

**AMENDMENT AND MODIFICATION OF DECLARATIONS
OF COVENANTS, CONDITIONS AND RESTRICTIONS OF
BENT TREE BLUFFS**

THIS AMENDMENT to the Declaration of Covenants, Conditions and Restrictions, made on the date indicated below, is hereby executed by 90% of the owners in the Bent Tree subdivision, herein Grantors, whose address is 2416 NW Valley View Drive, Lee's Summit, MO 64081, there being no Grantee.

WITNESSETH:

WHEREAS, by instrument filed by Bent Tree Development Company, a Missouri corporation, which instrument was recorded on or about the 11th day of March, 1986, as Document No. I677212 in Book I-1517 at Page 805 in the Office of the Recorder of Deeds of Jackson County, Missouri, Bent Tree Development Company, a Missouri corporation, subjected all of certain property legally described as follows:

A part of the Southeast ¼ of Section 34, Township 48, Range 32, in Lee's Summit, Jackson County, Missouri, described as follows: All that part of the West half of said Southeast ¼ lying east of the Chicago, Rock Island and Pacific Railroad right of way, except the South 400 feet thereof; also the Southeast ¼ of the Southeast ¼ of Section 34, except that part lying South of the centerline of Chipman Road and except all but the East 1144 feet of the South 400 feet thereof; and except the following described tract: beginning at the southeast corner of said Southeast ¼; thence North 1°12'40" West 661.5 feet to the Northeast corner of Lot 1, ELMWOOD FARM, a subdivision; thence Northwesterly along a curve to the right, having a radius of 291.72 feet, a distance of 87.03 feet; thence South 47°30'00" West 232.39 feet; thence South 9°26'37" West 155.11 feet; thence continuing South 9°26'37" West to a point on the Northeasterly curved line of Lot 5, in said ELMWOOD FARM; thence Northwesterly and Westerly along a curve to the left, having a radius of 128.89 feet, to the Northwest corner of said Lot 5; thence West along the North line of Lots 2, 3 and 4, ELMWOOD FARM and the projection thereof, a distance of 383 feet; thence North 70 feet; thence West 195.3 feet; thence South 400 feet to the South line of said Southeast ¼; thence East 952.43 feet to the point of beginning. The above description includes all of Lot 6, ELMWOOD FARM, a subdivision; and, all of Lots 116 through 134, Bent Tree Bluffs Third Plat; and, all of Lots 135 through 221, Bent Tree Bluffs Fourth Plat; and, all of Lots 222 through 247, Bent Tree Bluffs Fifth Plat; and, all of Lots 317 through 327 Bent Tree Bluffs 6th Plat; and, all of Lots 250 through 260 Bent Tree

Bluffs Seventh Plat; and, all of Lots 261 through 314 Bent Tree Bluffs Eighth Plat were subjected to certain restrictions, all as is more particularly set forth in said Declarations of Covenants, Conditions and Restrictions; and

WHEREAS, by instrument entitled "Declarations of Covenants, Conditions and Restrictions of Bent Tree Bluffs", which instrument was recorded on May 5, 1988 as Document No. I842115 in Book I-1797 at Page 1969, Bent Tree Development Company, a Missouri corporation, subjected certain additional property legally described as:

All of Lots 116 through 134, BENT TREE BLUFFS, THIRD PLAT, a subdivision in Lee's Summit, Jackson County, Missouri, according to the recorded plat thereof;

and

WHEREAS, by instrument entitled "Declarations of Covenants, Conditions and Restrictions of Bent Tree Bluffs", which instrument was recorded on March 10, 1988 as Document No. I830714 in Book I-1778 at Page 2026, Bent Tree Development Company, a Missouri corporation, subjected certain additional property legally described as:

All of Lots 135 through 221, BENT TREE BLUFFS, FOURTH PLAT, a subdivision in Lee's Summit, Jackson County, Missouri, according to the recorded plat thereof;

and

WHEREAS, by instrument entitled "Declarations of Covenants, Conditions and Restrictions of Bent Tree Bluffs", which instrument was recorded on April 4, 1988 as Document No. I835583 in Book I-1786 at Page 1936, Bent Tree Development Company, a Missouri corporation, subjected certain additional property legally described as:

All of Lots 222 through 247, BENT TREE BLUFFS, FIFTH PLAT, a subdivision in Lee's Summit, Jackson County, Missouri, according to the recorded plat thereof;

and

WHEREAS, by instrument entitled "Declarations of Covenants, Conditions and Restrictions of Bent Tree Bluffs", which instrument was re-recorded on June 3, 1988 as Document No. I848319 in Book I-1808 at Page 320, Bent Tree Development Company, a Missouri corporation, subjected certain additional property legally described as:

All of Lots 317 through 327, BENT TREE BLUFFS, SIXTH PLAT, a subdivision in Lee's Summit, Jackson County, Missouri, according to the recorded plat thereof;

and

WHEREAS, by instrument entitled "Declarations of Covenants, Conditions and Restrictions of Bent Tree Bluffs", which instrument was recorded on December 2, 1988 as Document No. I885245 in Book I-1869 at Page 206, Bent Tree Development Company, a Missouri corporation, subjected certain additional property legally described as:

All of Lots 250 through 260, BENT TREE BLUFFS, 7th PLAT, a subdivision in Lee's Summit, Jackson County, Missouri, according to the recorded plat thereof;

and

WHEREAS, by instrument entitled "Declarations of Covenants, Conditions and Restrictions of Bent Tree Bluffs", which instrument was recorded on March 13, 1989 as Document No. I901222 in Book I-1895 at Page 2343, Bent Tree Development Company, a Missouri Corporation, subjected certain additional property legally described as:

All of Lots 261 through 314, BENT TREE BLUFFS, EIGHTH PLAT, a subdivision in Lee's Summit, Jackson County, Missouri, according to the recorded plat thereof,

to certain restrictions as more particularly set forth in said Declarations, Covenants, Conditions and Restrictions, in order to place certain restrictions upon the subject premises for the benefit of itself and for the use and benefit of future grantees; and

WHEREAS, under the provisions of Article X, Section 3, of Covenants applicable to Lots 1 thru 247, 250 thru 260, and 317 thru 327, and under Article XI, Section 3, of Document I901222 applicable only to Eighth Plat, Lots 261 thru 314, it was provided as follows:

Section 3. Amendment. The covenants and restrictions of this Declaration shall run with and bind the land, and shall inure to the benefit of and be enforceable by the Association, or the Owner of any Lot subject to this Declaration, their respective legal representatives, heirs, successors, and assigns, for a term of twenty (20) years from the date this Declaration is recorded, after which time said covenants shall be automatically extended for successive periods of ten (10) years. The covenants and restrictions of this Declaration may be amended during the first twenty (20) year period by an instrument signed by not less than ninety percent (90%) of the Lot Owners, and thereafter by an instrument signed by not less than seventy-five percent (75%) of the Lot Owners. Any amendment must be properly recorded;

and

WHEREAS, under Article VIII - Use Restrictions, Section 1. - Protective Covenants, (d) - Other Restrictions, Paragraph 7 reads as follows:

- 7) All residential structures must be constructed with wood roof or other material approved by the Home Owners Association Board of Directors and Class B member, if any, with no composition roofs being permitted or subject to any approval;

and

WHEREAS, the undersigned are the owners of ninety (90%) percent or more of Lots 1 through 327 of BENT TREE BLUFFS, a subdivision in Lee's Summit, Jackson County, Missouri, and hereby wish to exercise the power granted under Article X, Section 3, of Covenants applicable to Lots 1 thru 247, 250 thru 260, and 317 thru 327, and under Article XI, Section 3, of Document I901222 applicable only to Eighth Plat, Lots 261 thru 314, to amend the above Use Restriction as follows:

- 7) All residential structures must be constructed and subsequently maintained with roofing materials approved by the Home Owners Association Board of Directors. Approved roofing materials shall consist of Number 1 grade wood shake shingles, concrete tile, clay tile, natural slate tile, and other materials as may, from time-to-time, be approved by the Home Owners Association Board of Directors. In addition, laminated composition shingles may be installed pursuant to the following guidelines and conditions:
- a) Must be Architectural shingles with shadow lines or relief which imitate a wood shingle or shake in appearance (examples are GAF Timberline-Ultra, Tamko-Heritage, and Owens Corning-Oakridge 40 Deep Shadow);
 - b) Must have appearance and color range of natural weathered cedar shingles or shakes (examples are GAF Timberline-Ultra Weathered Wood Blend, Tamko-Heritage Weathered Wood, and Owens Corning-Oakridge 40 Deep Shadow Driftwood);
 - c) Must have at least a 40-year warranty;
 - d) Must be Class A fire rated;
 - e) Required to be placed on solid decking;
 - f) Installed with metal valleys and flashing that coordinate with the roof color; and
 - g) Installed with preformed ridge shingles.

In all cases, the **type, color and style** of the roofing materials and decking proposed must be approved by the Architectural Committee **prior** to the commencement of any replacement activity as outlined in the conditions stated in Article VI - Architectural Control of the above Covenants. Laminated composition roofing materials will require proof or verification of the type, style and quality to be used including a list of the materials to be used and material samples.

In all other respects, the Declarations of Covenants, Conditions and Restrictions referred to above are continued as reconfirmed and approved.

IN WITNESS WHEREOF, I/we, the undersigned owner(s) of Lot _____, Bent Tree Bluffs
_____ Plat, _____ (address), Lee's Summit, Jackson County,
Missouri, have hereunto set my/our hand(s), this ____ day of _____, 2004.

PLEASE PRINT NAME

Signature

PLEASE PRINT NAME

Signature

STATE OF MISSOURI)

)ss:

COUNTY OF JACKSON)

On this _____ day of _____, 2004, before me, the undersigned Notary Public,
personally appeared _____ and
_____, a single person/husband and wife, to me
known as property owner(s) in BENT TREE BLUFFS, and who did sign the foregoing instrument and
acknowledged said instrument to be the free act and deed of his/her/their choice.

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

Notary Public

My Commission Expires:

STATE OF MISSOURI)

)ss:

COUNTY OF JACKSON)

On this _____ day of _____, 2004, before me, the undersigned Notary Public,
personally appeared _____ and
_____, a single person/husband and wife, to me
known as property owner(s) in BENT TREE BLUFFS, and who did sign the foregoing instrument and
acknowledged said instrument to be the free act and deed of his/her/their choice.

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

Notary Public

My Commission Expires:
