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FIRST AMENDMENT TO DECLARATION OF EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS AND HOMES ASSOCIATION DECLARATION FOR SOUTHWOOD SUBDIVISION

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

1999 FEB 25 P 1:54.0

SARA F. ULLMANN
REGISTER OF DEEDS

THIS FIRST AMENDMENT is made and entered into as of the 25th day of February, 1999, by Southwood, L.C. ("Developer"),

WITNESSETH:

WHEREAS, on April 30, 1997, Developer executed that certain Declaration of Easements, Covenants, Conditions and restrictions and Homes Association for Southwood Subdivision (the "Declaration") which encumbers the real property situated in Overland Park, Johnson County, Kansas, as legally described on Exhibit "A" attached hereto and incorporated herein by this reference (the "Property"). The Declaration was recorded in the Real Estate Records of Johnson County, Kansas on May 1, 1997, as Document No. 2699821, in Book 5177 at Page 303; and

WHEREAS, Southwood, L.C. (Developer) now desires to amend the Declaration in accordance with the terms hereof; and

WHEREAS, pursuant to Article XV of the Declaration, Southwood, L.C. (Developer) is empowered pursuant to said Article XV (to amend, and do hereby amend the Declaration as follows:

1. Amendment. Article XIII of the Declaration is hereby amended by adding the following to the end thereof:

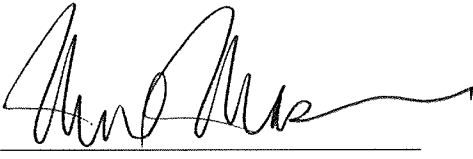
"Notwithstanding the foregoing, Developer, its successors, assigns, employees, agents and subcontractors are and shall be bound by all of the terms, covenants, conditions and restrictions of this Declaration with regard to any and all acts relating to any of the Lots or any part of the Community, and Developer, its successors, assigns, employees, agents and subcontractors shall abide by all of the terms, covenants, conditions and restrictions hereof."

2. Declaration. Except as amended hereby, the Declaration shall remain in full force and effect in accordance with the terms thereof. Any capitalized terms not defined herein shall have the same meaning as defined in the Declaration

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IN WITNESS WHEREOF, the party hereto has caused this First Amendment to Declaration to be executed as of the day and year first above written.


DEVELOPER: SOUTHWOOD, L.C.

By: 
Max Mason,
Administrative Member Representative

STATE OF ~~KANSAS~~ MISSOURI
COUNTY OF ~~JOHNSON~~ JACKSON

On this 25th day of February 1999, before me, the undersigned, a Notary Public within and for said County and State, personally appeared Max Mason, to me personally known, who being by me duly sworn, did say that he is the Administrative Member Representative of Southwood, L.C., a limited liability corporation, that said instrument was signed on behalf of said corporation and said Max Mason acknowledged said instrument to be the free act and deed of said corporation.

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


Notary Public in and for Said County and State

Linda K. Jones
(Type, print, or stamp the Notary's name below his or her signature.)

My Commission Expires:

LINDA K JONES
NOTARY PUBLIC STATE OF MISSOURI
JACKSON COUNTY
MY COMMISSION EXP. MAY 21, 2002

EXHIBIT "A"

ALL THAT PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 8, TOWNSHIP 13, RANGE 25, NOW IN THE CITY OF OVERLAND PARK, JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 8; THENCE SOUTH 2°07'49" EAST, ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 8, A DISTANCE OF 806.56 FEET, TO A POINT ON THE EASTERLY EXTENSION OF THE NORTH LINE OF LOT 9, WARRINGTON ESTATES, A SUBDIVISION IN THE CITY OF OVERLAND PARK, JOHNSON COUNTY, KANSAS; THENCE SOUTH 87°48'46" WEST, ALONG THE NORTH LINE AND ITS EXTENSION OF SAID WARRINGTON ESTATES, A DISTANCE OF 1090.96 FEET, TO THE NORTHWEST CORNER OF LOT 21 OF SAID WARRINGTON ESTATES, SAID POINT ALSO BEING ON THE EAST LINE OF TRACT 4, METCALF 103, A SUBDIVISION IN THE CITY OF OVERLAND PARK, JOHNSON COUNTY, KANSAS; THENCE NORTH 2°07'20" WEST, ALONG THE EAST LINE OF SAID TRACT 4, A DISTANCE OF 806.55 FEET, TO THE NORTHEASTERLY CORNER THEREOF, SAID POINT ALSO BEING ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 8; THENCE NORTH 87°48'43" EAST, ALONG THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 8, A DISTANCE OF 1090.84 FEET, TO THE POINT OF BEGINNING, EXCEPT THAT PART IN STREETS OR ROADS NOW PLATTED AS SOUTHWOOD.

ret Max K. Mason
3811 Somerset Dr. Ste 204
JM, KS 66208