

**AMENDMENT TO AMENDED AND RESTATED DECLARATION  
OF COVENANTS, CONDITIONS, RESTRICTIONS AND  
DEDICATION OF EASEMENTS OF FOXBOROUGH HOMES  
ASSOCIATION, INC.,**

THIS AMENDMENT is made this 1st day of JUNE, 2017, by the undersigned owners of lots in the Foxborough subdivision in Leawood, Johnson County, Kansas (hereinafter referred to as "Owners").

WITNESSETH:

WHEREAS, on February 24, 1984, Saul Ellis and Company, Inc., a Kansas Corporation ("Declarant"), filed that certain Declaration, which was recorded in the records of the Register of Deeds of Johnson County, Kansas, and which has thereafter been amended and restated, ("Declaration"), pertaining to the following described property:

Lots 1 through 14, Plat of Foxborough, a subdivision in Leawood, Johnson County, Kansas, and Lots 15 through 40, Plat of Foxborough, Second Plat, a subdivision in Leawood, Johnson County, Kansas, and Lots 41 through 74, Plat of Foxborough, Third Plat, a subdivision in Leawood, Johnson County, Kansas (hereinafter collectively referred to as "FOXBOROUGH").

WHEREAS, pursuant to Article XI of the Declaration, the Declaration may be amended at any time by written consent of the owners representing sixty per cent (60%) of the total lots of FOXBOROUGH; and

WHEREAS, the undersigned owner, being more than sixty per cent of the total owners in FOXBOROUGH, consent to amend the Declaration, as previously amended, by inserting into Article VIII **RESTRICTIONS**, immediately following paragraph 14., the following provision:

"15. No fence shall be placed on any lot, nor any modification of any fence be made on any lot. Provided, however, that any existing patio may be

enclosed by a privacy fence, as long as any such fence is constructed and placed within three feet of the edge of such existing patio and as long as the Board of Directors approves the construction, installation and placement of such fence, as required by paragraph 1 of this Article VIII and by other applicable provisions of the Declaration. Provided, further, that, subject to the prior approval of the Board of Directors and to all other applicable provisions of the Declaration, any such fence may be replaced with a like fence within the parameters and dimensions described above.”

IN WITNESS WHEREOF, the undersigned officers of Foxborough Homes Association, Inc., hereby certify that this amendment has received the requisite approval pursuant to Article XI of the Declaration, this 1st day of JUNE, 2017.

FOXBOROUGH HOME ASSOCIATION, INC.  
a Kansas not-for-profit corporation,

By: Robert J. Myers  
Robert J. Myers, President

By: Marianne Sears  
Marianne Sears, Secretary

STATE OF KANSAS        )  
  ) ss.  
COUNTY OF KANSAS    )

This instrument was acknowledged before me, a notary public, on this 1st day of JUNE, 2017, by Robert J. Myers and Marianne Sears, as President and Secretary of Foxborough Homes Association, Inc., on whose behalf the within instrument was executed.



Fiona Curtin  
Notary Public

My appointment expires: 10-6-2018

