

AMENDMENT TO DECLARATION OF RESTRICTIONS  
FOR FOXFIELD ESTATES AND  
FOXFIELD SECOND AND THIRD PLATS

STATE OF KANSAS  
COUNTY OF JOHNSON  
REGISTER OF DEEDS  
14800  
200 APR 21 P 1:33

THIS AMENDMENT is entered into this 20<sup>th</sup> day of APRIL, 2008 by BARA MULLMANN, undersigned who represent two-thirds (2/3) of the lot owners of the subdivisions known as Foxfield Estates and Foxfield Second and Third Plats.

WHEREAS, on the 13<sup>th</sup> day of May, 1994, New Bedford Land Development Co., L.C. (herein "Declarant") executed a Declaration of Restrictions, which was recorded as Document No. 2393779 in Volume 4332 at Page 214 thru Page 228 in the Office of the Register of Deeds of Johnson County, Kansas, creating certain restrictions on lots legally described as follows:

Lots 22 thru 66, FOXFIELD SECOND PLAT; and Lots 1 thru 33 and Tract A, FOXFIELD ESTATES FIRST PLAT; and

WHEREAS, on the 25<sup>th</sup> day of September, 1995, New Bedford Land Development Company, L.C. (herein "Declarant") executed a Declaration of Restrictions which was recorded as Document No. 2528513 in Volume 4687 at Page 452 in the Office of the Register of Deeds of Johnson County, Kansas, creating restrictions on lots legally described as follows:

Lots 34 thru 76 of FOXFIELD ESTATES SECOND PLAT, a subdivision in the City of Overland Park, Johnson County, Kansas, according to the recorded plat thereof; and

WHEREAS, on the 11<sup>th</sup> day of March, 1996, New Bedford Land Development Company, L.C. (herein "Declarant") executed a Declaration of Restrictions which was recorded as Document No. 2635865 in Volume 4986 at Page 735 in the Office of the Register of Deeds of Johnson County, Kansas, creating restrictions on lots legally described as follows:

Lots 67 thru 82 of FOXFIELD THIRD PLAT, a subdivision in the City of Overland Park, Johnson County, Kansas, according to the recorded plat thereof; and

WHEREAS, New Bedford Land Development Company, L.C. has conveyed all the developer rights and interest with respect to the real estate legally described above and on Exhibit "A" attached hereto; and

WHEREAS, Bedford Downs Homes Association and the following owners desire to amend the existing Declaration of Restrictions to comply with the provisions of Ordinance No. BC-2167 adopted by the Governing Board of the City of Overland Park, Kansas, to modify the roofing requirements and create standards to enhance the aesthetics and marketability of said subdivision; and

*Art Alvin D. Gracey*  
Bedford Downs Homes Association Bedford Downs Amendment  
12031 Rosehill Rd  
Overland Park KS 66213

WHEREAS, under Paragraph 16, the provisions of the Declaration may be amended in whole or in part by a duly acknowledged and recorded agreement executed by two-thirds (2/3) of the lots within the district;

NOW, THEREFORE, the undersigned, constituting the owners of two-thirds (2/3) of all the lots and the real estate legally described above and on Exhibit "A" attached hereto, hereby amend Paragraph 3, Building Material Requirements, which currently states: "Roofs shall be covered with wood shingles, wood shakes or tiles." as follows:

1. **Intent and Purpose:** It is the intent and purpose of this amendment to modify Paragraph 3 of the Declaration of Restrictions pertaining to the use of certain types of roofing materials that are governed by Ordinance No. BC-2167, adopted by the Governing Board of the City of Overland Park, Kansas. BC-2167 provides that Restrictive Covenants that prohibit the use of composite, slate, tile, clay or concrete roofing materials may not legally be enforced, but further provides that Restrictive Covenants that regulate the colors, styles, dimensions or other aesthetic factors of roofing materials are allowed. It is the specific intent and purpose of this amendment to implement Ordinance No. BC-2167 by allowing the use of composite, slate, tile, clay or concrete roofing materials as required by law, and to regulate the aesthetic factors of such additional roofing materials to ensure that they are compatible with existing and future wood shingle or wood shake shingle roofs that may be constructed or reconstructed within this subdivision.

