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(ABOVE SPACE RESERVED FOR RECORDER OF DEEDS' USE)

Document Title: Sixteenth Supplement to Amended and Restated Declaration of Homes Association and Covenants, Conditions, Restrictions and Easements of Eagle Creek
Document Date: February 10, 2017
Grantors Names: Hunt Midwest Real Estate Development, Inc.
Grantee Name: Hunt Midwest Real Estate Development, Inc.
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. 20031 0066203, Pages 1 - 48

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

THIS SIXTEENTH 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 February 10th, 2017, 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") 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 Declarations 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. 20031 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 Supplemental Declaration and Original Supplemental 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.

1116382v1

KANSAS CITY TITLE
202796

Eagle Creek - 14th Plat -
Fencing Restrictions

(ABOVE SPACE RESERVED FOR RECORDER OF DEEDS' USE)

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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. On July 21, 2016, the Developer executed that certain subdivision plat entitled “EAGLE CREEK – FOURTEENTH PLAT” (the “Fourteenth Plat”), covering the real property formerly legally described as shown therein and on Exhibit B attached to the Fourteenth Supplemental Declaration shown on Exhibit A, and platting the same into the Lots, tracts, streets, roadways, private open space and other areas shown and marked thereon, if any (the “Seventeenth Expansion Property”), which Fourteenth Plat was approved on July 21, 2016, by the City Council of the City, and was recorded on August 2, 2016, under Document No. 2016E0071110, in said Director of Records’ Office.

E. The Developer desires to amend the Declaration to impose fencing restrictions on those certain Lots in the Fourteenth Plat (the “Restricted Lots”) described in Exhibit B attached to this Supplemental Declaration.

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

1. **Fencing Restrictions on Restricted Lots.** Fences shall be permitted on any of the Restricted Lots but only with the prior approval of the Review Committee. All fences on the Restricted Lots will be constructed of dog-eared cedar pickets not exceeding four feet (4’) in height as approved in advance by the Review Committee in its sole discretion. The construction methods and location of all such fences on the Restricted Lots approved by the Review Committee shall harmonize with the external design of the Single Family Residences, Townhomes and other structures in the Subdivision. No wire or chain link fences shall be permitted. Under no circumstance shall any fence be permitted in violation of restrictions in any Plat of the Subdivision or any ordinance approving any Plat of the Subdivision or any other Plat affecting the Property. No fence shall be placed in front of the rear wall of the Single Family Residence and, for a Single Family Residence on a corner Lot, no fence facing a Street may be placed beyond the point where the side wall of the Single Family Residence meets the rear wall of the Single Family Residence without the prior approval of the Review Committee obtained in advance of construction.

2. **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, or any Restricted Lots, Lots, Tracts, Commons Areas or Restricted Common Areas otherwise subject to the terms hereof.

EXHIBIT A
TO
FIFTEENTH 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 st Plat
09-26-03/10/14/03	Doc #2003I 0126509 (Pages 1 – 6)	Second	Eagle Creek – 8 th Plat
07-12-04/07-16-04	Doc #2004I 0068231 (Pages 1 – 5)	Third	Eagle Creek – 9 th Plat
03-17-05/03-22-05	Doc #2005I0023175 (Pages 1 – 7)	Fourth	Eagle Creek – 9 th Plat – Imposed Fencing Restrictions on Lots 349 through 364
10-14-05/10-28-05	Doc #2005I0096058 (Pages 1 – 5)	Fifth	Eagle Creek – 10 th Plat
11-08-05/11-09-05	Doc #2005I0100013 (Pages 1 – 5)	Sixth	Eagle Creek – Townhomes – 2 nd Plat
06-14-06/10-23-06	Doc #2006E01111119 (Pages 1 – 7)	Seventh	Eagle Creek – 11 th Plat
10-23-06/10-26-06	Doc #2006E0112929 (Pages 1 – 6)	Eighth	Eagle Creek – Townhomes – 3 rd Plat
07-12-11/07-22-11	Doc #2011E0067745 (Pages 1-7)	Ninth	Eagle Creek – 12 th Plat
09-23-13/01-22-14	Doc #2014E0005951 (Pages 1-6)	Tenth	Eagle Creek – 13 th Plat
10-06-14/10-09-14	Doc #2014E0084761 (Pages 1-5)	Eleventh	Eagle Creek – 13 th Plat – Revised Fencing Restrictions

01-12-15/01-14-15	Doc #2015E0003947 (Pages 1-5)	Twelfth	Eagle Creek -- 1 st and 5 th Plats -- Revised Fencing
06-30-15/07-06-15	Doc #2015E0058737 (Pages 1-5)	Thirteenth	Eagle Creek -- 13 th Plat -- Further Revised Fencing Restrictions
06-16-16/08-03-16	Doc #2016E0071376 (Pages 1-7)	Fourteenth	Eagle Creek -- 14 th Plat
10-31-16/11-07-16	Doc #2016E0105433 (Pages 1-7)	Fifteenth	Eagle Creek -- Revised Limited Property Rentals

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

Legal Descriptions of Restricted Lots subject to Fencing Restrictions:

Lots 651 through and including 660, EAGLE CREEK – FOURTEENTH PLAT, a subdivision in Lee’s Summit, Jackson County, Missouri, according to the recorded plat thereof.