


KS 8 5486



20090623-0010626 06/23/2009
P: 1 of 3 F: \$16.00 02:40:22 PM
Register of Deeds T20090022831
JO CO KS BK:200906 PG:010626

**THIRD AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND
RESTRICTIONS FOR
COFFEE CREEK MEADOWS**

This Third Amendment to Declaration of Covenants, Conditions, Easements and Restrictions for Coffee Creek Meadows (the "Declaration") is made and entered into as of this 15th day of May, 2009, by ARB Properties, Inc., a Kansas Corporation (hereinafter referred to as "Developer").

WHEREAS, the Declaration, encumbering the real property described on Exhibit "A" attached hereto, was recorded in the Office of the Register of Deeds of Johnson County, Kansas at Book 200706, at Page 009614 on June 27, 2007, and has heretofore been amended; and

WHEREAS, the Declaration provides that the same may be amended by the Developer, so long as the Developer controls the Community; and

WHEREAS, the Developer, which is in control of the Community, wishes to amend the Declaration as hereinafter set forth.

NOW, THEREFORE, the Declaration is hereby amended as follows:

1. Section 10.22, Entry Way Lots of the Declaration, is hereby amended to read as follows:

10.22 The Tradition and Parkview Lots. In order to preserve the community image, certain restrictions on use are applied thereto. Accordingly, and anything in this Declaration to the contrary notwithstanding, the following shall apply to the Tradition and Parkview lots:

(a) *No swimming pools or outdoor saunas shall be permitted;*

(b) *No exterior structure, including but not limited to those described in Section 10.10 above, shall be permitted on The Tradition and Parkview Lots without the prior approval of the ARC. The fact that certain exterior structures are permitted*

elsewhere in the community shall not serve as a precedent to allow such structures on The Tradition and Parkview Lots.

(c) Only black, three (3) bar horizontal, aluminum fences not exceeding 5' in height shall be allowed on Lots 1-89.

2. That the Declaration, including the amendments herein, is hereby ratified and affirmed.

IN WITNESS WHEREOF, the undersigned has executed this instrument as of the day and date first above written.

"Developer"

ARB PROPERTIES, INC., a Kansas Corporation

By: *Collin D. Acuff*
Collin D. Acuff, Secretary

STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

On this 15th day of May, 2009, before me, a Notary Public in and for said state, personally appeared Collin D. Acuff, who stated that he is the Secretary of ARB PROPERTIES, Inc., a Kansas Corporation, known to me to be the person who executed the within instrument on behalf of said corporation and acknowledged to me that he executed the same for the purposes therein stated.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

Mary F. Martin
Mary F. Martin, Notary Public

My commission expires:

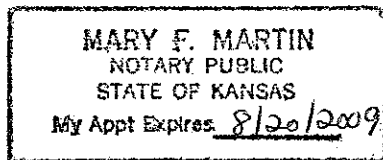


Exhibit "A"

Lots 1 – 49, inclusive, and Tracts A and R, COFFEE CREEK MEADOWS, 1ST PLAT, a subdivision in the City of Olathe, Johnson County, Kansas

and

Lots 50 – 89, inclusive, and Tracts B through N, inclusive, COFFEE CREEK MEADOWS, 2ND PLAT, a subdivision in the City of Olathe, Johnson County, Kansas

City of Olathe
20090623-0010626
06/23/2009 02:40:22 PM