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Olathe KS 66061  
Tel. (913) 782-5522

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(Space Above Reserved For Recording)

**SECOND SUPPLEMENTAL**

**DECLARATION OF PRAIRIE BROOK**

THIS SECOND SUPPLEMENTAL DECLARATION is made as of the 12<sup>th</sup> day of Aug., 2008, by HIDDEN CREEK, L.L.C., a Kansas limited liability company ("the **Developer**") and is hereby adopted by James Engle Custom Homes L.L.C. ("James Engle"), a Kansas limited liability company; Glen A. Mock Construction & Design, Inc. ("Glen A. Mock"), a Kansas corporation; Prairie Homes, Inc. ("Prairie Homes"), a Kansas corporation; Roeser Homes, LLC ("Roeser Homes"), a Kansas limited liability company; KC Builders & Design, Incorporated ("KC Builders"), a Kansas corporation; Arvel F. McElroy and Linda N. McElroy ("the McElroys"), as joint tenants, Russell Binkley and Lisa Binkley (the "Binkleys"), as joint tenants, Ace Consulting, LLC, ("Ace Consulting") a Kansas limited liability company, Charles Lunney and Melissa Lunney ("the Lunnays"), as joint tenants, David C. Sitek and Jamie P. Cherry ("the Siteks"), as joint tenants, and Patrick S. May and Rebecca A. May, as joint tenants (collectively, the "Owners").

RECITALS:

A. Developer executed a DECLARATION OF PRAIRIE BROOK (the "Original Declaration") as of the 1<sup>st</sup> 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 7-18-2008, 2008 ("Supplemental Declaration") of Prairie Brook as recorded in the office of the Register of Deeds of Johnson County, Kansas, whereby the property known as the Prairie Brook Villas was added to the Neighborhood and became subject to the Declaration.

E. The Developer desires that to add the property legally described in Exhibit 1 attached hereto become a part of the Neighborhood and to become subject to the Declaration.

F. The Developer desires to supplement the Original Declaration and as set forth herein and to include the property as legally described in Exhibit 1 attached hereto.

G. The Owners desire to adopt this Second Supplemental Declaration as set out in the Adoptions of Declaration attached hereto as Exhibit 2 (James Engle), Exhibit 3 (Glen A. Mock), Exhibit 4 (Prairie Homes), Exhibit 5 (Roeser Homes), Exhibit 6 (KC Builders), Exhibit 7 (the McElroys) and Exhibit 8 (the Binkleys), Exhibit 9 (AceConsulting), Exhibit 10 (the Lunneys), Exhibit 11 (the Siteks), Exhibit 12 (the Mays) and by this reference made a part hereof.

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

1. The Neighborhood is amended to include the areas described above and shall include the property legally described in Exhibit 1 attached hereto.

2. Each of the parties to an Adoption of Declaration attached hereto intend to bind the real estate owned by them to the Original Declaration and the Supplemental Declaration.

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

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

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

By: *Clay C. Blair*  
Clay C. Blair, III, Manager

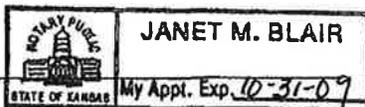
STATE OF KANSAS        )  
                                  ) ss.  
COUNTY OF JOHNSON    )

ON THIS 12 day of Aug., 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.

*Janet M. Blair*  
Notary Public  
Printed Name: Janet M. Blair

My Commission Expires:



**EXHIBIT 1**

**LEGAL DESCRIPTION**

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.

**EXHIBIT 2**

**ADOPTION OF DECLARATION (JAMES ENGLE)**

The undersigned, James Engle Custom Homes, L.L.C., a Kansas limited liability company, is the owner of the following described real estate:

Lots 70, 72, 75, 76, 78, 79, 81, 86, 89, 90, 91, 93, 94, 95, 98, 101, 103, 105, and 108 of the Final Plat of PRAIRIE BROOK THIRD PLAT, as recorded March 23, 2007, in Book 200703 at Page 007526.

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 1<sup>st</sup> 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 and the Second Supplemental Declaration as set forth above.

The undersigned agrees that such property shall be subject to all the terms and conditions of the Original Declaration, the Supplemental Declaration and the Second 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 Second 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 Declaration, the Supplemental Declaration and the Second Supplemental Declaration were reflected at length in each and every deed, conveyance or other instrument evidencing or creating such interest or estate.

