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Electronic Recording		8/19/2022
Pages: 6	F: \$106.00	1:13 PM
Register of Deeds		T20220042540

COVER SHEET

Title of Document: Amendment to Declaration of Amended and Restated Restrictions  
for Indian Creek Estates

Date of Document: July 20, 2022

Grantor: Indian Creek Estates Homes Association

Grantee: Indian Creek Estates Homes Association

Legal Description: See attached Exhibit A

Reference Document: Book 6119, Beginning at Page 000057  
Recorded on April 2, 1999

Submitted by: Rod J. Hoffman  
Martin, Pringle, Oliver, Wallace & Bauer, LLP  
9401 Indian Creek Parkway, Suite 1150  
Overland Park, KS 66210  
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**AMENDMENT TO DECLARATION OF AMENDED AND RESTATED RESTRICTIONS  
FOR  
INDIAN CREEK ESTATES**

This Amendment ("Amendment") is made and entered into as of July 20<sup>th</sup> 2022 by and among the members of Indian Creek Estates Homes Association who have approved this document in their capacities as owners of record of the residences described below (collectively, the "Owners"), and Indian Creek Estates Homes Association, a Kansas nonprofit corporation, as the association for the real property described below (the "Association").

**WITNESSETH:**

WHEREAS, the Association and its Owners previously executed a certain document entitled Declaration of Amended and Restated Restrictions for Indian Creek Estates caused such document to be recorded in the Office of the Register of Deeds of Johnson County, Kansas (the "Recording Office") on April 2, 1999 in Book 6119 at Page 000057 (the "Declaration"); and

WHEREAS, the Declaration places certain covenants, conditions and restrictions upon Real Property described in Exhibit A.

WHEREAS, the undersigned Owners of the Association, being more than 51 percent of owners desire to amend the Declaration as provided herein and declare and agree as follows:

I. NOW, THEREFORE, the following provisions shall be added to Article III:

Effective upon the recording of this amendment, all Residences must be occupied by their owners for a minimum of two years with the following exceptions:

- 1) Residences which are leased before the recording date may be rented if the Resident Unit Owner provides verifiable proof the Residence was leased before the recording date. If any such leased Residence is sold after the recording date, this exception will expire automatically; and the purchaser of the Residence must occupy the Residence.

In all leased Residences, the following provisions shall apply:

- 1) Landlords must provide names and contact information of their tenants to the Association's managing agent;
- 2) Leases may not be less than 12 months terms. Short term stays such as those advertised through forums such as Airbnb or VRBO are prohibited.
- 3) Leases must include a provision that tenants are aware of the Association's restrictions, covenants, and rules and agree to abide by them; and
- 4) Violations by tenants of any restrictions, covenants, or rules may result in fines or other sanctions against the Residence.

The Association shall be permitted to bring legal action to compel the removal of any person violating this use restriction, and the Association shall be entitled to collect reasonable attorneys' fees from the Owner of any Residence who permits a violation of this use restriction.

Except as modified by this Amendment, all of the terms and provisions of the Declaration, as amended, are expressly ratified and confirmed and shall remain in full force and effect upon the recordation hereof in the Recording Office.

The execution of this Amendment may occur in counterparts with only one copy of the main body hereof being recorded together with the various signature and acknowledgment pages from such counterparts.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be fully executed.

**INDIAN CREEK ESTATES HOMES ASSOCIATION**

By: *Bradley Norris*  
Printed Name: Bradley Norris  
Its: President

By: *DP*  
Printed Name: Daniel Perkins  
Its: Secretary

STATE OF KANSAS            )  
  ) ss:  
COUNTY OF JOHNSON    )

This instrument was acknowledged before me on July 20, 2022 by Bradley Norris, President and Daniel Perkins, Secretary of Indian Creek Estates Homes Association, a Kansas nonprofit corporation.



