

**DEER CREEK VILLAS  
HOMEOWNER'S ASSOCIATION**

KEN BRITT, PRESIDENT  
6217 W. 127 TERR. OVERLAND PARK, KS 66209  
PHONE (913) 681-5699

JULY 12, 1995

DEAR DEER CREEK VILLAS HOMEOWNER,

AMENDMENT TO OUR DECLARATION OF RESTRICTIONS PROVIDED, AMONG OTHER THINGS, FOR THE OPTIONAL ERECTION OF WROUGHT IRON FENCES.

THIS AMENDMENT WAS MADE DURING THE PERIOD OF DEVELOPER CONTROL. IT HAS COME TO BOARD'S ATTENTION THAT THE "FENCE" PORTION OF THIS AMENDMENT VIOLATES ORIGINAL AGREEMENT BETWEEN THE DEVELOPER AND THE CITY, AND TO SUCH IT IS IMPROPER.

A COPY OF BOARD RESOLUTION, WHICH HAS BEEN FILED WITH THE COUNTY, IS ENCLOSED.

I SUGGEST YOU KEEP IT, AND FILE IT WITH YOUR COPY OF THE DECLARATIONS.

SINCERELY,

KEN BRITT

3111924

~~3111810~~

SECOND AMENDMENT TO  
DEER CREEK VILLAS DECLARATION OF RESTRICTIONS

THIS SECOND AMENDMENT ("Amendment") is made and entered into as of the 24<sup>th</sup> day of February, 2000, by and among the persons who have executed this document in their capacities as owners of record of the lots described below (collectively the "Owners") and DEER CREEK VILLAS HOMES ASSOCIATION, INC., a Kansas corporation, as successor in interest to the developer of the lots described below (the "Association").

WITNESSETH:

WHEREAS, BDP INVESTORS, a Kansas general partnership, LAMAR INVESTORS, a Kansas general partnership, and LAMAR II, a Kansas general partnership, have previously executed a certain Deer Creek Villas Declaration of Restrictions dated as of April 20, 1989, and caused such document (the "Declaration") to be recorded in the office of the Register of Deeds of Johnson County, Kansas as Instrument No. 1868793 in Volume 2986 at page 735; and

WHEREAS, the Declaration places restrictions upon the following described real property:

Lots 1 through 38 of DEER CREEK VILLAS, FIRST PLAT, a subdivision in the City of Overland Park, Johnson County, Kansas according to the recorded plat thereof (collectively, the "Lots");  
and

WHEREAS, the Declaration was amended by an Amendment dated as of August 9, 1991, recorded in the office of the Register of Deeds of Johnson County, Kansas in Volume 3407 at Page 582; and

WHEREAS, the Developer has assigned its rights under the Declaration to the Association, as Developer's successor in interest under the Declaration; and

WHEREAS, the Board of Directors of the Association adopted a resolution regarding the Declaration dated May, 31, 1995, recorded in the office of the Register of Deeds of Johnson County, Kansas on June 13, 1995, as Document No. 2497519 in Volume 4604 at Page 155; and

WHEREAS, all of the Lots are owned by 35 owners and the Owners executing this Second Amendment represent 80% of the owners of the Dwellings, as defined in the Declaration, and are empowered pursuant to Section 17 of the Declaration to modify said Declaration; and

WHEREAS, the Owners and the Association desire to further amend and clarify certain of the provisions of the Declaration in the manner set forth herein to recognize changes in technology and the application of certain restrictions to such changes, among others.

Blackwell, Sanders  
9401 Indian Creek Parkway  
Ste 1200  
O. P. VS. 66210  
OP-221686-2

67100

STATE OF KANSAS ]  
COUNTY OF JOHNSON ]  
FILED FOR RECORD

2000 APR 28 P 4: 13.1

SARA F. ULLMANN  
REGISTER OF DEEDS

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NOW, THEREFORE, the parties hereto agree as follows:

1. Section 1(a) of the Declaration is hereby deleted in its entirety and the following new Section 1(a) is hereby inserted in its place:

“(a) The term “Architectural Committee” shall mean a committee comprised of at least three members of the Homes Association who shall be appointed by the Board in an impartial manner from the Homes Association members who indicate a willingness to serve on the committee.

2. It is the specific intent and purpose of this Amendment to implement Ordinance No. BC-2167 adopted by the City of Overland Park, Kansas by allowing the use of composite, slate, tile, clay, concrete and other specified roofing materials as required by law, and to establish a mechanism to regulate the aesthetic factors of such additional roofing materials to ensure that they are compatible with the existing and future wood shingle or wood shake shingle roofs that may be constructed or reconstructed on dwellings located on the Lots.

