



Sedgwick County
Register of Deeds - Bill Meek
DOC #/FLM-PG: 28645580
Receipt #: 1575991
Pages Recorded: 11
Recording Fee: \$48.00
Cashier Initials: KG
Authorized By:
Date Recorded: 2/2/2005 3:54:17 PM

**SECOND AMENDMENT TO DECLARATION FOR MASTER ASSOCIATION
REGARDING CERTAIN AUBURN HILLS SWIMMING FACILITIES
AND ANNEXATION OF ADDITIONAL LAND**

This Second Amendment To Declaration For Master Association Regarding Certain Auburn Hills Swimming Facilities and Annexation of Additional Land ("Amendment") is executed as of Jan 31, 2005, by West Wichita Development, Inc., a Kansas corporation ("Developer").

WHEREAS, Developer executed and recorded in the Sedgwick County real estate records that certain Declaration For Master Association Regarding Certain Auburn Hills Swimming Facilities dated December 19, 1999, and recorded at Film 2084, Page 0743, *et seq.*, as thereafter amended and subject to annexation of additional land thereto from time to time (the "Declaration"); and

WHEREAS, the Residential Property which is subject to the Declaration is described on Exhibit "A" attached hereto; and

WHEREAS, Developer desires to add additional lands to the Swimming Pool Facilities referenced in the Declaration; and

WHEREAS, Developer has the right pursuant to the terms of the Declaration to annex additional real estate under the Declaration and to further amend and modify the same and the Developer desires to do so as provided herein.

NOW, THEREFORE, the Declaration is hereby amended and modified as provided below:

1. Pursuant to the terms of Declaration, Developer hereby annexes the two additional tracts of real estate described on Exhibit "B" hereto as part of the "Swimming Pool Facilities" as defined in Section 1.2 thereof. Section 1.2 of the Declaration is hereby amended to include such real estate. The drawings attached hereto as attachments to Exhibit "B" illustrate such Swimming Pool Facilities. Exhibit "A" attached hereto includes a drawing showing the Residential Property and the Swimming Pool Facilities (which are labeled thereon as "Pool Area").

2. Notwithstanding anything provided to the contrary in Section 2.4 of the Declaration, Developer shall convey the Swimming Pool Facilities described on Exhibit "B" to

AFTER RECORDING, RETURN TO:

Ron H. Harnden
Triplett, Woolf & Garretson, LLC
2959 N. Rock Rd., Suite 300
Wichita, Kansas 67226

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the Master Association at such time as is determined by Developer following the completion of the construction thereof and following obtaining the amenity financing to pay the costs thereof as referenced in Article VIII as amended. All of such amenities shall be financed as referred to in such Article VIII and shall be conveyed subject to such amenity financing.

3. Article IX is hereby deleted in its entirety and the following is substituted therefor:

ARTICLE IX

FINANCING FOR SWIMMING POOL FACILITIES

Notice is hereby given that Developer and/or Master Association has obtained, or will obtain, and renew and refinance from time to time, mortgage secured loan or loans in order to pay the cost of installing or constructing amenities (which may include, but not be limited to, clubhouses, swimming pool and related improvements, playground equipment, sidewalks, sprinkler systems, seeding grass and landscaping, together with other improvements) within the Swimming Pool Facilities for the use and benefit of the Members. When the Developer initially obtains such loan(s), the Master Association shall continue to renew such loan(s), or obtain a different loan(s), as requested by Developer from time to time. All or any portion of the Swimming Pool Facilities shall be mortgaged from time to time to secure such loan(s), as required by the lender(s). Assessments or funds collected by the Master Association under Article IV hereof (including transfer fees), along with Developer's subsidies paid under Section 4.12 hereof, shall be utilized for repayment of the interest and principal arising from any such loan(s) in accordance with the terms of such financing. Upon obtaining such loan(s) (and the renewal and refinancing thereof from time to time), neither the Developer nor the Master Association shall be required to give notice thereof to the Members of the Master Association. The Master Association shall indemnify, defend and hold Developer, and its members, harmless from any proceedings, judgments, claims, liabilities, costs and expenses, including attorney's fees, arising out of any such loan or mortgage, and any guaranties thereof, including the failure to repay any amounts due thereunder, except to the extent that Developer fails to pay its subsidy obligations under Section 4.12 hereof. "

