

FILE RECORD

ENTERED BOOK NO. 833 PAGE 68

COMPARED INDEX CL

E Joni Pflumm
Lathrop & Dage
10851 Martin Blvd
Bldg 82 Ste 1000
Overland Park, KS 66212-766

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48 #14612



STATE OF MISSOURI } SS IN THE RECORDERS OFFICE
County of Bates

Lucille Munday, Recorder of said county, does hereby certify that the within instrument of writing was on the 24 day of February A.D. 20 05 duly filed for record in this office at 8 o'clock 35 minutes A M and is recorded in the records of this office in Book 833 on Page 68

In Witness Whereof, I have hereunto set my hand

and affixed my official seal at office in Butler, Missouri

this 24 day of February A.D. 20 05

By Lucille Munday Recorder
Deputy.

AMENDMENT TO DECLARATION OF RESIDENTIAL COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE DEER CREEK LAKE SUBDIVISION

THIS AMENDMENT is made and entered into as of this 22nd day of February, 2005 by FOOTE DCL, LLC, a Missouri limited liability company ("Foote"), BC NATIONAL BANKS ("Bank"), ROBERT E. McCARL, II ("REM"), TRINA L. McCARL ("TLM"), husband and wife (REM and TLM are collectively referred to herein as the "McCarls"), BETTY MURPHY, as TRUSTEE of the Betty Irene Murphy Trust, under Declaration of Trust Dated September 28, 1993 (the "Trust"), ROGERS SAATHOFF ("RS") and GOLDIE SAATHOFF ("GS"), husband and wife (RS and GS are collectively referred to herein as the "Saathoffs"), and KEN JACOB ("KJ") and DALE JACOB ("DJ"), husband and wife (KJ and DJ are collectively referred to herein as the "Jacobs") (Foote, Bank, McCarls, Trust, Saathoffs and Jacobs are sometimes collectively referred to herein as the "Grantors").

WITNESSETH:

WHEREAS, Grantors are the owners of the real property described on Exhibit A (which is attached hereto and incorporated by this reference), which consists of all of Lots 1 through 72 (except Lot 8) in Deer Creek Lake, a subdivision in Bates County, Missouri (the "Property"); and

WHEREAS, the Property is subject to a certain Declaration of Residential Covenants, Conditions and Restrictions which was recorded April 13, 1999 in Book 716 at Page 272 in the office of the Recorder of Deeds of Bates County, Missouri (the "Recorder"); was amended by an instrument recorded with the Recorder on January 1, 2000 in Book 726 at Page 441, was further amended by an instrument recorded with the Recorder on March 13, 2000 in Book 728 at Page 272 and was further amended by that certain Third Amended Declaration of Residential Covenants, Conditions and Restrictions that was recorded with the Recorder on June 1, 2001 in Book 748 at Page 193 (the "Declaration"); and

WHEREAS, for good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, the Grantors desire to amend the Declaration upon the terms hereafter set forth.

NOW, THEREFORE, Grantors, for the purposes set forth in the Declaration, declare that all portions of the Property shall hereafter be held, transferred, sold, conveyed, leased, occupied and used subject to the conditions, restrictions, privileges, rights and other terms hereinafter set forth, all of which shall run with the land and be binding upon all portions of the Property and all parties having or acquiring any right, title, or interest in or to all or any portion of the Property, and shall inure to the benefit of and be a burden upon each owner of any portion of the Property.

1. All of the capitalized terms used in this Amendment shall have the meanings given them in the Declaration, unless otherwise herein defined.

2. Section I, subsection 1 of the Declaration is amended to read as follows:

1. Minimum Size of Residences: No more than one home shall be erected on each lot in the subdivision. No fractional part of any lot shall be conveyed to any persons other than the owners of an adjacent full lot. Any residence constructed on Lots 1 - 7, 10, 12, 14, 16, 18, 20, 55, 56, 63, 64, 67 - 72 must have a minimum square footage of Enclosed Floor Area of 2,000 for the ground floor of any residence or 2,400 for the residence as a whole; and residences constructed on all remaining lots must have a minimum square footage of Enclosed Floor Area of 1,600 for the ground floor of any residence or 2,000 for the residence as a whole. "Enclosed Floor Area" as used in this Section means areas of the residence enclosed and finished for all year occupancy, computed on outside measurements of the residence, plus any finished living areas of basements or attics, but excluding porches, patios and garages.

3. Section I, subsection 20 of the Declaration is amended to read as follows:

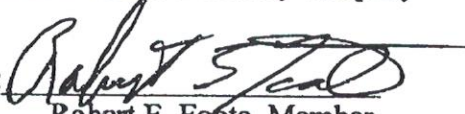
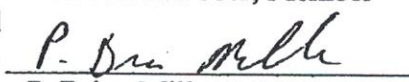
20. Private Road: The private road dedicated for the use of lot owners in Deer Creek Lake, shall hereafter be the property of Deer Creek Lake Homeowners' Association. There shall be no parking upon said road, except in an emergency, or by permission of the Homeowners' Association. The Homeowners' Association may, at its discretion, dedicate or convey said streets and associated right of way as a public street or road.

