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STATE OF KANSAS
COUNTY OF JOHNSON
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SARA F. ULLMANN
REGISTER OF DEEDS

**AMENDMENT TO DECLARATION OF RESTRICTIONS
AND HOMES ASSOCIATION DECLARATION
FOR BEDFORD DOWNS and FOXFIELD FIRST PLAT**

THIS AMENDMENT is entered into this 20th day of April, 2000, by and between Bedford Downs Homes Association, the successor to declarant, and certified lot owners as individuals whose names are subscribed hereto.

WHEREAS, on August 12, 1987, the former declarant, J. D. Bohi and Associates, Inc. executed a Declaration of Restrictions and Homes Association Declaration, dated August 12, 1987 and filed of record in the Office of the Register of Deeds of Johnson County, Kansas, on August 12, 1987, as Instrument No. 1731976 in Volume 2645 at Page 826. Said original Declaration has been amended or modified as follows:

- A. First Amendment to Declaration of Restrictions and Homes Association Declaration for Bedford Downs, dated January 9, 1989, and filed as Document No. 1844459 in Volume 2924 at Page 544;
- B. Second Amendment to Declaration of Restrictions and Homes Association Declaration for Bedford Downs, dated October 7, 1992, and filed as Document No. 2172230 in Volume 3726 at Page 852;
- C. Third Amendment to Declaration of Restrictions and Homes Association Declaration for Bedford Downs, dated October 7, 1992, and filed as Document No. 2172229 in Volume 3726 at Page 850;
- D. Fourth Amendment to Declaration of Restrictions and Homes Association Declaration for Bedford Downs, dated April 29, 1993, and filed as Document No. 2241273 in Volume 3914 at Page 363;
- E. Fifth Amendment to Declaration of Restrictions and Homes Association Declaration for Bedford Downs, dated August 12, 1997, and filed as Document No. 2392111 in Volume 4328 at Page 388;
- F. Assignment of Declarant's and Developer's Rights and Acceptance of Responsibilities, dated February 1, 1994, and filed as Document No. 2387150 in Volume 4315 at Page 663;
- G. On February 4, 1994, a resurvey and replat of Lots 98 thru 101, inclusive, and Lots 111 thru 127, inclusive, Bedford Downs 2nd Plat, was filed in the Office of the Recorder of Deeds of Johnson County, Kansas, and renamed Foxfield Plat 1; and

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Mr. Alvin D. Grady
12031 Rosehill Rd
P P KS 661213

BOOK 6535 PAGE 17

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

WHEREAS, under Paragraph 13 of the provisions of the applicable Declarations, they may be amended in whole or in part by a duly acknowledged and recorded agreement executed by three-fourths (3/4) of the Lots located within the district;

NOW, THEREFORE, on the 20th day of APRIL, 2000, the undersigned, constituting the owners of three-fourths (3/4) of the lots legally described on Exhibit "A" attached hereto, pursuant to Section 13 of the covenants of the Declaration of Restrictions and Homes Association Declaration, hereby amend the above listed Declaration of Restrictions and Homes Association Declaration to include Section 3, APPROVAL OF PLANS, to state 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 135th 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 stimulates 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

EXHIBIT "A"

Lots 1 thru 42, both inclusive, BEDFORD DOWNS 1ST PLAT, a subdivision in the City of Overland Park, Johnson County, Kansas, according to the recorded plat thereof.

Lots 43 thru 129 except lots 67 thru 69, lots 98 thru 101 and lots 111 thru 127, BEDFORD DOWNS 2ND PLAT, a subdivision in the City of Overland Park, Johnson County, Kansas, according to the recorded plat thereof.

Lots 130 thru 136, both inclusive, BEDFORD DOWNS 3RD PLAT, a subdivision in the City of Overland Park, Johnson County, Kansas, according to the recorded plat thereof. (Lots 135 and 136 formerly Lots 67 and 69 of Bedford Downs 2nd Plat. Former Lot 68 of Bedford Downs 2nd Plat no longer exists as said vacant lot 68 became two lane access street from 121st Terrace roadway into and from Pleasant Ridge Elementary School site.)

Lots 1 thru 21, both inclusive, FOXFIELD 1ST PLAT, formerly Lots 67 thru 69 and Lots 111 thru 127, Bedford Downs 2nd Plat, a subdivision in the City of Overland Park, Johnson County, Kansas, according to the recorded plat thereof.

EXHIBIT "B"

(Pages 5 - 21)

OWNERS:

Lots 1 thru 42, inclusive, Bedford Downs 1st Plat

Lot 1:

By: W. F. Sanchez
And: W. F. Sanchez

Lot 2:

By: _____
And: _____

Lot 3:

By: T. A. Seichepine
And: Lori Seichepine

Lot 4:

By: Urb D. Mason
And: _____

Lot 5:

By: Kimberly Z. Aquilar
And: _____

Lot 6:

By: Brad R. Bergeron
And: _____

Lot 7:

By: M. T. Thom
And: _____

Lot 8: By: Charles E. Propley
And: _____

Lot 9: By: Paul D. Hoffman
And: Shirley L. Hoffman

Lot 10: By: _____
And: _____

Lot 11: By: Randy Davis
And: _____

Lot 12: By: Ruth J. Stude
And: [Signature]