4. The first six lines of Section 10.10 Amendments are hereby deleted in their entirety and the following are substituted therefor:

"10.10 Amendments. Amendments including waivers, modifications, alterations, removals, changes and additions hereto to this Declaration may be made by Developer, or its successors and assigns, in its sole discretion, from time to time, so long as Developer (or its successors and assigns) retains ownership of a minimum of fifty percent (50%) of the Lots within the Property. Following the date Developer, or its successors and assigns, no longer owns a minimum of fifty percent (50%) of the Lots, any provision contained in this Declaration may be amended, repealed, or additional provisions added to this Declaration, as follows:"

5. Except as provided herein, the Declaration shall remain in full force and effect in accordance with its prior terms and provisions.

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IN WITNESS WHEREOF, executed as of the day and year first above written.

DEVELOPER

WEST WICHITA DEVELOPMENT, INC.

By

Jay W. Russell, President

STATE OF KANSAS

)

) ss:

COUNTY OF SEDGWICK

)

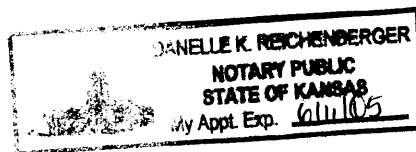
BE IT REMEMBERED, that on this 31 day of January, 2005, before me a Notary Public in and for the County and State aforesaid, personally appeared Jay W. Russell, the President of West Wichita Development, Inc., personally known to me to be such officer and the same person who executed, as such officer, the above and foregoing instrument in writing on behalf of said corporation and such person duly acknowledged the execution of the same to be the act and deed of said corporation.

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

My appointment expires:

6/11/05

Danille K. R.
NOTARY PUBLIC Danille K. Reichenberger



000023645500

EXHIBIT A

DESCRIPTION "A"

All of Lots 1 through 11, inclusive, Block A, TOGETHER with all of Lot 1 and all of Lots 3 through 49, inclusive, Block B, TOGETHER with all of Lots 1 through 13, inclusive, Block C, TOGETHER with all of Lots 27 through 31, inclusive, Block D, TOGETHER with all of Lots 39 through 46, inclusive, Block D, TOGETHER with all of Lots 1 through 31, inclusive, Block E, all in Auburn Hills 5th Addition, Wichita, Sedgwick County, Kansas.

DESCRIPTION "B"

All of Lots 1 through 44, inclusive, Block A, TOGETHER with all of Lots 1 through 12, inclusive, Block B, all in Auburn Hills 8th Addition, Wichita, Sedgwick County, Kansas.

DESCRIPTION "C"

All of Lots 1 through 25, inclusive, Block A, TOGETHER with all of Lots 1 through 6, inclusive, Block B, all in Auburn Hills 9th Addition, Wichita, Sedgwick County, Kansas.

DESCRIPTION "D"

That part of the SE 1/4 of Sec. 26, Twp. 27-S, R-2-W of the 6th P.M., Sedgwick County, Kansas described as follows: Beginning at the NW corner of said SE 1/4; thence S89°29'11"E along the north line of said SE 1/4, 262.98 feet to the NW corner of Onewood as dedicated in Auburn Hills 12th Addition, Wichita, Sedgwick County, Kansas; thence S00°30'49"W along the west line of said Onewood, 64.00 feet to the SW corner of said Onewood; thence S89°29'11"E along the south line of said Onewood, 229.64 feet to the SE corner of said Onewood; thence S51°50'21"W, 17.64 feet; thence N38°09'39"W, 11.72 feet; thence S76°43'42"W, 154.33 feet; thence S41°45'32"W, 218.85 feet; thence S53°43'48"W, 204.74 feet; thence S46°23'28"W, 15.27 feet to a point on the west line of said SE 1/4; thence N00°10'03"E along the west line of said SE 1/4, 400.44 feet to the point of beginning, TOGETHER with that part of the SW 1/4 of said Sec. 26 described as follows: Beginning at the NE corner of said SW 1/4; thence S00°10'03"W along the east line of said SW 1/4, 400.44 feet; thence S46°23'28"W, 87.80 feet; thence S22°37'57"W, 266.52 feet; thence S12°04'25"W, 246.49 feet; thence S36°01'40"W, 195.20 feet; thence N90°00'00"W, 273.78 feet; thence N58°25'57"W, 343.10 feet; thence N90°00'00"W, 84.78 feet; thence N54°19'37"W, 189.42 feet to a point on the east line of Reserve "I", Auburn Hills 5th Addition, Wichita, Sedgwick County, Kansas; thence N35°40'23"E along the east line of said Reserve "I", 74.53 feet to a deflection corner in said east line; thence N00°21'41"E along the east line of said Reserve "I", 163.35 feet to a deflection corner in said east line; thence N49°18'04"W along the northeast line of said Reserve "I", 446.18 feet to a

deflection corner in said northeast line; thence N89°28'51"W along the north line of said Reserve "I", 134.98 feet to the SE corner of Lot 49, Block B, in said Auburn Hills 5th Addition; thence N00°31'09"E along the east line of said Lot 49, and as extended north, 184.00 feet to the NE corner of Moscelyn as dedicated in said Auburn Hills 5th Addition; thence N89°28'51"W along the north line of said Moscelyn, 39.26 feet to the SE corner of Lot 11, Block A, in said Auburn Hills 5th Addition; thence N00°31'09"E along the east line of said Lot 11, 129.95 feet to the NE corner of said Lot 11; thence S89°28'51"E along the north line of said SW 1/4, 1603.68 feet to the point of beginning.

DESCRIPTION "E"

All of Lots 1 through 27, inclusive, Block A, TOGETHER with all of Lots 1 through 17, inclusive, Block B, TOGETHER with all of Lots 1 through 4, inclusive, Block C, TOGETHER with all of Lots 1 through 15, inclusive, Block D, all in Auburn Hills 13th Addition, Wichita, Sedgwick County, Kansas, TOGETHER with all of Lots 1 through 4, inclusive, Block A, TOGETHER with all of Lots 1 through 51, inclusive, Block B, TOGETHER with all of Lots 1 through 15, inclusive, Block C, TOGETHER with all of Lots 1 through 13, inclusive, Block D, all in Auburn Hills 15th Addition, Wichita, Sedgwick County, Kansas, and TOGETHER with that part of Reserve "A", in said Auburn Hills 15th Addition, described as follows: Beginning at the most southerly corner of Lot 6, Block D, in said Auburn Hills 15th Addition; thence N60°27'30"E along the southeast line of said Lot 6, 78.61 feet to the most easterly SE corner of said Lot 6; thence S00°10'04"W along the east line of said Reserve "A", 103.84 feet to the intersection with the southeasterly extension of the lot line common to said Lot 6 and Lot 7 in said Block D; thence N46°17'18"W along said extended common lot line, 94.19 feet to the point of beginning, and TOGETHER with that part of Reserve "A", in said Auburn Hills 15th Addition described as follows: Beginning at the most southerly corner of Lot 7, Block D, in said Auburn Hills 15th Addition; thence N60°27'30"E along the southeast line of said Lot 7, 115.91 feet to the most easterly corner of said Lot 7; thence S46°17'18"E along the southeasterly extension of the lot line common to said Lot 7 and Lot 6 in said Block D, 94.19 feet to a point on the east line of said Reserve "A"; thence S33°12'10"W, 16.40 feet; thence S57°45'39"W, 61.31 feet; thence S73°01'12"W, 39.91 feet; thence N69°05'41"W, 31.73 feet to the intersection with the southeasterly extension of the lot line common to said Lot 7 and Lot 8 in said Block D; thence N36°21'35"W along said extended lot line, 67.92 feet to the point of beginning, and TOGETHER with that part of Reserve "A", in said Auburn Hills 15th Addition, described as follows: Beginning at the most southerly corner of Lot 8, Block D, in said Auburn Hills 15th Addition; thence N60°27'30"E along the southeast line of said Lot 8, 102.65 feet to the most easterly corner of said Lot 8; thence S36°21'35"E along the southeasterly extension of the lot line common to said Lot 8 and Lot 7 in said Block D, 67.92 feet; thence N89°57'44"W, 127.23 feet to the intersection with the southeasterly extension of the lot line common to said Lot 8 and Lot 9 in said Block D; thence N30°20'23"W along said extended common lot line, 4.64 feet to the point of beginning.