2. **Review by Homes Association Board of Directors:** The Board of Directors of the Bedford Downs Homes Association, consisting of five or more individuals, each elected for a term of two (2) years by the residents and owners of the land within the above subdivision, hold the right to vote under Section 2 of the Homes Association Declaration. The Board of Directors shall hold meetings as necessary to regulate the affairs and applications for approval of roofing and reroofing materials subject to this Covenant. The presence of a majority of the Board, either in person or by written proxy, shall be necessary to constitute a quorum for transaction of the business. The act of a majority of members present at a meeting shall be required for an action of the Board on any matter before it. The Board shall maintain both minutes and a record of votes for each of its meetings and shall make such records and minutes available for inspection by members and other interested parties by prior appointment at the business offices of the Homes Association at 10000 West 135<sup>th</sup> Street, Overland Park, Kansas, or such other place as the Association may designate.

3. **Construction or Alteration:** No roof structure consisting of roofing materials other than wood shingles or wood shake shingles shall be commenced, erected, altered, or placed onto or permitted to remain on any property within the subdivision, unless complete plans, specifications and descriptions of the proposed alternate roofing materials shall have been submitted to and approved in writing by the Association. Such plans and specifications shall be in the form and contain the information required by the Association, but in any event shall include a complete set of specifications satisfactory to the Association, including a manufacturer's sample of the exterior color scheme and the type, nature, kind, shape, weight, composition, anticipated duration/life and dimension of the materials.

4. **Criteria for Approval of Alternate Roofing Materials:** The following criteria shall be used by the Bedford Downs Homes Association in reviewing the proposed use of alternate roofing materials:

- a) Roofing materials shall be of colors that blend and are compatible and not noticeably inconsistent with surrounding landscaping and other roofing materials in the Bedford Downs, Foxfield and Foxfield Estates subdivisions.
- b) Review of roofing materials by the Bedford Downs Homes Association will be based on the plans and specifications submitted plus architectural style, quality of shingle, manufacturer's workmanship/production and on the anticipated/apparent visual impact of the roof when seen from the lot, neighboring lots, dwellings, roads, or open spaces.
- c) Roofing materials should be architectural shingles designed to replicate the beauty of natural materials, constructed of a thickness, rich texture and multi-dimensional design that creates shadow lines and evokes the depth and dimension of wood shakes on the roof. Acceptable designs may include, without being limited to, the following: using a variation of surfaces, including weathered surfaces; randomly-applied tabs; muted or distinctive shadow lines; use of different colors of granules; use of crude-style flat tile slightly convoluted to simulate the appearance of tree bark; use of a rough, textured surface and severely chipped butt; irregular lengths; rustic-style flat slab shingle with a cratered, weathered and irregular surface; use of distinct color blends and a multiple shadows to create a multi-dimension effect; uneven surfaces and rounded, softly chipped or tapered; or any other combination of design, materials and colors that creates a multi-dimensional appearance that simulates the depth and three-dimension effect of wood shakes on the roof, resembling the natural and random textured look of wood shakes;
- d) Composition shingles shall be a minimum of 320 pounds per square, and shall have a minimum limited warranty of thirty (30) years.

5. **Procedure:** The Homes Association's approval or disapproval as required in these covenants shall be in writing. In the event the Homes Association Board or its designated representative fails to approve or disapprove within thirty (30) days after plans and specifications have been submitted to it, it shall be conclusively presumed that said plans and specifications have been approved and further approval will not be required, and related covenants shall be deemed to have been fully complied with.

6. **List of Guidelines and Acceptable Materials:** The Homes Association also herein notifies the owners that it shall promulgate regulations and guidelines and requirements for installation and type of approved roofing materials as specified herein, which shall be available on request at the Homes Association business office.

EXHIBIT "A"

Lots 22 thru 66, inclusive, FOXFIELD SECOND PLAT; and Lots 1 thru 33, inclusive, and Tract A, FOXFIELD ESTATES FIRST PLAT, a subdivision in the City of Overland Park, Johnson County, Kansas, according to the recorded plat thereof.

