

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

**A SUBDIVISION IN MIAMI COUNTY, KANSAS**

THIS DECLARATION is made and executed on November 01, 2002, 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 Third Supplementary Declaration (the "Phase IV Property"). Developer desires to create a single-family residential community on the property to be known as Walnut Creek Estates No. 4, 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 IV Property and will bind all parties now having or later acquiring any right, title or interest in the Phase IV 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 IV 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 IV 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.”

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: \_\_\_\_\_  
Member

STATE OF KANSAS     )  
                                  ) ss:  
COUNTY OF MIAMI    )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2002, 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 Fridey 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.

\_\_\_\_\_  
Notary Public Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
My Commission Expires

( SEAL )

EXHIBIT "A"  
TO  
THIRD 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 A POINT ON THE EAST LINE, 2265.02 FEET NORTH OF THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 7, SAID POINT BEING THE NORTHEAST CORNER OF WALNUT CREEK ESTATES NO. 3;

THENCE NORTH 63°19'00" WEST, ALONG THE NORTH LINE OF SAID WALNUT CREEK ESTATES NO. 3, 645.28 FEET; THENCE SOUTH 89°53'56" WEST, ALONG SAID NORTH LINE, 540.00 FEET;

THENCE NORTH 56°24'40" WEST, ALONG SAID NORTH LINE, 584.24 FEET;  
THENCE NORTH 68°21'27" WEST, ALONG SAID NORTH LINE, 482.62 FEET; THENCE NORTH 01°14'31" EAST, 336.98 FEET;

THENCE NORTH 56°28'41" WEST, 539.87 FEET;  
THENCE NORTH 31°43'24" EAST, 264.73 FEET;  
THENCE NORTH 87°39'41" EAST, 239.89 FEET;  
THENCE NORTH 02°20'19" WEST, 570.00 FEET;  
THENCE NORTH 87°39'41" EAST, 605.53 FEET;  
THENCE ON A 530.00 FOOT RADIUS CURVE TO THE LEFT, WITH A 149.33 FOOT CHORD BEARING NORTH 79°33'47" EAST, AN ARC LENGTH OF 149.83 FEET;

THENCE ON A 1770.00 FOOT RADIUS CURVE TO THE RIGHT WITH A 198.41 FOOT CHORD BEARING NORTH 74°40'39" EAST, AN ARC LENGTH OF 198.51 FEET;

THENCE SOUTH 00°02'52" EAST, 441.34 FEET;  
THENCE SOUTH 40°18'53" EAST, 193.39 FEET;  
THENCE NORTH 89°31'51" EAST, 1075.03 FEET TO THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 7;

THENCE SOUTH 00°02'52" EAST, ALONG SAID EAST LINE, 946.92 FEET TO THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER;

THENCE SOUTH 00°00'00" WEST, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 7, 385.95 FEET TO THE POINT OF BEGINNING.

THE ABOVE CONTAINS 81.79 ACRES, MORE OR LESS, ALL IN MIAMI COUNTY, KANSAS.

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

PHASE IV PROPERTY

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

