

Heatherwood Homes Association

Date: 06 March 2009

Subject: Main monument on 149th Street.
Property Ownership.

Recently the question arose as to the boundaries of the property owned by the Heatherwood Homes Association at and around the main monument on 149th Street, easterly of the house numbered 7301. A comparison of the information passed on to me and other information provided on the Johnson County web site seemed to provide conflicting information. A review of the matter revealed the following information:

1. The main monument is located on the parcel of land identified as Tract "C" on the attached partial drawing of the Heatherwood Fifth Plat, which is a replat of Lots 70 through 81 and Tract "C" of the original plat of Heatherwood. Tract "C" was owned by the developer, THE HAVEN GROUP L. L. C.
2. The house located, as of the above date, closest to the main monument, and westerly thereof, has the house number 7301 149th Street, and is located on lot 154.
3. Under date of 2 October 2003 The HAVEN GROUP L. L. C. sold "All of TRACT C and the east 19.00 feet of lot 155, Heatherwood, Fifth Plat, a subdivision in the City of Overland Park, Johnson County, Kansas" to the Heatherwood Homes Association (see attached WARRANTY DEED). [This area sold is the same tract of land identified as "TRACT C" in the original plat of Heatherwood.]
4. Under date of 13 July, 2006 DAKOTA, INC transferred, via a KANSAS WARRANTY DEED "All of lot 155, except the Easterly 19.00 feet thereof, HEATHERWOOD, FIFTH PLAT, a subdivision in Overland Park, Johnson County, Kansas, to Heatherwood Homes Association, of Johnson County, in the State of Kansas (see attached KANSAS WARRANTY DEED).

David W. Martin
Chairman, Lawn and Grounds Committee
Heatherwood Homes Association.

POINT OF COMMENCING
NE. COR. SI. 1/4
SEC. 6-14-25

1325.07'
S 0°00'06" E

E. LINE SE. 1/4 SEC. 6-14-25

METCALFE

EXISTING 60' R/W

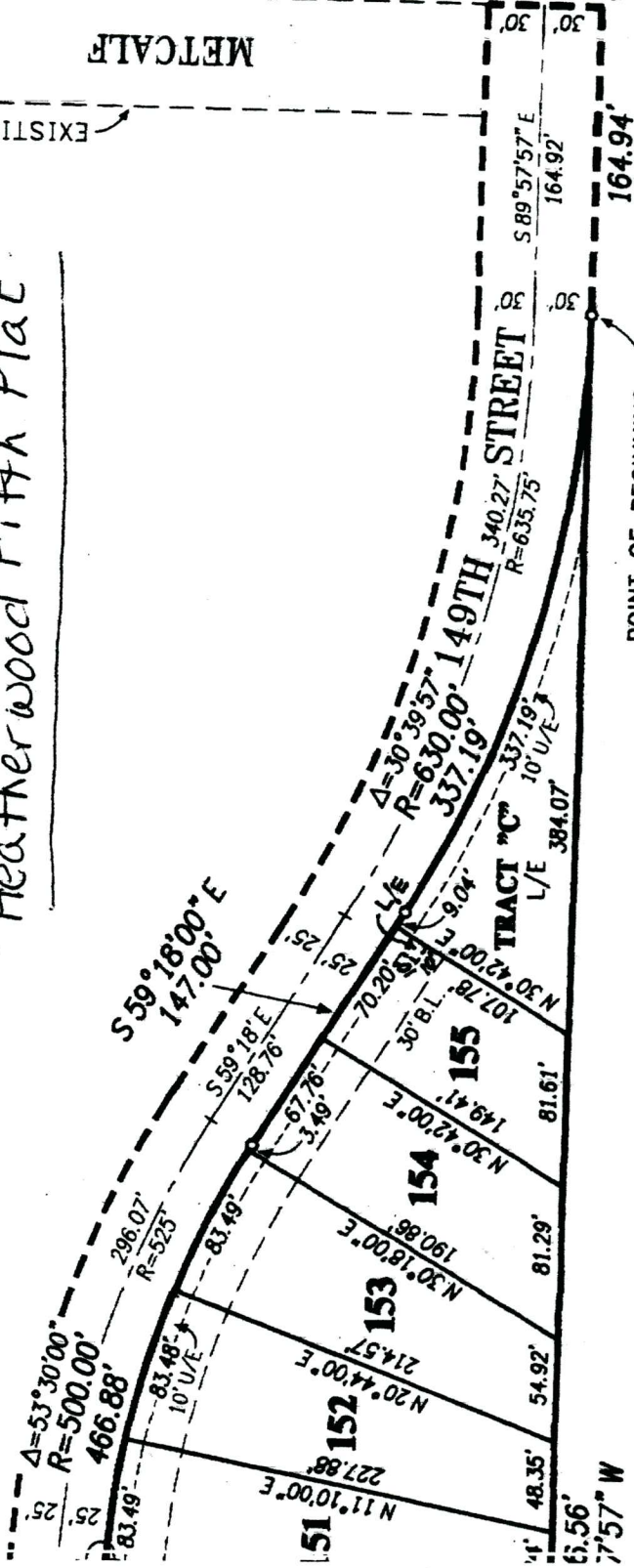
SE. COR. N. 1/2,
SE 1/4. SFC. 6-14-25

UNPLATTED

Heatherwood Fifth Plat

POINT OF BEGINNING

N 89°57'57" W
164.94'



ACCOM

WARRANTY DEED

FOR A VALUABLE CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged, the Seller(s) convey(s) and warrant(s) to Buyers the hereinafter described real estate.

