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BOOK 245 PAGE 715

MAY 29 2009

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REGISTER OF DEEDS, FRANKLIN CO., KS

* 2000 INSTRUMENT # 2042

**FIRST AMENDMENT TO DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS**
(The Coves at Tallgrass)

THIS FIRST AMENDMENT TO DECLARATION (the "Amendment") is made this 29th day of May, 2009 (the "Effective Date"), by Marais des Cygnes Overlook, L.L.C., a Kansas limited liability company (referred to in this Amendment as "Declarant").

RECITALS

A. The Declaration of Covenants, Conditions, and Restrictions for the Coves at Tallgrass was recorded in Book 239, beginning at Page 623, in the Office of the Register of Deeds of Franklin County, Kansas, on January 25, 2008 (the "Declaration"), covering certain real estate located in the City of Ottawa, Franklin County, Kansas (the "Real Estate"), described on Exhibit A attached to this Amendment and, by reference, made a part of this Amendment.

B. Pursuant to Paragraph 4 of Article XIV of the Declaration, until the expiration of the Marketing Phase the Declarant has reserved the right to amend the Declaration without the approval of the Association's board of directors, the Association Members, or any Owner or other Person.

C. Declarant is the owner of a portion of the Real Estate and Residential Units have been constructed on less than ninety percent (90%) of the Lots.

D. Declarant hereby amends the Declaration as set forth in this Amendment.

AMENDMENT

1. **Architectural Control Committee.** The first sentence in paragraph 1 of Article VII is hereby deleted and replaced with the following sentence:

There is hereby established an Architectural Control Committee, which shall consist of three (3) persons, the initial members of which shall be Roger D. Johnson, John M. McGrew, and Jerry W. Willis.

2. **Dwelling Size and Style.** Paragraph 2 of Article IX is hereby deleted and replaced with the following:

The total combined area of the first floor and all other stories, exclusive of open porches (including "screened-in" porches), decks, patios, and garages, for any Residential Unit to be constructed shall not be less than 835 square feet, all of which are finished and intended for the regular use and occupancy of the persons living in the Residential Unit, except as approved in writing by the Architectural Control Committee.

3. **Maintenance of Lots.** A new sentence is hereby added at the end of paragraph 8 of Article IX, as follows:

Under no circumstances shall automobiles, trucks, campers, trailers or boats of any kind be parked in or on any part of the yard of any Lot.

4. **Garage Doors.** A new paragraph 14 is hereby added to Article IX, as follows:

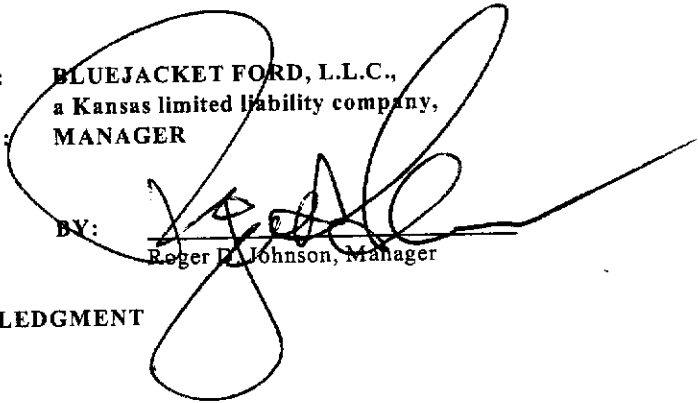
Except for ordinary and necessary repairs, maintenance, or replacement lasting less than forty-eight (48) hours, no Owner shall remove, disable, or uninstall any garage door located on a Lot without the prior written consent of the Architectural Control Committee, which consent may be withheld for any reason.

5. **Ratification.** This Declaration is hereby amended as aforesaid, and except as amended and modified herein, is hereby ratified, affirmed and adopted. The provisions of this Amendment shall control any ambiguity or conflict between provisions of the Declaration and provisions of this Amendment.

IN WITNESS WHEREOF, this First Amendment to Declaration of Covenants, Conditions and Restrictions is hereby duly authorized and executed.

MARAIS DES CYGNES OVERLOOK, L.L.C.,
a Kansas limited liability company

BY: BLUEJACKET FORD, L.L.C.,
a Kansas limited liability company,
ITS: MANAGER

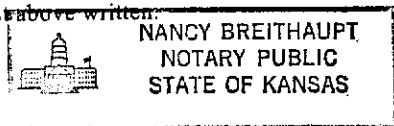
BY: 
Roger D. Johnson, Manager

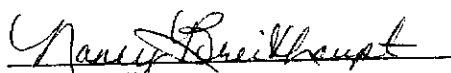
ACKNOWLEDGMENT

STATE OF KANSAS)
) ss:
COUNTY OF DOUGLAS)

This Amendment was acknowledged before me this 27th day of May, 2009, by Roger D. Johnson, Manager of Bluejacket Ford, L.L.C., a Kansas limited liability company, as Manager of Marais des Cygnes Overlook, L.L.C., a Kansas limited liability company, on behalf of said limited liability company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written:




Notary Public

My appointment expires: 8-31-11

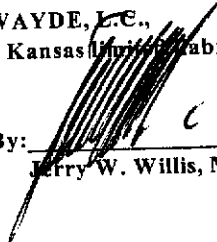
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**RATIFICATION OF FIRST AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS, AND RESTRICTIONS
for
THE COVES AT TALLGRASS**

THIS RATIFICATION is made this 27th day of May, 2009 (the "Effective Date"), by Wayde, L.C., a Kansas limited liability company, who is the legal and/or equitable owner(s) of a portion of the real property located in Franklin County, Kansas, and described in and affected by the First Amendment to Declaration of Covenants, Conditions, and Restrictions to which this Ratification is attached.

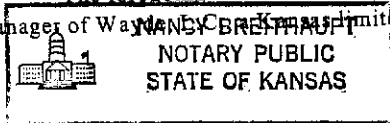
NOW, THEREFORE, to submit and subject all of such property to the said First Amendment to Declaration of Covenants, Conditions, and Restrictions, the undersigned, by its signature, hereby confirms, ratifies, and adopts the First Amendment to Declaration of Covenants, Conditions, and Restrictions to which this Ratification is attached, as recorded in the Office of the Register of Deeds of Franklin County, Kansas.

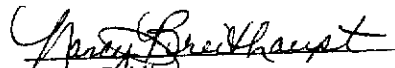
WAYDE, L.C.,
a Kansas limited liability company

By: 
Jerry W. Willis, Manager

STATE OF KANSAS, COUNTY OF DOUGLAS) ss:

The foregoing Ratification was acknowledged before me this 27th day of May, 2009, by Jerry W. Willis, Manager of Wayde, L.C., a limited liability company, on behalf of said company.




Notary Public

My Appointment Expires: 8-31-11

EXHIBIT A**[Legal Description]**

BEGINNING AT A ½" IRON PIN AT THE NORTHWEST CORNER OF THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 30, TOWNSHIP 16 SOUTH, RANGE 20 EAST OF THE 6TH PRINCIPAL MERIDIAN, FRANKLIN COUNTY, KANSAS; THENCE NORTH 88 DEGREES 26 MINUTES 01 SECONDS EAST FOR A DISTANCE OF 250.00 FEET ALONG THE NORTH LINE OF SAID QUARTER SECTION TO ½" IRON PIN, THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 88 DEGREES 26 MINUTES 01 SECONDS EAST FOR A DISTANCE OF 1202.02 FEET ALONG SAID NORTH LINE TO A ½" IRON PIN AT THE NORTHEAST CORNER OF THE WEST HALF OF SAID SOUTHWEST FRACTIONAL QUARTER; THENCE ALONG THE EAST LINE OF SAID WEST HALF SOUTH 01 DEGREES 53 MINUTES 52 SECONDS EAST FOR A DISTANCE OF 1328.09 FEET TO A ½" IRON PIN AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID QUARTER SECTION; THENCE DEPARTING SAID EAST LINE SOUTH 88 DEGREES 19 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 681.00 FEET ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID QUARTER SECTION TO A ½" IRON PIN; THENCE NORTH 01 DEGREES 53 MINUTES 52 SECONDS WEST FOR A DISTANCE OF 674.48 FEET PARALLEL WITH SAID EAST LINE TO A ½" IRON PIN; THENCE SOUTH 88 DEGREES 26 MINUTES 01 SECONDS WEST FOR A DISTANCE OF 773.77 FEET PARALLEL WITH SAID NORTH LINE TO A POINT ON THE WEST LINE OF SAID SOUTHWEST FRACTIONAL QUARTER; THENCE ALONG SAID WEST LINE NORTH 01 DEGREES 39 MINUTES 24 SECONDS WEST FOR A DISTANCE OF 280.00 FEET TO A ½" IRON PIN; THENCE DEPARTING SAID WEST NORTH 88 DEGREES 26 MINUTES 01 SECONDS EAST FOR A DISTANCE OF 250.00 FEET PARALLEL WITH SAID NORTH LINE TO A POINT; THENCE NORTH 01 DEGREES 39 MINUTES 24 SECONDS WEST FOR A DISTANCE OF 375.00 FEET PARALLEL WITH SAID WEST LINE TO THE TRUE POINT OF BEGINNING; TOGETHER WITH AND SUBJECT TO COVENANTS, EASEMENTS, AND RESTRICTIONS OF RECORD. SAID PROPERTY CONTAINS 30.24 ACRES OR 1,317,068 SQUARE FEET MORE OR LESS IN FRANKLIN COUNTY, KANSAS. AS SHOWN ON SURVEY BY TODD B. BURROUGHS, LS-1187, DATED DECEMBER 20, 2002;

THE REAL ESTATE HAS BEEN PLATTED AS THE COVES AT TALLGRASS, A SUBDIVISION IN THE CITY OF OTTAWA, AS SHOWN BY THE RECORDED PLAT THEREOF, IN FRANKLIN COUNTY, KANSAS.