

**SUPPLEMENTARY DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS**

THIS SUPPLEMENTARY DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS, made on the date indicated below, by CLEAR MOUNTAIN PROPERTIES, L.L.C., a Missouri Limited Liability Company, (hereafter called "Declarant"),

WITNESSETH:

WHEREAS, Declarant owns a certain parcel of real estate which is legally described as follows:

Part of the Northwest Quarter of Section 16, Township 47 North, Range 31 West, in the City of Lee's Summit, Jackson County, Missouri, described as follows: From the Northwest Corner of the Northwest Quarter of Section 16, aforesaid, run thence South 2°22'27" West, along the West line of said Quarter Section, 1321.02 feet; Run thence South 88°02'17" East, 723.42 Feet to the true point of beginning of the tract to be described; Run thence South 42°44'34" East 583.14 Feet; Thence South 9°25'00" East, 100.77 Feet; Thence South 39°22'06" East, 223.44 Feet; Thence South 75°42'12" East, 164.49 Feet; Thence South 34°40'15" East, 386.83 Feet; Thence South 2°03'10" West, 297.08 Feet to a point on the South line of said Quarter Section; Thence South 87°56'50" East, along the South line of said Quarter Section, 953.59 Feet to the Southeast corner of said Quarter Section; Thence North 2°20'19" East, 1325.22 Feet; Thence North 88°02'17" West, 1930.99 Feet to the point of beginning. Contains 40.49 acres, more or less, subject to any existing easements

(hereafter referred to as the "Added Parcel"); and

WHEREAS, by **Declaration of Covenants, Conditions and Restrictions** (hereafter sometimes called the "**Declaration**"), 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, as amended, said amendments being duly recorded on August 27, 1999 (as Document Number 1999I 0070999 (1-4)), February 24, 2000 (as Document Number 2000I 0010680 (1-4)), and April 12, 2000 (as Document Number 2000I 0023310 (1-4)), and October 18, 2001 (as Document Number 2001-I-0084705 (1-4)) in the office of the Recorder of Deeds in and for Jackson County, Missouri, at

Independence, Declarant declared all that certain property, described in those instruments, 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.

to be subject to easements, restrictions, covenants and conditions, as set forth in the Declaration;
and

WHEREAS, Declarant, by the provisions of ARTICLE II of said Declaration, reserved unto itself and its assigns for ten (10) years from the date of recording of the Declaration the right to add additional real property to be subject to the provisions of the Declaration and made part of the Property covered by the Declaration without regard to assent from any other member and without any vote by the members; and

WHEREAS, ARTICLE I of the Declaration allows and provides for Supplementary Declarations of Covenants, Conditions and Restrictions which may be recorded by the Declarant or Developer containing such complementary provisions in relation to a parcel as are authorized in the Declaration and required for the general welfare of the owners or occupants of lots within the parcel; and

WHEREAS, the Added Parcel of Declarant is adjacent to and adjoining the Property currently covered by the Declaration, Declarant desires to add the Added Parcel to that Property subject of the Declaration, and this instrument is executed and recorded within ten (10) years from the date of recording of the Declaration, and Declarant further desires to adopt and record a Supplementary Declaration of Covenants, Conditions and Restrictions complementary to the provisions of the Declaration in regard to the Added Parcel and required for the general welfare of owners or occupants of lots within the parcel.

NOW, THEREFORE, Declarant hereby declares that all of the property in the Added Parcel described above shall be held, sold and conveyed subject to the following easements, restrictions, covenants and conditions, which are for the purpose of protecting the value and

desirability of, and which shall run with, the real property and shall be binding on all parties having any right, title or interest in the Added Parcel or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof.

Declarant hereby adopts, as the **Supplementary Declaration of Covenants, Conditions and Restrictions** (hereafter referred to as the “Supplementary Declaration”) for the Added Parcel, only, in its entirety, and incorporates herein by this reference as though fully set forth, that certain **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, as amended, said amendments being duly recorded on August 27, 1999 (as Document Number 1999I 0070999 (1-4)), 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, and specifically incorporating in their entirety **ARTICLE I** through **ARTICLE X** thereof, except as specifically provided below.

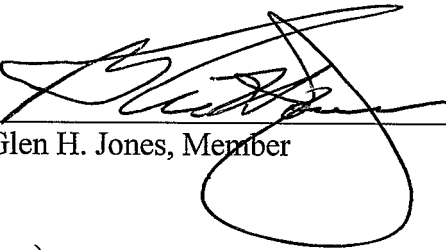
Notwithstanding the generality and inclusiveness of the foregoing provisions, **ARTICLE IX** of the said **Declaration**, entitled “**ADDITIONAL USE RESTRICTIONS APPLICABLE TO RESIDENTIAL LOTS, Section 3. Size Requirements**,” as it shall be included in the Supplementary Declaration and as it pertains to the property contained within the Added Parcel, is hereby amended to delete said “Section 3. Size Requirements” in its entirety, and the following replacement “Section 3. Size Requirements” is hereby adopted and inserted, as follows:

“Section 3. Size Requirements. Any residence consisting of a single level above ground level shall contain a minimum of 1,200 square feet of enclosed floor area. If, however, a single level residence shall contain a basement garage, the minimum enclosed floor area shall be 1,200 square feet. Any residence consisting of two levels above ground level shall contain a minimum of 950 square feet of enclosed floor space on the first level above ground level and an overall minimum of 1,400 square feet of enclosed floor area in the two levels above ground level. Any residence consisting of a level or part of a level below ground level with a garage beneath a part of the living area, sometimes referred to as a “split-level” or a “split-foyer”, shall have a minimum of 1200 square feet of total enclosed floor area on the level above ground level and above the garage. The words “enclosed floor area” as used herein shall mean and include areas of the residence enclosed and finished for all year occupancy, computed on outside measurements of the residence, and shall not mean or include any patio areas, basements, garages, carports, porches or attics. A residence containing less than the minimum floor area provided herein may be erected on any of said lots with the written consent of the Architectural Review Board, it being intended that the foregoing shall serve as a guide for the Board’s consideration.”

In all other respects, the Declaration and all its terms, as heretofore amended, shall remain unchanged, unaffected, and shall serve as the Supplementary Declaration of Covenants, Conditions and Restrictions with respect to and for the Added Parcel described above.

IN WITNESS WHEREOF, the undersigned, being the duly appointed representative of the Declarant herein, has hereunto set his hand this 20th day of March, 2001.

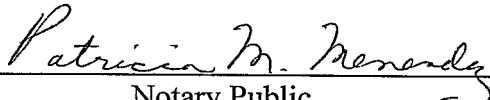
CLEAR MOUNTAIN PROPERTIES, L.L.C.
A Missouri Limited Liability Company

By: 
Glen H. Jones, Member

STATE OF MISSOURI)
)ss.
COUNTY OF JACKSON)

On this 20th day of March, 2001, before me, a Notary Public in the above-named county and state, personally appeared Glen H. Jones, to me personally known, who being duly sworn, did say that he is a Member of Clear Mountain Properties, L.L.C., a Missouri Limited Liability Company, and that the foregoing instrument was signed and acknowledged by him on behalf of said limited liability company by authority of its members, and said Glen H. Jones acknowledged said instrument to be the free act and deed of said limited liability company.

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


Notary Public

My commission expires:

