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SECOND AMENDMENT TO
DEER CREEK DECLARATION OF RESTRICTIONS

SARA FULLMANN
REGISTER OF DEEDS
Ret 2.00

THIS SECOND AMENDMENT ("Amendment") is made and entered into as of the 12th day of May, 1996 by and among persons who have executed this document in their capacities as owners of record of the lots described below (collectively the "Owners") and DEER CREEK HOMES ASSOCIATION, INC., a Kansas corporation, as successor in interest to the developer of the lots described below (the "Association").

WITNESSETH:

WHEREAS, North Star Development Co., Inc., a Kansas corporation, as developer of the lots described below, has previously executed a certain Deer Creek Declaration of Restrictions and caused such document (the "Declaration") to be recorded in the office of the Register of Deeds of Johnson County, Kansas on February 5, 1988 as Instrument No. 1769485 in Volume 2738 at Page 543 (as supplemented by Instrument No. 1811770 in Volume 2843 at Page 468, Instrument No. 1811772 in Volume 2843 at Page 472, Instrument No. 1869924 in Volume 2989 at Page 310, Instrument No. 1869925 in Volume 2989 at Page 312, Instrument No. 1869926 in Volume 2989 at Page 314, and Instrument No. 1915472 in Volume 3098 at Page 363); and

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

Lots 1 through 72 of DEER CREEK, FIRST PLAT (now partially replatted as Lots 1, 2, 8, 9, 10, 12, 45, 46, 47, 48, 50, 51, 63, 64 and 65 of DEER CREEK, SECOND PLAT with Lots 11 and 49 in the First Plat having disappeared); Lots 36, 37 and 73 through 146, DEER CREEK, THIRD PLAT; Lots 147 through 154 of DEER CREEK, FOURTH PLAT; Lots 155 through 160 of DEER CREEK, FIFTH PLAT; Lots 161 through 163 of DEER CREEK, SIXTH PLAT; Lots 164 through 175 of DEER CREEK, SEVENTH PLAT; and Lots 176 through 206 of DEER CREEK, EIGHTH PLAT; all subdivisions in the City of Overland Park, Johnson County, Kansas (collectively, the "Lots"); and

WHEREAS, the Declaration was amended by an Amendment dated as of October 13, 1989, recorded in the office of the Register of Deeds of Johnson County, Kansas on October 20, 1989 as Document No. 1903649 in Volume 3070 at Page 217; 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.

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NOW, THEREFORE, the parties hereto agree as follows:

1. Section 9(d) of the Declaration is hereby deleted in its entirety and the following new Section 9(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 restriction set forth in the preceding 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 of the Lots. No lights or other illumination shall be higher than the residence."

2. Section 14(a) of the Declaration is hereby amended by deleting the first sentence thereof and substituting the following therefor:

"(a) The Architectural Committee shall consist of three (3) or more Owners, provided, however, no more than two members of the Board shall serve on the Architectural Committee at any time."

3. Section 14(b) of the Declaration is hereby amended by deleting the first sentence thereof and substituting the following therefor:

"(b) The Architectural Committee shall meet as often as reasonably necessary to consider applications with respect to any Exterior Structures that require the approval of the Architectural Committee as provided in Section 8 above or with respect to any devices described in Section 9(d) which may be erected with the approval of the Architectural Committee."

4. Section 14(c) of the Declaration is hereby amended by adding the following phrase to the end of the first sentence of such subparagraph: "or any devices described in Section 9(d) which may be erected with the approval of the Architectural Committee."

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

6. Pursuant to Section 19 of the Declaration, this Second Amendment shall become effective and binding upon all of the Lots upon (i) the valid execution hereof by the owners of record of at least 103 (being more than 50% of the total) of the Lots, (ii) the execution hereof by the Association, and (iii) the recordation hereof in the office of the Register of Deeds of Johnson County, Kansas. The execution of this Second Amendment may occur in counterparts with only one copy of the main body hereof being recorded together with the various signature and acknowledgment pages from such counterparts. Within fourteen (14) days following the effective date of this Second Amendment, the Association shall mail or deliver to the Owner of each Lot a notice containing such effective date.

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

DEER CREEK HOMES ASSOCIATION, INC.

By John J. Harrington
President
JOHN J. HARRINGTON

STATE OF KANSAS)
)SS.
COUNTY OF JOHNSON)

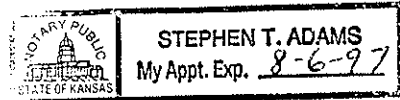
This instrument was acknowledged before me on the 12th day of May, 1996
by John J. Harrington as President of Deer Creek Homes Association, Inc.

Stephen T. Adams
Notary Public

(Seal)

My commission expires:

8-6-97



OWNER

Owner of Record of Lot 1
Deer Creek 2nd Plat

Marilyn M. Zamierowski
Print Name: MARILYN M. ZAMIEROWSKI

Address: 13203 Lamar Ave.

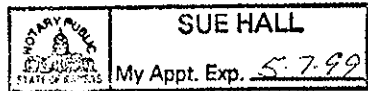
David S. Zamierowski
Print Name: DAVID S. ZAMIEROWSKI

STATE OF KANSAS)
)SS.
COUNTY OF JOHNSON)

This instrument was acknowledged before me on the 8 day of Nov, 1995
by MARILYN ZAMIEROWSKI and DAVID S. ZAMIEROWSKI, husband and wife.

Sue Hall
Notary Public

(Seal)



My commission expires:
5-7-99

OWNER

Owner of Record of Lot _____
Deer Creek _____ Plat

Print Name: _____

Address: _____

Print Name: _____

STATE OF KANSAS)
)SS.
COUNTY OF JOHNSON)

This instrument was acknowledged before me on the ___ day of _____, 1995
by _____ and _____, husband and wife.

Notary Public

(Seal)

My commission expires:
