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STATE OF KANSAS }  
COUNTY OF JOHNSON } SS  
FILED FOR RECORD

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SARA F. ULLMANN  
REGISTER OF DEEDS

AMENDMENT TO  
DECLARATION OF RESTRICTIONS

**STONEGATE**

THIS AMENDMENT is entered into this 10th day of April, 2000 by Stonegate Home Owners' Association, a Kansas Corporation ("Association") with a mailing address of P.O. Box 26554, Overland Park, KS 66213.

WHEREAS, the Association desires to amend certain Declaration of Restrictions as originally recorded in the Office of the Register of Deeds of Johnson County, Kansas at Volume 3390, at Page 693 on July 16, 1991, and whose amendment is recorded in the Register of Deeds of Johnson County, Kansas at Volume 4246, at Page 240 on February 16, 1994.

WHEREAS, the Declaration as hereby amended encumbers and subjects thereto the real property more fully described as:

Lots 1 through 51, inclusive, STONEGATE 1ST PLAT, and Lots 52 through 97, inclusive, STONEGATE 2ND PLAT, a subdivision in the City of Overland Park, Johnson County, Kansas, according to the recorded plats thereof.

NOW THEREFORE, in consideration of the mutual covenants herein contained, the undersigned do hereby modify and amend said Declaration of Restrictions as they pertain to the Stonegate on the Park subdivision, as follows:

**1. Intent and Purpose:** It is the intent and purpose of this amendment to modify the current Declaration of Restrictions pertaining to the use of certain types of roofing materials that are governed by Ordinance No. BC-2167, adopted by the Governing Body of the City of Overland Park, Kansas. BC-2167 provides that Declaration of Restrictions that prohibit the use of composite, slate, tile, clay or concrete roofing materials may not legally be enforced, but further provides that Declaration of Restrictions that regulate the colors, styles, dimension or other aesthetic factors of roofing materials are allowed. It is the specific intent and purpose of this amendment to implement Ordinance No. BC-2167 by allowing the use of composite, slate, tile, clay or concrete roofing materials as required by law, and to regulate the aesthetic factors of such additional roofing materials to ensure that they are compatible with existing and future wood shingle or wood shake shingle roofs that may be constructed or reconstructed within this subdivision.

**2. Construction or Alteration:** No roof structure consisting of roofing materials other than wood shingles or wood shake shingles shall be commenced, erected, altered or placed onto any property within the Stonegate on the Park subdivision, unless complete plans, specifications, descriptions, and a material sample of the proposed alternate roofing materials shall have been submitted to and approved in writing by the Architectural Control Committee ("ACC"). Such plans, specifications and materials shall be in the form and contain the information required by the ACC, but in any event shall include a complete set of specifications satisfactory to the ACC, including the exterior color scheme and the nature, kind, shape, weight, composition and dimension of the materials.

**3. Criteria for Approval of Alternate Roofing Materials:** The following criteria shall be used by the ACC in reviewing the proposed use of alternate roofing materials:

A. Roofing materials shall be of colors that blend and are compatible and not noticeably inconsistent with surrounding landscaping and other roofing materials in the Stonegate on the Park subdivision. Proposed colors should be visually indistinguishable from the original colors on one or more homes located in the same neighborhood. The following colors, subject to review of the specifications and a sample of the materials, shall be presumed to meet this requirement: general earthtone of grey-brown similar to color of naturally aged cedar wood shake shingles.

B. Review of roofing materials by the ACC will be based on architectural style, quality of workmanship and on the visual impact of the roof when seen from the lot, neighboring lots, dwellings, roads and Open Spaces.

C. Roofing materials should be architectural shingles designed to replicate the beauty of natural materials, constructed of a thickness, rich texture and multi-dimensional design that creates shadow lines and evokes the depth and dimension of wood shakes on the roof. Acceptable designs may include, without being limited to, the following: using a variation of surfaces, including weathered surfaces; randomly-applied tabs; muted or distinctive shadow lines; use of different colors of granules; use of crude-style flat tile slightly convoluted to simulate the appearance of tree bark; use of rough, textured surface and severely chipped butt; irregular lengths; rustic-style flat slab shingle with a cratered, weathered and irregular surface; use of distinct color blends and multiple shadows to create a multi-dimension effect; uneven surfaces and rounded, softly chipped or

tapered; or any other combination of design, materials and colors that creates a multi-dimensional appearance that simulates the depth and three-dimension effect of wood shakes on the roof, resembling the natural and random textured look of wood shakes.

D. Composition shingles shall be a minimum of 340 lbs. per surface square foot, and shall have a minimum limited warranty of 40 years.

E. Shingles may not have an exposure to the weather of greater than 12 inches.

**4. Procedure:** The ACC's approval or disapproval as required in these covenants shall be in writing. In the event the committee or its designated representative fails to approve or disapprove within 30 days after all necessary plans, specifications and materials have been submitted to it, it shall be conclusively presumed that said plans and specifications have been approved and further approval will not be required, and related covenants shall be deemed to have been fully complied with.

**5. List of Acceptable Materials:** In lieu of complying with the requirements for the approval of roofing materials specified herein, the following specific products are approved for use as roofing materials within the Stonegate on the Park subdivision:

- (a) Timberline Ultra 40 in Driftwood Blend colors
- (b) Elk Prestique Plus
- (c) Owens Corning Oakridge 40
- (d) Celotex Dimensional Shake

**6. Remedies:** The Association may exercise any and all rights and remedies at law and in equity in order to enforce a violation of the Declaration of Restrictions.

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The Declaration, as amended herein, is hereby ratified and affirmed.

IN WITNESS WHEREOF, the undersigned have executed this instrument this 10th day of April, 2000.

STONEGATE HOME OWNERS' ASSOCIATION  
A Kansas Corporation

By: Debbie Knakal  
Debbie Knakal  
President

STATE OF KANSAS, JOHNSON COUNTY, SS.:

BE IT REMEMBERED, that on this 10th day of April, 2000, before me the undersigned, a Notary Public in and for the county and state aforesaid, came Debbie Knakal, President of STONEGATE HOME OWNERS' ASSOCIATION, a Kansas Corporation, who is personally known to me to be the same person who executed, as such officer of the Corporation, the within instrument 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 affixed my notarial seal the day and year last above written.

Stacia Taylor  
Notary Public

My Appointment Expires:

9-28-02

