

**SECOND AMENDMENT AND  
SUPPLEMENTAL DECLARATION TO  
DECLARATION OF EASEMENTS,  
COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR THE ESTATES OF GLENEAGLES  
SINGLE FAMILY RESIDENCE COMMUNITY  
(Second Plat)**

This Second Amendment and Supplemental Declaration is made and entered into on ~~May~~<sup>June</sup> 21, 2019 by Estates of GlenEagles Homes Association, a Kansas non-profit corporation (the "**Association**"), and Tomahawk Ridge, LLC, a Kansas limited liability company (the "**Developer**").

WHEREAS, there is currently of record a Declaration of Easements, Covenants, Conditions and Restrictions for the Estates of GlenEagles Single Family Residence Community recorded on December 31, 2001 in Volume 7540 at Page 722 in the Office of the Register of Deeds of Johnson County, Kansas (the "**Recording Office**"), as amended by Amendment recorded in the Recording Office in Volume 8749 at Page 315 (as amended, the "**Declaration**").

WHEREAS, the Developer has recorded in the Recording Office an additional plat of the property to be governed by the Declaration, which plat includes the following lots and tracts (the "**Annexation Property**"):

Lots 79 through 111 and Tract H, THE ESTATES OF  
GLENEAGLES, SECOND PLAT, a subdivision in the City of  
Overland Park, Johnson County, Kansas

WHEREAS, the Association and the Developer desire to subject the Annexation Property to the Declaration;

NOW THEREFORE, the Developer, for itself and for its future grantees, and the Association, hereby agree and declare that (i) all of the Annexation Property shall be, and it hereby is, subject to and bound by the covenants, assessments, restrictions, charges, and other

provisions of the Declaration, and (ii) Tract H of The Estates of GlenEagles, Second Plat shall be a "Common Area" under the Declaration.

Notwithstanding the foregoing, the parties agree as follows:

1. Developer shall be entitled to appoint the Design Review Committee with respect to the review and approval of all new residential construction on the Annexation Property.

2. The following minimum square footage sizes shall apply to the residences to be constructed on the Lots within the Annexation Property:

(i) 2-story residence – 3,000 square feet with at least 1,500 square feet on the first floor;

(ii) 1½-story – 2,800 square feet with at least 2,000 square feet on the first floor; and

(iii) 1-story – 2,600 square feet.

The lower level (basement area including any so-called "walk-out basement") and garage shall be disregarded to compute such square footage.

3. No regular assessment or special assessment shall become due and payable to the Association with respect to any Lot within the Annexation Property until the commencement of occupancy of a residence thereon as a residence.

4. No residences in the Annexation Property shall have an asphalt driveway.

5. The initiation fee set forth in Section 4.4 of the Declaration shall be \$750.00 for each residence in the Annexation Property.

6. Black prefinished steel fences shall be allowed for residences in the Annexation Property.

*[Remainder of page left blank intentionally. Signature page follows.]*

IN WITNESS WHEREOF, the Association and the Developer have caused this Second Amendment and Supplemental Declaration to be duly executed as of the day and the year first written above.

**ASSOCIATION:**

**DEVELOPER:**

ESTATES OF GLENEAGLES HOMES  
ASSOCIATION

TOMAHAWK RIDGE, LLC

By: *[Signature]* *Glenn Eagles*  
*President*  
Name: Miles Rust  
Title: President

By: MATT ADAM DEVELOPMENT  
CO., INC., its Manager

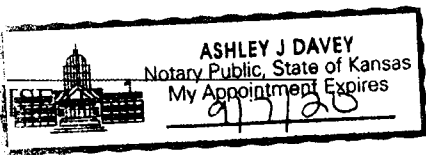
By: *[Signature]*  
Name: Matthew M. Adam  
Title: Manager

STATE OF KANSAS            )  
  ) ss.  
COUNTY OF JOHNSON    )

This instrument was acknowledged before me, a notary public, on <sup>June</sup> ~~May~~ 21, 2019 by Miles Rust, as President of ESTATES OF GLENEAGLES HOMES ASSOCIATION, a Kansas non-profit corporation.

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

My Commission Expires:



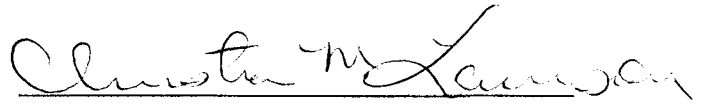
*[Signature]*  
Notary Public in and for said County and  
State Kansas  
Print Name: Ashley Davey

STATE OF KANSAS        )  
                                  ) ss.  
COUNTY OF JOHNSON    )

This instrument was acknowledged before me, a notary public, on <sup>June</sup> ~~May~~ 24, 2019 by **Matthew M. Adam**, as President of MATT ADAM DEVELOPMENT CO., INC., a Kansas corporation, as Manager of TOMAHAWK RIDGE, LLC, a Kansas limited liability company.

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

My Commission Expires:

  
Notary Public in and for said County and State

\_\_\_\_\_  
[SEAL]

Print Name: Christina M. Lawson

