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AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

SARA L. JOHNSON
REGISTER OF DEEDS

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On April 24, 1993, at a properly called Special Meeting of the Montrachet Homeowners Association, the following amendments were duly passed to the Declaration of Covenants, Conditions and Restrictions governing the Montrachet development.

1. Revision to Article Three, Section 1 of the By-Laws:

Membership

Section 1. Membership and voting rights in the Association.
Every person or entity who is an owner of a fee simple interest in one or more units (unit = lot and townhouse) shall be a member of the Association. A member shall be entitled to one vote for each unit in which they hold ownership. When more than one person holds such an interest in a unit, the owners may either designate one of themselves the official member for voting purposes, or may register the address, with any single owner then being eligible to vote. In no case shall more than one vote be cast from any one unit.

2. Revision to Article Three, Section 2 of the By-Laws:

Delete in entirety.

3. Revision to Article Three, Section 3 of the By-Laws:

Section 2. Quorum, Proxies, Voting.

- a. Forty percent (40%) of all members of the Association entitled to vote, represented in person or by proxy, shall constitute a quorum at any meeting of the Association.
- b. At all meetings of the Association a member may vote in person or by a proxy executed in writing by such member. Such proxies shall be filed with an officer of the Association at least twenty-four (24) hours before the time of a meeting. No proxy shall be valid after three (3) months from the date of its execution. Every proxy shall be revocable and shall automatically cease upon conveyance by a member of his unit.

4. Revision to Article Three, Section 4 of the By-Laws:

Section 3. The following items of business will require a sixty percent (60%) affirmative vote (of those attending or represented by proxy) for passage:

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- a. Special projects and related assessments;
- b. Filing suit against any member;
- c. By-Law changes.

5. Revision to Article Five, Section 2 of the By-Laws:

Section 2. Annual Meetings. The annual meetings of the members shall be held on the 1st Saturday of November of each year at 10 o'clock A.M. of said day.

Written notice of such annual meeting shall be given at least ten (10) days in advance to each member at his address appearing on the books of the Association. Such notice shall specify, in addition to the place, day and hour of such meeting, the general nature of the business to be transacted.

6. Revision to Article Six, Section 2 of the By-Laws:

Section 2. Number and Qualifications of Directors. The number of Directors of the Association shall be no less than three (3) and no more than five (5). Directors shall be members of the Association.

7. Revision to Article Six, Section 3 of the By-Laws:

Section 3. Nomination. Nomination for election to the Board of Directors shall be made by a nominating committee. Nominations shall not be accepted from the floor at the annual meeting. The nominating committee shall consist of a Chairman who shall be a current member of the Board of Directors and two (2) members of the Association. The nominating committee shall make as many nominations for election to the Board of Directors as it shall in its discretion determine to be necessary.

8. Revision to Article Six, Section 4 of the By-Laws:

Section 4. Election and Term of Office. Election of Board of Directors for the Association shall take place at the annual meetings. At the 1993 annual meeting (for fiscal 1994), three (3) Directors shall be elected to serve on the Board of Directors of the Association. The two (2) elected with the most votes will serve for three (3) years. The other person elected will serve for two (2) years.

At the 1994 annual meeting (for fiscal 1995) two (2) more Directors will be elected. The one with the most votes will serve for three (3) years and the other will serve for two (2) years.

Future election terms will be determined so that the Board of Directors shall have three (3) persons serving three (3) year terms and two persons serving two (2) year terms. Any vacancy on

the Board of Directors may be filled by a majority decision of the remaining Directors with an interim appointee to serve until the next annual meeting.

We have witnessed these Amendments and hereby certify their passage and ratification by the membership.

MONTRACHET HOMEOWNERS ASSOCIATION
BOARD OF DIRECTORS

Val DeTou
Val DeTou

Gaye Kaufman
Gaye Kaufman

Beverly Mann
Beverly Mann

Subscribed and sworn to before me this 6th day of January, 1994.

Janice E. Blagg
Notary Public Janice E. Blagg

My Commission Expires:

10-25-95

STATE OF KANSAS
COUNTY OF JOHNSON

This instrument was acknowledged before me on this 6th day of January, 1994, before me, the undersigned, a notary public in and for the County and State aforesaid by Val DeTou, Gaye Kaufman and Beverly Mann who signed this Amendment to the Declaration of Covenants, Conditions and Restrictions for the Montrachet Homes Association freely and voluntarily and knew the purposes for which this instrument was to be used.

Janice E. Blagg
Notary Public JANICE E. BLAGG

My Commission Expires: 10-25-95

EXHIBIT "A".

A tract of land in the NW 1/4 of Section 11, Township 13S, Range 24E in the City of Overland Park, Johnson County, Kansas being more particularly described as follows:

Beginning at a point 238.00 ft. East and 45 ft. South of the NW Corner of said Section 11; thence North 89°53'28" West a distance of 132.93 ft. to a point; thence on a curve to the left having a radius of 50.00 ft. a distance of 78.58 ft. to a point, said point being 95.00 ft. South and 55.00 ft. East of the NW corner of said Section 11; thence South 00°04'00" West a distance of 1100.00 ft. to a point; thence North 65°35'20" East a distance of 602.34 ft. to a point; thence North 38°26'00" West a distance of 290.00 ft. to a point; thence North 00°04'00" East a distance of 478.00 ft. to a point; thence North 42°53'28" West a distance of 271.00 ft. to the point of beginning.

This tract of land is now known as Montrachet.