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STATE OF KANSAS } SS
COUNTY OF JOHNSON }
FILED FOR RECORD

2002 JUL -8 P 4:13 PM

BLACKTHORNE ESTATES, 4TH PLAT

REBECCA L. DAVIS
REGISTER OF DEEDS

**DECLARATION OF RESTRICTIONS
AND HOME OWNERS' ASSOCIATION DECLARATION**

THIS DECLARATION, made as of the 1st day of July, 2002, by the Declarant, HERITAGE DEVELOPMENT OF KANSAS, INC., a Minnesota corporation,

WITNESSETH:

WHEREAS, the Declarant has executed and filed with the Register of Deeds of Johnson County, Kansas, a 4th Plat of the subdivision known as "BLACKTHORNE ESTATES" which plat was recorded on September 20, 2001 in Book 122 of Plats at Page 25; and

WHEREAS, such plat adds the following lots to the subdivision Blackthorne Estates, to-wit:

Lots 97 through 146, inclusive, BLACKTHORN ESTATES, 4TH PLAT, a subdivision in the City of Overland Park, Johnson County, Kansas, according to the recorded plat thereof;

and

WHEREAS, the Declarant, as the owner of the foregoing lots ("Additional Lots") desires to subject the Additional Lots to the covenants, restrictions, easements and other provisions contained in that certain Declaration of Restrictions, dated as of October 12, 1998 (the "Original Declaration"), executed Declarant and filed with the Register of Deeds of Johnson County on October 26, 1998 and recorded in Volume 5898 at Page 871, and in that certain Homes Association Declaration dated as of October 12, 1998 (the "Original Homes Association Declaration"), executed by Declarant and filed with the Register of Deeds of Johnson County, Kansas on October 26, 1998 and recorded in Volume 5898, at Page 883.

NOW, THEREFORE, in consideration of the premises, Declarant, for itself, and for its successors and assigns, and for its future grantees, hereby agrees and declares that all of the Additional Lots shall be, and they hereby are, subject to the covenants, restrictions, easements and other provisions set forth in the Original Declaration and Original Homes Association Declaration. As contemplated in the Original Declaration and Original Homes Association Declaration, this instrument shall have the effect of subjecting the Additional Lots to all of the provisions of the Original Declaration and Original Homes Association Declaration as though the Additional Lots had been originally described therein and subjected to the provisions thereof. Provided, however,

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BOOK 7928 PAGE 654

also 10-15-02

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that Sections 2 (F), (X) and (BB), 4 and 5 of the Original Declaration, as to the Additional Lots described above, are hereby amended to read as follows:

2. F. *No fencing shall be permitted upon any of the lots unless such fencing shall be wooden or of other materials approved in advance by the Architectural Control Committee and built with methods and materials which harmonize with external design of buildings in Blackthorne; all such fences must be approved in writing by the Architectural Control Committee. No fence shall exceed 48" in height unless specifically approved for a greater height by the Architectural Control Committee. No animal pens or runs shall be permitted without Developer approval.*

2. X. *No storage buildings shall be allowed without the prior written consent of the Architectural Control Committee, which consent may be denied for any reason.*

2. BB. *No residence or lot or any portion thereof may be leased or rented for a period of less than twelve (12) months. All leases or rental agreements shall be in writing, and the owner of the lot shall be responsible for compliance by the renter or lessee of these restrictions and the rules and regulations of the Association.*

4. *All single story residences shall have a total finished ground floor area of not less than 2200 square feet; all two story residences shall have a finished ground floor area of not less than 1300 square feet and a total finished floor area of 2600 square feet; all one and one-half story residences shall have a finished ground floor of not less than 1300 square feet and a total finished floor area of 2400 square feet. Provided, however, that Developer reserves the right to approve deviations of the foregoing minimum requirements of up to 10%.*

5. *All residences shall have a roof of laminate composition shingles (Celotex Presidential Weathered Wood or similar, as determined prior to installation by the Architectural Control Committee), slate or tile.*

IN WITNESS WHEREOF, the undersigned has caused this Declaration to be duly executed as of the date first above written.

"Developer"

HERITAGE DEVELOPMENT OF KANSAS,
INC., a Minnesota corporation

By: _____

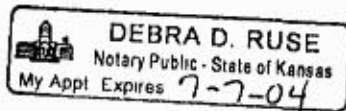
Name: Dale Clements

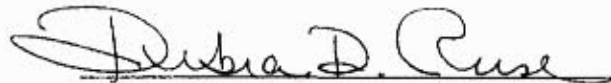
Title: Director

STATE OF KANSAS, JOHNSON COUNTY, SS.:

BE IT REMEMBERED, that on this 1 day of July, ~~2001~~²⁰⁰², before me the undersigned, a Notary Public in and for the county and state aforesaid, came DOLE CLEMENTS, DIRECTOR of Heritage Development of Kansas, Inc., who is personally known to me to be the same person who executed, as such officer, the within instrument on behalf of said corporation, and such person duly acknowledged the execution of the same to be the act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.




Notary Public DEBRA D. RUSE

My Appointment Expires:
