

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

This amendment to Declaration of Covenants, Conditions, and Restrictions, made on the date indicated below, by Newberry Home Owners Association, Inc., a Missouri Corporation, (hereafter called "Association"),

WITNESSETH:

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 page number, 1999I 0018599, as amended, said amendments being duly recorded on August 27, 1999 (as document number 1999I 0070999 (1-4)), and February 24, 2000 (as document number 2000I 0010680(1-4)) and April 7, 2000 (as document number 2000I 0023310) in the office of the Recorder of Deeds in and for Jackson County, Missouri, at Independence, it was declared that all certain property described in those instruments to be subject to easements, restrictions, covenants, and conditions, as set forth therein (hereafter called the "Declaration"); and

WHEREAS, the undersigned hereinafter referred to as "lot owners" are owners of over 60% of the developed and sold lots of Newberry, **lots 1 through 250**, a subdivision in Lee's Summit, Jackson County, Missouri, according to the recorded plat thereof, and hereby wish to exercise the power of amendment granted in Article X, Section 2 of the aforesaid Declaration of Covenants to execute an appropriate amendment modifying Section 22 of the recorded Declaration with respect to Fencing, and otherwise reinstating all of the aforesaid Covenants as follows; and

NOW, THEREFORE, the undersigned constituting 60% of the lots owned and subject to said Declaration, do hereby amend the said Declaration as follows:

1. The provisions of Article VIII, Section 22 Fencing, of the Declaration are hereby amended, to eliminate the portion thereof denominated as "Section 22. Fencing." in its entirety, and to substitute the following portion denominated as "Section 22. Fencing." to read as follows:

Section 22. Fencing. No fencing may be erected on a Multi-family residential lot except for privacy fences around patios or decks which shall be constructed on each parcel and for each living unit. On single family residential lots, a fence of wrought iron, wood, or other material acceptable with the Declarant shall be permitted with a maximum height of six (6) feet.

The terms of this Amended Declaration of Covenants, Conditions, and Restrictions shall be effective as of the date of recording in the Office of Recorder of Deeds of Jackson County, Missouri, and all other provisions of the original Declaration of Restrictions shall remain in full force and effect, except as amended herein.

IN WITNESS WHEREOF, the undersigned being the owners of over 60% of the land subject to the Declaration in Newberry and the officers of Newberry Home Owners Association, Inc. have set their hands and seals this 30th day of July, 2007.

Newberry Home Owners Association, Inc,
A Missouri Corporation

Corporate Seal

By: *Richard Horton*
Richard Horton, President

By: *Dave Estes*
Dave Estes, Vice President

By: *Eric Allee*
Eric Allee, Treasurer

By: *Janet Snook*
Janet Snook, Secretary

By: *Anthony Lomonte*
Anthony Lomonte, ARB Chairman

Notary Seal



Attest: *Andrayana Getchell*
Notary

My commission expires: 19 Sept 2009

ANDRAYANA GETCHELL
Notary Public - Notary Seal
STATE OF MISSOURI
Commission for Jackson County
My Commission Expires Sep. 19, 2009
Commission #05770795