

HOMES ASSOCIATION DECLARATION

THIS DECLARATION made and entered into on this 6th day of February, 1951, by J.C. NICHOLS COMPANY, a corporation duly organized and existing under and by virtue of the laws of the State of Missouri, and duly authorized to do business in the State of Kansas, having its principal place of business in Kansas City, Jackson County, Missouri,

WITNESSETH THAT:

WHEREAS by the terms and provisions of a certain Declaration dated July 7, 1950, and recorded in the office of the Register of Deeds of Johnson County, Kansas, in Book 46 of Miscellaneous at page 158, provision was made for the creation and establishment of a Homes Association having within its jurisdiction the land specifically described therein; and

WHEREAS, provision was made in said Declaration for the addition to the District, as the term "District" is defined in said Declaration, of such land as was then or thereafter owned or approved for addition thereto by said J.C. Nichols Company; and

WHEREAS, Lots 26 to 35, both inclusive, in Block 12, of Prairie Hills, as the same are shown on the plat thereof which is recorded in the office of the aforesaid Register of Deeds under Serial No.402189, heretofore were incorporated within the District served or to be served by said Prairie Hills Homes Association; and

WHEREAS, Lots 26 to 35, both inclusive, in Block 12, of Prairie Hills, have been re-subdivided and replatted, and are now known and designated as Lots 36 to 45, both inclusive, in Block 12, of Prairie Hills; and

WHEREAS, in the replatting and re-subdividing of said Lots 26 to 35, both inclusive, of Block 12 of Prairie Hills, the depth of each of said Lots was materially increased; and

WHEREAS, it is the intention and desire of J.C. Nichols Company that only so much of said Lots 36 to 45, both inclusive, in Block 12 of Prairie Hills as was included and embraced within the boundary lines of Lots 26 to 35, both inclusive in Block 12, of Prairie Hills, be subject to the terms and provisions of the aforesaid Declaration which is recorded in the office of the aforesaid Register of Deeds in Book 46 of Miscellaneous at page 158; and

WHEREAS, J.C. Nichols Company is now the owner of Lots 36 to 70, both inclusive, in Block 12, and All of the Lots in Blocks 13, 14, 15, and 16 of Prairie Hills, as the same are shown on the recorded plat thereof which is recorded in the office of the aforesaid Register or Deeds in Plat Book 14, at pages 52 and 53; and

WHEREAS, said J.C. Nichols Company now desires to affirm the inclusion of those parts of Lots 36 to 45, both inclusive, in Block 12, of Prairie Hills, which were included and embraced within the boundary lines of Lots 26 to 35, both inclusive in Block 12, of Prairie Hills, to all of the terms and provisions of the aforesaid Declaration which is recorded in said Book 46 of Miscellaneous at page 158; and now desires to subject all of Lots 46 to 70, both inclusive, in Block 12, and All of the Lots in Blocks 13, 14, 15, and 16 of said Prairie Hills, to the benefits to be derived from the operation of the aforesaid Association, and to the liability for the payment of the assessments which said Association is authorized to levy against the land within its jurisdiction.

NOW, THEREFORE, in consideration of the premises, and in consideration of the benefits to be derived from the operation of said Association, and by virtue of the right to add other land to the District within the jurisdiction of the Association, as aforesaid, J.C. Nichols Company does hereby declare that so much of said Lots 36 to 45, both inclusive, in Block 12, of Prairie Hills, as was originally included and embraced within the boundary lines of said Lots 26 to 35, both inclusive, in Block 12, of Prairie Hills, and also all of Lots 46 to 70, both inclusive, in Block 12, of Prairie Hills, and All of the Lots in Blocks 13, 14, 15, and 16 of Prairie Hills, a subdivision of land in Johnson County, Kansas, as aforesaid, shall all be, and the same are hereby made subject to all of the terms and provisions of the aforesaid Declaration dated July 7, 1950, and recorded in the office of the aforesaid Register of Deeds in Book 46 of Miscellaneous, at page 158, in the same way and manner as though the same had been described in the said Declaration last above referred to, and subjected to all of the terms and provisions of said original Declaration.

