



**AMENDMENT TO
TIMBER RIDGE VILLAS
DECLARATION OF RESTRICTIONS**

THIS AMENDMENT (this “**Amendment**”) is made and entered into as of November 09, 2016 by and among the persons who have executed this document in their capacities as Timber Ridge Villas Homes Association., a Kansas corporation, as the homes association of the real property described below (the “**HOA**”).

WITNESSETH:

WHEREAS, the Owners and the HOA desire to amend that certain Timber Ridge Villas Declaration of Restrictions dated February 14, 2008, and recorded with the Office of the Register of Deeds of Johnson County, Kansas (the “**Recording Office**”), in Book 200802 at Page 003889 (the “**Declaration**”); and

WHEREAS, the Declaration places certain covenants and restrictions upon the following described residential lots (the “**Lots**”) and the following described common areas:

Lots 1 through 41, and Tract A, TIMBER RIDGE VILLAS
REPLAT, a subdivision in City of Merriam, Johnson
County, Kansas.

WHEREAS, the Owners and the HOA desire to amend the Declaration as provided herein;

NOW, THEREFORE, the parties hereto declare and agree as follows:

A. Capitalized terms used in this Amendment but not defined herein shall have the meanings set forth in the Declaration.

B. The second to last sentence of Section 10.b of the Declaration is hereby amended to read as follows:

“Each residence exterior shall be repainted by the Owner within 6 months of notice from the ACC that such is necessary.”

C. Section 11 of the Declaration is hereby amended with the following, to become Section 11, (a)

- (a) “No pet owner shall permit pet waste (solid excrement) to be left unattended upon their lots, lots of other homeowners, any common area or city property within Timber Ridge Villas. Such waste must be removed before impinging odor on adjacent lots, or damaging turf. In the event turf damage does occur as result of pet waste, pet owner shall be responsible for restoring to original condition.”

D. The final sentence of the first Paragraph of Section 12 of the Declaration is hereby amended to read as follows:

“Only Fescue turf products approved by the ACC may be planted. Sodding and seeding are permitted.”

E. The final sentence of Section 10.d of the Declaration is hereby amended with the intention of permitting some trucks, vans, and enclosed trailers; to read as follows: (These are items in a list of excluded vehicle types.)

1. Replacing ‘trailer’ with 'open (flat bed) trailers'.
2. Replacing ‘commercial truck’ with 'tractor haulers, tow trucks’.
3. Replacing 'vans' with 'passenger hauling vans and minibuses.

F. Pursuant to Section 19(a) of the Declaration, this Amendment shall become effective as an amendment of the Declaration and binding upon all of the Lots upon (a) recording of the Certificate of Substantial Completion, (b) a duly acknowledged and recorded written instrument executed by the Homes Association after the proposed amendment has been first approved by the affirmative vote of 75% or more of the full number of directors on the Board of the Homes Association and then (c) approved at a duly held meeting of the members of the Homes Association (called in whole or in part for that purpose) by the affirmative vote of Owners owning at least 60% of the Lots.

G. At duly held meeting of the members of the Homes Association, the aforementioned amendments were affirmatively voted by at least 60% of the Lots Represented. See Exhibit A.

EXECUTION PAGE FOR HOMES ASSOCIATION

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be duly executed.

THE HOA:

Timber Ridge Villas Homes Association

By: *William T Crook*
Name: William T Crook
Title: Secretary

ACKNOWLEDGEMENT

STATE OF KANSAS)
) ss.
COUNTY OF Johnson)

This instrument was acknowledged before me, a Notary Public, on ~~November~~ ^{December} 2nd, 2016 by **William T Crook**, as Secretary of Timber Ridge Villas Homes Association, a Kansas Corporation.

My Commission Expires: 5-16-18

Notary Public in and for said County and State
Ronda Brumbaugh
Print Name: Ronda Brumbaugh

[SEAL] **RONDA BRUMBAUGH**
Notary Public - State of Kansas
My Appt. Expires 5-16-18

EXHIBIT A: RECORD OF MEMBER APPROVAL

The following documents lot representation at the annual membership meeting on 2016-11-09, held at Merriam City Hall, 9001 W 62nd St, Merriam, KS 66202.

| Lot#: | Represented | Section B | Section C | Section D | Section E |
|-------|-------------|-------------|-------------|-------------|-------------|
| 4 | Present | Affirmative | Affirmative | Affirmative | Affirmative |
| 5 | Present | Affirmative | Affirmative | Affirmative | Affirmative |
| 6 | Present | Affirmative | | | Affirmative |
| 7 | Present | Affirmative | Affirmative | Affirmative | Affirmative |
| 8 | Present | Affirmative | Affirmative | Affirmative | Affirmative |
| 9 | Present | Affirmative | Affirmative | Affirmative | Affirmative |
| 10 | Proxy | Affirmative | Affirmative | Affirmative | Affirmative |
| 11 | Present | Affirmative | Affirmative | Affirmative | Affirmative |
| 12 | Proxy | Affirmative | Affirmative | | |
| 13 | Present | Affirmative | Affirmative | Affirmative | Affirmative |
| 14 | Present | Affirmative | Affirmative | Affirmative | Affirmative |
| 15 | Present | Affirmative | Affirmative | Affirmative | Affirmative |
| 16 | Present | | | | |
| 17 | Present | Affirmative | Affirmative | Affirmative | Affirmative |
| 21 | Present | Affirmative | Affirmative | Affirmative | Affirmative |
| 24 | Present | Affirmative | Affirmative | Affirmative | Affirmative |
| 25 | No | | | | |
| 26 | No | | | | |
| 27 | Present | Affirmative | Affirmative | Affirmative | Affirmative |
| 28 | Proxy | Affirmative | Affirmative | Affirmative | Affirmative |
| 29 | Present | Affirmative | Affirmative | Affirmative | Affirmative |
| 30 | No | | | | |
| 31 | Present | Affirmative | Affirmative | Affirmative | Affirmative |
| 32 | Present | Affirmative | Affirmative | Affirmative | Affirmative |
| 33 | Proxy | Affirmative | Affirmative | Affirmative | Affirmative |
| 34 | Present | Affirmative | Affirmative | Affirmative | Affirmative |
| 35 | Proxy | Affirmative | Affirmative | Affirmative | Affirmative |
| 36 | Present | Affirmative | Affirmative | Affirmative | |
| 37 | Present | Affirmative | Affirmative | Affirmative | Affirmative |
| 42 | No | | | | |
| 43 | Present | Affirmative | Affirmative | Affirmative | Affirmative |
| 44 | Present | | | | |
| 45 | Present | Affirmative | Affirmative | Affirmative | Affirmative |
| 46 | Present | Affirmative | Affirmative | Affirmative | Affirmative |
| 47 | No | | | | |
| 48 | No | | | | |

Combined Filing of Amendments approved by > 60% Member Vote at 2016 annual meeting.

| | | | | | |
|--------|------------|------------|------------|------------|------------|
| 49 | No | | | | |
| Totals | 30/37 Lots | 28/37 Lots | 27/37 Lots | 26/37 Lots | 26/37 Lots |