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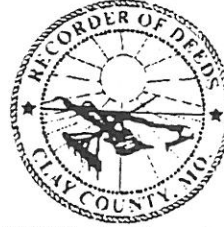
Book: 5535 Page: 34

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Page Count: 9

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Grantor: HUNT MIDWEST REAL ESTATE DEVELOPMEN...
Grantee: BENSON PLACE HOMEOWNERS ASSN



Title of Document: Supplement To Declaration
of Homes Association & Restrictions
Date of Document: OCTOBER 26, 2006

Grantor(s): Hunt Midwest REAL ESTATE Dev. Inc

Grantee(s): BENSON PLACE HOMEOWNERS
ASSOCIATION

Grantee(s) Mailing Address: 8300 NE. Underground DR,
KCMO 64161

Legal Description: Lot A, Tract 4, Tract 5,
BENSON PLACE PATIO HOMES - SECOND PLAT

Reference Book and Page(s): BOOK 3699

PAGE 69

STEWART TITLE

(If there is not sufficient space on this page for the information required, state the page reference where it is contained within the document.)

(ABOVE SPACE RESERVED FOR RECORDER OF DEEDS' USE)

Document Title: Sixteenth Supplement to Declaration of Homes Association and Covenants, Conditions, Restrictions and Easements of Benson Place
Document Date: October 26, 2006
Grantor Names: Hunt Midwest Real Estate Development, Inc.
Grantee Names: N/A
Statutory Address: Suite 100, 8300 N.E. Underground Drive, Kansas City, Missouri 64161
Legal Descriptions: See Exhibit B attached
Reference Book and Page: Declaration of Homes Association and Covenants, Conditions, Restrictions and Easements of Benson Place, Document No. R24799, Book 3699, Page 69

SIXTEENTH SUPPLEMENT TO DECLARATION OF HOMES ASSOCIATION AND COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS OF BENSON PLACE

THIS SIXTEENTH SUPPLEMENT TO DECLARATION OF HOMES ASSOCIATION AND COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS OF BENSON PLACE (this "Supplemental Declaration") is made and executed as of October 26, 2006, by HUNT MIDWEST REAL ESTATE DEVELOPMENT, INC., a Missouri corporation (the "Developer"), Suite 100, 8300 N.E. Underground Drive, Kansas City, Missouri 64161.

RECITALS:

A. On June 6, 2002, the Developer executed that certain subdivision plat entitled "BENSON PLACE - FIRST PLAT" (the "First Plat"), covering the real property formerly legally described as shown therein (and on Exhibit A attached to the Declaration, defined below), and platting the same into certain Lots, Tracts, Common Areas, Restricted Common Areas, the streets, roadways and other areas shown and marked on the First Plat as identified therein and in the Declaration defined below (collectively, the "Property" or the "Benson Place Property"), which First Plat was approved on July 2, 2002, by the City Council of the City of Kansas City, Missouri, and was recorded on July 24, 2002, under Document No. R24798, in Cabinet F, at Sleeve 27, in the Office of the Recorder of Deeds of Clay County, Missouri, at Liberty.

B. The Developer has executed that certain Declaration of Homes Association and Covenants, Conditions, Restrictions and Easements of Benson Place, dated May 15, 2002, which was recorded on July 24, 2002, under Document No. R24799, in Book 3699, at Page 69, in the Office of the Recorder of Deeds of Clay County, Missouri, at Liberty, as amended and supplemented by those Supplemental Declarations identified on Exhibit A attached hereto (collectively, the "Declaration"), pursuant to which Declaration the Developer subjected the Benson Place Property, as expanded by the Supplemental Declarations identified on Exhibit A, to certain covenants, conditions, restrictions and easements for the purpose of protecting the value and desirability of the Property.

C. Pursuant to Section 13.1 of the Declaration, the Developer has the absolute unilateral right to expand the Property to include additional Lots (for Single Family Residences, Attached Patio Homes, Attached Townhomes or any combination thereof), Common Area, Restricted Common Areas and other property in the Subdivision and also other property that has not yet been subdivided or platted (the "Expansion Property").

STEWART TITLE

D. On September 29, 2006, the Developer executed that certain subdivision plat entitled "BENSON PLACE PATIO HOMES - SECOND PLAT" (the "Patio Homes Second Plat"), covering the real property formerly legally described as shown therein and on EXHIBIT B attached to this Supplemental Declaration, and platting the same into the Lots, Tracts, streets, roadways, private open space and other areas shown and marked thereon, if any (the "Thirteenth Expansion Property"), which Patio Homes Second Plat was approved on September 28, 2006, by the City Council of the City, and was recorded on OCTOBER 26, 2006, under Document No. 2006, 047417, in Cabinet 9, at Sleeve 86, in said Recorder of Deeds' Office.

E. The Developer presently owns all of the Lots, Tracts, Common Areas, Restricted Common Areas or other areas, if any, shown on the Patio Homes Second Plat.

F. The Developer desires to exercise its right to expand the Property to include the additional Lots, Tracts, Common Areas, Restricted Common Areas or other areas, if any, which constitute the Thirteenth Expansion Property and to subject the Thirteenth Expansion Property to the covenants, conditions, restrictions and easements contained within the Declaration, and to amend and supplement the Declaration as it has the right to do pursuant to Article 16.2 thereof prior to the Turnover Date which has not yet occurred.

NOW, THEREFORE, in consideration of the premises, the Developer states and declares as follows:

1. **Exercise of Right to Expand.** The Developer hereby exercises its unilateral right to expand the Property to include the additional Lots, Tracts, Common Areas, Restricted Common Areas or other areas, if any, which constitute the Thirteenth Expansion Property.
2. **Expansion Effective Upon Recording.** The expansion set forth above, shall be effective immediately upon filing the Patio Homes Second Plat and this Supplemental Declaration of record in the Office of the Recorder of Deeds for Clay County, Missouri, at Liberty. Recording of the Patio Homes Second Plat and this Supplemental Declaration shall automatically grant, transfer and convey to the Association any new Common Areas, Restricted Common Areas and all other areas designed for Members' or Association use, if any, added by the Thirteenth Expansion Property.
3. **Expansion of Definitions.** The definitions contained in the Declaration are hereby expanded to encompass and refer to the Property, as expanded by the Patio Homes Second Plat, and this Supplemental Declaration to include the Thirteenth Expansion Property. For example, (i) "Lot" shall mean the Lots described in the Declaration and in the Plat described in the Declaration, all subsequent Plats and in the Patio Homes Second Plat and (ii) all references to the Declaration shall mean the Declaration as supplemented and amended by this Supplemental Declaration.
4. **Declaration Operative on New Lots, Tracts, Common Areas and Restricted Common Areas.** The new Lots, Tracts, Common Areas or Restricted Common Areas, which constitute the Thirteenth Expansion Property, shall be subject to all of the terms and conditions of the Declaration immediately upon recording of the Patio Homes Second Plat and this Supplemental Declaration in the Office of the Recorder of Deeds for Clay County, Missouri, at Liberty.
5. **Association's Maintenance of Detention Tract and Detention Facilities.** Tract 4 of the Patio Homes Second Plat has been reserved for storm water drainage and detention serving the Thirteenth Expansion Property. The Association will be entering into a Covenant to Maintain Storm Water Facilities (the "Covenant") with the City pursuant to which the Association, at its cost, agrees to and shall maintain, repair and replace, when and as necessary, the storm water detention facilities constructed or to be constructed thereon by the Developer and granting to the City certain rights with respect thereto, including of inspection and repair and to assess liens on the Lots and Tracts of the Patio Homes Second Plat for any City-incurred maintenance and repair costs in the event of any failure by the Association to perform its responsibilities, in accordance with the provisions of such Covenant. The Association is hereby authorized and directed to enter into such Covenant with the City. The Covenant is incorporated herein by this reference and the Association shall be responsible, at its cost, for complying with all provisions thereof from time to time.

6. Association's Maintenance of Tract 5 as Private Open Space. Tract 5 of the Patio Homes Second Plat has been reserved as private open space and, at its cost, the Association shall maintain the same as private open space.