4. Notwithstanding any provision to the contrary in the Declaration, Lot 5 is exempt from the obligations set out in the Declaration, shall not receive any benefits from the Declaration and shall not be provided a vote in the Homeowner's Association, and the signature of the owner of Lot 5 is not necessary to further amend or modify the Declaration.

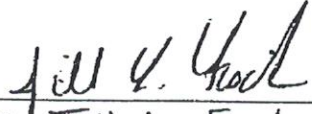
5. The Declaration, as herein amended, shall continue in full force and effect in accordance with the terms thereof.


IN WITNESS WHEREOF, the Grantors have caused this Amendment to be duly executed as of the date first set forth above.

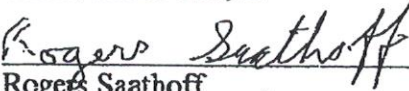
FOOTE DCL, L.L.C.
a Missouri limited liability company

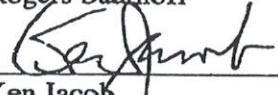
By: 
Robert E. Foote, Member
and
By: 
P. Brian Miller, Member


BC NATIONAL BANKS

By: 
Name: Jill L. Fischer
Title: Sr. Loan Officer

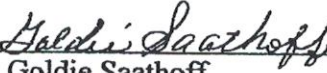

Robert E. McCarl, II

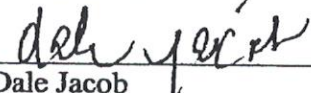

Rogers Saathoff


Ken Jacob


BETTYIRENE MURPHY, TRUSTEE
of the Betty Irene Murphy Trust, under
Declaration of Trust Dated September 28, 1993


Trina L. McCarl

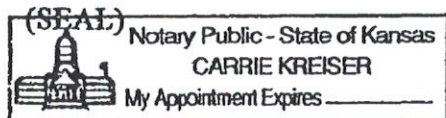

Goldie Saathoff


Dale Jacob

STATE OF KS)
COUNTY OF JO) ss.

On this 22 day of FEBRUARY, 2005, before me a Notary Public, personally appeared **Robert E. Foote**, a member of **Foote DCL, LLC**, a Missouri limited liability company, known to me to be the person who executed the foregoing instrument and who acknowledged to me that he executed the same on behalf of said limited liability company for the purposes therein stated as its free act and deed.

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



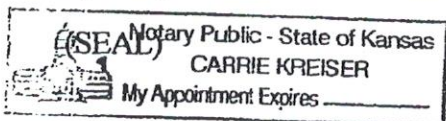
Print Name: CARRIE KREISER
Title: Notary Public

My Commission Expires: 9/23/2007

STATE OF KS)
COUNTY OF JO.) ss.

On this 22 day of FEBRUARY, 2005, before me a Notary Public, personally appeared **P. Brian Miller**, a member of **Foote DCL, LLC**, a Missouri limited liability company, known to me to be the person who executed the foregoing instrument and who acknowledged to me that he executed the same on behalf of said limited liability company for the purposes therein stated as its free act and deed.

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



Print Name: CARRIE KREISER
Title: Notary Public

My Commission Expires: 9/23/2007

STATE OF MO)
COUNTY OF Bates) ss.

On this 26 day of October, 2004, before me a Notary Public, personally appeared Jill Fischer, as the Sk loan officer of **BC National Banks**, a national bank, known to me to be the person who executed the foregoing instrument and who acknowledged to me that he executed the same on behalf of said bank for the purposes therein stated as its free act and deed.

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

(SEAL)

Joni L. Miller
Print Name: Joni L. Miller
Title: Notary Public

My Commission Expires: 8-13-08

JONI L. MILLER
Notary Public - Notary Seal -
STATE OF MISSOURI
BATES COUNTY
My Commission Expires: 8-13-08

STATE OF KS)
COUNTY OF To) ss.

On this 27 day of SEPTEMBER, 2004, before me a Notary Public, personally appeared **Betty Irene Murphy**, as the **Trustee of the Betty Irene Murphy Trust, under Declaration of Trust Dated September 28, 1993**, known to me to be the person who executed the foregoing instrument and who acknowledged to me that she executed the same on behalf of said trust for the purposes therein stated as its free act and deed.

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

(SEAL)

CARRIE KREISER
Print Name: CARRIE KREISER
Title: Notary Public CARRIE KREISER

My Commission Expires: 9/23/07



STATE OF KS)
COUNTY OF Jo) ss.

