

COVER PAGE

Title of Document: Amendment Number Two to Declaration of Easements, Covenants, Conditions and Restrictions and Homes Association Declaration for Southwood Subdivision

Date of Document: July 17, 2011

Legal Description:

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.

**AMENDMENT NUMBER TWO TO
DECLARATION OF EASEMENTS, COVENANTS, CONDITIONS
AND RESTRICTIONS AND HOMES ASSOCIATION DECLARATION
FOR SOUTHWOOD SUBDIVISION**

WHEREAS, a Declaration of Easements, Covenants, Conditions and Restrictions and Homes Association Declaration for Southwood Subdivision, was duly filed with the Johnson County Register of Deeds on the 1st day of May, 1997, as Document No. 2699821 in Book 5177 at Page 303, and was amended by Amendment Number One to Declaration of Easements, Covenants, Conditions and Restrictions and Homes Association Declaration for Southwood Subdivision, duly filed with the Johnson County Register of Deeds on the 25th day of February, 1999, as Document No. 2955445 in Book 6069 at Page 869, which encumbers real property legally described in Exhibit "A" attached hereto; and

WHEREAS, Southwood, L.C. is the Developer of Southwood Subdivision; and not all lots in Southwood Subdivision have as yet been sold by the Developer to third parties; and

WHEREAS, Article XV, paragraph 15.5 of the Declaration of Easements, Covenants, Conditions and Restrictions and Homes Association Declaration for Southwood Subdivision provides that until 100% of the lots have been sold to third parties, the Developer reserves the right to amend the Declaration; and

WHEREAS, Developer desires to amend the Declaration to address restrictions on future fencing, planting, garages and roofing materials.

NOW, THEREFORE, Developer, pursuant to the authority set forth above and for the purposes set forth above, does hereby amend the Declaration as set forth below.

1. Article VIII, paragraph 8.2(a) is hereby amended to read:

8.2 The Design Standards.

(a) Street Obstructions. No fence, wall, hedge or shrub planting which obstructs sight lines at elevations between 2 and 6 feet above the roadways will be placed or permitted to remain on any corner Lot within the triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the street lines, or in the case of a rounded property corner, from the intersection of the street lines extended. The same sight line limitations will apply on any Lot within 10 feet of the intersection of a street property line with the edge of a driveway or alley pavement. No tree will be permitted to remain within such distances of such intersections unless the foliage line is maintained at a sufficient height to prevent obstruction of such sight lines. In addition to the foregoing requirements, no planting of any tree (except Red Oak Trees required in Paragraph 8.2(b) hereafter), hedge, shrub or other plant in excess of one foot in height shall be permitted within any easement reserved by or granted in favor of a utility, governmental authority, or the Association, or between any sidewalk and curb within the Community (or like distance from curb including the width of a sidewalk in those areas where no sidewalk exists).

2. Article VIII, Paragraph 8.2(g) is hereby amended to read:

8.2 The Design Standards.

(g) Exterior Materials and Colors. Residences shall be faced on all sides with quality materials such as brick, wood shingles, stone, stucco/EIFS, or certain woods as approved by the Architectural Control Committee. Exposed concrete block, batt and board, certain types of hardboard and lava rock will not be allowed. Simulated brick or stone must be approved by the Architectural Control Committee. All exterior materials and the color of all exterior materials, including the color of decks and porches, shall be subject to the approval of the Architectural Control Committee.

Exposed foundations shall be painted and those exceeding twelve inches (12") shall be covered with the same quality material as the residence.

Roofs shall be architectural composite material, slate, tile or such other material approved by the Architectural Control Committee. In any event, no composition asphalt shingles shall be permitted.

3. Article VIII, Paragraph 8.2(g) is hereby amended to read:

8.2 The Design Standards.

(h) Each residence must have an attached, fully enclosed side or front-entry garage for not less than three nor more than four vehicles, unless the Architectural Control Committee shall consent to capacity for a greater number of vehicles; provided, however, if the features unique to the Lot shall not reasonably permit a side or front-entry garage, the Architectural Control Committee may (but shall not be obligated to) approve a rear-entry garage. Garages shall have the same architectural treatment and be constructed of the same materials as the house. Garages shall remain closed except when vehicles are entering or exiting. No garage will be permitted to be enclosed for living or used for purposes other than storage of vehicles and related uses.

4. Article VIII, paragraph 8.2(l) is hereby amended to read:

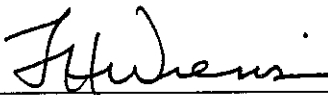
8.2 The Design Standards.

(l) Swimming Pools, Tennis Courts and Spas. All swimming pools and pool areas, spas, tennis courts, equipment associated therewith (including lighting) and Screening therefor shall be subject to approval of the Architectural Control Committee. No above-ground or above-grade swimming pools shall be allowed; provided, however, that in the event topographical features of the Lot, in the opinion of the Architectural Control Committee, require a swimming pool to be partially above-grade, the Architectural Control Committee shall have the right to approve such partial above-grade construction. No external or outdoor hot tubs or spas shall be above-ground or above-grade or otherwise allowed without the prior approval of the Architectural Control Committee and shall provide appropriate Screening.

All fencing and walls (including, without limitation, the composition and location thereof) shall be subject to the approval of the Architectural Control Committee. No fencing shall exceed five feet (5') in height unless required by the City for Screening of pool, hot tub or spa areas. Retaining or Screening walls shall be made of natural materials or faced with quality materials approved by the Architectural Control Committee. No chain link, wood or wire fencing shall be permitted. Only wrought iron or similar metal product shall be approved by the Architectural Control Committee. Wood fencing approved by the Architectural Control Committee prior to the recording of this Amendment Number Two to Declaration shall be permitted to remain until such time as such fence is replaced or materially repaired or restored. Upon any such replacement or material repair or restoration, such fence shall be wrought iron and otherwise comply with the requirements of the Declaration as amended from time to time.

IN WITNESS WHEREOF, Developer has caused this instrument to be executed as of the date and year first above written.


SOUTHWOOD, L.C.

By: 
Lewis H. Wiens, Member

STATE OF Kansas)
COUNTY OF Johnson)

On the 17th day of July, 2011, before me, the undersigned, a Notary Public within and for said County and State, personally appeared Lewis H. Wiens, to me personally known, who being by me duly sworn, did say that he is a Member of Southwood, L.C., a limited liability corporation, that said instrument was signed on behalf of said corporation and said Lewis H. Wiens 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 Overland Park, the day and year last above written.


Notary Public in and for said County and State

My Commission Expires: 2/26/2015

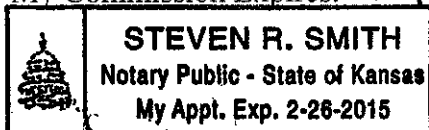


EXHIBIT "A"

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.