

THIRD AMENDMENT TO  
DEER CREEK VILLAS DECLARATION OF RESTRICTIONS

THIS THIRD AMENDMENT ("Amendment") is made and entered into as of the 29<sup>th</sup> day of December, 2003, 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 subsequently amended by a Second Amendment dated as of February 24, 2000, recorded in the office of the Register of Deeds of Johnson County, Kansas in Book 6544 at Page 21; 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 Third Amendment represent not less than 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 certain provisions of the Declaration in the manner set forth herein to enhance and protect the integrity of the Lots and the value of their Dwellings and provide for greater assurances of the maintenance of the Dwellings and landscaping located on the Lots.

NOW, THEREFORE, the parties hereto agree as follows:

1. Paragraph 2 of the Declaration is hereby amended by adding the following to the end of such paragraph:

"No Dwelling shall be leased, rented or used as rental property other than by members of the Owner's immediate family. For purposes of this Paragraph 2, the term "immediate family" shall mean the Owner's (or either of such Owners in the case of ownership by one or more persons or, if one spouse individually holds title, the other spouse) parents, children, or grandchildren or if such Owner is a grantor trust, the parent, children or grandchildren of such grantor or such grantor's spouse."

2. Except as otherwise expressly modified or amended hereby, the Declaration, as previously amended, shall remain in full force and effect and is hereby ratified and confirmed by the Owners.

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

DEER CREEK VILLAS HOMES  
ASSOCIATION, INC, a Kansas corporation

By *Michael J. David*  
Name Michael J. David  
President

STATE OF KANSAS            )  
  )SS.  
COUNTY OF JOHNSON    )

This instrument was acknowledged before me on the 25<sup>th</sup> day of December, 2003, by Michael J. David as President of Deer Creek Villas Homes Association, Inc.

*[Signature]*  
Notary Public

My commission expires:  
1/29/06

