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Register of Deeds		T20190006435

**FIRST AMENDMENT TO
BOULDER HILLS
HOMES ASSOCIATION DECLARATION**

JH THIS FIRST AMENDMENT (“**Amendment**”) is made and entered into as of February 14, 2019, by **K3, LLC**, a Kansas 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 Hills”; and

WHEREAS, the Developer has previously executed a certain document entitled Boulder Hills 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 201706 at Page 004073, as amended by that certain Boulder Hills Homes Association Declaration Additional Phase (Second Plat) recorded in the Recording Office in Book 201707 at Page 001453 (collectively, 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 46, and Tracts “A”, “B”, and “C”, Boulder Hills, First Plat, a subdivision in the City of Olathe, Johnson County, Kansas.

Lots 48 through 89, and Tracts “F”, “G”, “H”, “I”, “J”, and “K”, Boulder Hills, Second 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. Section 4.4 of the Declaration is hereby amended and restated to read as follows:

4.4 An initiation fee in an amount equal to \$400.00 shall be payable by the new Owner to the Homes Association, for use as part of the general funds of the Homes Association, upon each of the following events with respect to the applicable Lot:

(a) The initial occupancy of the residence on the Lot as a residence after the residence is constructed (which initiation fee is in addition to the first regular annual assessment, as it may be prorated); and

(b) Each subsequent transfer of ownership of the Lot for value.

The rate of initiation fee may be increased by the Board from time to time, without a vote of the members, by up to 10% annually over the initiation fee in effect for the preceding year.

C. Pursuant to Section 11.2 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.


D. The execution of this Amendment may occur in counterparts with only one copy of the main body hereof being recorded together with the various signature and acknowledgment pages from such counterparts.

[SIGNATURE PAGE FOLLOWS]

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

THE DEVELOPER:


K3, LLC,
a Kansas limited liability company

By: 
Travis Schram, Manager

STATE OF KANSAS)
) ss.
COUNTY OF JOHNSON)

This instrument was acknowledged before me on February 7, 2019, by Travis Schram, as Manager of K3, LLC, a Kansas limited liability company.

My Commission Expires:
2/23/20
[SEAL]


Notary Public in and for said County and State

Print Name: Marcia K Bergin

