

FILED BY
JOHNSON COUNTY TITLE CO., INC.
OLATHE, KANSAS

838962 ✓

323800-3

FIRST
AMENDMENT AND MODIFICATION
OF
DECLARATION OF RESTRICTIONS

WHEREAS, by instrument dated November 11, 1968, entitled "DECLARATION OF RESTRICTIONS" which instrument was recorded November 15, 1968, as Document No. 818774 in Book 191 at page 54 in the office of the Register of Deeds of Johnson County, Kansas, Gramercy Land Co. (formerly Bascom Construction Corporation) and Realco Kansas, Inc., subjected all of the land platted as GRAMERCY PARK, a subdivision in Overland Park, Johnson County, Kansas, as shown by the recorded plat thereof, to certain restrictions, covenants, and agreements, all as more particularly set forth in said DECLARATION OF RESTRICTIONS, and

WHEREAS, the said Gramercy Land Co. and Realco Kansas, Inc., being owners of all the land platted as GRAMERCY PARK, a subdivision in Overland Park, Johnson County, Kansas, as shown by the recorded plat thereof, and being entitled to cast 100% of the votes eligible to be cast in a meeting of the Gramercy Park Homes Association, desire to amend and modify paragraph numbered 5 thereof.

NOW, THEREFORE, the undersigned, Gramercy Land Co. and Realco Kansas, Inc., do hereby amend and modify said DECLARATION OF RESTRICTIONS above described as follows:

1. Paragraph numbered 5 of said DECLARATION OF RESTRICTIONS above described is hereby amended to read as follows:

"5. GRAMERCY PARK Recreation Areas. Anything contained herein to the contrary notwithstanding, all of Lot D of GRAMERCY PARK and such portions of Lot C of GRAMERCY PARK as Gramercy Land Co. and Realco Kansas, Inc., may from time to time hereafter designate shall be used only as a private country club or recreational area for the benefit of the residents of GRAMERCY PARK, a subdivision in Overland Park, Johnson County, Kansas, according to the recorded plat thereof, their families, guests and invitees, with such structures and improvements as may be constructed thereon, including, but not by way of limitation, swimming pools, cabanas, tennis courts, snack bars, club houses and other recreational facilities. Any designation of a portion of Lot C as a recreational area shall be made in writing and properly recorded in the office of the Register of Deeds of Johnson County, Kansas. 'Resident' as used herein shall include not only the owners of lots, tracts and living units ('living

units' are defined by the Gramercy Park Homes Association Declaration recorded in the office of the Register of Deeds of Johnson County, Kansas, on November 15, 1968, as Document No. 818775 in Book 191 at page 63) in GRAMERCY PARK, but also the lessees and tenants of such owners, including the lessees and tenants of the owners of Lot C of GRAMERCY PARK."

IN WITNESS WHEREOF, the undersigned have caused this instrument to be executed this 28th day of July, 1969.

ATTEST:

C. Ruby Larson
C. Ruby Larson Secretary

GRAMERCY LAND CO.

By Wilson W. Siemens
Wilson W. Siemens President

ATTEST:

L. L. McDonald
Secretary

REALCO KANSAS, INC.

By J. Morgan
Vice President

STATE OF MISSOURI)
) ss
COUNTY OF JACKSON)

On this 28th day of July, 1969, before me appeared WILSON W. SIEMENS, to me personally known, who being by me duly sworn, did say that he is the President of Gramercy Land Co., a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors, and said Wilson W. Siemens acknowledged said instrument to be the free act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal at my office in Kansas City, Missouri, the day and year last above written.

Barbara R. Dietrich
Notary Public

My commission expires:
October 30, 1972

Barbara R. Dietrich

STATE OF MISSOURI)
) ss
COUNTY OF JACKSON)

On this 4th day of August, 1969, before me, appeared T. Morgan, to me personally known, who being by me duly sworn, did say that he is Vice President of Realco Kansas, Inc., a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors, and said T. Morgan acknowledged said instrument to be the free act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal at my office in Kansas City, Missouri, the day and year last above written.

Charles Dale Durbin
Charles Dale Durbin - Notary Public

My commission expires:
April 20, 1973.

BMA REAL ESTATE CORPORATION of Kansas City, a corporation,
being the owner of a certain note secured by a certain mortgage
encumbering property owned by Gramercy Land Co. and Realco Kansas,
Inc., now platted as GRAMERCY PARK, a subdivision in Overland Park,
Johnson County, Kansas, as shown by the recorded plat thereof,
does hereby consent to all of the terms and provisions of the
foregoing FIRST AMENDMENT AND MODIFICATION OF DECLARATION OF
RESTRICTIONS and does hereby further agree that the lien of its
existing mortgage above described shall be junior and subordinate
to such FIRST AMENDMENT AND MODIFICATION OF DECLARATION OF
RESTRICTIONS.

IN WITNESS WHEREOF, the said BMA Real Estate Corporation has
caused this instrument to be executed this 4th day of
August, 1969.

ATTEST:

L. L. McDonald
Assistant Secretary

BMA REAL ESTATE CORPORATION

By T. Morgan
Vice President

STATE OF MISSOURI)
) ss
COUNTY OF JACKSON)

On this 4th day of August, 1969, before me
appeared T. Morgan, to me personally known,
who being by me duly sworn, did say that he is Vice President of
BMA Real Estate Corporation, a corporation, and that the seal
affixed to the foregoing instrument is the corporate seal of said
corporation and that said instrument was signed and sealed in behalf
of said corporation by authority of its Board of Directors, and said
T. Morgan acknowledged said instrument to
be the free act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed
my notarial seal at my office in Kansas City, Missouri, the day
and year last above written.

My commission expires:

Charles Dale Durbin
Charles Dale Durbin - Notary Public

April 20, 1973.

NORTH AMERICAN SAVINGS ASSOCIATION, being the owner of certain
notes secured by certain mortgages encumbering property owned by
Gramercy Land Co. and Realco Kansas, Inc., now platted as GRAMERCY