JAMES ENGLE CUSTOM HOMES,  
L.L.C.  
a Kansas limited liability company

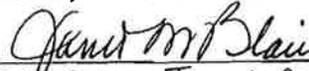
By:   
Jim Engle, Managing Member

STATE OF KANSAS        )  
                                  ) ss.  
COUNTY OF Johnson )

This instrument was acknowledged before me on Aug 5, 2008, by Jim Engle, Managing Member of James Engle Custom Homes, L.L.C., a Kansas limited liability company.

(SEAL)



  
Printed Name: Janet M. Blair  
Notary Public in and for said State  
Commissioned in Johnson County

My Commission Expires:  
  
\_\_\_\_\_

**EXHIBIT 3**

**ADOPTION OF DECLARATION (GLEN A. MOCK)**

The undersigned, Glen A. Mock Construction & Design, Inc., a Kansas corporation, is the owner of the following described real estate:

Lot 84 of the Final Plat of PRAIRIE BROOK THIRD PLAT, as recorded March 23, 2007, in Book 200703 at Page 007526.

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 1<sup>st</sup> 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 and the Second Supplemental Declaration as set forth above.

The undersigned agrees that such property shall be subject to all the terms and conditions of the Original Declaration, the Supplemental Declaration and the Second 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 Second Supplemental Declaration, and all imposition and obligations thereby imposed, all of which shall be deemed covenants running



EXHIBIT 4

ADOPTION OF DECLARATION (PRAIRIE HOMES)

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

Lots 74 and 82 of the Final Plat of PRAIRIE BROOK THIRD PLAT, as recorded March 23, 2007, in Book 200703 at Page 007526.

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 1<sup>st</sup> 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 and the Second Supplemental Declaration as set forth above.

The undersigned agrees that such property shall be subject to all the terms and conditions of the Original Declaration, the Supplemental Declaration and the Second 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 Second 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 Declaration, the Supplemental Declaration and the Second 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 )

This instrument was acknowledged before me on 7-25-08, 2008, by Robert J. Ewy as President of Prairie Homes, Inc., a Kansas corporation



Janet M. Blair  
Printed Name: Janet M. Blair  
Notary Public in and for said State  
Commissioned in Johnson County

My Commission Expires:

\_\_\_\_\_

**EXHIBIT 5**

**ADOPTION OF DECLARATION (ROESER HOMES)**

The undersigned, Roeser Homes, LLC, a Kansas limited liability company, is the owner of the following described real estate:

Lots 83 and 100 of the Final Plat of PRAIRIE BROOK THIRD PLAT, as recorded March 23, 2007, in Book 200703 at Page 007526.

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 1<sup>st</sup> 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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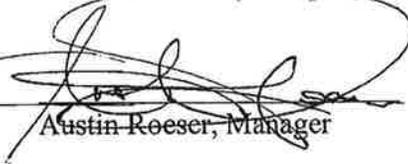
Hidden Creek First Plat has been re-platted as Lots 4-62 inclusive and Tracts A- F of Prairie Brook, First Plat, a subdivision in the City of Olathe, Kansas, filed for record on February 17th, 2006 in the office of the Register of Deeds of Johnson County, Kansas and recorded in Book 200602 at Page 005270. 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 and the Second Supplemental Declaration as set forth above.

The undersigned agrees that such property shall be subject to all the terms and conditions of the Original Declaration, the Supplemental Declaration and the Second 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 Second 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 Declaration, the Supplemental Declaration and the Second Supplemental Declaration were reflected at length in each and every deed, conveyance or other instrument evidencing or creating such interest or estate.

ROESER HOMES, LLC  
a Kansas limited liability company

By:   
Austin Roeser, Manager

STATE OF KANSAS            )  
  ) ss.  
COUNTY OF Johnson    )

This instrument was acknowledged before me on 7-28-08, 2008, by Austin Roeser, manager of Roeser Homes, LLC, a Kansas limited liability company.

(SEAL)



  
Printed Name: Janet M. Blair  
Notary Public in and for said State  
Commissioned in Johnson County

My Commission Expires:  
  
\_\_\_\_\_

EXHIBIT 6

ADOPTION OF DECLARATION (KC BUILDERS)

The undersigned, KC Builders & Design, Incorporated, a Kansas corporation, is the owner of the following described real estate:

Lots 85, 88 and 102 of the Final Plat of PRAIRIE BROOK THIRD PLAT, as recorded March 23, 2007, in Book 200703 at Page 007526.