Lot 13: By: _____
And: _____

Lot 14: By: _____
And: _____

Lot 15: By: Corie Cornelius
And: _____

Lot 16: By: [Signature] ^{error} _{HVS}
And: _____

Lot 17:

By: Kathy Karantakinos

And: _____

Lot 18:

By: James K. Di

And: _____

Lot 19:

By: _____

And: _____

Lot 20:

By: _____

And: _____

Lot 21:

By: Ann L. Parrish

And: Karen W. Parrish

Lot 22:

By: _____

And: Kayada Gleason

Lot 23:

By: _____

And: _____

Lot 24:

By: James Wilson

And: _____

Lot 25:

By: William D. Deves

And: Amber A. Deves

OWNERS:

Lots 43 thru 129 except lots 67 thru 69, lots 98 thru 101 and
lots 111 thru 127, Bedford Downs 2nd Plat

Lot 43:

By: Michelle Wherry

And: _____

Lot 44:

By: Amber L. Baker

And: _____

Lot 45:

By: Star China Chang

And: _____

Lot 46:

By: Thomas R. Sell

And: Marilyn A. Sell

Lot 47:

By: Missy E. Odey

And: Sally E. Odey

Lot 48:

By: Ruyis A. Estrada

And: Leo Estrada

Lot 49:

By: [Signature]

And: _____

Lot 59:

By: Joni A. Casley

And: _____

Lot 60:

By: William T. Long

And: _____

Lot 61:

By: BB

And: _____

Lot 62:

By: MM

And: _____

Lot 63:

By: Alan R. Adams

And: Mary E. Adams

Lot 64:

By: Harold C. Atkinson

And: Nancy J. Atkinson

Lot 65:

By: _____

And: _____

Lot 66:

By: System System

And: Nancy Mustang

Lot 70:

By: Eric Lopez

And: _____

Lot 71: By: George D Wintergalen

And: Karen Wintergalen

Lot 72: By: June M Dennis

And: _____

Lot 73: By: Barbara Machamer

And: Douglas R. Machamer

Lot 74: By: Buddy E. Moore

And: Zoe S. Moore

Lot 75: By: Roberta M. Beile

And: _____

Lot 76: By: Harold England

And: Janet D England

Lot 77: By: Mr. Bundy

And: Robert M. Bartel

Lot 78: By: Walter W. Zorabuel

And: _____

Lot 79: By: Carolyn J. Tate

And: _____

Lot 80:

By: Ann K. Dwyer

And: _____

Lot 81:

By: [Signature]

And: Vicki K. Cox

Lot 82:

By: James D. Whopess

And: _____

Lot 83:

By: [Signature]

And: _____

Lot 84:

By: Hannah Shuster

And: _____

Lot 85:

By: Rebecca M. Binkholder

And: _____

Lot 86:

By: James E. Jackson

And: Catherine W. Jackson

Lot 87:

By: Adri Balmora

And: Tandy Balmora

Lot 88:

By: _____

And: _____

Lot 102: By: _____

And: _____

Lot 103: By: Ken Julian

And: _____

Lot 104: By: Yuan Korse

And: _____

Lot 105: By: W. J. Campbell

And: _____

Lot 106: By: W. J. 92 TEESARDEN

And: _____

Lot 107: By: Maudyn M. Mokhtarian

And: _____

Lot 108: By: Will D. Hagan

And: Lyndee D. Martin-Hagan

Lot 109: By: Matt Weiss

And: Erin M. Weiss

Lot 110: By: Candice M. Mokhtarian

And: _____

OWNERS:

Lots 130 thru 136 inclusive, Bedford Downs 3rd Plat

Lot 130: By: _____

And: _____

Lot 131: By: Joe Leifer

And: Devi Sibal - Taylor

Lot 132: By: _____

And: _____

Lot 133: By: Paul Krum

And: Donna Munnane

Lot 134: By: Mac Gouge

And: _____

Lot 135: By: Steve Cury

And: _____

Lot 136: By: Sam Squires

And: _____

OWNERS:

Lots 1 thru 21 inclusive, Foxfield 1st Plat

Lot 1:

By: Gregory J. Gove

And: _____

Lot 2:

By: Patricia B. McFadden

And: Walter McFadden

Lot 3:

By: Lorna G. Harwell

And: Kenneth N. Harwell

Lot 4:

By: _____

And: _____

Lot 5:

By: John Mink

And: _____

Lot 6:

By: John J. J.

And: Lana Jones J.

Lot 7:

By: William A. Jew

And: Rosemary Jew

Lot 8:

By: George M. Jew

And: Abigail Jew

Lot 18:

By: [Signature]

And: [Signature]

Lot 19:

By: Jean Hannad

And: _____

Lot 20:

By: Mike Stock

And: _____

Lot 21:

By: Ahijé Frenhowick

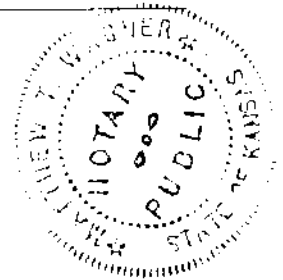
And: _____

STATE OF KANSAS)
)ss:
COUNTY OF JOHNSON)

On this 20th day of APRIL, 2000, before me, the undersigned notary public, personally appeared the above individuals, to me personally known as property owners in BEDFORD DOWNS 1ST PLAT, BEDFORD DOWNS 2ND PLAT, BEDFORD DOWNS 3RD PLAT, and FOXFIELD 1ST 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