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THIRD SUPPLEMENTAL
DECLARATION OF PRAIRIE BROOK

THIS THIRD SUPPLEMENTAL DECLARATION is made as of the 15th day of December, 2008, by HIDDEN CREEK, L.L.C., a Kansas limited liability company ("the Developer").

RECITALS:

A. Developer executed a DECLARATION OF PRAIRIE BROOK (the "Original Declaration") as of the 1st day of May, 2005, filed for record on December 23, 2005 in the office of the Register of Deeds of Johnson County, Kansas and recorded in Book 200512 at Page 008559 concerning the following described real property :

Lots 1-62 inclusive and Tracts A-E inclusive of Hidden Creek First Plat, a subdivision in the City Olathe, Kansas filed for record on June 20th, 2005 in the office of the Register of Deeds of Johnson County, Kansas and recorded in Book 200506 at Page 008935, and Lots 63 and 64 of Hidden Creek Second Plat, a subdivision in the City of Olathe, Kansas filed for record on September 12th, 2005 in the office of the Register of Deeds of Johnson County, Kansas and recorded in Book 200509 at Page 003897.

B. Hidden Creek First Plat has been re-platted as Lots 4-62 inclusive and Tracts A-F of Prairie Brook, First Plat, a subdivision in the City of Olathe, Kansas, filed for record on February 17th, 2006 in the office of the Register of Deeds of Johnson County, Kansas and recorded in Book 200602 at Page 005270. Lots 63 and 64 of Hidden Creek Second Plat have been re-platted as Lots 63 and 64 of Prairie Brook, Second Plat, a subdivision in the City of Olathe, Kansas filed for record on February 17th, 2006 in the office of the Register of Deeds of Johnson County, Kansas and recorded in Book 200602 at Page 005271 (the foregoing is hereafter described as the "Neighborhood").

C. Article 10 of the Original Declaration permits the Developer to make changes in the Neighborhood and Article 13, Section 13.2, permits amendments by the Developer.

D. The Developer has previously executed that certain Supplemental Declaration dated July 18, 2008 ("Supplemental Declaration") of Prairie Brook as recorded in the office of the Register of Deeds of Johnson County, Kansas, on July 22, 2008, in Book 200807 at Page 005975 whereby the property known as the Prairie Brook Villas was added to the Neighborhood and became subject to the Declaration.

E. The Developer has also previously executed that certain Second Supplemental Declaration dated August 12, 2008 ("Second Supplemental Declaration") of Prairie Brook as recorded in the office of the Register of Deeds of Johnson County, Kansas, on August 15, 2008, in Book 200808 at Page 003828, whereby PRAIRIE BROOK THIRD PLAT and PRAIRIE BROOK FOURTH PLAT were added to the Neighborhood and became subject to the Declaration, and certain other Owners adopted the Declaration and were added to the Neighborhood and became subject to the Declaration, which such plats were legally described as:

The Final Plat of PRAIRIE BROOK THIRD PLAT, as recorded March 23, 2007, in Book 200703 at Page 007526; and

The Final Plat of PRAIRIE BROOK FOURTH PLAT, as recorded March 23, 2007, in Book 200703 at Page 007527.

F. Lots 125, 126, 127, 128, 129, 136 and 137 in PRAIRIE BROOK FOURTH PLAT are subject to a "Tree Preservation Easement" or "TP/E" that provides in the recorded plat as follows:

An easement is hereby dedicated to the City of Olathe to enter upon, over and across those areas outlined and designated on this plat as "Tree Preservation Easement" or "TP/E". Trees shall not be removed from a tree preservation easement without the City of Olathe's permission, unless such trees are dead, diseased or pose a threat to the public or adjacent property. The Homes Association, or their designees, shall be responsible for the maintenance of the tree preservation easement, including but not limited to the removal of dead, diseased trees or trees posing a threat to the public or adjacent property.

G. Pursuant to Section 2.8 of the Original Declaration, the Developer has absolute and exclusive control of the Association until the Turnover Date and is the owner of the Lots described above and affected by the Tree Preservation Easement.

H. The Developer, on behalf of the Association desires to designate, the Owners of the Lots affected by the Tree Preservation Easement as the "designees" for purposes of being responsible for the maintenance of the Tree Preservation Easement, including but not limited to the removal of dead, diseased trees or trees posing a threat to the public or adjacent property, with respect to the individual Lots owned by an Owner.

NOW, THEREFORE, Developer and Builders hereby declare that the Original Declaration is supplemented and amended as set forth herein.

1. The Developer, on behalf of the Association hereby designates each Owner of a Lot affected by the Tree Preservation Easement as the designee for purposes of being responsible for the maintenance of the Tree Preservation Easement, including but not limited to the removal of dead, diseased trees or trees posing a threat to the public or adjacent property, with respect to the Lot which is owned by an Owner, including such Lot Owner's successors and assigns, which such covenant shall be binding upon and shall run with the ownership of a Lot. Each Lot Owner shall abide by the Tree Preservation Easement and shall indemnify and hold the Developer and the Association harmless from any claim against the Developer and the Association arising out of the failure of a Lot Owner to abide by the obligations arising from the Tree Preservation Easement.

2. In all other respects, the Original Declaration, the Supplemental Declaration and the Second Supplemental Declaration are hereby ratified, confirmed and approved.