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DESCRIPTION "F"

Lots 1 through 8, inclusive, Block A, TOGETHER with Lot 10, Block A, TOGETHER with Lot 9, Block A, EXCEPT that part of said Lot 9 described as follows: Beginning at the NE corner of said Lot 9; thence S81°07'58"W along the north line of said Lot 9, 63.29 feet to a deflection corner in said north line; thence S76°40'32"E, 60.33 feet to a point on the east line of said Lot 9; thence N09°11'55"E along the east line of said Lot 9, 23.97 feet to the point of beginning, TOGETHER with Lots 1 through 4, inclusive, Block B, all in Auburn Hills 11th Addition, Wichita, Sedgwick County, Kansas.

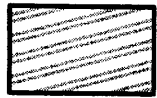
DESCRIPTION "G"

All of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27, Block A, together with all of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15, Block B, together with all of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13, Block C, together with all of Lots 1, 2, 3, 4, and 5, Block D, all as platted in Auburn Hills 14th Addition, Wichita, Sedgwick County, Kansas, TOGETHER with all of Lots 34 and 35, Block A, together with all of Lots 1, 2, 3, 4, 5, 6, 7, 8, 13, and 15, Block C, all as platted in Auburn Hills 12th Addition, Wichita, Sedgwick County, Kansas.

DESCRIPTION "H"

The NW ¼ of Sec. 26, Twp. 27-S, R-2-W of the 6th P.M., Sedgwick County, Kansas EXCEPT the west 630.00 feet thereof, and EXCEPT the following described tract: Beginning at the NE corner of said NW ¼; thence southerly along the east line of said NW ¼, 281.00 feet to the NE corner of City View St. as dedicated in Maple Hill Second Addition, Sedgwick County, Kansas; thence westerly along the north line of said Maple Hill Second Addition, 470.00 feet to the SE corner of Lot 7, Maple Hill Addition, Sedgwick County, Kansas; thence northerly along the east line of said Lot 7, and as extended northerly 281.00 feet to a point on the north line of said NW ¼; thence easterly along the north line of said NW ¼, 470.00 feet to the point of beginning, and EXCEPT that part platted as Maple Hill Addition, Sedgwick County, Kansas, and EXCEPT that part platted as Maple Hill Second Addition, Sedgwick County, Kansas, and EXCEPT that part platted as Maple Hill Third Addition, Sedgwick County, Kansas, and EXCEPT that part platted as Maple Hill Fourth Addition, Sedgwick County, Kansas, and EXCEPT that part dedicated for road in Film 145 at Page 102, and EXCEPT that part of said NW ¼ described as follows: Commencing at the NW corner of said NW ¼; thence S89°48'06"E (assumed) along the north line of said NW ¼, 630.02 feet to a point 630.00 feet normally distant east of the west line of said NW ¼, and for a point of beginning; thence continuing S89°48'06"E along the north line of said NW ¼, 557.59 feet; thence S00°09'09"W, 227.00 feet; thence S35°34'22"E, 161.00 feet; thence S09°56'20"E, 63.00 feet; thence S34°26'33"W, 142.00 feet; thence S46°44'03"W, 227.00 feet; thence N81°43'38"W, 417.85 feet to a point 630.00 feet normally distant east of the west line of said NW ¼; thence N00°13'02"W parallel with the west line of said NW ¼, 634.51 feet to the point of beginning, subject to road rights-of-way of record.

EXHIBIT "A"



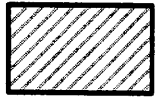
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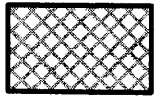
(B)



(C)



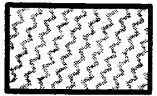
(D)



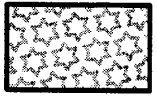
(E)



(F)

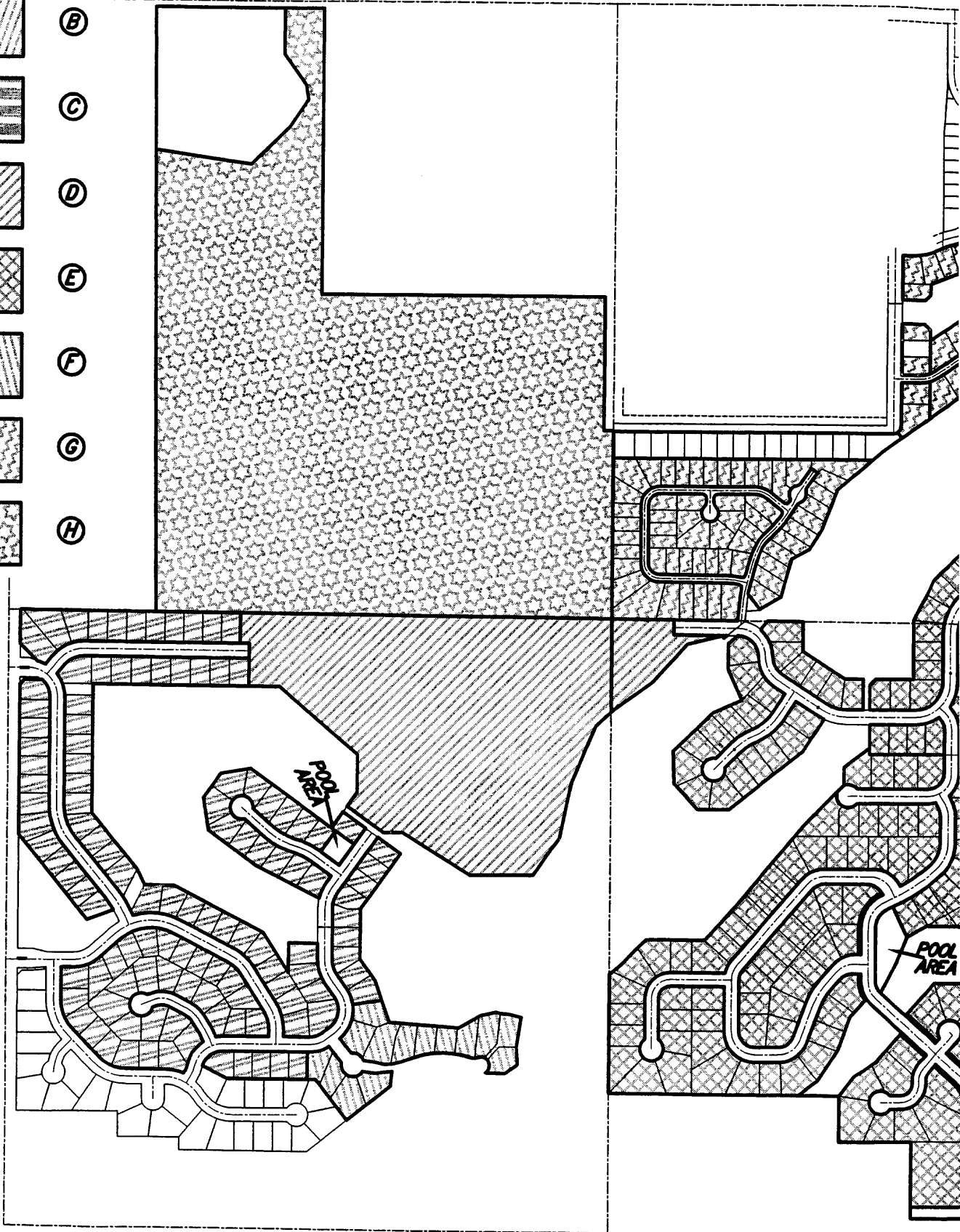


(G)