*Julianne Rupp*  
Notary Public  
Printed Name: Julianne Rupp

My commission expires:  
12/27/2025

## EXHIBIT A

A part of the North Half of the Southeast Quarter of Section 13, Township 13, Range 24, now in the City of Overland Park, Johnson County, Kansas, more particularly described as follows: Beginning at a point on the East line of the Southeast Quarter of said Section 13 and 165 feet South of the Northeast corner thereof, as measured along said East line; thence  $S 1^{\circ}34'18'' E$ , along the East line of the Southeast Quarter of said Section 13, a distance of 75 feet; thence  $S 88^{\circ}25'42'' W$ , along a line perpendicular to the East line of the Southeast Quarter of said Section 13, a distance of 70.62 feet, to a point of curvature; thence Westerly and Southwesterly, along a curve to the left, having a radius of 195 feet and a central angle of  $26^{\circ}20'25''$ , a distance of 89.65 feet, to a point of reverse curvature; thence Southwesterly, Westerly and Northwesterly along a curve to the right, having a radius of 263.73 feet, a central angle of  $55^{\circ}45'12''$  and whose initial tangent bearing is  $S 62^{\circ}05'17'' W$ , a distance of 256.63 feet, to a point of reverse curvature; thence Northwesterly and Westerly along a curve to the left, having a radius of 175 feet, a central angle of  $30^{\circ}07'29''$  and whose initial tangent bearing is  $N 62^{\circ}09'31'' W$ , a distance of 92.01 feet, to a point of tangency; thence  $S 87^{\circ}43' W$ , a distance of 280 feet, thence  $S 2^{\circ}17' E$ , a distance of 110.07 feet; thence  $S 48^{\circ}45' W$ , a distance of 90.03 feet; thence  $N 66^{\circ} W$ , a distance of 78.07 feet; thence  $S 35^{\circ}08'56'' W$ , a distance of 254.80 feet; thence  $S 28^{\circ} W$ , a distance of 121.36 feet; thence  $S 32^{\circ}10' W$ , a distance of 201.99 feet; thence  $S 10^{\circ} W$ , a distance of 95.12 feet; thence  $S 40^{\circ} W$ , a distance of 56.45 feet; thence  $S 62^{\circ} W$ , a distance of 43.21 feet; thence  $N 79^{\circ}59'39'' W$ , a distance of 143.85 feet; thence Northeasterly, along a curve to the left, having a radius of 820 feet, a central angle of  $0^{\circ}49'16''$  and whose initial tangent bearing is  $N 10^{\circ}00'21'' E$ , a distance of 11.75 feet; thence  $N 80^{\circ}11'41'' W$ , a distance of 120 feet; thence  $N 0^{\circ}08' W$ , a distance of 256.33 feet; thence Westerly along a curve to the right, having a radius of 465 feet, a central angle of  $5^{\circ}06'42''$  and whose initial tangent bearing is  $N 88^{\circ}34'59'' W$ , a distance of 41.48 feet; thence  $N 6^{\circ}31'43'' E$ , a distance of 155.43 feet; thence  $N 33^{\circ}16'44'' W$ , a distance of 95.15 feet; thence  $N 80^{\circ}36' W$ , a distance of 119.29 feet; thence  $N 45^{\circ}25'34'' W$ , a distance of 156.36 feet; thence  $N 2^{\circ}17' W$ , a distance of 283.03 feet, to a point on the North line of the Northeast Quarter of said Section 13, thence  $N 87^{\circ}43'12'' E$ , along the North line of the Northeast Quarter of said Section 13, a distance of 1103.50 feet; thence  $S 2^{\circ}17' E$ , a distance of 175.01 feet; thence  $N 87^{\circ}43' E$ , a distance of 280 feet to a point of curvature; thence Easterly and Southeasterly, along a curve to the right, having a radius of 225 feet and a central angle of  $30^{\circ}07'29''$ , a distance of 118.30 feet, to a point of reverse curvature; thence Southeasterly, Easterly and Northeasterly, along a curve to the left, having a radius of 175 feet, a central angle of  $63^{\circ}13'14''$  and whose initial tangent bearing is  $S 62^{\circ}09'31'' E$ , a distance of 193.10 feet, to a point of reverse curvature; thence

Northeasterly and Easterly, along a curve to the right, having a radius of 225 feet, a central angle of  $33^{\circ}48'27''$  and whose initial tangent bearing is  $N 54^{\circ}37'15'' E$ , a distance of 132.76 feet, to a point of tangency; thence  $N 88^{\circ}25'42'' E$ , a distance of 70.62 feet, to the point of beginning, containing 16.942 Acres, more or less, of unplatted land.

Lots One (1) through Eight (8), inclusive, in Block One (1); Lots One (1) through Twenty (20), inclusive, in Block Two (2); Lots One (1) through Three (3), inclusive, in Block Five (5); Lots One (1) through Twelve (12), inclusive, in Block Six (6), all being situated in Indian Creek Estates, a subdivision in the City of Overland Park, in Johnson County, Kansas, according to the record plat thereof. Said plat, Document No. 1159186 being recorded in the office of the Register of Deeds of Johnson County, Kansas in Plat Book 44, at Page 11.

Lots Nine (9) through Seventeen (17), inclusive, in Block One (1), Lots Twenty-one (21) through Forty-five (45), inclusive, in Block Two (2); Lots One (1) through Twenty-seven (27), inclusive in Block Three (3), all being situated in Indian Creek Estates, 2nd Plat, a subdivision in the City of Overland Park, in Johnson County, Kansas, according to the recorded plat thereof. Said plat, document No. 1194365, being recorded in the Office of the Register of Deeds of Johnson County, Kansas, in Volume 46, at Page 8.

Lots Four (4) through Thirty (30), inclusive, in Block Five (5), Lots Thirteen (13) through Twenty-two (22), inclusive, in Block Six (6), Lots One (1) through Eight (8), inclusive, in Block Seven (7), all being situated in Indian Creek Estates, 3rd Plat, a subdivision in the City of Overland Park, in Johnson County, Kansas, according to the recorded plat thereof. Said plat, document No. 1343084 being recorded in the Office of the Register of Deeds of Johnson County, Kansas, in Plat Book 50, at Page 50.

Lots Twenty-three (23) through Thirty (30), inclusive, in Block Six (6); Lots Nine (9) through Twenty-nine (29), inclusive, in Block Seven (7); Lot Thirty-one (31), in Block Five (5); Lots One (1) through Four (4), inclusive, in Block Four (4), all being situated in Indian Creek Estates, 4th Plat, a subdivision in the City of Overland Park, in Johnson County, Kansas, according to the recorded plat thereof. Said plat, document No. 1377370 being recorded in the office of the Register of Deeds of Johnson County, Kansas, in Plat Book 52, at Page 8.

Lot Forty-six (46), in Block Two (2); Lots Twenty-eight (28) and twenty-nine (29), in Block Three (3); Lots Five (5) through Thirty-five (35), inclusive, in Block Four (4); Lots Thirty-two (32) through Forty-eight (48), inclusive, in Block Five (5); Lots Thirty-one (31) through Thirty-seven (37), inclusive, in Block Six (6); Lots Thirty (30) through Fifty-two (52), inclusive, in Block Seven (7), all being situated in Indian Creek Estates, 5th Plat, a subdivision in the City of Overland Park, in Johnson County, Kansas, according to the recorded plat thereof. Said plat, document No. 1402402 being recorded in the office of the Register of Deeds of Johnson County, Kansas, in Plat Book 52, at Page 49.