

JO CO KS	BK:201906	PG:008242
	20190624-0008242	
Electronic Recording		6/24/2019
Pages: 2	F: \$38.00	12:34 PM
Register of Deeds		T20190031324

**BOULDER CREEK
DECLARATION OF RESTRICTIONS
ADDITIONAL PHASE
(Boulder Creek Villas and Boulder Creek Second Plat)**

THIS DECLARATION is made as of 6/20, 2019, by Day3 Development, LLC, a Missouri limited liability company (the "**Developer**");

WITNESSETH:

WHEREAS, the Developer has executed and filed with the Office of the Register of Deeds of Johnson County, Kansas (the "**Recording Office**"), an additional plat of the subdivision known as "Boulder Creek" as filed in Book 201904 at Page 003321; and

WHEREAS, such plat adds the following tracts to the subdivision:

Tracts "A", "B", "C", "D", "E", and "F", Boulder Creek Villas, First Plat, a subdivision in the City of Olathe, Johnson County, Kansas.

WHEREAS, the Developer has executed and filed with the Recording Office an additional plat of the subdivision known as "Boulder Creek" as filed in Book 201904 at Page 004655; and

WHEREAS, such plat adds the following lots to the subdivision (the "**Additional Lots**") and the following tracts to the subdivision:

Lots 44 through 102, and Tracts "H", "I", "J", "K", "L", and "M", Boulder Creek, Second Plat, a subdivision in the City of Olathe, Johnson County, Kansas.

WHEREAS, the Developer, as the owner of the Additional Lots, desires to subject the Additional Lots to the covenants, restrictions, easements, and other provisions contained in that certain Boulder Creek Declaration of Restrictions, executed by the Developer and filed with the Recording Office in Book 201705 at Page 000267, as amended by Amendment to Boulder Creek Declaration of Restrictions filed in the Recording Office in Book 201709 at Page 001400 (collectively, the "**Original Declaration**").

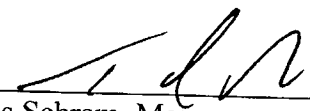
NOW, THEREFORE, in consideration of the premises, the Developer, for itself and for its successors and assigns, and for its future grantees, hereby agrees and declares that all of the Additional Lots shall be, and they hereby are, subject to the covenants, restrictions, easements, and other provisions set forth in the Original Declaration. As contemplated in Section 23 of the Original Declaration, this instrument shall have the effect of subjecting the Additional Lots to all of the provisions of the Original Declaration as though the Additional Lots had been originally described therein and subject to the provisions thereof.

Tracts "A", "B", "C", "D", "E", and "F", Boulder Creek Villas, First Plat, and Tracts "H", "I", "J", "K", "L", and "M", Boulder Creek, Second Plat, are "Common Areas" under the Original Declaration.

IN WITNESS WHEREOF, the Developer has caused this Declaration to be duly executed the day and year first above written.

DEVELOPER:

DAY3 DEVELOPMENT, LLC
a Missouri limited liability company

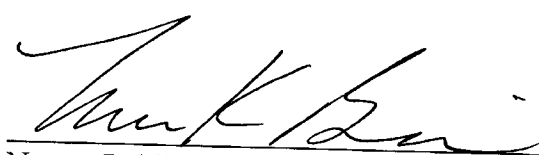
By: 
Travis Schram, Manager

STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

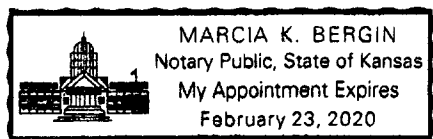
This instrument was acknowledged before me, a Notary Public, on 6/20, 2019, by Travis Schram, as Manager of DAY3 DEVELOPMENT, LLC, a Missouri limited liability company.

My Commission Expires:

2/23/20
[SEAL]


Notary Public in and for said County and State

Print Name: Marcia K Bergin



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**BOULDER CREEK
HOMES ASSOCIATION DECLARATION
ADDITIONAL PHASE
(Boulder Creek Villas and Boulder Creek Second Plat)**

THIS DECLARATION is made as of 6/20, 2019, by Day3 Development, LLC, a Missouri limited liability company (the “**Developer**”);

WITNESSETH:

WHEREAS, the Developer has executed and filed with the Office of the Register of Deeds of Johnson County, Kansas (the “**Recording Office**”), an additional plat of the subdivision known as “Boulder Creek” as filed in Book 201904 at Page 003321; and

WHEREAS, such plat adds the following tracts to the subdivision:

Tracts “A”, “B”, “C”, “D”, “E”, and “F”, Boulder Creek Villas, First Plat, a subdivision in the City of Olathe, Johnson County, Kansas.

WHEREAS, the Developer has executed and filed with the Recording Office an additional plat of the subdivision known as “Boulder Creek” as filed in Book 201904 at Page 004655; and

WHEREAS, such plat adds the following lots to the subdivision (the “**Additional Lots**”) and the following tracts to the subdivision:

Lots 44 through 102, and Tracts “H”, “I”, “J”, “K”, “L”, and “M”, Boulder Creek, Second Plat, a subdivision in the City of Olathe, Johnson County, Kansas.

WHEREAS, the Developer, as the owner of the Additional Lots, desires to subject the Additional Lots to the covenants, assessments, charges and other provisions contained in that certain Boulder Creek Homes Association Declaration, executed by the Developer and filed with the Recording Office in Book 201705 at Page 000266, as amended by Amendment to Boulder Creek Homes Association Declaration filed in the Recording Office in Book 201902 at Page 000115 (collectively, the “**Original Declaration**”).

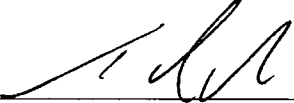
NOW, THEREFORE, in consideration of the premises, the Developer, for itself and for its successors and assigns, and for its future grantees, hereby agrees and declares that all of the Additional Lots shall be, and they hereby are, subject to the covenants, assessments, charges and other provisions set forth in the Original Declaration. As contemplated in Article X of the Original Declaration, this instrument shall have the effect of subjecting the Additional Lots to all of the provisions of the Original Declaration as though the Additional Lots had been originally described therein and subject to the provisions thereof.

Tracts "A", "B", "C", "D", "E", and "F", Boulder Creek Villas, First Plat, and Tracts "H", "I", "J", "K", "L", and "M", Boulder Creek, Second Plat, are "Common Areas" under the Original Declaration.

IN WITNESS WHEREOF, the Developer has caused this Declaration to be duly executed the day and year first above written.

DEVELOPER:

DAY3 DEVELOPMENT, LLC
a Missouri limited liability company

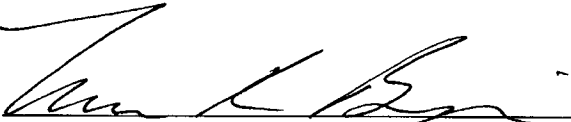
By: 
Travis Schram, Manager

STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

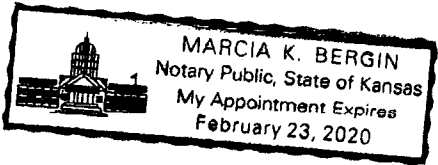
This instrument was acknowledged before me, a Notary Public, on 6/20, 2019, by Travis Schram, as Manager of DAY3 DEVELOPMENT, LLC, a Missouri limited liability company.

My Commission Expires:

2/23/20
[SEAL]


Notary Public in and for said County and State

Print Name: Marcia K Bergin



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**FIRST AMENDMENT TO
BOULDER CREEK VILLAS
HOMES ASSOCIATION DECLARATION**

THIS FIRST AMENDMENT (“**Amendment**”) is made and entered into as of 6/20, 2019, by DAY3 DEVELOPMENT, LLC, a Missouri limited liability company, as the developer of the real property described below (the “**Developer**”).

WITNESSETH:

WHEREAS, the Developer is the developer of the residential area in the City of Olathe, Johnson County, Kansas, commonly known as “Boulder Creek Villas”; and

WHEREAS, the Developer has previously executed a certain document entitled Boulder Creek Villas Homes Association Declaration and caused such document to be recorded in the Office of the Register of Deeds of Johnson County, Kansas (the “**Recording Office**”) in Book 201904 at Page 006715 (the “**Declaration**”); and

WHEREAS, the Declaration places certain covenants and assessments upon the following described residential lots (the “**Lots**”) and the following described common areas:

Lots 1 through 42, and Tracts “A”, “B”, “C”, “D”, “E”, and “F”,
Boulder Creek Villas, First Plat, a subdivision in the City of
Olathe, Johnson County, Kansas.