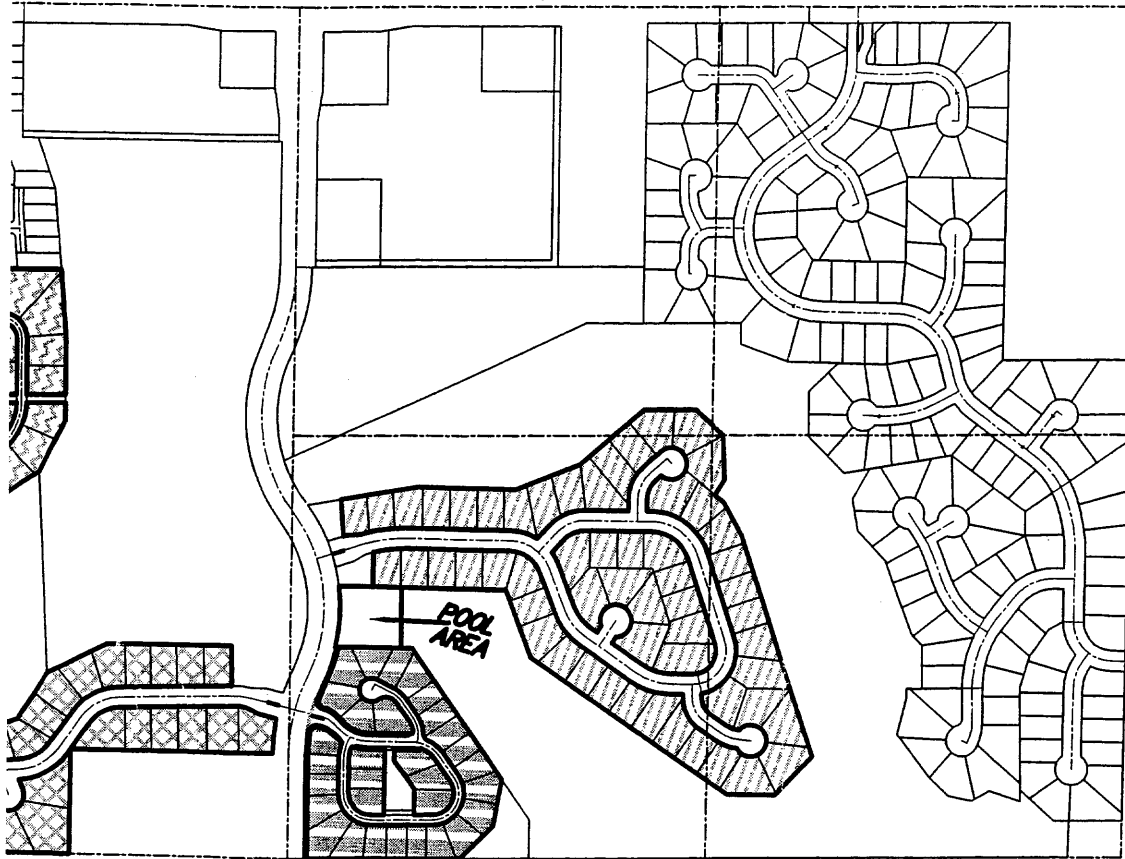
(H)

151ST STREET WEST

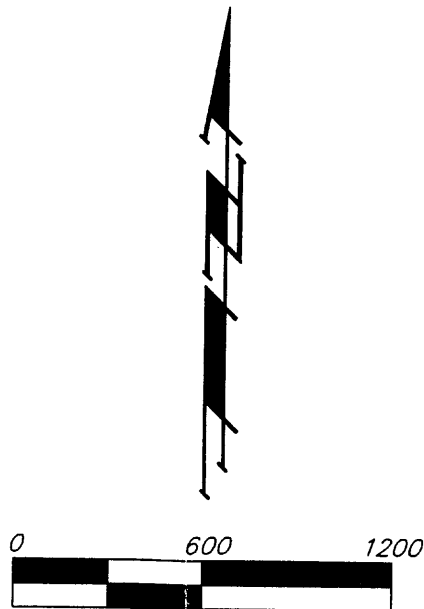


KELLOGG (U.S. HIGHWAY 54)

MAPLE (6TH STREET SOUTH)



135TH STREET WEST



21 JAN 2005

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BAUGHMAN COMPANY P. A.

