

ORIGINAL COMPARED WITH RECORD

COUNTY OF KANSAS  
COUNTY OF JOHNSON  
FILED FOR RECORD

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FIRST AMENDMENT TO DECLARATION OF RESTRICTIONS  
AND RELINQUISHMENT OF DEVELOPER'S RIGHTS AND DUTIES  
UNDER DECLARATION OF RESTRICTIONS

SARA F. ULLMANN  
REGISTER OF DEED

WHEREAS, Blue Valley West Partnership (the "Partnership"), has heretofore executed a Certificate of Survey ("Survey") on certain real property situated in Johnson County, Kansas, described as follows, to-wit:

The east 1/2 of the northeast quarter of Section 24 Township 14 Range 24, Johnson County, Kansas, except part in dedicated roads,

which Survey was recorded on the 28th day of March, 1978, in the Office of Register of Deeds of Johnson County, Kansas under Document No. 1157824 in Plat Book 1317 at Page 13, such Survey designating all of the above described real estate as Blue Valley West, a subdivision in Johnson County, Kansas; and

WHEREAS, said Partnership executed a Declaration of Restrictions ("Declaration") dated June 9, 1978, recorded in Book 1345 at Page 975 in the Office of the Register of Deeds for Johnson County, Kansas; and

WHEREAS, the Partnership on March 16, 1984 assigned to Marcon Country Homes, Inc., a Kansas corporation ("Marcon"), all of the Partnership's rights as developer under the Declaration; and

WHEREAS, the property owners within the subdivision have created the Ryan's Run Homes Association ("Association") and Marcon and the Association will file of record simultaneously with this First Amendment to Declaration of Restrictions a homes association document known as the Ryan's Run Homes Association Declaration; and

WHEREAS, the Association and Marcon desire to change the

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name of said subdivision to Ryan's Run, which is the name by which the subdivision is presently known and operated; and

WHEREAS, the Blue Valley West subdivision, now to be known as Ryan's Run, is completed and Marcon and the Association desire that the duties of the developer under the Declaration be assigned to and assumed by the Association;

NOW, THEREFORE, in consideration of the premises, Marcon, for itself and for its successors and assigns, and the Association, hereby declare that the following described real estate situated in Johnson County, Kansas and described as follows, to-wit:

The east 1/2 of the northeast  
quarter of Section 24 Township 14  
Range 24, Johnson County, Kansas,  
except part in dedicated roads,

as shown on the Survey and known as Blue Valley West, a subdivision in Johnson County, Kansas, shall be and the same shall hereafter be known as Ryan's Run, a subdivision in Johnson County, Kansas, and that hereafter all documents pertaining to such real property including the Ryan's Run Homes Association shall bear the name of Ryan's Run.

BE IT FURTHER declared that Marcon in accordance with the Declaration does hereby relinquish, transfer, assign, release, deed, and quit claim to the Association all of the rights and duties of developer under the Declaration, and the Association hereby receipts and assumes all such privileges and responsibilities as set forth in the Declaration. Marcon shall have no liability for actions hereafter taken by or omissions of the Association as developer under the Declaration.

IN WITNESS WHEREOF, Marcon has caused this First

Amendment to Declaration of Restrictions and Relinquishment of Developer's Rights and Duties under Declaration of Restrictions to be exercised on this \_\_\_\_ day of August, 1991.

Attest:

Marlin Constance  
Secretary

MARCON COUNTRY HOMES, INC.

By Marlin Constance  
President  
MARLIN CONSTANCE

STATE OF KANSAS )  
COUNTY OF JOHNSON ) ss.

On the 24 day of DECEMBER, 1991, before me, a Notary Public in and for said county and state aforesaid, came Marlin Constance, to me personally known, who being by me duly sworn, did say that he is the President of Marcon Country Homes, Inc., a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors, and said Marlin Constance acknowledged said instrument to be the free act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal at my office in Johnson County, the day and year last above written.

My commission expires:

Linda L. Carolan  
Notary Public in and for said  
County and State  
LINDA L CAROLAN

IN WITNESS WHEREOF, the undersigned Ryan's Run Homes Association does hereby consent to and accepts the terms and conditions of the First Amendment of Declaration of Restrictions and the Relinquishment of Developer's Rights and Duties under Declaration of Restrictions this 24 day of DECEMBER, 1991.

RYAN'S RUN HOMES ASSOCIATION

By *Kim T Hoffman*  
President  
Kim T. Hoffman

STATE OF KANSAS       )  
                              ) ss  
COUNTY OF JOHNSON    )

On the 23 day of ~~August~~ <sup>DECEMBER</sup>, 1991, before me, a Notary Public in and for said county and state aforesaid, came \_\_\_\_\_, to me personally known, who being by me duly sworn, did say that he is the President of Ryan's Run Homes Association, and that said instrument was signed in behalf of said association by authority of its Board of Directors, and said \_\_\_\_\_ acknowledged said instrument to be the free act and deed of said association.

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

My commission expires:

8/7/94

*Peter A Duedrich*  
Notary Public  
PETER H DIEDRICH