
Document Title:	Amendment to the Declarations of Covenants, Conditions and Restrictions
Document Date:	<u>October 11</u> , 2007
Grantor's Name:	Newberry Home Owners Association Members
Grantee's Name:	Newberry Home Owners Association, Inc.
Grantee's Statutory Address:	P.O. Box 1554 Lee's Summit, Missouri 64063
Legal Description:	See Exhibit "A"
Reference Document Nos.:	1999I0018599, 1999I0070999, 2000I0010680, 2000I0023310

**AMENDMENT TO THE DECLARATIONS OF
COVENANTS, CONDITIONS AND RESTRICTIONS**

THIS AMENDMENT TO THE DECLARATIONS OF COVENANTS, CONDITIONS AND RESTRICTIONS ("Amendment"), is made and entered into on this 11 day of October, 2007 and is hereby executed by, and granted to, the NEWBERRY HOME OWNERS ASSOCIATION, INC. ("Grantee") whose statutory address is P.O. Box 1554, Lee's Summit, Missouri 64063. This Amendment is adopted by the approving signatures of the owners of not less than sixty percent (60%) of the members and owners of property, within the NEWBERRY HOME OWNERS ASSOCIATION, INC. ("Grantors"), pursuant to the requirements of Article X, Section 2 of the Declarations of Covenants, Conditions and Restrictions, dated March 5, 1999 and recorded on March 8, 1999 in the Office of the Director of Records for Jackson County, Missouri, at Independence ("Recorder's Office") as Document No. 1999I0018599 ("Declaration").

RECITALS

WHEREAS:

1. By the Declarations, the Chapel Oaks Development Company ("Declarant"), declared that it was the owner of certain real property ("Initial Property") described as:

Commencing at the Northwest corner of Section 16, Township 47 North, Range 31 West; thence along the North line thereof South 88 degrees 07 minutes 04 seconds East a distance of 25.00 feet; thence South 02 degrees 22 minutes 27 seconds West a distance of 20.00 feet to a point on the south right-of-way of Bailey Road as now established; thence along said right-of-way South 88 degrees 07 minutes 44 seconds East a distance of 655.00 feet to the Point of Beginning; thence continuing South 88 degrees 07 minutes 44 seconds East a distance of 1923.78 feet; thence South 2 degrees 19 minutes 52 seconds West a distance of 310.01 feet; thence South 88 degrees 07 minutes 44 seconds East a distance of 49.50 feet to a point on the East line of the Northwest Quarter of said section; thence along said East line South 2 degrees 19 minutes 52 seconds West a distance of 995.21 feet to a point on the South line of the North half of said Northwest Quarter; thence North 88 degrees 02 minutes 17 seconds West a distance of 2057.81 feet; thence North 1 degree 52 minutes 16 seconds East a distance of 1050.57 feet; thence South 88 degrees 07 minutes 44 seconds East a distance of 95.00 feet; thence North 1 degree 52 minutes 16 seconds East a distance of 251.34 feet to the Point of Beginning

and that the said Initial Property was thereafter subjected to certain covenants, reservations, restrictions, conditions and limitations as set forth therein.

2. By a document entitled Amendment to Declaration of Covenants, Conditions and Restrictions, dated July 14, 1999, and recorded on August 27, 1999 in the Recorder's Office as Document No. 1999I0070999 ("First Amendment") the Declarant, among other things, amended the Declaration, to remove portions of the Initial Property. The First Amendment thereafter subjected the real property ("Property") legally described on the Exhibit "A", attached hereto and incorporated by reference herein.

3. By a document entitled Amendment to Declaration of Covenants, Conditions and Restrictions, dated February 18, 2000, and recorded on February 24, 2000 in the Recorder's Office as Document No. 2000I0010680 ("Second Amendment") the Declarant made certain other amendments to the Declaration.

4. By a document entitled Amendment to Declarations of Covenants, Conditions and Restrictions, dated April 7, 2000, and recorded on April 12, 2000 in the Recorder's Office as Document No. 2000I0023310 ("Third Amendment") the Declarant made certain other amendments to the Declaration.

