERED, that on this 23<sup>RD</sup> day of March, 1994, before me the undersigned, a Notary Public in and for the county and state aforesaid, came Darol E. Rodrock, President of Rodrock Homes, Inc., Managing Partner of WELLINGTON PARK PARTNERS, a Kansas general partnership, who is personally known to me to be the same person who executed, as such officer of the Managing Partner, the within instrument on behalf of said partnership, and such person duly acknowledged the execution of the same to be the act and deed of said partnership.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.



Charlotte Woolweaver  
Notary Public