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RUBEN H. SCOTT  
REGISTER OF DEEDS

FIRST AMENDMENT TO  
DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS  
AND DEDICATION OF EASEMENTS OF FOXBOROUGH BY \_\_\_\_\_ DEP

This amendment is made and entered into this 11th day of May, 1984, by SAUL ELLIS AND COMPANY, INC., the owner and Declarant, and amends ARTICLE XIV, paragraph 2. of Foxborough Declaration of Covenants, Conditions, Restrictions and Dedication of Easements as filed in Volume 1972, page 321 and refiled in Volume 1974, page 374, Register of Deeds, Johnson County, Kansas. The legal description of the property which is subject to this declaration and amendment is as follows:

Lots 1 through 14, Block 1, FOXBOROUGH, a subdivision in the City of Leawood, Johnson County, Kansas, and as more particularly described in the original Declaration, and additions thereto as shown by future amendments.

The said Declaration of Covenants, Conditions, Restrictions and Dedication of Easements is amended as follows:

ARTICLE XIV

2. Swimming Pool Area. The Declarant who is the developer of FOXBOROUGH anticipates constructing a swimming pool for the use of FOXBOROUGH owners and the owners within HUNTER'S RIDGE. The Declarant reserves the right with respect to the swimming pool:

(a) To adopt and publish rules of membership including fees for use:

(b) To transfer and convey by deed the pool area including the land and all improvements to the Foxborough Homes Association and impose therein the right of owners within HUNTER'S RIDGE to continue to use the swimming pool by complying with rules and regulations the same as are imposed upon users within FOXBOROUGH. Such conveyance may be made at any time as determined by the Declarant and the conveyance shall be free and clear of liens and encumbrances except usual restrictions of record; the Declarant shall not be required to furnish an abstract or title policy and any taxes or insurance premium or any other proration shall be as of the date of recording of the deed.

(c) To extend privileges of membership or pool use to other adjacent subdivisions in the event it is determined by Declarant that the subdivisions of FOXBOROUGH and HUNTER'S RIDGE do not adequately support the facility.

ARTICLE VI (Maintenance) shall be amended by adding thereto the following:

6. The Declarant shall and does warrant and represent that it will repair and perform any necessary maintenance on project development items such as streets, curbs, sanitary and storm sewers for a period of one year after date of completion of such work.

The above amendment amends ARTICLE XIV, paragraph 2 by renumbering the first two subparagraphs from numbered paragraphs

to lettered paragraphs and further adds subparagraph (c). The above amendment also amends ARTICLE VI on Maintenance by adding thereto paragraph 6. as shown above.

SAUL ELLIS AND COMPANY, INC.

BY *Saul Ellis*  
Saul Ellis, President

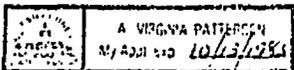
ATTEST:

*Irene Ellis*  
Irene Ellis, Secretary

ACKNOWLEDGMENT

STATE OF KANSAS, COUNTY OF JOHNSON, SS:

11<sup>th</sup> The foregoing instrument was acknowledged before me this day of May, 1984, by Saul Ellis, president, and Irene Ellis, secretary of Saul Ellis and Company, Inc., a Kansas corporation, on behalf of the corporation.



*A. Virginia Patterson*  
Notary Public A. Virginia Patterson

My Appointment Expires:

October 13, 1985