On this 22 day of SEPTEMBER, 2004, before me a Notary Public, personally appeared **Robert E. McCarl, II**, known to me to be the person who executed the foregoing instrument and who acknowledged to me that he executed the same for the purposes therein stated as his free act and deed.

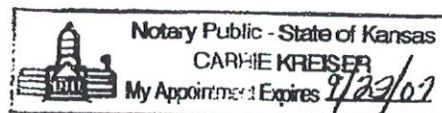
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year last above written.

(SEAL)

CARRIE KREISER
Print Name: _____
Title: Notary Public Carr Kreiser

My Commission Expires: 9/23/07

STATE OF KS)
COUNTY OF Jo) ss.



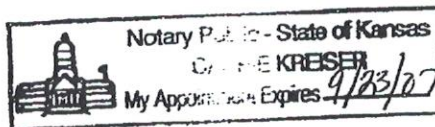
On this 22 day of SEPTEMBER, 2004, before me a Notary Public, personally appeared **Trina L. McCarl**, known to me to be the person who executed the foregoing instrument and who acknowledged to me that she executed the same for the purposes therein stated as her free act and deed.

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

(SEAL)

CARRIE KREISER
Print Name: _____
Title: Notary Public Carr Kreiser

My Commission Expires: 9/23/07



STATE OF Ks)
COUNTY OF To) ss.

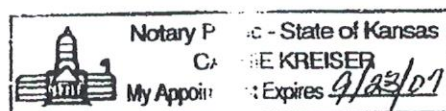
On this 22 day of SEPTEMBER, 2004, before me a Notary Public, personally appeared **Rogers Saathoff**, known to me to be the person who executed the foregoing instrument and who acknowledged to me that he executed the same for the purposes therein stated as his free act and deed.

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

(SEAL)

CARRIE KREISER
Print Name: _____
Title: Notary Public Carrie Kreiser

My Commission Expires: 9/23/2007



STATE OF Ks)
COUNTY OF To) ss.

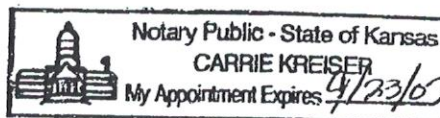
On this 22 day of SEPTEMBER, 2004, before me a Notary Public, personally appeared **Goldie Saathoff**, known to me to be the person who executed the foregoing instrument and who acknowledged to me that she executed the same for the purposes therein stated as her free act and deed.

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

(SEAL)

CARRIE KREISER
Print Name: _____
Title: Notary Public Carrie Kreiser

My Commission Expires: 9/23/2007



STATE OF KS)
COUNTY OF JO) ss.

On this 21 day of FEBRUARY, 2005, before me a Notary Public, personally appeared **Ken Jacob**, known to me to be the person who executed the foregoing instrument and who acknowledged to me that he executed the same for the purposes therein stated as his free act and deed.

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



Print Name: CARRIE KREISER
Title: Notary Public

My Commission Expires: 9/23/2007

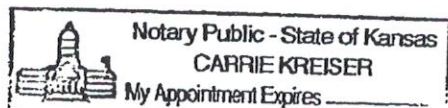
Carrie Kreiser

STATE OF KS)
COUNTY OF JO) ss.

On this 21 day of FEBRUARY, 2005, before me a Notary Public, personally appeared **Dale Jacob**, known to me to be the person who executed the foregoing instrument and who acknowledged to me that she executed the same for the purposes therein stated as her free act and deed.

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

(SEAL)



Print Name: CARRIE KREISER
Title: Notary Public

My Commission Expires: 9/23/2007

Carrie Kreiser

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

Tract I: all that part of the south half of section 34 lying East of new Highway Route 71 and North of Highway Route 18 except the East 2361.00 feet thereof. Also the Southwest Quarter of the Northeast Quarter and all the South half of the Northwest Quarter of Section 34 lying East of new Highway 71, all in Township 42 North, Range 31 West of the 5th Principal Meridian in Bates County, Missouri; and

Tract II: all of the North 360.00 feet of the West 600.00 feet of the East 2361.00 feet of the South half of Section 34, Township 42 North, Range 31 West of the 5th Principal Meridian in Bates County, Missouri;

(which Tract I and Tract II include, without limitation, Lots 1 through 72, inclusive, of the Deer Creek Lake Subdivision, a subdivision in Bates County, Missouri, according to the plats thereof recorded in Plat Book 4 at Page 49 on April 13, 1999 and in Plat Book 4 at Page 51 on July 14, 1999 in the office of the Recorder of Deeds of Bates County, Missouri and also includes, without limitation, the common areas and streets depicted in such plats)

LESS AND EXCLUDING Lot 8 of the Deer Creek Lake Subdivision, a subdivision in Bates County, Missouri, according to the aforementioned recorded plats thereof.