

PERSIMMON POINTE, SECOND PLAT
AND
PERSIMMON POINTE, THIRD PLAT

**DECLARATION OF RESTRICTIONS
AND HOME OWNERS' ASSOCIATION DECLARATION**

THIS DECLARATION, made as of the 7th day of February, 2006, by the Declarant, HERITAGE DEVELOPMENT OF KANSAS, INC., a Minnesota corporation, and the undersigned owners ("Owners").

WITNESSETH:

WHEREAS, the Declarant has executed and filed with the Register of Deeds of Johnson County, Kansas, a Second Plat of the subdivision known as "PERSIMMON POINTE", which plat was recorded on March 1, 2005, in Book 200503 at Page 000183; and

WHEREAS, such plat adds the following lots to the subdivision Persimmon Pointe, to-wit:

Lots 63 through 113, inclusive, PERSIMMON POINTE, SECOND PLAT, a subdivision in the City of Olathe, Johnson County, Kansas, according to the recorded plat thereof;

and

WHEREAS, the Declarant has executed and filed with the Register of Deeds of Johnson County, Kansas, a Third Plat of the subdivision known as "PERSIMMON POINTE", which plat was recorded on August 31, 2005, in Book 200508 at Page 015046;

and

WHEREAS, such plat adds the following lots to the subdivision Persimmon Pointe, to-wit:

Lots 114 through 152, inclusive, PERSIMMON POINTE, THIRD PLAT, a subdivision in the City of Olathe, Johnson County, Kansas, according to the recorded plat thereof;

and

WHEREAS, the Declarant and Owners desire to subject the aforesaid lots ("Additional Lots"), to the covenants, restrictions, easements and other provisions contained in that certain Declaration of Restrictions, as amended, dated as of May 23, 2003 (the "Original Declaration"), executed Declarant and filed with the Register of Deeds of Johnson County on June 4, 2003 and recorded in Book 9058, Page 975, and in that certain Homes Association Declaration, as amended, dated as of May 23, 2003 (the "Original Homes Association Declaration"), executed by Declarant and filed with the Register of Deeds of Johnson County, Kansas on June 4, 2003 and recorded in Book 9058, at Page 957.

NOW, THEREFORE, in consideration of the premises, Declarant, for itself, and for its successors and assigns, and for its future grantees, hereby agrees and declares that all of the Additional Lots shall be, and they hereby are, subject to the covenants, restrictions, easements and other provisions set forth in the Original Declaration and Original Homes Association Declaration. As contemplated in the Original Declaration and Original Homes Association Declaration, this instrument shall have the effect of subjecting the Additional Lots to all of the provisions of the Original Declaration and Original Homes Association Declaration as though the Additional Lots had been originally described therein and subjected to the provisions thereof.

IN WITNESS WHEREOF, the undersigned has caused this Declaration to be duly executed as of the date first above written.

[Remainder of page left blank intentionally]

Ownership:

Lots 74, 82, 89 and 97, PERSIMMON POINTE, SECOND PLAT, a subdivision in the City of Olathe, Johnson County, Kansas, according to the recorded plat thereof.

PROMARK HOMES, INC.

By: [Signature]
Printed Name CHRIS PROTZMAN
Title: PRESIDENT

STATE OF Kansas)
) ss.
COUNTY OF Johnson)

On this 7 day of FEBRUARY, 2006, before me, a Notary Public in and for said state, personally appeared CHRIS PROTZMAN who stated that he is the PRESIDENT of PROMARK HOMES, INC., a corporation, known to me to be the person who executed the within instrument on behalf of said corporation and acknowledged to me that he executed the same for the purposes therein stated.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

[Signature]
Notary Public

My Commission Expires:
9-3-07