SELLER(S): THE HAVEN GROUP L.L.C., A KANSAS LIMITED LIABILITY COMPANY

BUYER(S): HEATHERWOOD HOMES ASSOCIATION

LEGAL DESCRIPTION: ALL OF TRACT C AND THE EAST 19.00 FEET OF LOT 155, HEATHERWOOD, FIFTH PLAT, A SUBDIVISION IN THE CITY OF OVERLAND PARK, JOHNSON COUNTY, KANSAS

THE FEE SIMPLE TITLE conveyed hereby is subject to assessments, specials, restrictions and reservations of record, if any.

EXECUTED OCTOBER 2, 2003.

THE HAVEN GROUP L.L.C.

Diane E. Lambie
BY: DIANE E. LAMBIE, TRUSTEE UNDER
DIANE E. LAMBIE TRUST AGREEMENT DATED
NOVEMBER 13, 1997, MEMBER

STATE OF KANSAS, County of Johnson: ss

On this OCTOBER 2, 2003 before me, the undersigned, a Notary Public in and for the county and state aforesaid, personally appeared: DIANE E. LAMBIE, TRUSTEE UNDER DIANE E. LAMBIE TRUST AGREEMENT DATED NOVEMBER 13, 1997, MEMBER OF THE HAVEN GROUP L.L.C.

to me personally known to be the same person(s) who executed the within and foregoing instrument of writing and acknowledged to me that the same was executed as a free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and Notary Seal the day and year last above written.

CHRISTINE A. ALGEO
NOTARY PUBLIC
STATE OF KANSAS
My Comm. Exp. 10/20/05

Christine Algeo
Notary Public

My Commission Expires:



Security Land Title Company

115 EAST PARK
POST OFFICE BOX 1125
OLATHE, KANSAS 66061
(913) 782-5822 • (913) 782-1717
FAX NO. (913) 782-0401

6300 WEST 85th STREET
OVERLAND PARK, KANSAS 66212
(913) 381-9890
FAX NO. (913) 381-1848



Accurate Title Co.
5101 College Blvd., Suite 210
Leawood, KS 66211
913-338-0100
File No. ACC-4


20060718-0005855 07/18/2006
P: 1 of 2 F: \$12.00 09:12:36 AM
Register of Deeds T20060036094
JO CO KS BK:200607 PG:005855

PARCEL ID NO.

~~AP 30410~~ AP 30450000 0155
July 18 2006 amh

KANSAS WARRANTY DEED

This Indenture, Made this 13 day of July, 2006, by and between DAKOTA, INC., a Kansas Corporation, of Johnson County, in the State of Kansas Grantor, and HEATHERWOOD HOMES ASSOCIATION, of Johnson County, in the State of Kansas Grantee. The mailing address of the Grantee is P. O. Box 23433, Overland Park, KS 66283-3433.

WITNESSETH, THAT SAID Grantor, in consideration of the sum of ONE DOLLAR, the receipt of which is hereby acknowledged, does by these presents, Grant, Bargain, Sell and Convey unto the said Grantee, its successors and assigns, all the following described real estate, situated in the County of Johnson and State of Kansas, to-wit:

All of Lot 155, except the Easterly 19.00 feet thereof, **HEATHERWOOD, FIFTH PLAT**, a subdivision in Overland Park, Johnson County, Kansas

TO HAVE AND TO HOLD THE SAME, together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in any wise appertaining, forever. And said Grantor for its successor and assigns, do hereby covenant, promise and agree to and with said Grantee that at the delivery of these presents that it is lawfully seized in its own right of an absolute and indefeasible estate in fee simple, of and in all and singular the above granted and described premises, with the appurtenances, that the same are free, clear, discharged and unencumbered of and from all former and other grants, titles, charges, estates, judgments, taxes, assessments and encumbrances, of what nature or kind soever: Except as hereinabove stated and except any and all taxes and assessments, both general and special, not yet due and payable and that it will warrant and forever defend the same unto the said Grantee and its assigns, against said Grantor, and all and every person or persons whomsoever, lawfully claiming or to claim the same.

THIS DEED IS EXEMPT FROM FILING THE KANSAS REAL ESTATE SALES VALIDATION QUESTIONNAIRE AS THE CONVEYANCE IS A GIFT, DONATION OR CONTRIBUTION PURSUANT TO EXCEPTION NUMBER 4.

IN WITNESS WHEREOF The said Grantor has hereunto set its hand the day and year first above written.

DAKOTA, INC., a Kansas Corporation

By: Tony R Plunkett

Title: Pres

 Tony R Plunkett
(Print name of party signing for Dakota, Inc.)

ACKNOWLEDGEMENT

State of Kansas)
) ss.
County of Johnson)

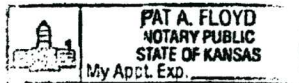
BE IT REMEMBERED, That on this 13 day of July, 2006 before me, the undersigned, a Notary Public in and for said County and State, came TONY R. PLUNKETT who stated he/she is the President of Dakota, Inc., known to me to be the person who executed the within Kansas Warranty Deed in behalf of corporation and acknowledged to me that he/she has the authority of the Board of Directors of said corporation to execute the same for the purposes therein stated.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.
(Seal)

 Pat A. Floyd

My Commission Expires: 11-19-2006

 Pat A Floyd
(Print name of Notary Public)



20060718-0005855 07/18/2006
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Register of Deeds T20060036094
JO CO KS BK:200607 PG:005855