WHEREAS, the Developer desires to amend the Declaration as provided herein;

NOW, THEREFORE, the parties hereto declare and agree as follows:

A. Capitalized terms used in this Amendment but not defined herein shall have the meanings set forth in the Declaration.

B. The following tracts are hereby removed from the Declaration and shall no longer be Common Areas under the Declaration:

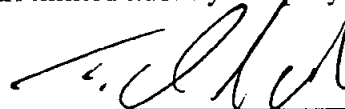
Tracts "A", "B", "C", "D", "E", and "F", Boulder Creek Villas, First Plat, a subdivision in City of Olathe, Johnson County, Kansas.

C. Pursuant to Article XI of the Declaration, this Amendment shall become effective as an amendment of the Declaration and binding upon all of the Lots upon (a) the execution hereof by the Developer, and (b) the recordation hereof in the Recording Office.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be duly executed.

DEVELOPER:

DAY3 DEVELOPMENT, LLC,
a Missouri limited liability company


By: 
Travis Schram, Manager

STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

This instrument was acknowledged before me on 6/20, 2019, by Travis Schram, as Manager of DAY3 DEVELOPMENT, LLC, a Missouri limited liability company.

My Commission Expires:

2/23/20
[SEAL]


Notary Public in and for said County and State

Print Name: Marcia K Bergin



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**FIRST AMENDMENT TO
BOULDER CREEK VILLAS
DECLARATION OF RESTRICTIONS**

THIS FIRST AMENDMENT (“**Amendment**”) is made and entered into as of 6/20, 2019, by DAY3 DEVELOPMENT, LLC, a Missouri limited liability company, as the developer of the real property described below (the “**Developer**”).

WITNESSETH:

WHEREAS, the Developer is the developer of the residential area in the City of Olathe, Johnson County, Kansas, commonly known as “Boulder Creek Villas”; and

WHEREAS, the Developer has previously executed a certain document entitled Boulder Creek Villas Declaration of Restrictions and caused such document to be recorded in the Office of the Register of Deeds of Johnson County, Kansas (the “**Recording Office**”) in Book 201904 at Page 006714 (the “**Declaration**”); and

WHEREAS, the Declaration places certain covenants and restrictions upon the following described residential lots (the “**Lots**”) and the following described common areas:

Lots 1 through 42, and Tracts “A”, “B”, “C”, “D”, “E”, and “F”,
Boulder Creek Villas, First Plat, a subdivision in the City of
Olathe, Johnson County, Kansas.

WHEREAS, the Developer desires to amend the Declaration as provided herein;

NOW, THEREFORE, the parties hereto declare and agree as follows:

A. Capitalized terms used in this Amendment but not defined herein shall have the meanings set forth in the Declaration.

B. The following tracts are hereby removed from the Declaration and shall no longer be Common Areas under the Declaration:

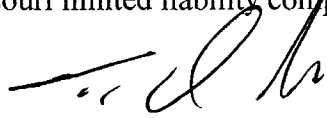
Tracts "A", "B", "C", "D", "E", and "F", Boulder Creek Villas, First Plat, a subdivision in City of Olathe, Johnson County, Kansas.

C. Pursuant to Section 23 of the Declaration, this Amendment shall become effective as an amendment of the Declaration and binding upon all of the Lots upon (a) the execution hereof by the Developer, and (b) the recordation hereof in the Recording Office.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be duly executed.

DEVELOPER:

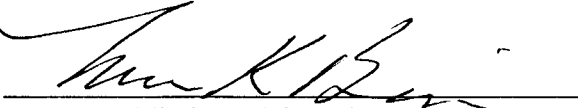
DAY3 DEVELOPMENT, LLC,
a Missouri limited liability company

By: 
Travis Schram, Manager

STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

This instrument was acknowledged before me on 6/20, 2019, by Travis Schram, as Manager of DAY3 DEVELOPMENT, LLC, a Missouri limited liability company.

My Commission Expires:
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[SEAL]


Notary Public in and for said County and State

Print Name: Marcia K Bergin