7. Amendment to Article 15.3, Limited Property Rentals. Article 15.3 of the Declaration is amended to read as follows:

*"15.3 **Limited Property Rentals.** An Attached Patio Home may be used for permanent or temporary occupancy by the Owner and the Owner's family. The Owner may rent the Attached Patio Home for a term of one (1) year or more subject to all the terms hereof, including those prohibiting use thereof for commercial purposes. Rentals of an Attached Patio Home for periods of time less than one (1) year are prohibited. An Owner who leases an Attached Patio Home must provide to the Association a true copy of each signed lease or rental agreement. Each lease or rental agreement shall clearly set forth the name(s) of the tenant(s) and the landlord's and tenant's responsibilities with respect to the Attached Patio Home including maintenance, repair and upkeep. Each change in tenant(s) shall be reported by the Owner to the Association together with a true copy of the signed lease or rental agreement with such new tenant(s). Signs advertising an Attached Patio Home for lease or rental shall only be of such type and size and be placed only at such locations as are approved in advance by the Association."*

8. Amendment to Article 11.4, Fences. The first sentence of Article 11.4 of the Declaration is amended to read as follows:

*"11.4 **Fences.** Except as set forth in Articles 10.5 and 10.6(k) above, with respect to Attached Patio Homes and attached Townhomes, no fences shall be permitted on any Lot the Restricted Common Areas or the Common Area (except between decks or patios initially constructed with respect to Attached Patio Homes and Attached Townhomes) without the prior approval of the Review Committee, which approval must be obtained in advance of construction."*

9. Amendment to Article 10.6(k), Fences – Attached Patio Homes and Attached Townhomes. Article 10.6(k) of the Declaration is amended to read as follows:

"(k) Except as hereinafter provided, for Attached Patio Homes and Attached Townhomes no fencing of any type shall be erected or installed on the Common Area or the Restricted Common Areas except fencing between rear patios or decks and all fencing materials, placement, size, height and type must be approved in advance by the Review Committee. Provided, however, that with respect to only those Attached Patio Homes constructed on those certain Attached Patio Home Lots created or to be created in and from the BENSON PLACE PATIO HOMES – SECOND PLAT lying west of N. Smalley Avenue which are shown as buildings 1 through and including 7 on the drawing attached hereto as EXHIBIT C (which numbering and exact location may change during the lot split or replatting process to create such Attached Patio Homes building Lots), Owners thereof may erect rear fences in accordance with the following provisions:

(i) The fence material shall be Regis Aluminum, Model #3230, black, 48" in height or equal;

(ii) The area to be fenced shall be directly behind the Attached Patio Home with the fence extending perpendicular from the rear wall of the Attached Patio Home at the point of the shared common wall and the outside corner of the Attached Patio Home for a distance of 20 feet; then parallel with the rear wall of the Attached Patio Home until it meets the other fence line;

EXHIBIT A
TO
SIXTEENTH SUPPLEMENT TO
DECLARATION OF HOMES ASSOCIATION AND
COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS OF BENSON PLACE

Previous Supplements to Declaration

DATE EXECUTED/ DATE RECORDED	RECORDING INFORMATION	SUPPLEMENT #	INFORMATION
08-12-02/08-16-02	Doc #R29197/Book 3725, Page 928	First	Benson Place – Townhomes – 1 st Plat (1 st Expansion Property)
08-13-02/08-16-02	Doc #R29198/Book 3725, Page 933	Second	Benson Place – 1 st Plat (Landscaping and Fencing)
09-23-02/09-23-02	Doc #R36640/Book 3780, Page 238	Third	Benson Place – Sign Monumentation Easements
09-24-02/10-04-02	Doc #R39449/Book 3799, Page 120	Fourth	Benson Place – Patio Homes – 1 st Plat (2 nd Expansion Property)
04-25-03/07-25-03	Doc #S09742/Book 4246, Page 281	Fifth	Benson Place – 2 nd Plat (3 rd Expansion Property)
04-25-03/08-25-03	Doc #S18375/Book 4301, Page 819	Sixth	Benson Place – Townhomes – 2 nd Plat (4 th Expansion Property)
04-08-04/07-22-04	Doc. #S83939/Book 4696, Page 904	Seventh	Benson Place – 3 rd Plat (5 th Expansion Property) and Detention Plat
05-06-04/07-22-04	Doc. #S83944/Book 4696, Page 927	Eighth	Benson Place – Townhomes 3 rd Plat (6 th Expansion Property)
07-1904/10-07-04	Doc. #S98223/Book 4782, Page 789	Ninth	Benson Place – Woodchase – 1 st Plat (7 th Expansion Property)
10-01-04/01-26-05	Doc. #2005003637/Book 4889, Page 99	Tenth	Benson Place – Single Family – 4 th Plat (8 th Expansion Property)
02-17-05/05-06-05	Doc. #2005020572/Book 4992, Page 94	Eleventh	Benson Place – Replat – Lots 27 and 44
08-01-05/09-22-05	Doc. #2005046131/Book 5150, Page 4	Twelfth	Benson Place – 5 th Plat (9 th Expansion Property)
08-01-05/10-07-05	Doc. #2005049075/Book 5168, Page 121	Thirteenth	Benson Place – Woodchase – 2 nd Plat (10 th Expansion Property)
04-12-06/07-19-06	Doc. #2006030908/Book 5436, Page 130	Fourteenth	Benson Place – Woodchase – 3 rd Plat (11 th Expansion Property)
04-27-06/07-31-06	Doc. #2006033128/Book 5449, Page 102	Fifteenth	Benson Place – Fieldstone – 1 st Plat (12 th Expansion Property)