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 1<sup>st</sup> 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 and the Second Supplemental Declaration as set forth above.

The undersigned agrees that such property shall be subject to all the terms and conditions of the Original Declaration, the Supplemental Declaration and the Second 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 Second 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 Declaration, the Supplemental Declaration and the Second Supplemental Declaration were reflected at length in each and every deed, conveyance or other instrument evidencing or creating such interest or estate.



**EXHIBIT 7**

**ADOPTION OF DECLARATION (THE MCELROYS)**

The undersigned, Arvel F. McElroy and Linda N. McElroy, are the owners of the following described real estate:

Lot 104 of the Final Plat of PRAIRIE BROOK THIRD PLAT, as recorded March 23, 2007, in Book 200703 at Page 007526.

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 1<sup>st</sup> 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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Together with the Supplemental Declaration and the Second Supplemental Declaration as set forth above.

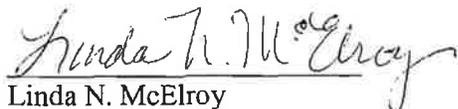
The undersigned agrees that such property shall be subject to all the terms and conditions of the Original Declaration, the Supplemental Declaration and the Second Supplemental Declaration. Each grantee of the owner by acceptance of a deed, conveyance or other instrument evidencing or creating an interest 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 Second 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 Declaration, the Supplemental Declaration and the Second Supplemental Declaration were reflected at length in each and every deed, conveyance or other instrument evidencing or creating such interest or estate.

ARVEL F. AND LINDA N. MCELROY

As joint tenants

  
Arvel F. McElroy

  
Linda N. McElroy

STATE OF KANSAS            )  
  ) ss.  
COUNTY OF Johnson )

This instrument was acknowledged before me on 8-2-08, 2008, by Arvel F. McElroy and Linda N. McElroy, husband and wife.



  
Printed Name: Janet M. Blair  
Notary Public in and for said State  
Commissioned in Johnson County

My Commission Expires:

\_\_\_\_\_

Russell Binkley  
Russell Binkley

Lisa Binkley  
Lisa Binkley

**INDIVIDUAL ACKNOWLEDGMENT**

STATE OF Kansas )  
COUNTY OF Johnson ) SS.

BE IT REMEMBERED, That on this 2nd day of August, 2008, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Russell Binkley and Lisa Binkley who are personally known to me to be the same persons who executed the within instrument of writing and duly acknowledged the execution of same.

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



Janet M. Blair  
Notary Public

My Appointment Expires:

\_\_\_\_\_

**EXHIBIT 8**

**ADOPTION OF DECLARATION (THE BINKLEYS)**

The undersigned, Russell Binkley and Lisa Binkley, are the owners of the following described real estate:

Lot 104 of the Final Plat of PRAIRIE BROOK THIRD PLAT, as recorded March 23, 2007, in Book 200703 at Page 007526.

As owners, 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 1<sup>st</sup> 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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Together with the Supplemental Declaration and the Second Supplemental Declaration as set forth above.

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EXHIBIT 9

ADOPTION OF DECLARATION (ACE CONSULTING)

The undersigned, Ace Consulting, LLC, a Kansas limited liability company, is the owner of the following described real estate:

Lot 87 of the Final Plat of PRAIRIE BROOK THIRD PLAT, as recorded March 23, 2007, in Book 200703 at Page 007526.

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 1<sup>st</sup> 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 and the Second Supplemental Declaration as set forth above.

The undersigned agrees that such property shall be subject to all the terms and conditions of the Original Declaration, the Supplemental Declaration and the Second 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 Second 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 Declaration, the Supplemental Declaration and the Second Supplemental Declaration were reflected at length in each and every deed, conveyance or other instrument evidencing or creating such interest or estate.

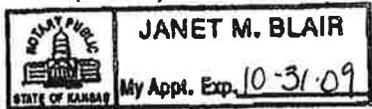
ACE CONSULTING, LLC

By: *Chad Edmunds*  
Chad Edmunds, Managing Member

STATE OF KANSAS            )  
  ) ss.  
COUNTY OF Johnson    )

This instrument was acknowledged before me on 8-1, 2008, by Chad Edmunds, Managing Member of Ace Consulting, LLC, a Kansas limited liability company.

