

**FOURTH SUPPLEMENTARY
DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS
FOR
WALNUT CREEK ESTATES**

A SUBDIVISION IN MIAMI COUNTY, KANSAS

THIS DECLARATION is made and executed on October 20, 2004, by FRIDEY ENTERPRISES, LLC, a Kansas limited liability company, which is called "Developer" in this Declaration.

INTRODUCTORY STATEMENTS

A. The Developer 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. Pursuant to Section 2.a., Developer has the right to subject certain additional property to the Declarations.

C. The Developer is the owner of real property located in Miami County, Kansas, which is legally described on Exhibit "A" attached to this Fourth Supplementary Declaration (the "Phase V Property"). Developer desires to create a single-family residential community on the property to be known as Walnut Creek Estates No. 5, and to subject this property to the Declaration.

GRANTING STATEMENTS

The Developer hereby declares that the land described in Exhibit "A" shall be held, sold, used and conveyed subject to the Declaration. The covenants, restrictions, easements, charges and liens set forth in the Declaration shall run with the land and with the title to the Phase V Property and will bind all parties now having or later acquiring any right, title or interest in the Phase V Property, and, subject to limitations provided in the Declaration, shall benefit each owner, his and/or her heirs, grantees, distributees, personal representatives, successors and assigns, the Association, and the Developer. The real property which is subject to this Declaration pursuant to this Fourth Supplementary Declaration is legally described in Exhibit "A", and is known as Phase V of Walnut Creek Estates. Developer hereby further states as follows:

1. All capitalized terms not otherwise defined herein shall have the meaning set forth in the Declaration.

2. The Phase V Property is depicted on Exhibit "B" hereto.

3. Article XI General Restrictions, Section 1.g. Animals. Shall be amended 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."

Ret: Fridey Enterprises
25259 High Point Circle
Paola KS 66071

EXHIBIT "A"
TO
FOURTH SUPPLEMENTARY DECLARATION
OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
WALNUT CREEK ESTATES

LEGAL DESCRIPTION

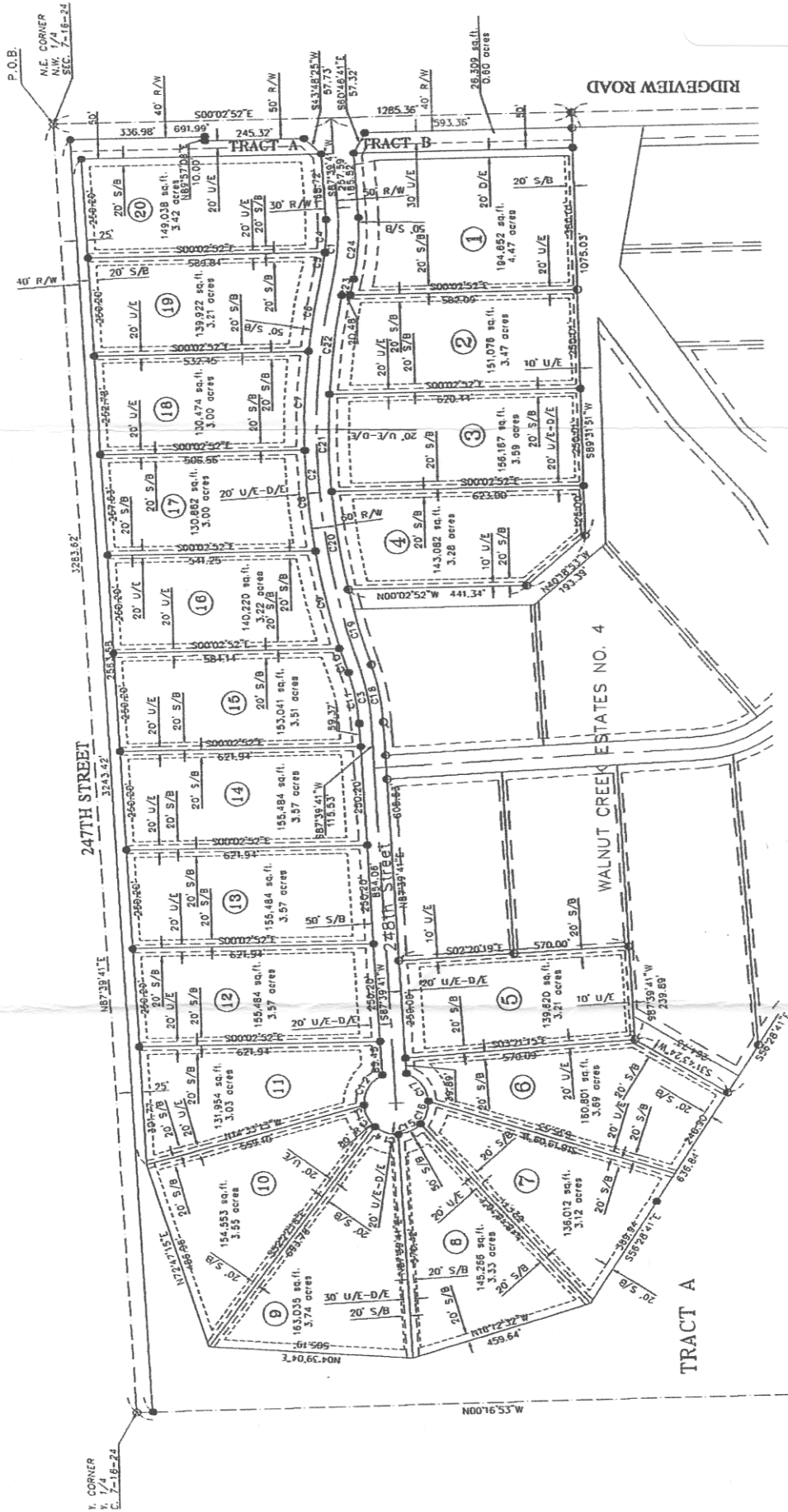
A TRACT OF LAND IN THE NORTHWEST FRACTIONAL QUARTER OF SECTION 7, TOWNSHIP 16 SOUTH, RANGE 24 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN MIAMI COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID QUARTER SECTION;
THENCE SOUTH 00°02'52" EAST, 1285.36 FEET ALONG THE EAST LINE OF SAID QUARTER SECTION TO THE NORTHEAST CORNER OF WALNUT CREEK ESTATES NO.4 A SUBDIVISION IN MIAMI COUNTY, KANSAS;
THENCE SOUTH 89°31'51" WEST, ALONG THE NORTH LINE OF SAID WALNUT CREEK ESTATES NO.4. 1075.03 FEET;

THENCE NORTH 40°18'53" WEST, ALONG SAID NORTH LINE, 193.39 FEET;
THENCE NORTH 00°02'52" WEST, ALONG SAID NORTH LINE, 441.34 FEET;
THENCE ALONG A 1770.00 FOOT RADIUS CURVE TO THE LEFT, WITH A 198.41 FOOT CHORD BEARING SOUTH 74°40'39" WEST, AN ARC LENGTH OF 198.51 FEET ALONG SAID NORTH LINE;
THENCE ALONG A 530.00 FOOT RADIUS CURVE TO THE RIGHT, WITH A 149.33 FOOT CHORD BEARING NORTH 79°33'47" WEST, AN ARC LENGTH OF 149.83 FEET ALONG SAID NORTH LINE;
THENCE SOUTH 87°39'41" WEST, ALONG SAID NORTH LINE, 605.53 FEET TO THE NORTHWEST CORNER OF SAID WALNUT CREEK ESTATES NO.4;
THENCE SOUTH 02°20'19" EAST, ALONG THE WEST LINE OF SAID WALNUT CREEK ESTATES NO.4, 570.00 FEET;

THENCE SOUTH 87°39'41" WEST, ALONG SAID WEST LINE, 239.89 FEET;
THENCE SOUTH 31°43'24" WEST, ALONG SAID WEST LINE, 264.73 FEET;
THENCE SOUTH 56°28'41" EAST, ALONG SAID WEST LINE, 539.87 FEET;
THENCE SOUTH 00°14'31" WEST, ALONG SAID WEST LINE, 336.98 FEET TO THE NORTH LINE OF WALNUT CREEK ESTATES NO.3, A SUBDIVISION IN MIAMI COUNTY, KANSAS;
THENCE SOUTH 58°56'49" WEST, ALONG SAID NORTH LINE, 515.68 FEET;
THENCE SOUTH 20°40'41" WEST, ALONG SAID NORTH LINE, 249.89 FEET TO THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 7;
THENCE SOUTH 87°52'37" WEST, ALONG SAID SOUTH LINE, 688.73 FEET TO THE NORTHWEST CORNER OF WALNUT CREEK ESTATES NO.1, A SUBDIVISION IN MIAMI COUNTY, KANSAS, & THE SOUTHWEST CORNER OF SAID QUARTER SECTION;
THENCE NORTH 00°16'53" WEST, ALONG THE WEST LINE OF SAID QUARTER SECTION, 2640.51 FEET TO THE NORTHWEST CORNER OF SAID QUARTER SECTION;
THENCE NORTH 87°39'41" EAST, ALONG THE NORTH LINE OF SAID QUARTER SECTION, 3283.62 FEET TO THE POINT OF BEGINNING.

SAID PROPERTY CONTAINS 114.41 ACRES, MORE OR LESS.



Final Plat Walnut Creek Estates No. 5