

2455992 ✓

This instrument filed by  
Security Land Title Company  
STATE OF KANSAS

CROSS REFERENCE: VOLUME 3012

COUNTY OF JOHNSON

PAGE 124

AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS,  
AND RESTRICTIONS FOR CEDAR CREEK VILLAGE I

THIS AMENDMENT is made this 30<sup>th</sup> day of November, 1994, by Cedar Creek Properties, Inc.

BACKGROUND STATEMENT

WHEREAS, Cedar Creek Properties, Inc. ("Declarant") executed that certain Declaration of Covenants, Conditions, and Restrictions for Cedar Creek Village I which was recorded on July 3, 1989, in Volume 3012, Page 124, et seq., of the Johnson County, Kansas public records and which covered certain property described on Cedar Creek Village I, First Plat, recorded on March 15, 1989, at Volume 72, Page 22 ("Declaration");

WHEREAS, additional property has been made subject to the Declaration by certain Supplemental Declarations recorded in the Johnson County, Kansas public records, which property is more fully described in Exhibit "A" attached hereto;

WHEREAS, the Declaration was amended by those certain Amendments to the Declaration of Covenants, Conditions and Restrictions for Cedar Creek Village I which were recorded on April 2, 1991, in Volume 3326, Page 311, et seq., October 29, 1991, in Volume 3449, Page 394, et seq., and November 23, 1993, in Volume 4155, Page 243, et seq., respectively, of the Johnson County, Kansas public records and which covered property more fully described in Exhibit "A" attached hereto;

VOL 4495 PAGE 260

WHEREAS, Article XIII, Section 2 of the Declaration provides that such document may be amended unilaterally by the Declarant, provided that the amendment has no material adverse effect upon any right of any Owner;

WHEREAS, the following amendments to the Declaration do not have any material adverse effect upon any right of any Owner; and

WHEREAS, the Declarant has approved the following amendments to the Declaration.

NOW, THEREFORE, the Declaration is hereby amended as follows:

1.

The second paragraph of Article X, Section 5 of the Declaration is deleted in its entirety and the following substituted in its place:

Such lien, when delinquent, may be enforced by suit, judgment and foreclosure. Any action to enforce the lien for unpaid assessments on a Unit must be commenced within five (5) years of the date of recording of a notice of lien for such unpaid assessments against such Unit.

IN WITNESS WHEREOF, the undersigned Declarant does hereby set its hand and seal to this Amendment this 30<sup>th</sup> day of November, 1994.

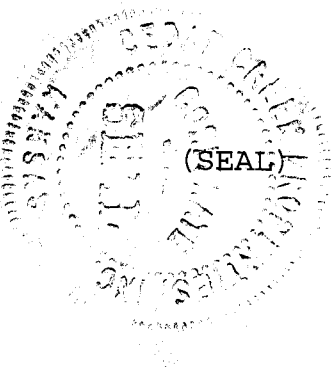
CEDAR CREEK PROPERTIES, INC.

By:

*Charles T. Sunderland*  
Charles T. Sunderland, President

Attest:

*Gary L. Church*  
Gary L. Church, Assistant Secretary



STATE OF KANSAS ]  
COUNTY OF JOHNSON ] ss  
FILED FOR RECORD

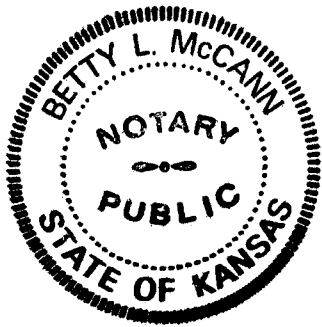
16<sup>00</sup> 1994 DEC 27 A 9:36.8

SARA F. ULLMANN  
REGISTER OF DEEDS

STATE OF KANSAS            )  
                                  ) ss.  
COUNTY OF JOHNSON        )

BE IT REMEMBERED that on this 30th day of November, 1994, before me, the undersigned, a Notary Public in and for said County and State, came Charles T. Sunderland, President, and Gary L. Church, Assistant Secretary, of Cedar Creek Properties, Inc., a Kansas corporation, who are personally known to me to be the same persons who executed the foregoing instrument in writing on behalf of said corporation, and such persons duly acknowledged the execution of the same to be the act and deed of same corporation.