(SEAL)



*Janet M Blair*  
Printed Name: Janet M. Blair  
Notary Public in and for said State  
Commissioned in Johnson County

My Commission Expires:

\_\_\_\_\_

**EXHIBIT 10**

**ADOPTION OF DECLARATION (THE LUNNEYS)**

The undersigned, Charles Lunney and Melissa Lunney, as joint tenants, are the owners of the following described real estate:

Lot 106 of the Final Plat of PRAIRIE BROOK THIRD PLAT, as recorded March 23, 2007, in Book 200703 at Page 007526.

As owners, the undersigned do hereby subject the foregoing property to all the terms and conditions of the DECLARATION OF PRAIRIE BROOK (the "Original Declaration") as of the 1<sup>st</sup> 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 and the Second Supplemental Declaration as set forth above.

The undersigned agree that such property shall be subject to all the terms and conditions of the Original Declaration, the Supplemental Declaration and the Second 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 Second 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

## EXHIBIT 11

### ADOPTION OF DECLARATION (THE SITEKS)

The undersigned, David C. Sitek and Jamie P. Cherry, as joint tenants, are the owners of the following described real estate:

Lot 92 of the Final Plat of PRAIRIE BROOK THIRD PLAT, as recorded March 23, 2007, in Book 200703 at Page 007526.

As owners, the undersigned do hereby subject the foregoing property to all the terms and conditions of the DECLARATION OF PRAIRIE BROOK (the "Original Declaration") as of the 1<sup>st</sup> 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 and the Second Supplemental Declaration as set forth above.

The undersigned agree that such property shall be subject to all the terms and conditions of the Original Declaration, the Supplemental Declaration and the Second 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 Second 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 Declaration, the Supplemental Declaration and the Second Supplemental Declaration were reflected at length in each and every deed, conveyance or other instrument evidencing or creating such interest or estate.

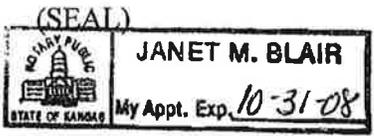
DAVID C. SITEK AND  
JAMIE P. CHERRY  
as joint tenants

By: *David C. Sitek*  
David C. Sitek

By: *Jamie P. Cherry*  
Jamie P. Cherry

STATE OF KANSAS            )  
  ) ss.  
COUNTY OF Johnson )

This instrument was acknowledged before me on 8-2, 2008, by David C. Sitek and Jamie P. Cherry, as husband and wife.



*Janet M. Blair*  
Printed Name: Janet M. Blair  
Notary Public in and for said State  
Commissioned in Johnson County

My Commission Expires:  
\_\_\_\_\_

**EXHIBIT 12**

**ADOPTION OF DECLARATION (THE MAY'S)**

The undersigned, Patrick S. May and Rebecca A. May, are the owners of the following described real estate:

Lot 103 of the Final Plat of PRAIRIE BROOK THIRD PLAT, as recorded March 23, 2007, in Book 200703 at Page 007526.

As owners, the undersigned do hereby subject the foregoing property to all the terms and conditions of the DECLARATION OF PRAIRIE BROOK (the "Original Declaration") as of the 1<sup>st</sup> 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 and the Second Supplemental Declaration as set forth above.

The undersigned agrees that such property shall be subject to all the terms and conditions of the Original Declaration, the Supplemental Declaration and the Second 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 Second 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 Declaration, the Supplemental Declaration and the Second Supplemental Declaration were reflected at length in each and every deed, conveyance or other instrument evidencing or creating such interest or estate.

PATRICK S. AND REBECCA A. MAY  
As joint tenants

*Patrick S. May*  
Patrick S. May  
*Rebecca A. May*  
Rebecca A. May

STATE OF KANSAS            )  
  ) ss.  
COUNTY OF Johnson )

This instrument was acknowledged before me on 8-5-08, 2008, by Patrick S. May and Rebecca A. May, husband and wife.

(SEAL)



*Janet M. Blair*  
Printed Name: Janet M. Blair  
Notary Public in and for said State  
Commissioned in Johnson County

My Commission Expires:

\_\_\_\_\_