

RECORDER'S CERTIFICATION  
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ROBERT T. KELLY, DIRECTOR OF RECORDS

(ABOVE SPACE RESERVED FOR RECORDER OF DEEDS' USE)

Document Title: Sixth Supplement to Amended and Restated Declaration of Homes Association and Covenants, Conditions, Restrictions and Easements of Eagle Creek  
Document Date: November 8, 2005  
Grantors Names: Hunt Midwest Real Estate Development, Inc.  
Grantee Name: N/A  
Statutory Address: Suite 100, 8300 N.E. Underground Drive, Kansas City, Missouri 64161  
Legal Description: See Exhibit B attached  
Reference Book and Page: Amended and Restated Declaration of Homes Association and Covenants, Conditions, Restrictions and Easements of Eagle Creek, Document No. 2003I 0066203, Pages 1 - 48

**SIXTH SUPPLEMENT TO AMENDED AND RESTATED  
DECLARATION OF HOMES ASSOCIATION AND  
COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS  
OF EAGLE CREEK**

THIS SIXTH SUPPLEMENT TO AMENDED AND RESTATED DECLARATION OF HOMES ASSOCIATION AND COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS OF EAGLE CREEK (this "Supplemental Declaration") is made and executed as of November 8, 2005, 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.** The Developer has been developing and continues to develop a residential Subdivision known as Eagle Creek in the City of Lee's Summit (the "City"), Jackson County, Missouri. The real property constituting the Eagle Creek Subdivision (the "Property" or the "Eagle Creek Property") prior to the date of this Supplemental Declaration is legally described as shown on Exhibit C to the amended and restated Declaration identified in Recital B below as expanded pursuant to the Supplemental Declaration(s) shown on **EXHIBIT A** attached hereto.

**B.** The Developer has executed that certain Amended and Restated Declaration of Homes Association and Covenants, Conditions, Restrictions and Easements of Eagle Creek, dated May 30, 2003, which was recorded on June 4, 2003, under Document No. 2003I 0066203, Pages 1 - 48, in the Office of the Director of Records of Jackson County, Missouri, at Independence (the "Declaration"), pursuant to which Declaration the Developer continues to subject the Property to certain amended and modified covenants, conditions, restrictions and easements for the purpose of protecting the value and desirability of the Property. The Declaration amended and restated the previous Original Supplemented Declaration and Original Supplemented HOA Declaration identified and defined therein pursuant to which various parcels of property were made a part of the Subdivision. Pursuant to the Supplemental Declarations identified on **EXHIBIT A** attached hereto, the Developer has expanded the Property to include additional real property as described therein.

C. Pursuant to Section 17.2 of the amended and restated Declaration, prior to the "Turnover Date" (which has not yet occurred), the Developer has the unilateral right to amend, alter or modify the Declaration.

D. Pursuant to Section 14.1 of the amended and restated 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").

E. On June 2, 2005, the Developer executed that certain subdivision plat entitled "EAGLE CREEK TOWNHOMES – SECOND PLAT" (the "Townhomes 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 "Twelfth Expansion Property"), which Townhomes Second Plat was approved on April 7, 2005, by the City Council of the City, and was recorded on June 29, 2005, under Document No. ~~043950-00259~~; in said Director of Records' Office. 2005I0055001

F. The Developer presently owns all of the Lots, tracts, Common Areas, Restricted Common Areas or other areas, if any, shown on the Townhomes Second Plat.

G. 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 Twelfth Expansion Property and to subject the Twelfth Expansion Property to the covenants, conditions, restrictions and easements contained within the amended and restated Declaration.

**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 Twelfth Expansion Property.

2. **Expansion Effective Upon Recording.** The expansion set forth above, shall be effective immediately upon filing the Townhomes Second Plat and this Supplemental Declaration of record in the Office of the Director of Records for Jackson County, Missouri, at Independence. Recording of the Townhomes 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 Twelfth Expansion Property.

3. **Expansion of Definitions.** The definitions contained in the amended and restated Declaration are hereby expanded to encompass and refer to the Property, as expanded by the Townhomes Second Plat and this Supplemental Declaration to include the Twelfth Expansion Property. For example, (i) "Lot" shall mean the Lots described in the amended and restated Declaration and in all prior plats described in the amended and restated Declaration, any subsequent plats and in the Townhomes Second Plat and (ii) all references to the Declaration shall mean the amended and restated Declaration as previously supplemented and 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 Twelfth Expansion Property, shall be subject to all of the terms and conditions of the amended and restated Declaration immediately upon recording of the Townhomes Second Plat and this Supplemental Declaration in the Office of the Director of Records for Jackson County, Missouri, at Independence.

5. **Ratification of Amended and Restated Declaration.** The Developer, on behalf of itself and as the holder of a majority of the votes possible to be cast under the Declaration, hereby ratifies, affirms and confirms all covenants, conditions, restrictions and easements contained in the Declaration, which covenants, conditions and provisions shall run with the land and be binding upon the Owners, including the Developer, and their respective heirs, personal representatives, successors, transferees and assigns and all other persons or entities having, at any time, any

right, title or interest in all, or any part of, the Property, the Twelfth Expansion Property or any Lots, Tracts, Commons Areas or Restricted Common Areas otherwise subject to the terms hereof.

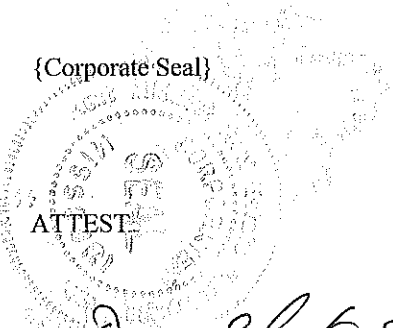
IN WITNESS WHEREOF, the Developer has caused this Supplemental Declaration to be executed by its duly authorized officers as of the day and year first above written.

