

**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 1999I 0018599, as amended, said amendment being duly recorded on August 27, 1999, in the office of the Recorder of Deeds in and for Jackson County, Missouri, at Independence, as Document Number 1999I 0070999 (1-4), Declarant declared all that certain property described in that instrument as amended 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 the property described in the Declaration is now to be dedicated and developed as a not for profit recreation facility to provide services to the members of both

the NEWBERRY HOME OWNERS ASSOCIATION, INC. and NEWBERRY COMMONS CONDOMINIUM OWNERS ASSOCIATION, INC., and requires special conditions, covenants and restrictions that differ 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 those parts 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

In all other respects, the Declaration and 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 18<sup>th</sup> day of February, 2000.

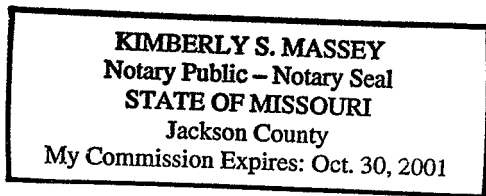
**CHAPEL OAKS DEVELOPMENT COMPANY, INC.  
A Missouri Corporation**

By: Ross S Barber  
Ross S. Barber, President

STATE OF MISSOURI     )  
  ) ss.  
COUNTY OF JACKSON    )

On this 18<sup>th</sup> day of February, 2000, 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: 10-30-2001