**EXHIBIT B
TO
SIXTEENTH SUPPLEMENT TO
DECLARATION OF HOMES ASSOCIATION AND
COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS OF BENSON PLACE**

Legal Description of Thirteenth Expansion Property:

Lot A and Tracts 4 and 5, BENSON PLACE PATIO HOMES – SECOND PLAT, a subdivision in Kansas City, Clay County, Missouri, according to the recorded plat thereof.

Legal Description of Thirteenth Expansion Property Prior to Platting:

A subdivision of land in the Southwest Quarter of Section 34, Township 52, Range 32, Kansas City, Clay County, Missouri, being bounded and described as follows:

Commencing at the Southeast corner of said Southwest Quarter; thence North 0°38'32" East along the East line of said Southwest Quarter, 128.78 feet to a point on the Centerline of NE 96th Street, as now established; thence North 88°55'31" West along said Centerline, 535.87 feet to the True Point of Beginning of the tract to be herein described; thence continuing North 88°55'31" West along said Centerline, 465.15 feet; thence Westerly along said centerline on a curve to the left, tangent to the last described course, having a radius of 2864.79 feet, a central angle of 06°30'03", an arc distance of 325.04 feet to a point on the West line of the East Half of said Southwest Quarter; thence North 00°46'59" East along said West line, 713.59 feet to a point on the Southerly line of BENSON PLACE PATIO HOMES – FIRST PLAT, a subdivision of land in Kansas City, Clay County, Missouri; thence North 72°03'43" East along said Southerly line, 326.69 feet; thence Southerly along said Southerly line on a curve to the right, having an initial tangent bearing of South 17°56'17" East, a radius of 875.00 feet, a central angle of 01°44'22", an arc distance of 26.56 feet; thence North 75°06'40" East along said Southerly line, 212.78 feet; thence North 15°08'31" West along said Southerly line, 37.57 feet; thence North 75°11'03" East along said Southerly line, 129.84 feet; thence North 81°23'09" East along said Southerly line, 309.09 feet to a point on the Westerly right-of-way line of N Tullis Drive, as now established; thence Southerly along said Westerly line on a curve to the left, having an initial tangent bearing of South 14°18'10" East, a radius of 1525.00 feet, a central angle of 01°19'22", an arc distance of 35.21 feet; thence South 15°37'32" East along said Westerly line, 419.47 feet; thence Southerly along said Westerly line on a curve to the right, tangent to the last described course, having a radius of 488.00 feet, a central angle of 01°25'29", an arc distance of 12.13 feet to a point on the Westerly line of the aforementioned BENSON PLACE PATIO HOMES – FIRST PLAT; thence South 57°47'49" West along said Westerly line, 343.38 feet; thence South 00°03'31" East along said Westerly line, 322.70 feet to the True Point of Beginning. Containing 17.64 acres, more or less.

EXHIBIT C
TO
SIXTEENTH SUPPLEMENT TO
DECLARATION OF HOMES ASSOCIATION AND
COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS OF BENSON PLACE

See attached drawing.