All signatures must be in black ink!

DEVELOPER:

HUNT MIDWEST REAL ESTATE DEVELOPMENT, INC.

{Corporate Seal}



By: *Ora H. Reynolds*  
Ora H. Reynolds, Vice President and General Manager  
of Residential Development

ATTEST

By: *Donald K. Hagan*  
Donald K. Hagan, Secretary

STATE OF MISSOURI )  
                                  ) S.S.  
COUNTY OF CLAY )

On this 8<sup>th</sup> day of November, 2005, before me, the undersigned Notary Public in and for said County and State, personally appeared Ora H. Reynolds, who, being by me first duly sworn, did say that she is the Vice President and General Manager of Residential Development of Hunt Midwest Real Estate Development, Inc., a Missouri corporation, that she executed the foregoing instrument on behalf of said corporation under and with the authority of its Board of Directors and that she acknowledged that she so executed the same as the free act and deed of said corporation for the purposes therein stated.

(Notary Seal)

*Donna K. Willis*  
Signature of Notary Public   
Typed or Printed Name of Notary

My Commission expires:  
11/1/09

EXHIBIT A  
TO  
SIXTH SUPPLEMENT TO AMENDED AND RESTATED  
DECLARATION OF HOMES ASSOCIATION AND  
COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS  
OF EAGLE CREEK

SUMMARY OF SUPPLEMENTS

<u>DATE EXECUTED/ DATE RECORDED</u>	<u>RECORDING INFO.</u>	<u>SUPPLEMENT #</u>	<u>INFORMATION</u>
05-30-03/06-04-03	Doc #2003I 0066203 (Pages 1 - 48)	Original	Amended and Restated Declaration of Homes Association and Covenants, Conditions, Restrictions and Easements
06-04-03/06-09-03	Doc #2003I 0068065 (Pages 1 - 4)	First	Eagle Creek - Townhomes - 1 <sup>st</sup> Plat
09-26-03/10/14/03	Doc #2003I 0126509 (Pages 1 - 6)	Second	Eagle Creek - 8 <sup>th</sup> Plat
07-12-04/07-16-04	Doc #2004I 0068231 (Pages 1 - 5)	Third	Eagle Creek - 9 <sup>th</sup> Plat
03-17-05/03-22-05	Doc #2005I0023175 (Pages 1 - 7)	Fourth	Eagle Creek - 9 <sup>th</sup> Plat - Imposed Fencing Restrictions on Lots 349 through 364
-- -- -05/ -- - -05	Doc #2005I _____ (Pages -- -)	Fifth	Eagle Creek - 10 <sup>th</sup> Plat

**EXHIBIT B**  
**TO**  
**SIXTH SUPPLEMENT TO AMENDED AND RESTATED**  
**DECLARATION OF HOMES ASSOCIATION AND**  
**COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS**  
**OF EAGLE CREEK**

**Legal Description of Twelfth Expansion Property:**

Lots D, E, F and G, EAGLE CREEK TOWNHOMES – SECOND PLAT, a subdivision in Lee’s Summit, Jackson County, Missouri, according to the recorded plat thereof.

**Legal Description of Twelfth Expansion Property Prior to Platting:**

A subdivision of land in the Northeast Quarter of Section 23, Township 47, Range 32, City of Lee’s Summit, Jackson County, Missouri, being bounded and described as follows:

Commencing at the Northeast Corner of said Northeast Quarter; thence North 87°37’40” West along the North line of said Northeast Quarter, 1108.50 feet to the True Point of Beginning of the tract to be herein described; thence South 04°11’16” West, 138.22 feet; thence South 85°48’44” East, 50.73 feet; thence South 04°11’16” West, 50.00 feet; thence Southerly on a curve to the left, having an initial tangent bearing of North 85°48’44” West, a radius of 15.00 feet, a central angle of 90°00’00”, an arc distance of 23.56 feet; thence South 04°11’16” West, 75.15 feet; thence Southerly on a curve to the left, tangent to the last described course, having a radius of 525.00 feet, a central angle of 05°14’45”, an arc distance of 48.07 feet; thence North 88°56’32” East, 202.18 feet; thence South 02°22’59” East, 353.59 feet to a point on the Northerly right-of-way line of SW Eagle View Drive, as now established; thence Westerly along said Northerly line, on a curve to the left, having an initial tangent bearing of South 87°12’49” West, a radius of 1362.00 feet, a central angle of 12°54’59”, an arc distance of 307.04 feet to the Southeasterly corner of EAGLE CREEK TOWNHOMES – FIRST PLAT, a subdivision in the City of Lee’s Summit, Jackson County, Missouri; thence North 21°51’48” West along the Easterly line of said EAGLE CREEK TOWNHOMES – FIRST PLAT, 502.38 feet; thence North 75°06’27” West along said Easterly line, 142.83 feet; thence Southwesterly along said Easterly line, on a curve to the right, having an initial tangent bearing of South 37°56’25” West, a radius of 375.00 feet, a central angle of 05°04’08”, an arc distance of 33.17 feet; thence South 43°00’32” West along said Easterly line, 35.60 feet; thence North 63°28’54” West along said Easterly line, 180.72 feet; thence North 02°46’08” East, 219.50 feet to a point on the aforementioned North line of said Northeast Quarter; thence South 87°37’40” East along said North line, 594.10 feet to the True Point of Beginning. Containing 7.30 acres, more or less.

**NOTE:** The above-described Property has been platted. The recording information identifying such Plat is shown in Recital E of the Supplemental Declaration to which this **Exhibit B** is attached.