Lots 34 thru 76, inclusive, FOXFIELD ESTATES SECOND PLAT, a subdivision in the City of Overland Park, Johnson County, Kansas, according to the recorded plat thereof.

Lots 67 thru 82, inclusive, FOXFIELD THIRD PLAT, a subdivision in the City of Overland Park, Johnson County, Kansas, according to the recorded plat thereof.

IN WITNESS WHEREOF, Bedford Downs Homes Association and the undersigned, constituting two-thirds (2/3) of the lot owners of the subdivisions of Foxfield 2<sup>nd</sup> and 3<sup>rd</sup> Plats and Foxfield Estates listed on Exhibit "B" attached hereto and legally described on Exhibit "A" attached hereto, hereby certify the above Amendment to the Declaration of Covenants, Conditions and Restrictions are hereby approved by the undersigned owners. The approval of these amendments may be executed in multiple counterparts. When all signature pages are attached to this Amendment it shall constitute a duly executed Amendment signed by the owners.

BEDFORD DOWNS HOMES ASSOCIATION

By: Tom Shrader  
Tom Shrader, President

STATE OF KANSAS            )  
                                          )SS:  
COUNTY OF JOHNSON    )

On this 20<sup>th</sup> day of APRIL, 2000, before me a Notary Public, appeared Tom Shrader, to me personally known and being duly sworn on his oath, did say that he is the President of Bedford Downs Homes Association, and that the foregoing instrument was signed and sealed on behalf of said corporation by authority of its Board of Directors, and the said Tom Shrader acknowledged said instrument to be the free act and deed of said corporation.

IN WITNESS WHEREOF, I have set my hand and affixed my seal in Overland Park, Kansas, the day and year above written.

Matthew T. Wagner  
Notary Public  
*MATTHEW T. WAGNER*

My Commission Expires:  
09-10-2002



EXHIBIT "B"  
(Pages 5 - 20)

**OWNERS:**

Lots 22 thru 66, inclusive, FOXFIELD SECOND PLAT

Lot 22: By: \_\_\_\_\_

And: \_\_\_\_\_

Lot 23: By: \_\_\_\_\_

And: \_\_\_\_\_

Lot 24: By: \_\_\_\_\_

And: \_\_\_\_\_

Lot 25: By: \_\_\_\_\_

And: \_\_\_\_\_

Lot 26: By: Peter K. Ross

And: Tom Kuo

Lot 27: By: Wafarui Coyazo

And: \_\_\_\_\_

Lot 28: By: \_\_\_\_\_

And: \_\_\_\_\_

Lot 29: By: Rebecca A. Jones-Engel

And: \_\_\_\_\_

Lot 30: By: Renak Frymyer  
And: \_\_\_\_\_

Lot 31: By: Sari Kuitson  
And: \_\_\_\_\_

Lot 32: By: David H. Mank  
And: \_\_\_\_\_

Lot 33: By: David H. Mank  
And: \_\_\_\_\_

Lot 34: By: Scott Deard  
And: \_\_\_\_\_

Lot 35: By: \_\_\_\_\_  
And: \_\_\_\_\_

Lot 36: By: Jamil D. Waggoner  
And: \_\_\_\_\_

Lot 37: By: Barry R. Land  
And: \_\_\_\_\_

Lot 38: By: W. J. W.  
And: \_\_\_\_\_

Lot 39:

By: Janet Martsch

And: \_\_\_\_\_

Lot 40:

By: Steve Wickeman

And: \_\_\_\_\_

Lot 41:

By: Beth Lammigan

And: \_\_\_\_\_

Lot 42:

By: John Hunt

And: \_\_\_\_\_

Lot 43:

By: \_\_\_\_\_

And: \_\_\_\_\_

Lot 44:

By: Janet Martsch

And: \_\_\_\_\_

Lot 45:

By: \_\_\_\_\_

And: \_\_\_\_\_

Lot 46:

By: \_\_\_\_\_

And: \_\_\_\_\_

Lot 47:

By: \_\_\_\_\_

And: \_\_\_\_\_

Lot 48:

By: David Graham

And: \_\_\_\_\_

Lot 49:

By: David A. Jones

And: \_\_\_\_\_

Lot 50:

By: Ronan P. Joffe

And: \_\_\_\_\_

Lot 51:

By: \_\_\_\_\_

And: \_\_\_\_\_

Lot 52:

By: \_\_\_\_\_

And: \_\_\_\_\_

Lot 53:

By: Paul D. Elliott

And: \_\_\_\_\_

Lot 54:

By: Jeff Jones

And: \_\_\_\_\_

Lot 55:

By: \_\_\_\_\_

And: \_\_\_\_\_

Lot 56:

By: [Signature]

And: Michelle A. Proffitt

Lot 57: By: Andrew Wong

And: \_\_\_\_\_

Lot 58: By: Heritage Holding Company, Inc.  
Kathy Waggoner

And: \_\_\_\_\_

Lot 59: By: \_\_\_\_\_

And: \_\_\_\_\_

Lot 60: By: \_\_\_\_\_

And: \_\_\_\_\_

Lot 61: By: \_\_\_\_\_

And: \_\_\_\_\_

Lot 62: By: Charles J. Jensen

And: \_\_\_\_\_

Lot 63: By: Lisa Keimig

And: M. J. H.

Lot 64: By: Kathleen Fox

And: \_\_\_\_\_

Lot 65: By: Nancy Macal

And: \_\_\_\_\_

Lot 66:

By: David Rosebrough  
And: Rosebrough

OWNERS:

Lots 67 thru 82, inclusive, FOXFIELD THIRD PLAT

Lot 67:

By: Timothy B. Kost  
And: \_\_\_\_\_

Lot 68:

By: \_\_\_\_\_  
And: \_\_\_\_\_

Lot 69:

By: Steve W. Laska  
And: \_\_\_\_\_

Lot 70:

By: \_\_\_\_\_  
And: \_\_\_\_\_

Lot 71:

By: \_\_\_\_\_  
And: \_\_\_\_\_

Lot 72:

By: William J. Davenport  
And: \_\_\_\_\_

Lot 73:

By: Vivit Pringle  
And: Janetta Allen Pringle

Lot 74:

By: *[Signature]*  
And: \_\_\_\_\_

Lot 75:

By: \_\_\_\_\_  
And: \_\_\_\_\_

Lot 76:

By: \_\_\_\_\_  
And: \_\_\_\_\_

Lot 77:

By: \_\_\_\_\_  
And: \_\_\_\_\_

Lot 78:

By: *Heritage Holdings Company Inc.  
Landy Waggoner*  
And: \_\_\_\_\_

Lot 79:

By: *Jahun Soudat*  
And: \_\_\_\_\_

Lot 80:

By: *Jeff Why*  
And: \_\_\_\_\_

Lot 81:

By: *Allison D. Witcher*  
And: \_\_\_\_\_

Lot 82:

By: *Maura J. Sweeney*  
And: *Maura J. Sweeney*

OWNERS:

Lots 1 thru 33, inclusive, plus Tract "A",  
FOXFIELD ESTATES FIRST PLAT

Lot 1:

By: Polly Rainey

And: Nancy Rainey

Lot 2:

By: Hieu Q. Vu

And: Jeannette D. Le Vu

Lot 3:

By: Mass. H. W. W. W.

And: \_\_\_\_\_

Lot 4:

By: Chatt C. P.

And: \_\_\_\_\_

Lot 5:

By: Quinn M. Hill

And: \_\_\_\_\_

Lot 6:

By: Blaney

And: \_\_\_\_\_

Lot 7:

By: Vicki Wilson

And: \_\_\_\_\_

Lot 8:

By: Alan A. Ford

And: \_\_\_\_\_



Lot 18:

By: [Signature]

And: \_\_\_\_\_

Lot 19:

By: [Signature]

And: \_\_\_\_\_

Lot 20:

By: [Signature]

And: \_\_\_\_\_

Lot 21:

By: [Signature]

And: \_\_\_\_\_

Lot 22:

By: [Signature]

And: [Signature]

Lot 23:

By: [Signature]

And: [Signature]

Lot 24:

By: [Signature]