5. The Declarant also platted the Property into the following platted subdivisions (collectively referred to herein as the "Newberry Subdivision"):

- a. Newberry 1st Plat—recorded on February 26, 1999 in the Recorder's Office as Document No. 1999I0014913,
- b. Revised Newberry 1st Plat—recorded on May 3, 1999 in the Recorder's Office as Document No. 1999I0035737,
- c. Newberry 2nd Plat—recorded on September 17, 1999 in the Recorder's Office as Document No. 1999I0076018,
- d. Newberry 3rd Plat—recorded on October 18, 2001 in the Recorder's Office as Document No. 2001I0084709,
- e. Newberry 4th Plat—recorded on June 26, 2002 in the Recorder's Office as Document No. 2002I0053930,
- f. Newberry 5th Plat—recorded on March 20, 2003 in the Recorder's Office as Document No. 2003I0032952,
- g. Newberry 4th Plat—recorded on April 4, 2003 in the Recorder's Office as Document No. 2003I0040220, and

6. By a document entitled Amendment to the Declaration of Covenants, Conditions and Restrictions dated July 30, 2007, and recorded in the Recorder's Office on August 7, 2007 as Document No. 2007E0103757 ("Fourth Amendment"), the Grantee attempted to amend Article VIII, Section 22 of the Declarations. A copy of the recorded Fourth Amendment has been attached hereto, and is incorporated by reference herein as Exhibit "B".

7. The Recorder's Office notified the Grantee with concerns over the contents and subsequent indexing of the Fourth Amendment. A copy of the written notification from the Recorder's Office has been attached hereto, and is incorporated by reference herein as Exhibit "C".

8. This Amendment has been drafted in order to address the concerns raised by the Recorder's Office with the Fourth Amendment, and will be recorded to ensure the proper notification and indexing of the same.

9. Article X, Section 2 of the Declarations is entitled Term and Amendment, and provides as follows:

The provisions of this Declaration shall run with and bind the property for a term of twenty (20) years, commencing on the date hereof, after which period the provisions of this Declaration shall be automatically extended for successive terms of ten (10) years. The provisions of this Declaration may be amended during the initial twenty (20) year period by an instrument signed by owners of not less than sixty percent (60%) of all votes which may be cast by members, and following such initial twenty (20) year period, by an instrument signed by owners of not less than two-thirds (2/3) of all parcels or Living Units. Any such amendment shall be effective upon the date that such instrument shall be property executed, acknowledged, and filed of record in the office of the Recorder of Deeds for Jackson County, Missouri.

proven, to be the persons described in and who executed the foregoing Amendment, and acknowledged that they respectively executed the same as their free act and deed in their capacities as the current officers of the Grantee, the Newberry Home Owners Association, Inc.

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

Notary Public

My Commission Expires:

Exhibit "A"
Legal Description of Property

Commencing at the Northwest corner of Section 16, Township 47 North, Range 31 West; thence along the North line thereof South 88 degrees 07 minutes 04 seconds East a distance of 25.00 feet; thence South 02 degrees 22 minutes 27 seconds West a distance of 20.00 feet to a point on the South right-of-way of Bailey Road as now established; thence along said right-of-way South 88 degrees 07 minutes 44 seconds East a distance of 655.00 feet to the Point of Beginning; thence continuing South 88 degrees 07 minutes 44 seconds East a distance of 1923.78 feet; thence South 2 degrees 19 minutes 52 seconds West a distance of 310.01 feet; thence South 88 degrees 07 minutes 44 seconds East a distance of 49.50 feet to a point on the East line of the Northwest Quarter of said section; thence along said East line South 2 degrees 19 minutes 52 seconds West a distance of 995.21 feet to a point on the South line of the North half of said Northwest Quarter; thence North 88 degrees 02 minutes 17 seconds West a distance of 2057.81 feet; thence North 1 degree 52 minutes 16 seconds East a distance of 1050.57 feet; thence South 88 degrees 07 minutes 44 seconds East a distance of 95.00 feet; thence North 1 degree 52 minutes 16 seconds East a distance of 251.34 feet to the Point of Beginning, except that part thereof described as follows:

Commencing at the Northwest corner of Section 16, Township 47 North of the Baseline, Range 31 West of the Fifth Principal Meridian in Lee's Summit, Jackson County, Missouri; thence along the North line of said section South 88 degrees 07 minutes 44 seconds East a distance of 679.83 feet; thence South 1 degree 52 minutes 16 seconds West a distance of 20 feet to a point on the South right of way of Bailey Road as now established and Point of Beginning; thence along said right of way South 88 degrees 07 minutes 44 seconds East a distance of 510.00 feet; thence South 1 degree 52 minutes 16 seconds West a distance of 1302.87 feet to a point on the South line of the North half of the Northwest Quarter of said section; thence along said line North 88 degrees 02 minutes 17 seconds West a distance of 605.00 feet; thence North 1 degree 52 minutes 16 seconds East a distance of 1050.57 feet; thence South 88 degrees 07 minutes 44 seconds East a distance of 95.00 feet; thence North 1 degree 52 minutes 16 seconds East a distance of 251.34 feet to the Point of Beginning, containing 17.54 acres, more or less, subject to easements and restrictions of record.

