

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]

HERITAGE DEVELOPMENT OF KANSAS,
INC., a Minnesota corporation

By: [Signature]
Printed Name: Edward John Debbs
Title: Vice President

STATE OF MINNESOTA)
) ss.
COUNTY OF Ramsey)

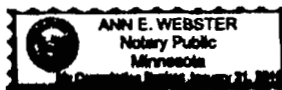
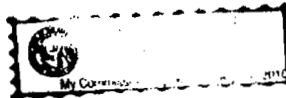
On this 9th day of February, 2006, before me, a Notary Public in and for said state, personally appeared Edward John Debbs, who stated that he is the Vice President of HERITAGE DEVELOPMENT OF KANSAS, INC., a Minnesota corporation, known to me to be the person who executed the within instrument on behalf 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 at my office the day and year last above written.

[Signature]
Notary Public Ann E. Webster

My Commission Expires:

January 31, 2010



Ownership:

Lots 65, 76, 83 and 88, PERSIMMON POINTE, SECOND PLAT, a subdivision in the City of Olathe, Johnson County, Kansas, according to the recorded plat thereof.

PRIDE BUILT HOMES, INC.

By: [Signature]
Printed Name: Ken Snader
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 KEVIN SCARLEDER who stated that he is the PRESIDENT of PRIDE BUILT 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: Merikay Wootton]
Notary Public

My Commission Expires:

9-3-07



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



Ownership:

Lots 70, 72, 75, 86 and 92, PERSIMMON POINTE, SECOND PLAT, a subdivision in the City of Olathe, Johnson County, Kansas, according to the recorded plat thereof.

KEN HOELTING HOMES, INC.

By: *Kenneth J. Hoelting*
Printed Name Kenneth J. Hoelting
Title: Pres.

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 KENNETH J. HOELTING who stated that he is the PRESIDENT of KEN HOELTING 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.

Merikay Wootton
Notary Public

My Commission Expires:

9-3-07



Ownership:

Lots 71, 85, 96 and 103, PERSIMMON POINTE, SECOND PLAT, a subdivision in the City of Olathe, Johnson County, Kansas, according to the recorded plat thereof.

KODIAK CONSTRUCTION, LLC

By: [Signature]
Printed Name KODY KEMPINGER
Title: _____

STATE OF Kansas)
) ss.
COUNTY OF Johnson

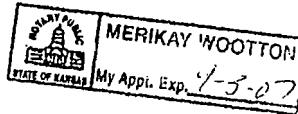
On this 7 day of FEBRUARY, 2006, before me, a Notary Public in and for said state, personally appeared KODY KEMPINGER, who being by me duly sworn did say that he is the MEMBER of KODIAK CONSTRUCTION, LLC, a limited liability company, and that the within instrument was signed and sealed in behalf of said limited liability company by authority of its members, and acknowledged said instrument to be the free act and deed of said limited liability company 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: Merikay Wootton]
Notary Public

My Commission Expires:

9-3-07



Ownership:

Lots 84, 87, 90 and 95, PERSIMMON POINTE, SECOND PLAT, a subdivision in the City of Olathe, Johnson County, Kansas, according to the recorded plat thereof.

TRUE BUILDERS, INC..

By: [Signature]
Printed Name: Brad True
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 BRAD TRUE who stated that he is the PRESIDENT of TRUE BUILDERS, 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: Merikay Wootton]
Notary Public

My Commission Expires:

9-3-07