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



Betty L. McCann  
NOTARY PUBLIC

Betty L. McCann  
Print Name

My Commission Expires:  
April 10, 1998

EXHIBIT "A"

CEDAR CREEK VILLAGE I

Plat No.	Plat Book/Page	Plat Recording Date	Supplemental Declaration Recording Date	Supplemental Declaration Volume/Page
First Plat	72/22	3/15/89	N/A	N/A
Second Plat	72/23	3/15/89	10/12/89 & 10/19/89	3066/35 & 3068/899 <u>et seq.</u>
Third Plat	72/24	3/15/89	8/11/89	3031/880 <u>et seq.</u>
Fourth Plat	72/25	3/15/89	8/11/89	3031/880 <u>et seq.</u>
Fifth Plat	72/26	3/15/89	8/11/89	3031/880 <u>et seq.</u>
Sixth Plat	72/27	3/15/89	10/12/89 & 10/19/89	3066/35 & 3068/899 <u>et seq.</u> (Excluding that part of the plat released by Document 1964779, recorded at Volume 3216, Page 489 as described on attached Exhibit "B".)
Seventh Plat	72/43	4/10/89	10/12/89 & 10/19/89	3066/35 & 3068/899 <u>et seq.</u>
Eighth Plat	74/9	9/01/89	10/12/89, 10/19/89, 2/22/90, 6/3/91 & 7/22/91	3066/35, 3068/899, 3127/657, 3363/910 & 3393/748 <u>et seq.</u>
Ninth Plat, a Replat of Lots 1, 2 & 3 of Cedar Creek Village I Sixth Plat	74/10	9/01/89	10/12/89, 10/19/89, 7/24/90, 6/3/91 & 6/10/91	3066/35, 3068/899, 3208/929, 3363/910 & 3367/508 <u>et seq.</u> (Excluding that part of the plat released by Document 1964780, recorded at Volume 3216, Page 493 as described on Attached Exhibit "B").
Tenth Plat	74/11	9/01/89	10/12/89, 10/19/89, 11/17/89 & 6/3/91	3066/35, 3068/899, 3085/63 & 3363/910 <u>et seq.</u>
Eleventh Plat	74/12	9/01/89	9/11/89	3048/545 <u>et seq.</u>
Twelfth Plat	74/13	9/01/89	9/11/89	3048/545 <u>et seq.</u>

EXHIBIT "A" - Continued

Plat No.	Plat Book/Page	Plat Recording Date	Supplemental Declaration Recording Date	Supplemental Declaration Volume/Page
Thirteenth Plat, a Replat of Block 1 of Cedar Creek Village I Sixth Plat	75/12	1/09/90	6/14/90 & 6/3/91	3185/722 & 3363/910 <u>et seq.</u>
Fourteenth Plat (Excluding that part of the plat released by Document 2446762, recorded November 16, 1994 at Volume 4470, Page 551 as described on attached Exhibit "B".)	78/12	4/05/91	4/08/91	3329/32 <u>et seq.</u>
Fifteenth Plat	78/13	4/05/91	4/08/91	3329/32 <u>et seq.</u>
Sixteenth Plat	81/38	7/13/92	5/05/93	3921/178 <u>et seq.</u>
Seventeenth Plat	86/28	2/16/94	4/28/94	4316/215 <u>et seq.</u>
Nineteenth Plat	89/11	10/12/94	10/19/94	4452/419 <u>et seq.</u>
<u>Cedar Glen</u>				
First Plat	84/48	8/24/93	9/24/93	4078/347 <u>et seq.</u>
Second Plat	85/32	10/29/93	4/28/94	4316/207 <u>et seq.</u>
Third Plat	88/49	9/19/94	10/07/94	4445/494 <u>et seq.</u>

EXHIBIT "B"

(Shadow Glen Golf Club)

Lot 4 of Cedar Creek Village I, Sixth Plat, a subdivision in the City of Olathe, Johnson County, Kansas, according to the recorded plat thereof recorded in Plat Book 72, at Page 27, in the office of the Register of Deeds of Johnson County, Kansas.

(Cedar Creek Swim and Racquet Club Facility)

Block 2 Cedar Creek Village I, Ninth Plat, a subdivision in the City of Olathe, Johnson County, Kansas, according to the recorded plat thereof recorded in Plat Book 74, at Page 10, in the office of the Register of Deeds of Johnson County, Kansas (formerly platted and described as: Lot 2, Cedar Creek Village I, Sixth Plat, a subdivision in the City of Olathe, Johnson County, Kansas, according to the recorded plat thereof recorded in Plat Book 72, at Page 27, in the office of the Register of Deeds of Johnson County, Kansas, a subdivision in the City of Olathe, Johnson County, Kansas).

(Lot 1, Fourteenth Plat)

Lot 1 of Cedar Creek Village I, Fourteenth Plat (a Replat of Cedar Creek Village I, Seventh Plat), a subdivision in the City of Olathe, Johnson County, Kansas, according to the recorded plat thereof recorded in Plat Book 78, at Page 12, in the office of the Register of Deeds of Johnson County, Kansas.