And: [Signature]

Lot 25:

By: [Signature]

And: \_\_\_\_\_

Lot 26:

By: \_\_\_\_\_

And: \_\_\_\_\_

Lot 27: By: Marcia Chitta

And: \_\_\_\_\_

Lot 28: By: Jusi Cordell

And: \_\_\_\_\_

Lot 29: By: Siara Posing

And: \_\_\_\_\_

Lot 30: By: Francis White

And: \_\_\_\_\_

Lot 31: By: \_\_\_\_\_

And: \_\_\_\_\_

Lot 32: By: [Signature]

And: \_\_\_\_\_

Lot 33: By: Karl M. Schlegel

And: \_\_\_\_\_

Tract "A":

**BEDFORD DOWNS HOMES ASSOCIATION**  
a Kansas not-for-profit corporation

By: Heidi G. Gray  
Its President

Attest: Shirley K. Hoffman  
Its Secretary

OWNERS:

Lots 34 thru 76, inclusive, FOXFIELD ESTATES  
SECOND PLAT

Lot 34:

By: 

And: \_\_\_\_\_

Lot 35:

By: 

And: \_\_\_\_\_

Lot 36:

By: 

And: \_\_\_\_\_

Lot 37:

By: 

And: \_\_\_\_\_

Lot 38:

By: 

And: \_\_\_\_\_

Lot 39:

By: 

And: 

Lot 40:

By: 

And: 

Lot 41:

By: 

And: 

Lot 42: By: Nancy L. Soble  
And: \_\_\_\_\_

Lot 43: By: Kathleen Sherry  
And: \_\_\_\_\_

Lot 44: By: Timothy J. Thomas  
And: Mr. J. Thomas

Lot 45: By: Frank [unclear]  
And: [unclear]

Lot 46: By: [unclear]  
And: \_\_\_\_\_

Lot 47: By: Janis M. Sauer  
And: \_\_\_\_\_

Lot 48: By: Leland A. King  
And: \_\_\_\_\_

Lot 49: By: Lawrence M. Lawrence  
And: \_\_\_\_\_

Lot 50: By: Karen L. Reardon  
And: \_\_\_\_\_

Lot 51:

By: [Signature]  
And: \_\_\_\_\_

Lot 52:

By: [Signature]  
And: [Signature]

Lot 53:

By: [Signature]  
And: \_\_\_\_\_

Lot 54:

By: [Signature]  
And: [Signature]

Lot 55:

By: [Signature]  
And: \_\_\_\_\_

Lot 56:

By: [Signature]  
And: [Signature]

Lot 57:

By: [Signature]  
And: [Signature]

Lot 58:

By: \_\_\_\_\_  
And: \_\_\_\_\_

Lot 59:

By: [Signature]  
And: \_\_\_\_\_



Lot 69:

By: Lisa Handley  
And: Paul A. Handley

Lot 70:

By: Smith W. Howdle  
And: Angela S. Howdle

Lot 71:

By: \_\_\_\_\_  
And: \_\_\_\_\_

Lot 72:

By: James Depp  
And: \_\_\_\_\_

Lot 73:

By: Karen Enders  
And: \_\_\_\_\_

Lot 74:

By: Samuel Johnston  
And: \_\_\_\_\_

Lot 75:

By: [Signature]  
And: \_\_\_\_\_

Lot 76:

By: \_\_\_\_\_  
And: \_\_\_\_\_

STATE OF KANSAS            )  
                                          )SS:  
COUNTY OF JOHNSON        )

On this 20<sup>th</sup> day of APRIL, 2000, before me, the undersigned notary public, personally appeared the above individuals, to me personally known as property owners in FOXFIELD SECOND PLAT, FOXFIELD ESTATES FIRST PLAT, FOXFIELD ESTATES SECOND PLAT, and FOXFIELD THIRD PLAT, who did sign the foregoing instrument and acknowledged said instrument to be the free act and deed of their choice.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal and affixed my official seal in Overland Park, Kansas, the day and year last above written.

Matthew T. Wagner  
Notary Public  
*MATTHEW T. WAGNER*

My Commission Expires:  
09-10-2002