3. Paragraph 3(a) is hereby amended by adding the following sentence:

“All roofs shall be covered with wood shingles, slate, clay, concrete, steel, composite or other such materials that may be developed which resemble wood shingles, slate or clay roofing materials, all as may be approved by the Architectural Committee.”

4. Section 6(d) of the Declaration is hereby deleted in its entirety and the following new Section 6(d) is hereby inserted in its place:

“(d) No television, radio, citizens’ band, short wave or other antenna, satellite dish, solar panel, clothes line or pole, or other unsightly projection shall be attached to the exterior of any residence or erected in any yard; provided, however, that any such satellite dish or other device intended for the transmission or reception of radio, television or satellite signals or any other form of electromagnetic radiation which is smaller in diameter than 24” (if circular) or 24” measured diagonally as its greatest distance (if rectangular, square or other shape having straight sides) may be attached to the exterior of any residence if approved as to its location, color and other aesthetic qualities by the Architectural Committee. Should any part or all of the restrictions set forth in the proceeding sentence be held by a court of competent jurisdiction to be unenforceable because it violates the First Amendment or any other provision of the United States Constitution, the Architectural Committee shall have the right to establish rules and regulations regarding the location, size, landscaping and other aesthetic aspects of such projections so as to

reasonably control the impact of such projections on the neighborhood and any such rules and regulations shall be binding upon all the Lots. No lights or other illuminations shall be higher than the residence."

5. Paragraph 11(a) is hereby amended by deleting the first sentence thereof, there being only one plat within the subdivision of Deer Creek Villas.

6. Paragraph 11(b) is hereby amended by deleting the first sentence thereof and replacing such first sentence with the following:

"(b) The Architectural Committee shall meet as often as reasonably necessary to consider applications with respect to any replacements that require approval of the Architectural Committee as provided in Section 3(a) above, any Exterior Structures that require the approval of the Architectural Committee as provided in Section 5 above, or with respect to any devices described in Section 6(d) which may be erected with the approval of the Architectural Committee."

7. Paragraph 11(c) is hereby amended by adding the following words to the end of the first sentence thereof:

"or as to any replacements, modifications, additions or other matters requiring its approval."

8. Section 11 is hereby further amended by adding the following new subparagraph (d) to read as follows:

**"(d) Criteria for Approval of Alternate Roofing Materials.**

The following criteria shall be used by the Architectural Committee in reviewing the proposed use of roofing materials required pursuant to Paragraph 3(a) or 6(q):

- A. Roofing materials shall be of colors that blend with and are compatible and not noticeably inconsistent with surrounding landscaping and other roofing materials in the District. Proposed colors should be visually consistent with the original color of the roof of the dwelling or the colors of roofs of other dwellings in the District using similar roofing materials to that proposed.
- B. Review of roofing materials by the Architectural Committee will be based on architectural style, quality of workmanship and on the visual impact of the roof when seen from the Lot, neighboring Lots, dwellings, roads, and Common Areas.
- C. Roofing materials should be architectural shingles designed to replicate the beauty of natural materials, constructed of a thickness, texture and design that appears similar in style and quality to shake

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shingle wood roofing (except for clay tile roofing materials). Acceptable designs may include, without being limited to, the following: using a variation of thickness of materials, including weathered surfaces; randomly-applied tabs; muted or distinctive shadow lines; use of different colors or granules; use of crude-style flat tile slightly convoluted to simulate the appearance of tree bark; materials and colors that create a multi-dimensional appearance that simulates the depth and three-dimension effect of wood shakes on the roof, resembling the natural and random textured look of wood shakes;

D. Composition shingles shall have a minimum limited warranty of 40 years."

9. Except as otherwise expressly modified or amended hereby, the Declaration, as previously amended, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Second Amendment to be duly executed as of the date first above written.

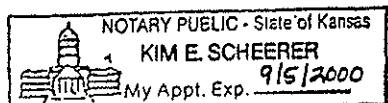
DEER CREEK VILLAS HOMES  
ASSOCIATION, INC.

By *Jerry D. Robertson*  
Name JERRY D. ROBERTSON  
President

STATE OF KANSAS        )  
  )SS.  
COUNTY OF JOHNSON    )

This instrument was acknowledged before me on the 24<sup>th</sup> day of February, 2000, by Jerry D. Robertson as President of Deer Creek Villas Homes Association, Inc.

*Kim E. Scheerer*  
Notary Public



(Seal)

My commission expires:

9/5/2000

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