

STATE OF KANSAS 155
COUNTY OF JOHNSON
FILED FOR RECORD
1992 DEC -2 P 12: 25.3
SARA FULLMANN
REGISTER OF DEEDS

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AMENDMENT

DEER CREEK VILLAS HOMES ASSOCIATION DECLARATIONS

THIS AMENDMENT to the Deer Creek Villas Homes Association Declarations, made as of the 20th day of November, 1992, by BDP Investors, ("BDP"), a Kansas general partnership.

WITNESSETH:

WHEREAS, the original Deer Creek Villas Homes Association Declarations were filed with the Johnson County Register of Deeds, Vol. 2986, Page 753; and

WHEREAS, pursuant to Article XIII "Amendment and Termination", the declaration may be amended, modified or terminated in whole or in part at any time by duly acknowledged and recorded written instrument signed by the developer or its successors and assigns at any time while the developer or its successors or assigns owns any lot or dwelling in the district; and

WHEREAS, BDP is the developer as defined in the declaration and is owner of lots or dwellings in the district.

NOW, THEREFORE, Article VI -- "Lien on Real Estate", Page 761 is hereby amended as follows:

ARTICLE VI -- LIEN ON REAL ESTATE

6.1 The annual dues and assessments provided in Articles IV and V shall become a lien on the dwelling against which they are levied as soon as they are due and payable as set forth above. In the event any owner fails to pay any installment of any Homes Association dues or assessment within thirty (30) days of the due date thereof, then the delinquent amount of such dues or assessment shall bear interest at the rate of ten (10%) percent per annum from the due date until paid. Should it become necessary to engage the services of an attorney to collect any dues or assessment hereunder, all costs of collecting such dues or assessment, including court costs and reasonable attorney fees and expenses, shall be added to the amount of the dues or assessment being collected and the lien on the dwelling.

6.2 In the event any owner fails to pay any installment of the Homes Association dues or assessments, a Certificate of Nonpayment of Assessment shall be filed by the Homes Association with the Register of Deeds. This notice shall include, but not be limited to: time period for which dues remain unpaid; legal description of property subject to assessment; itemized description of assessments remaining unpaid; interest on the unpaid assessments as well as late charges and penalties on the unpaid assessments. For each Certificate so filed, the Homes Association shall be entitled to collect from the owner of the dwelling described a fee

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of Fifty Dollars (\$50.00), which fee shall be added to the amount of the delinquent dues or assessment and part of the lien on the dwelling.

6.3 At any time after interest begins to accrue on any delinquent dues of assessments, but no later than seven (7) years, both principal and interest of the delinquent dues or assessment may be enforced in the same manner as the enforcement of a mortgage lien on such dwelling through proceedings in any court in Johnson County, Kansas, having jurisdiction of suits for enforcement of such liens. By accepting a deed for any lot in the district, each owner hereby waives any claim it may have for slander of title or other legal claim which may arise out of the filing of any such Certificate.

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6.4 All liens on any dwelling for dues and assessments provided for herein shall be inferior and subordinate to the lien of any valid purchase money first mortgage now existing or which may hereafter be placed upon such dwelling.

6.5 Such liens shall continue until payment in full or termination of a suit to foreclose on the lien and sale of the property under the execution of the judgment establishing the same. The Homes Association may, but is not obligated to, file a release for any Certificate for a lien which has expired.

IN WITNESS WHEREOF, the Developer has caused this Declaration to be duly executed the day and year first above written.

BDP INVESTORS,
a Kansas General Partnership

By: *William J. Pachter*
William J. Pachter, Partner

By: *Stuart E. Davis*
Stuart E. Davis, Partner

By: *James L. Boyd*
James L. Boyd, Partner

STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

BE IT REMEMBERED, that on this 20th day of December, 1992, before me, the undersigned, a Notary Public in and for said County and State, came William J. Pachter, Stuart E. Davis and James L. Boyd, who are personally known to me to be the same persons who executed the within instrument of writing, and duly acknowledged the execution of same.

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

Virginia L. Porter
Notary Public

My Commission Expires: February 19, 1996

