

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

This Fifth Amendment and Supplemental Declaration is made and entered into on _____, 2021 by Estates of GlenEagles Homes Association, a Kansas non-profit corporation (the "**Association**"), and GlenEagles IV, 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, by Second Amendment recorded in the Recording Office in Book 201906 at Page 009159, by Third Amendment recorded in the Recording Office in Book 202009 at Page 010661, and by Fourth Amendment recorded in the Recording Office in Book 202009 at Page 010662 (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 151 through 158, THE ESTATES OF GLENEAGLES,
FIFTH 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 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.

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 (other than a residence on Lot 154) shall have an asphalt driveway. The existing asphalt driveway for Lot 154 is hereby grandfathered and permitted to remain in existence.

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.

7. The owner of Lot 154 (in its discretion) shall have the right to divide Lot 154 into two lots.

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

IN WITNESS WHEREOF, the Association and the Developer have caused this Fifth 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

GLENEAGLES IV, LLC

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

By: *[Signature]*
Name: Miles Roof
Title: President

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

The owners of Lot 154 hereby consent to the foregoing Declaration and subject Lot 154 to such Declaration.

[Signature]
Matthew M. Adam

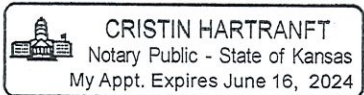
[Signature]
Kerry B. Adam

STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

This instrument was acknowledged before me, a notary public, on October 4th, 2021 by Miles Roof, 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: 6/16/24



[Signature]
Signature of Notary Public in and for said County and State

[SEAL]

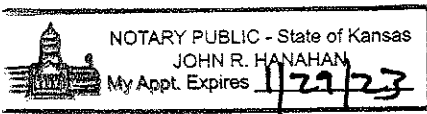
Print Name: Cristin Hartranft

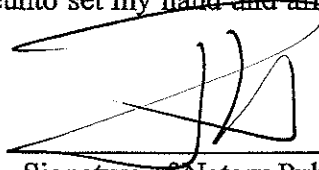
STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

This instrument was acknowledged before me, a notary public, on 9-30
 , 2021 by **Matthew M. Adam**, as President of MATT ADAM DEVELOPMENT CO.,
INC., a Kansas corporation, as Manager of GLENEAGLES IV, 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: 1/29/23




Signature of Notary Public in and for said
County and State

Print Name: JOHN HANAHAN

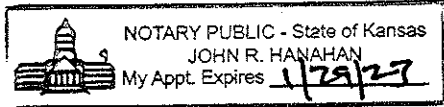
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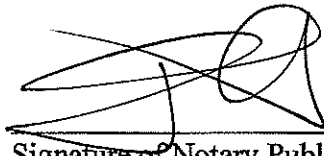
STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

This instrument was acknowledged before me, a notary public, on 9-30
 , 2021 by **Matthew M. Adam and Kerry B. Adam**, husband and wife.

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

My Commission Expires: 1/29/23




Signature of Notary Public in and for said
County and State

Print Name: JOHN HANAHAN

[SEAL]