

**FIRST AMENDMENT
TO THE COVENANTS,
CONDITIONS AND RESTRICTIONS
FOR
WALNUT CREEK ESTATES**

A SUBDIVISION IN MIAMI COUNTY, KANSAS

THIS DECLARATION is made and executed on November 15, 2004, by the WALNUT CREEK ESTATES HOMES ASSOCIATION, INC., a Kansas Not-For-Profit corporation which is called "Association" in this amendment.

INTRODUCTORY STATEMENTS

A. The Association has subjected certain real property located in Miami County, Kansas, to Declaration of Covenants, Conditions and Restrictions for Walnut Creek Estates, a subdivision in Miami County, Kansas, filed with the Miami County Register of Deeds Office on April 23, 1997, at Volume 399 Misc., Pages 422-438 (the "Declarations").

B. The Declarations may be modified, amended or terminated at any time by the execution and acknowledgement of an appropriate agreement or document by a two-thirds (2/3's) vote of the Members, which instrument shall be recorded in the Office of the Register of Deeds of Miami County, Kansas.

GRANTING STATEMENTS

A regular meeting of the Association was held on November 15, 2004.

1. Article XI General Restrictions, Section 1. Shall be amended by adding the following:

"dd. Construction. No building under construction shall be permitted to remain with its exterior in an unfinished condition longer than twelve (12) months after beginning construction. Exterior construction shall include landscaping and driveway as described in these General Restrictions. The DRC shall have the right at its discretion to grant extensions for periods of no more than two (2) months. Extensions shall be subject to renewal by the DRC but in no event shall the exterior of any building on any lot be permitted to remain in an unfinished condition for more than eighteen (18) months. In the event an owner fails to comply with the time limitation set forth herein, liquidated damages of \$100 per day shall accrue against such Owner and shall become a lien upon such Owner's Lot."

2. Article XI General Restrictions, Section 1.g. Animals. Shall be amended to be as follows:

"g. Animals. No hogs, cows, rabbits, chickens, goats, poultry, birds, livestock, or animals of any kind, other than horses and house pets (except house pets with vicious propensities), shall be brought onto or kept on the Properties; and no more than three (3) horses, two (2) adult dogs, two (2) adult cats, or other such pets, may be kept or maintained on any Lot or Living Unit and further provided that they are not kept, bred or maintained for commercial purpose or as a steady hobby of the Owner. Pets shall be confined to the Lot and not allowed to run at large. All animal waste shall remain contained within the Lot and shall be disposed of properly."

The following officers certify that the forgoing amendment to the Declaration of Covenants, Conditions and Restrictions for Walnut Creek Estates were adopted by the Members of the Association at a regular meeting of the Association on November 15, 2004.

IN WITNESS WHEREFORE, Association, by authority of its Board, has caused this instrument to be executed, the month, day and year first above written.

WALNUT CREEK ESTATES HOMES ASSOCIATION, INC.
a Kansas not-for-profit corporation

By: _____
Kimberly B. DeYoung, Secretary

By: _____
John V. Fricke, Treasurer

STATE OF KANSAS)
) ss:
COUNTY OF MIAMI)

On this 10th day of October, 2005, before me personally appeared John V. Fricke, to me personally known, who being by me duly sworn did say that he/she is an officer of the Board of Walnut Creek Estates Homes Association, Inc., a Kansas Not-For-Profit corporation, and that said instrument was signed and delivered on behalf of said corporation and acknowledged to me that he/she executed the same as the free act and deed of said corporation.

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

Notary Public Signature

(SEAL)

Printed Name

My Commission Expires