

**AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS**

THIS AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS, made on the date indicated below, by CHAPEL OAKS DEVELOPMENT COMPANY, INC., a Missouri Corporation, (hereafter called "Declarant"),

W I T N E S S E T H:

WHEREAS, by a Declaration of Covenants, Conditions and Restrictions, duly recorded on March 8, 1999, in the office of the Recorder of Deeds in and for Jackson County, Missouri, at Independence, as Document Number and at Book and Page Number, 1999I 0018599, declared all that certain property described in that instrument to be subject to easements, restrictions, covenants and conditions, as set forth therein (hereafter called the "Declaration"); and

WHEREAS, by said Declaration Declarant included certain property in the legal description, which Declarant now deems desirable to have removed therefrom; and

WHEREAS, Declarant is the fee simple title owner of the property Declarant desires to remove from the above-referenced Declaration; and

WHEREAS, Declarant, by the provisions of said Declaration, holds the requisite number of votes as a Class C member of the NEWBERRY HOME OWNERS ASSOCIATION, INC., to effect an amendment to the Declaration, to correct the legal description of the property to be affected and controlled by the Declaration; and

WHEREAS, a portion of that property described in the Declaration is now to be dedicated and developed as a condominium project, and requires special conditions, covenants and restrictions that are different from those contained in the Declaration; and

WHEREAS, this Amendment will inure to the benefit and enhance the value of all the property remaining subject to the Declaration after this Amendment.

NOW, THEREFORE, Declarant hereby declares that the Declaration is amended, as

follows:

1. The legal description of the property subject of the Declaration is amended to read as

follows:

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.

2. The provisions of said Declaration are further hereby amended as follows:

All references in the Declaration to "Multi-Family Residential Units" are to be disregarded, and all declarations of restrictions, conditions, covenants, rights and obligations reasonably deriving from or related in any way to "Multi-Family Residential Units" are to be deemed deleted and removed from said Declaration, including without limitation such

restrictions, conditions, covenants, rights and obligations related to common areas, common properties and common elements, whether general or limited, Class B Members, annual and special assessments, architectural control, use restrictions, and general provisions. This Amendment shall not, is not intended to, and shall not be deemed to, affect any of the declarations of restrictions, conditions, covenants, rights and obligations in the Declaration otherwise appertaining to the balance of the property described in the Declaration, as amended above, and sometimes referred to in the Declaration as "Single Family" lots, living units or residential units.

In all other respects, the Declaration and all its terms shall remain unchanged, unaffected, and in full force and effect with respect to the property described therein, as said description is amended above.

IN WITNESS WHEREOF, the undersigned, being the duly appointed representative of the Declarant herein, has hereunto set his hand this 14th day of July, 1999.

**CHAPEL OAKS DEVELOPMENT COMPANY, INC.
A Missouri Corporation**

By: Ross S. Barber
Ross S. Barber, President

STATE OF MISSOURI)
) ss.
COUNTY OF JACKSON)

On this 14th day of July, 1999, before me, a Notary Public in the above-named county and state, personally appeared Ross S. Barber, to me personally known, who being duly sworn, did say that he is the President of Chapel Oaks Development Company, Inc., a Missouri Corporation, and that said corporation does not have a corporate seal, and that the foregoing instrument was signed and acknowledged by him on behalf of said corporation by authority of its Board of Directors, and said Ross S. Barber acknowledged said instrument to be the free act and deed of said corporation.

In witness whereof, I have hereunto set my hand and notarial seal, the day and year written above.

Kimberly S. Massey
Notary Public

My commission expires:

10.30.01

KIMBERLY S. MASSEY
Notary Public – Notary Seal
STATE OF MISSOURI
Jackson County
My Commission Expires: Oct. 30, 2001