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

THIS THIRD SUPPLEMENTAL DECLARATION made this 15 day of March, 2006, by the 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, located in the City of Basehor, Leavenworth County, Kansas, including any common areas described in said Plat, and still retains ownership of one or more of said Lots, said Lots 1 - 67, and common areas, Prairie Gardens, 2<sup>nd</sup> Plat, herein collectively referred to as the "Property".

WHEREAS, the Owner/ Developer has previously caused to be prepared and recorded a Second Supplemental Declaration of Restrictions, hereinafter referred to as "Second Supplemental Declaration", dated the 17<sup>th</sup> day of September, 2003, recorded in the Leavenworth County Register of Deeds Office on the 18<sup>th</sup> day of September, 2003, at Book 894, Pages 1513 - 1515 and a Supplemental Declaration of Restrictions, hereinafter referred to as "Supplemental Declaration", dated the 10<sup>th</sup> 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 28<sup>th</sup> day of September, 2001, recorded in the Leavenworth County Register of Deeds Office on the 2<sup>nd</sup> 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 2 - 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, the Supplemental Declaration, and the Second Supplemental Declaration which amendments and additions shall be applicable only 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, City of Basehor, Leavenworth County, Kansas, and any common areas described in said Plat, shall be held, sold and conveyed subject to the easements, restrictions, covenants and conditions set forth in the above referenced Original Declaration, Supplemental Declaration, Second Supplemental Declaration, and this Third Supplemental Declaration of Restrictions, Prairie Gardens - 2<sup>nd</sup> Plat, as amended from time to time, and as hereby 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

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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.

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

Section 9(v), entitled, "FENCES", is amended to read as follows:

No fencing shall be permitted upon any Lot unless such fencing shall be of cedar or redwood, two-sided or alternating side construction, and built with methods and materials to harmonize with the external design of the residences within the Development, said materials, construction methods, and location subject to the prior approval of the Review Committee. No fence shall exceed 72" in height, nor shall any fence be installed in front of the back corner line of the residence. No animal pens or runs shall be permitted without the written approval of the Review Committee.

IN WITNESS WHEREOF, we hereunto set our hands this 15 day of March, 2006.

BREUHAVEN TRUST

By: Joseph M. Brewer  
Trustee:

By: Dennis E. Brewer  
Trustee:

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ACKNOWLEDGMENT

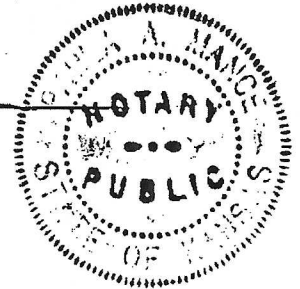
STATE OF KANSAS )  
 )SS.  
COUNTY OF Leavenworth )

STACY R. DRISCOLL  
REGISTER OF DEEDS

BE IT REMEMBERED that on this 15 day of March, 2006, before me, the undersigned, a notary public in and for the county and state aforesaid, came Joseph Brewer Trustee, who is personally known to me to be the same person who executed the within instrument of writing, who, being first duly sworn, stated that said Third Supplemental Declaration of Restrictions, Prairie Gardens - 2<sup>nd</sup> Plat, is true and correct, and such person 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.

Paul A. Mance  
Notary Public



ACKNOWLEDGMENT

STATE OF KANSAS )  
 )SS.  
COUNTY OF Leavenworth )

BE IT REMEMBERED that on this 15 day of March, 2006, before me, the undersigned, a notary public in and for the county and state aforesaid, came Dennis Brewer Trustee, who is personally known to me to be the same person who executed the within instrument of writing, who, being first duly sworn, stated that said Third Supplemental Declaration of Restrictions, Prairie Gardens - 2<sup>nd</sup> Plat, is true and correct, and such person 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.

Paul A. Mance  
Notary Public

