

Record in the office of the Register of Deeds of Johnson County, Kansas, on May 23, 2000, in Volume 6570, Pages 738 through 752.

AMENDMENT TO THE TIMBER'S EDGE DECLARATION OF RESTRICTIONS (AS AMENDED)

This Amendment is entered into this 10th day of May 2000, by the undersigned (*see Exhibit A*) who represent 60% (or more) of the Owners of homes in Timber's Edge. Declaration of Restrictions recorded in Volume 3598 at Page 551.

Legal Description

Lots 1 through 72 and Tracts A & B, Timber's Edge

Lots 73 through 124, Timber's Edge, Second Plat

Lots 126 through 166, Timber's Edge, Third Plat

Lots 167 through 202 and Tract C, Timber's Edge, Fourth Plat

Lots 203 through 245, Timber's Edge, Fifth Plat

Lot 125, Timber's Edge, Sixth Plat, a replat of Lot 125, Timber's Edge, Second Plat

Whereas the undersigned desire to amend the Timber's Edge Declaration of Restrictions (as amended), recorded in the Office of the Register of Deeds in the County of Johnson, State of Kansas (hereinafter Declarations);

Now therefore, in consideration of the mutual covenants herein contained, the undersigned do hereby modify and amend the Declarations as follows:

1. Intent and Purpose. It is the intent and purpose of this amendment to modify the Declarations pertaining to the use of certain types of roofing materials that are governed by Ordinance No BC-2167 adopted by the governing body of the City of Overland Park, Kansas. BC-2167 provides that restrictive covenants that prohibit the use of composite, slate, tile, clay or concrete roofing materials may not legally be enforced but does provide that restrictive covenants that regulate the colors, styles, dimensions or other aesthetic factors of roofing materials are permitted. It is the specific intent and purpose of this Amendment to implement BC-2167 by allowing the use of certain materials, and to regulate the aesthetic factors of such additional roofing materials to ensure that they are compatible with existing and future wood shingle or wood shake shingle roofs that may be constructed or reconstructed within this subdivision.
2. Architectural Review Committee Established. The Board of the Homes Association shall be the Architectural Review Committee (Committee).
3. Operation of the Committee. The meetings of the Committee shall take place as part of the meeting of the Board. The Committee may adopt rules and regulations for the association not inconsistent with the Declarations. The presence of a majority of the members of the Committee shall constitute a quorum for the transaction of business. The act of a majority of members present at any meeting shall be required for action of a Committee on any matter before it. The Committee shall maintain minutes and records of votes as part of the Board minutes.

4. Construction or Alteration of Roofing Materials. No roof structure consisting of roofing materials other than wood shingles or wood shake shingles shall be installed, attached, commenced, erected, altered or placed onto or permitted to remain on any Unit in Timber's Edge unless complete plans, specifications and descriptions of the proposed alternate roofing materials shall have been submitted to and approved in writing by the Committee. Such plans and specifications shall be in the form and containing the information required by the Committee, including, but not limited to, a complete set of specifications satisfactory to the Committee, including but not limited to the color and the nature, kind, shape weight, composition and dimension of the materials.
5. Criteria for Approval of Alternate Roofing Materials. The following criteria shall be used by the Committee in reviewing the proposed use of alternate roofing materials.
 - A. Roofing material shall be of a color that blends, and is compatible and not noticeably inconsistent, with surrounding landscaping and other roofing materials in Timber's Edge. Proposed colors should be visually indistinguishable from the original colors on one or more home located in Timber's Edge. The following color subject to the review of the specifications and a sample of the materials, shall be presumed to meet this requirement: Weathered Wood Blend (Timberline Shadow Accent/Color Tone National Color Palette).
 - B. Review of roofing materials by the Committee will be based on architectural style, quality of workmanship and on the visual impact of the roof when seen from the Unit, and adjoining neighboring Units, streets and open spaces.
 - C. Roofing materials shall be architectural shingles designed to replicate the beauty of natural materials, constructed of a thickness, rich texture and multi-dimensional design that creates shadow lines and evokes the depth and dimension of wood shakes on the roof. Acceptable designs may include weathered surfaces; randomly applied tabs; muted or distinctive shadow lines; use of crude-style flat tile slightly convoluted to simulate the appearance of tree bark; use of a rough, textured surface and severely chipped butt; irregular lengths; rustic style flat slab shingle with a cratered, weathered and irregular surface; use of distinct color blends and multiple shadows to create a multidimensional appearance that simulates the depth and three-dimension effect of wood shakes on the roof, resembling the natural and random textured look of wood shakes;
 - D. Composition shingles shall be a minimum of 350 pounds per square, have a minimum limited warranty of thirty (30) years and be manufactured by GAR, Tamco or Owens-Corning or other acceptable manufacturer.
 - E. All plywood structure shall be of CDX Plywood or other weather resistant material. All roofing felt shall be rated at least 30 pounds.

6. Procedure. The Committee's approval or disapproval as required herein shall be in writing. In the event the Committee fails to approve or disapprove a request within sixty (60) days after the plans and specifications have been submitted, it shall be conclusively presumed that the plans and specifications have been approved and will not be required, but only if said plans and specifications are submitted to the Board by certified mail, return receipt requested, and the receipt has been signed by a representative of the Board.

CERTIFICATION

I, Timothy A Texley, President of the Timber's Edge Homes Association, Inc., certify that the AMENDMENT TO THE TIMBER'S EDGE DECLARATION OF RESTRICTIONS, dated May 10, 2000, was duly authorized and approved as provided therein and as required by Ordinance No. BC-2167 adopted by the governing body of the City of Overland Park, Kansas.

Timber's Edge Homes Association, Inc.

By _____
Timothy A. Texley, President