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04/13/2000

**AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS**

THIS AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS, made on the date indicated below, by CHAPEL OAKS DEVELOPMENT COMPANY, INC., a Missouri Corporation, (hereafter called "Declarant"),

**WITNESSETH:**

WHEREAS, by a Declaration of Covenants, Conditions and Restrictions, duly recorded on March 8, 1999, in the office of the Recorder of Deeds in and for Jackson County, Missouri, at Independence, as Document Number and at Book and Page Number, 1999I 0018599, as amended, said amendments being duly recorded on August 27, 1999 (as Document Number 1999I 0070999 (1-4)), and February 24, 2000 (as Document Number 2000I 0010680 (1-4)), in the office of the Recorder of Deeds in and for Jackson County, Missouri, at Independence, Declarant declared all that certain property described in those instruments to be subject to easements, restrictions, covenants and conditions, as set forth therein (hereafter called the "Declaration"); and

WHEREAS, Declarant, by the provisions of said Declaration, holds the requisite number of votes as a Class C member of the NEWBERRY HOME OWNERS ASSOCIATION, INC., to effect an amendment to the Declaration, to change the provisions of the Declaration; and

WHEREAS, Declarant desires to amend the Declaration to change the provisions of ARTICLE IV, VOTING RIGHTS, to strengthen the voting rights of the Declarant under the Declaration, and assure continued protection of property standards and values; and

WHEREAS, this Amendment will inure to the benefit and enhance the value of all the property subject to the Declaration after this Amendment.

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NOW, THEREFORE, Declarant hereby declares that the Declaration is amended, as follows:

1. The provisions of ARTICLE IV, VOTING RIGHTS, Section 1., of the Declaration are hereby amended, to eliminate the portion thereof denominated as "Class C." in its entirety, and to substitute the following portion denominated as "Class C." to read as follows:

"Class C. Class C members shall be the declarant/developer. Class C members shall be entitled to three hundred twenty-five (325) votes for each lot or residential unit owned.

The Class C membership shall cease and be converted to Class A membership upon the earliest of either of the following events, whichever occurs earlier:

- (a) when the last lot or residential unit owned by the declarant/developer is sold, or
- (b) on December 31, 2008."

In all other respects, the Declaration and all its terms, as amended, shall remain unchanged, unaffected, and in full force and effect with respect to the property described therein.

IN WITNESS WHEREOF, the undersigned, being the duly appointed representative of the Declarant herein, has hereunto set his hand this 7<sup>th</sup> day of April, 2000.

**CHAPEL OAKS DEVELOPMENT COMPANY, INC.**  
**A Missouri Corporation**

By:   
Ross S. Barber, President

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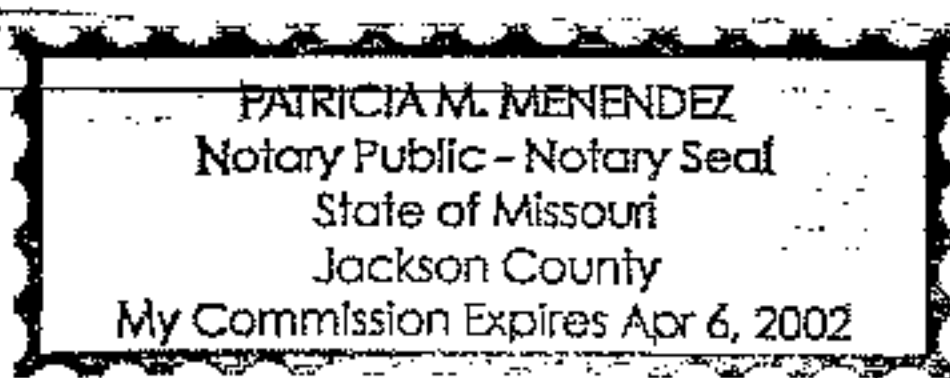
STATE OF MISSOURI     )  
  ) ss.  
COUNTY OF JACKSON    )

On this 7<sup>th</sup> day of April 2000, before me, a Notary Public in the above-named county and state, personally appeared Ross S. Barber, to me personally known, who being duly sworn, did say that he is the President of Chapel Oaks Development Company, Inc., a Missouri Corporation, and that said corporation does not have a corporate seal, and that the foregoing instrument was signed and acknowledged by him on behalf of said corporation by authority of its Board of Directors, and said Ross S. Barber acknowledged said instrument to be the free act and deed of said corporation.

In witness whereof, I have hereunto set my hand and seal, the day and year written above.

*Patricia M. Menendez*  
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Notary Public

My commission expires:



Commencing at the Northwest corner of Section 16, Township 47 North, Range 31 West; thence along the North line thereof South 88 degrees 07 minutes 04 seconds East a distance of 25.00 feet; thence south 02 degrees 22 minutes 27 seconds West a distance of 20.00 feet to a point on the South right-of-way of Bailey Road as now established; thence along said right-of-way South 88 degrees 07 minutes 44 seconds East a distance of 655.00 feet to the Point of Beginning; thence continuing South 88 degrees 07 minutes 44 seconds East a distance of 1923.78 feet; thence South 2 degrees 19 minutes 52 seconds West a distance of 310.01 feet; thence South 88 degrees 07 minutes 44 seconds East a distance of 49.50 feet to a point on the East line of the Northwest Quarter of said section; thence along said East line South 2 degrees 19 minutes 52 seconds West a distance of 995.21 feet to a point on the South line of the North half of said Northwest Quarter; thence North 88 degrees 02 minutes 17 seconds West a distance of 2057.81 feet; thence North 1 degree 52 minutes 16 seconds East a distance of 1050.57 feet; thence South 88 degrees 07 minutes 44 seconds East a distance of 95.00 feet; thence North 1 degree 52 minutes 16 seconds East a distance of 251.34 feet to the Point of Beginning, except those parts thereof described as follows:

Commencing at the Northwest corner of Section 16, Township 47 North of the Baseline, Range 31 West of the Fifth Principal Meridian in Lee's Summit, Jackson County, Missouri; thence along the North line of said section South 88 degrees 07 minutes 44 seconds East a distance of 679.83 feet; thence South 1 degree 52 minutes 16 seconds West a distance of 20 feet to a point on the South right-of-way of Bailey Road as now established and Point of Beginning; thence along said right-of-way South 88 degrees 07 minutes 44 seconds East a distance of 510.00 feet; thence South 1 degree 52 minutes 16 seconds West a distance of 1302.87 feet to a point on the South line of the North half of the Northwest Quarter of said section; thence along said line North 88 degrees 02 minutes 17 seconds West a distance of 605.00 feet; thence North 1 degree 52 minutes 16 seconds East a distance of 1050.57 feet; thence South 88 degrees 07 minutes 44 seconds