

2820360 ✓

AMENDMENT TO DECLARATION OF RESTRICTIONS

This Amendment to Declaration of Restrictions is made on this 17th day of February, 1998 by a majority of the Lot owners of property in the Nottingham Downs subdivision, a subdivision in the City of Overland Park, Johnson County, Kansas encompassing the real property described below.

Whereas, by the terms of that certain Declaration of Restrictions recorded in the office of the Register of Deeds of Johnson County, Kansas on July 19, 1985, in Volume 2190, at Page 549 (the "Original Declaration"), as amended, provision was made for the operation and establishment of use restrictions affecting the following described real property:

Lots 1 through 47 of Block 1, and Lots 1 through 10 of Block 2, Lots 1 through 15, Block 3; ~~and~~ ~~of~~ NOTTINGHAM DOWNS, a subdivision in Overland Park, Johnson County, Kansas, according to the recorded plat thereof;

Lots 48 through 58 of Block 1 and Lots 16 through 62 of Block 3, all in NOTTINGHAM DOWNS, SECOND PLAT, a subdivision in Overland Park, Johnson County, Kansas, according to the recorded plat thereof;

Lots 1 through 7 of Block 4 and Lot 7 of Block 5, all in NOTTINGHAM DOWNS, THIRD PLAT, a subdivision in Overland Park, Johnson County, Kansas, according to the recorded plat thereof;

Lots 8 through 38 of Block 4; Lots 8 through 54 of Block 5 and Lots 1 through 12 of Block 6, all in NOTTINGHAM DOWNS, FOURTH PLAT, a subdivision in Overland Park, Johnson County, Kansas, according to the recorded plat thereof;

Whereas, a majority of the lots owners desire to amend the Declaration of Restrictions in the manner set forth in Article 16, page 9 of the Original Declaration;

Therefore, in consideration of the premises and to the power reserved in the Original Declarations to amend the Restrictions, the lot owners whose names appear on the attached Exhibit "A" have approved the following amendment to the Declaration of Restrictions:

JOHNSON COUNTY, KANSAS
REGISTER OF DEEDS
FILED

1998 APR 21 P 3:34.7

JOHN F. FULLER
REGISTER OF DEEDS

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240.

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Amendment I

Article 3 is deleted in its entirety and a new Article 3 substituted in its place to read as follows:

Exterior walls of all buildings, structures and all appurtenances thereto shall be of stucco, stuccato board, brick, stone, wood shingles, wood siding, wood paneling, plate glass, masonite, glass blocks or any combination thereof. Windows shall be constructed of glass and wood; provided however, that storm windows may be constructed of colored metal. Exterior doors and louvers shall be constructed of wood, colored metal and glass. Roofs with a pitch of three inches or more per foot shall be covered with wood shingles, wood shakes, slate, tiles or materials specifically designed to simulate the color, texture and overall appearance of weathered wood shingles as may be approved by the Board of Directors of Nottingham Downs Homes Association. Flat roofs, or roofs with a pitch of less than three inches per foot, shall be covered with tin, built up asphalt, wood shingles, wood shakes, asbestos shingles, slate, tile or other materials as may be approved by the Board of Directors of the Nottingham Downs Homes Association. Any building products that may come into general usage for dwelling construction of comparable quality and style in the area after the date hereof shall be acceptable if approved in writing by the Board of Directors of Nottingham Downs. All wood exteriors, except roofs and shake side walls, shall be covered with a workmanlike finish of two coats of high quality paint or stain. No building shall be permitted to stand with its exterior in an unfinished condition for longer than five months after commencement of construction. All exterior basement foundations and walls which are exposed in excess of 12 inches above final grade shall be painted the same color as the house or covered with siding compatible with the structure.

Amendment II

Article 9(d) is deleted in its entirety and a new Article 9(d) substituted in its place to read as follows:

No television, radio, citizens' band, short wave satellite dish, or other antenna greater than one meter in diameter, and no clothes line or clothes line poles, awnings, canopy, solar panels, or other unsightly projections shall be attached to any residence or constructed or erected upon any Lot. No lights or other illumination shall be higher than the residence. No above-ground swimming pool, hot tub, or tank for the storage of fuel shall be maintained above the surface of the ground; provided, however, that above-ground hot tubs may be maintained if adequately screened and if approved in writing by the Board of Directors of Nottingham Downs.

If for any reason any or all the above stated amendments fail to take effect, the amendment(s) shall become effective immediately upon the lapse or removal of the impediment to its effectiveness.

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