" EXHIBIT C "

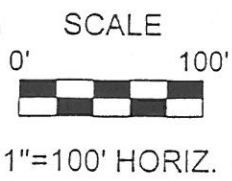
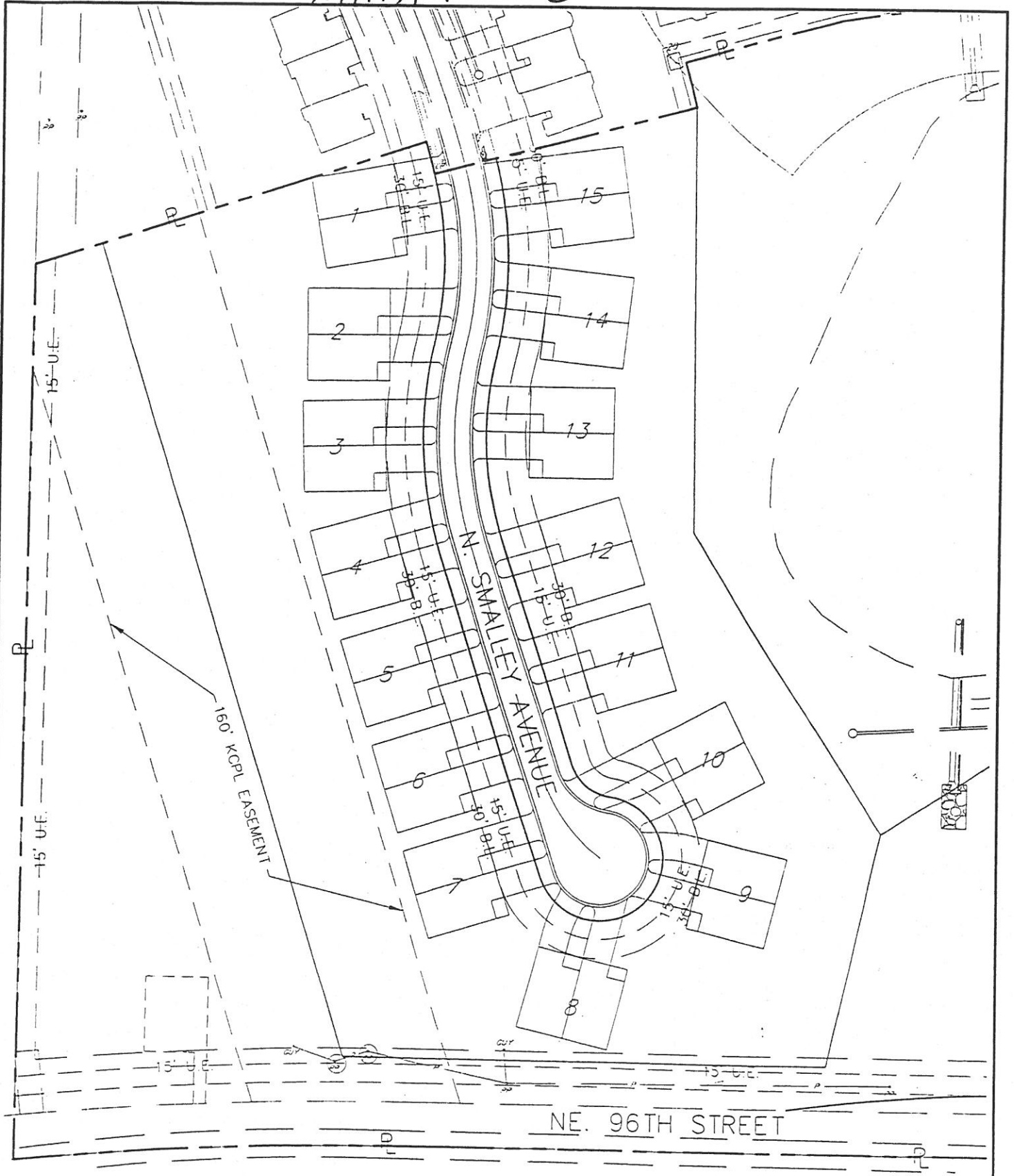


EXHIBIT
BENSON PLACE
PATIOHOMES
SECOND PLAT



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