

**CORRECTIVE 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 amendments to a Declaration of Covenants, Conditions, and Restrictions recorded respectively on February 24, 2000, and April 12, 2000, Declarant made amendments to the Declaration described therein, but each of said amendments contained an erroneous legal description of the property then covered by said Declaration; and

WHEREAS, the Declarant now desires to correct the erroneous legal description of the property covered by said Declaration, and otherwise confirm the amendments contained in the previously recorded amendments; and

WHEREAS, the 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, this Corrective 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, and subject of the amendments duly recorded on February 24, 2000 (as Document Number 2000I 0010680 (1-4)), and April 12, 2000 (as Document Number 2000I 0023310 (1-4)), in the office of the Recorder of

Deeds in and for Jackson County, Missouri, at Independence is hereby 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 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;

and

Common Use Area, described as Tract B, of NEWBERRY HOMES, a subdivision in Lee's Summit, Missouri, according to NEWBERRY 1st Plat, duly recorded in the office of the Recorder of Deeds of Jackson County, Missouri, in Independence, Missouri, subject to covenants, easements and restrictions of record.

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.

In all other respects, the Declaration, as amended, 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 19<sup>th</sup> day of March, 2001.

**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 19<sup>th</sup> day of March, 2001, 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 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 seal, the day and year written above.



Lynn Hinkle  
Notary Public

LYNN HINKLE

MY COMMISSION EXPIRES: 4-26-03  
NOTARY PUBLIC - STATE OF MISSOURI  
JACKSON COUNTY  
MY COMMISSION EXP. APR. 26, 2003