ENGINEERING, SURVEYING, & PLANNING

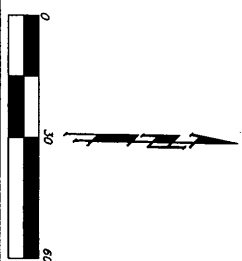
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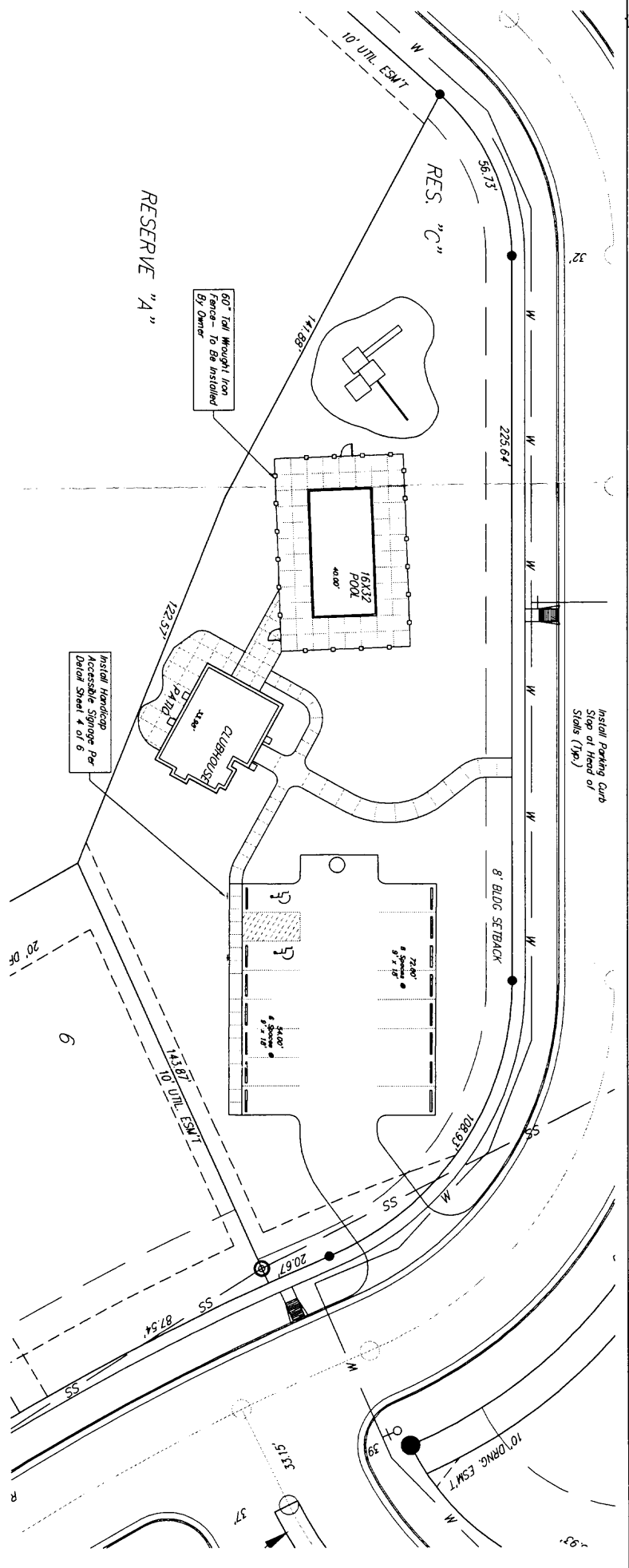
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EXHIBIT "B"

Additional Swimming Pool Facilities

1. Lot 2, Block B, Auburn Hills 5th Addition, Wichita, Sedgwick County, Kansas – see pool layout attached hereto as Attachment 1.
2. Reserve "C", Auburn Hills 15th Addition, Wichita, Sedgwick County, Kansas – see pool layout attached hereto as Attachment 2.

[illegible]



Auburn Hills 16th Community Pool
Layout Plan
MECHANICAL

BAUGHMAN COMPANY P.A.
ENGINEERING, SURVEYING & PLANNING
11520 N. HAWTHORNE AVE. SUITE 100
TROY, MI 48063-1000
TEL: 313.781.1000
FAX: 313.781.1001
WWW.BAUGHMANCOMPANY.COM

DATE	DESCRIPTION	BY	CHKD
10/14/04	15-POOL SITE PLAN	3	8

Sketch 14 and 15-POOL SITE PLAN.dwg

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