

First American Title Insurance Company
101 S. Kansas Ave
Olathe KS 66061
Tel. (913) 782-5522

07212008-2


20080722-0005975 07/22/2008
P: 1 of 10 F: \$44.00 09:38:34 AM
Register of Deeds T20080027207
10 CO KS BK:200807 PG:005975

(Space Above Reserved For Recording)

SUPPLEMENTAL

DECLARATION OF PRAIRIE BROOK

THIS SUPPLEMENTAL DECLARATION is made as of the 18 day of July, 2008, by HIDDEN CREEK, L.L.C., a Kansas limited liability company ("the Developer") and is hereby adopted by both Dakota, Inc. (Dakota), a Kansas corporation, and Prairie Homes, Inc. ("Prairie Homes"), a Kansas corporation (collectively, the "Builders").

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").

Any such change, addition, removal or dedication (other than the split of a Lot as described below) shall become effective upon the recording with the Register of Deeds of an amendment to this Declaration, duly executed and acknowledged, setting forth the same. Such amendment to add land to the Villas may contain such deletions, additions and modifications of the provisions of this Declaration which are applicable solely to such additional land as may be necessary or desirable, as solely determined by Developer in its discretion. An Owner of a single platted Lot may split such Lot into two (2) separate Lots provided that such Owner obtains all necessary approvals required by the City of Olathe.

4. In all other respects, the Original Declaration, is hereby ratified, confirmed and approved.

IN WITNESS WHEREOF, Developer has executed this Supplemental Declaration as of the date first above written.

HIDDEN CREEK, L.L.C., a Kansas limited liability company

By: 
Clay C. Blair, III, Manager

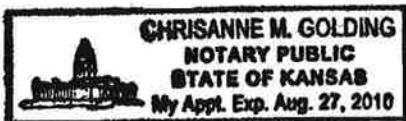
STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

ON THIS 18 day of July, 2008, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Clay C. Blair, III, to me personally known to be the person described in and who executed the foregoing instrument, who, being by me duly sworn, acknowledged that he is the Manager of Hidden Creek, L.L.C., a Kansas limited liability company, and that he executed such instrument on behalf of said company by authority of its members, and said person acknowledged the execution of said instrument to be the act and deed of said limited liability company.

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

Chrisanne M. Golding
Notary Public
Printed Name: Chrisanne M. Golding

My Commission Expires:




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EXHIBIT 1

LEGAL DESCRIPTION OF PRAIRIE BROOK VILLAS

Lots 1 – 29 inclusive and Tracts A –D inclusive of Prairie Brook Villas, First Plat, a subdivision in the City of Olathe, Johnson County, Kansas, filed for record on, July 2nd, 2007 in the Office of the Register of Deeds of Johnson County, Kansas and recorded in Book 200707 at Page 000095.


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EXHIBIT 2

ADOPTION OF DECLARATION (DAKOTA)

(See attached)

ADOPTION OF DECLARATION

The undersigned, Dakota, Inc., a Kansas corporation, is the owner of the following described real estate:

Lots 23, 25 and 28 of Prairie Brook Villas, First Plat, a subdivision in the City of Olathe, Johnson County, Kansas, according to the recorded plat thereof.

As owner, the undersigned does hereby subject the foregoing property to all the terms and conditions of the 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.

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").

Together with the Supplemental Declaration as set forth above.

The undersigned agrees that such property shall be subject to all the terms and conditions of the Original and the Supplemental Declaration. Each grantee of the owner by acceptance of a deed, conveyance or other instrument evidencing or creating an interest or estate in the property, and the heirs, legal representatives, successors and assigns of each of the foregoing, accepts the same subject to all of the terms, provisions, covenants, conditions, restrictions, reservations, easements and liens and subject to all of the rights, benefits and privileges of every kind which are granted, created, reserved or declared by the Original and the Supplemental Declaration, and all imposition and obligations thereby imposed, all of which shall be deemed covenants running with the land and equitable servitude, and shall bind every person and entity at any time having any interest or estate in such property, and shall inure to the benefit of any such person or entity,

EXHIBIT 3

ADOPTION OF DECLARATION (PRAIRIE HOMES)

(See attached)


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ADOPTION OF DECLARATION

The undersigned, Prairie Homes, Inc., a Kansas corporation, is the owner of the following described real estate:

Lot 18, 27 and 29 of Prairie Brook Villas, First Plat, a subdivision in the City of Olathe, Johnson County, Kansas, according to the recorded plat thereof.

As owner, the undersigned does hereby subject the foregoing property to all the terms and conditions of the 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 :

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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").

Together with the Supplemental Declaration as set forth above.

The undersigned agrees that such property shall be subject to all the terms and conditions of the Original and the Supplemental Declaration. Each grantee of the owner by acceptance of a deed, conveyance or other instrument evidencing or creating an interest or estate in the property, and the heirs, legal representatives, successors and assigns of each of the foregoing, accepts the same subject to all of the terms, provisions, covenants, conditions, restrictions, reservations, easements and liens and subject to all of the rights, benefits and privileges of every kind which are granted, created, reserved or declared by the Original and the Supplemental Declaration, and all imposition and obligations thereby imposed, all of which shall be deemed covenants running with the land and equitable servitude, and shall bind every person and entity at any time having any interest or estate in such property, and shall inure to the benefit of any such person or entity,

as though the provisions of the Original and the Supplemental Declaration were reflected at length in each and every deed, conveyance or other instrument evidencing or creating such interest or estate.

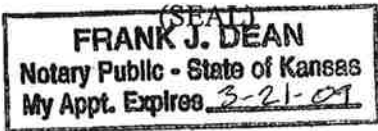
PRAIRIE HOMES, INC.,
a Kansas corporation

By: *Robert J. Ewy*
Robert J. Ewy, President

State of Kansas)
) ss,
County of Johnson)

Be it remembered, that on this 24th day of October, 2007, before me, the undersigned, a Notary Public in and for County and State aforesaid, came Robert J. Ewy, President of Prairie Homes, Inc., a Kansas corporation duly organized, incorporated and existing under and by virtue of the laws of Kansas who is personally known to me to be the same person who executed, as such officer, within the instrument on behalf of said corporation, and such person duly acknowledged the execution of the same to be the act and deed of said corporation.

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



Frank J. Dean
Printed Name: FRANK J. DEAN
Notary Public in and for said State
Commissioned in Johnson County

My Commission Expires:
3-21-09