

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

A SUBDIVISION IN MIAMI COUNTY, KANSAS

THIS DECLARATION is made and executed on August _____, 2000, 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 Second Supplementary Declaration (the "Phase III Property"). Developer desires to create a single-family residential community on the property to be known as Walnut Creek Estates No. 3, 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 III Property and will bind all parties now having or later acquiring any right, title or interest in the Phase III 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 Second Supplementary Declaration is legally described in Exhibit "A", and is known as Phase III 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 III Property is depicted on Exhibit "B" hereto.

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

FRIDEY ENTERPRISES, LLC
a Kansas limited liability company

By: _____

STATE OF KANSAS)
) ss:
COUNTY OF JOHNSON)

On this _____ day of _____, 2000, before me personally appeared John V. Fricke, to me personally known, who being by me duly sworn did say that he/she is a member of Friday Enterprises, LLC, a Kansas limited liability company, and that said instrument was signed and delivered on behalf of said limited liability company and acknowledged to me that he/she executed the same as the free act and deed of said limited liability company.

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

(SEAL)

Notary Public Signature

Printed Name

My Commission Expires

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

LEGAL DESCRIPTION

A tract of land in the West Fractional Half 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 Southeast corner of the Southwest Quarter of Section 7, Township 16 South, Range 24 East of the Sixth Principal Meridian;

THENCE North 00 degrees 00 minutes 00 seconds East for a distance of 1513.17 feet along the East line of said Quarter Section to the True Point of Beginning;

THENCE North 88 degrees 13 minutes 01 seconds West for a distance of 626.18 feet;

THENCE along a curve to the right having a radius of 130.00 feet and an arc length of 116.73 feet, being subtended by a chord of South 65 degrees 28 minutes 57 seconds West for a distance of 112.85 feet;

THENCE North 88 degrees 47 minutes 39 seconds West for a distance of 105.12 feet;

THENCE South 01 degrees 38 minutes 08 seconds West for a distance of 908.40 feet;

THENCE North 40 degrees 10 minutes 37 seconds West for a distance of 277.84 feet;

THENCE North 33 degrees 57 minutes 28 seconds West for a distance of 694.13 feet;

THENCE North 52 degrees 32 minutes 35 seconds West for a distance of 294.36 feet;

THENCE North 70 degrees 37 minutes 26 seconds West for a distance of 312.58 feet;

THENCE South 09 degrees 36 minutes 38 seconds West for a distance of 230.52 feet;

THENCE North 65 degrees 07 minutes 56 seconds West for a distance of 456.03 feet;

THENCE North 38 degrees 58 minutes 05 seconds West for a distance of 60.00 feet;

THENCE North 10 degrees 23 minutes 09 seconds East for a distance of 261.8 feet;

THENCE North 54 degrees 01 minutes 36 seconds West for a distance of 198.74 feet;

THENCE North 34 degrees 43 minutes 07 seconds West for a distance of 616.75 feet;

THENCE North 87 degrees 52 minutes 37 seconds East for a distance of 328.32 feet;

THENCE North 20 degrees 40 minutes 41 seconds East for a distance of 249.89 feet;

THENCE North 58 degrees 56 minutes 49 seconds East for a distance of 516.68 feet;

THENCE South 68 degrees 21 minutes 27 seconds East for a distance of 482.62 feet;

THENCE South 56 degrees 24 minutes 40 seconds East for a distance of 584.24 feet;

THENCE North 89 degrees 53 minutes 56 seconds East for a distance of 540.00 feet;

THENCE South 63 degrees 19 minutes 00 seconds East for a distance of 645.28 feet to a point on the East line of said Quarter Section;

THENCE South 00 degrees 00 minutes 00 seconds East for a distance of 751.85 feet along said East line to the True Point of Beginning.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 76.96 acres more or less, in Miami County, Kansas.

EXHIBIT "B"
TO
SECOND SUPPLEMENTARY DECLARATION
OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
WALNUT CREEK ESTATES

PHASE III PROPERTY

Potentially to include the lots depicted herein covering the real property described on Exhibit "A":