

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 Real 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 Real 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 Real 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 Real 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.

GRAMERCY LAND CO.  
By Wilson W Siemens, President

ATTEST: by C. Ruby Larson, Secretary

REALCO KANSAS, INC.  
By ?? Vice President

ATTEST: by L.L. McDonald, Secretary

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 here unto set my hand and affixed my notarial seal at my office in KansasCity, Missouri, the day and year last above written.

Notary Public  
Barbara R. Dietrich  
My commission expires: October 30, 1972

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 Real Kansas, Inc., a corporation, and that the seal affixed to the foregoing instrument iOS 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 - 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 Real Kansas, Ind., 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.

BMA REAL ESTATE CORPORATION  
By T Morgan, Vice President

ATTEST:  
L.L. McDonald, Assistant Secretary

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 Sid 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 fixed my notarial seal at my office in Kansas City, Missouri, the day and year last above written.

Charles Dale Durbin - Notary Public  
My commission expires: 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 Real Kansas, Ind., 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 FIRT AMENDMENT AND MODIFICATION OF DECLARATION OF RESTRICTIONS and does hereby further agree that the liens of its existing mortgages above described shall be junior and subordinate to such FIRST AMENDMENT AND MODIFICATION OF DECLARATION OF RESTRICTIONS.

IN WITNESS WHEREOF, the said North American Savings Association has caused this interment to be executed this 8th day of August, 1969.

NORTH AMERICAN SAVINGS ASSOCIATION  
By Fred L. Phillips, Vice President

ATTEST:  
Ann Gromowski, Assistant Secretary

STATE OF MISSOURI        )  
                                      )       ss  
COUNTY OF JACKSON        )

On this 8th day of August, 1969, before me appeared FRED L. PHILLIPS, to me personally known, who being by me duly sworn did say that he is Vice President of North American Savings Association, a corporation, and that the said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of Directors, and said FRED L. PHILLIPS 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 in my office in Kansas City, Missouri, and the day and year last above written.

Vivian Highberger, Notary Public

My commission expires: December 25, 1969