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SECOND SUPPLEMENTAL DECLARATION OF RESTRICTIONS  
PRAIRIE GARDENS - 2<sup>nd</sup> Plat

THIS SECOND SUPPLEMENTAL DECLARATION made this 17th day of September, 2003, by John S. Breuer, Randall S. Coble and Dennis E. Breuer, Trustees of the Breuhaven Trust, under trust agreement dated February 10, 2003, herein referred to as "Owner/Developer".

WHEREAS, the Owner/Developer was the owner of all lots located in Prairie Gardens - 2<sup>nd</sup> Plat, Lots 1 - 67, including any common areas described in said plat, and still retains ownership of the following described properties located in Leavenworth County, Kansas, said Lots 1 - 67, and common areas, Prairie Gardens, 2<sup>nd</sup> Plat, herein collectively referred to as the "Property", to-wit:

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 17, 18, 19, 21, 28, 29, 33, 34, 35, 38, 39, 40, 41, 42, 43, 44, 45, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60 and 61, Prairie Gardens - 2<sup>nd</sup> Plat, a subdivision of land in the City of Basehor, Leavenworth County.

WHEREAS, the Owner/Developer has previously caused to be prepared and recorded a Supplemental Declaration of Restrictions, hereinafter referred to as "Supplemental Declaration", dated the 10th day of February, 2003, recorded in the Leavenworth County Register of Deeds Office on the 10<sup>th</sup> day of February, 2003, at Book 865, Pages 490 - 495, establishing certain protective covenants, conditions, restrictions, reservations and charges against the second phase of the Prairie Gardens Development, known as Lots 1 - 67, Prairie Gardens, 2<sup>nd</sup> Plat, a subdivision of land in the City of Basehor, Leavenworth County. Said Supplemental Declaration of Restrictions incorporated by reference a document entitled, "Declaration of Restrictions", hereinafter referred to as "Original Declaration", dated the 28th day of September, 2001, recorded in the Leavenworth County Register of Deeds Office on the 2nd day of October, 2001, at Page 268, Book 820, establishing certain protective covenants, conditions, restrictions, reservations and charges against the first phase of the Prairie Gardens Development, known as Lots 1 - 42, Prairie Gardens, 1<sup>st</sup> Plat.

WHEREAS, pursuant to the powers of amendment reserved to the Owner/Developer in Section 13(d) of the Original Declaration, the Owner/Developer hereby determines to make certain amendments to and additions to the Original Declaration and the Supplemental Declaration which amendments and additions shall be applicable to all lots and common areas contained within Prairie Gardens, 2<sup>nd</sup> Plat.

NOW, THEREFORE, the Owner/Developer hereby declares that all of Lots 1 - 67, Prairie Gardens, 2<sup>nd</sup> Plat, and any common areas described in said Plat, shall be held, sold and conveyed subject to the easements, restrictions, covenants and conditions

specifically amended, all of which are for the purpose of enhancing and protecting the value, desirability and attractiveness of the Property. The easements, covenants, restrictions and conditions hereby made applicable to the Property shall run with the property and shall be binding upon all parties having or acquiring any right, title or interest in the Property or any part thereof, and shall be for the benefit of each owner thereof.

AMENDMENTS TO ORIGINAL DECLARATION AND SUPPLEMENTAL DECLARATION. The Original Declaration and the Supplemental Declaration are hereby amended, with respect to Lots 1 - 67, and any common areas described in said Plat, Prairie Gardens, 2nd Plat only, as follows:

1. Section 4 (e), entitled, "MAINTENANCE ASSESSMENT", shall be amended to read:

In addition to any Annual or Special Assessment that might be levied above, each Lot, Single Family Lot, Townhome or Multi-Family Unit within Prairie Gardens - 2<sup>nd</sup> Plat, shall be subject to a Maintenance Assessment assessed by the Board sufficient to offset the Association's expense in providing common area expenses and maintenance. Such Maintenance Assessment shall be initially established with an initiation fee of \$200.00 to be paid to the Association at the time of closing on the acquisition of each Lot, Townhome or Single Family Lot, or at the time of initial occupancy of each Multi-Family Unit, and an annual payment of \$360.00 each. Said initiation and maintenance assessments may be adjusted from time to time at the discretion of the Board.

2. Section 9(q), entitled, "MINIMUM SPACE REQUIREMENTS", is amended to read as follows:

Minimum square footage requirements for residences shall be as follows: All single family residences shall have a total finished first floor area of not less than 1,650 square feet; duplex buildings shall have a total finished first floor area of not less than 2,300 square feet; all multi-family units shall have a total finished floor area of not less than 1,000 square feet. For purposes of calculation of first floor area, basements, garages, covered walks, porches and decks, shall not be considered, whether or not finished for occupancy. Provided, however, the Review Committee may approve variances for lower total first floor area, but not in an amount greater than 20% less than the minimum requirements set forth above.

3. New Section 9(hh) to be added as follows:

Section 9(hh). SIDEWALKS.

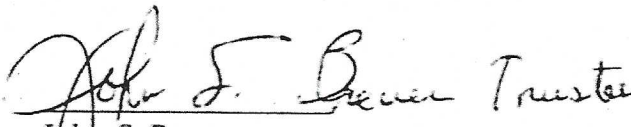
If the Final Development Plan approved by the City of Basehor shall require the installation of sidewalks, the Contractor or Builder of each single family or multi-family structure shall construct sidewalks if required by said Final Development Plan, on a lot by lot basis, at such Contractor's or Builder's cost, and in accordance with City design specifications.


4. New Section 9 (ii) to be added as follows:


Section 9 (ii), MAILBOXES.

The design, materials, construction and location of all mailboxes shall be subject to the prior approval of the Review Committee.

IN WITNESS WHEREOF, we hereunto set our hands this 17th day of September, 2003.

  
John S. Breuer  
Trustee

  
Randall S. Coble  
Trustee

  
Dennis E. Breuer  
Trustee

STATE OF KANSAS  
COUNTY OF LEAVENWORTH-33  
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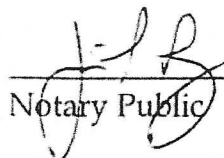
STACY D. BRISCOLL  
REGISTER OF DEEDS

ACKNOWLEDGMENT

STATE OF KANSAS )  
) SS.  
COUNTY OF WYANDOTTE )

BE IT REMEMBERED that on this 17th day of September, 2003, before me, the undersigned, a notary public in and for the county and state aforesaid, came John S. Breuer, Randall S. Coble, and Dennis E. Breuer, Trustees, who are personally known to me to be the same persons who executed the within instrument of writing, who, being first duly sworn, stated that said Second Supplemental Declaration of Restrictions is true and correct, and such persons duly acknowledged the execution of same.

In Testimony Whereof, I have hereunto subscribed my name and affixed my official seal, the day and year last above written.

  
Notary Public

JOSEPH P. PERRY  
NOTARY PUBLIC  
STATE OF KANSAS