

HOMES ASSOCIATION DECLARATION

THIS DECLARATION, made on this 17th day of June, 19 87, by Waterfield North Limited Partnership, a Missouri Limited Partnership,

W I T N E S S E T H:

WHEREAS, Waterfield North Limited Partnership is the owner of all of the lots shown on the plat of Waterfield North, a subdivision of land in the City of Blue Springs, Missouri, filed for record on _____, 19_____, in the office of the Register of Deeds of Jackson County, Missouri, and recorded in Book _____ of Plats, at Page _____; and

WHEREAS, Waterfield North Limited Partnership is now developing said Waterfield North for residence purposes and it is its desire to create and maintain a residential neighborhood possessing features of more than ordinary value.

NOW THEREFORE, to provide the means necessary to achieve such purpose, Waterfield North Limited Partnership does now and hereby subject certain lots of Waterfield North, as shown on the aforesaid plat, to the covenants, charges and assessments set forth, contained and provided for in this Declaration.

DEFINITIONS OF TERMS USED.

The term "district" as used in this Declaration shall mean all of the lots enumerated herein as shown on the aforesaid plat of Waterfield North, together with all other land which shall from time to time be subjected to the terms of this Declaration. The term "improved property," as used herein, shall be deemed to mean a single tract of land under a single ownership and use, on which a residence or other structure not in violation of the recorded restrictions has been or is being erected; any such tract may consist of one or more contiguous lots or part or parts thereof. Any other land covered by this Declaration shall be deemed to be vacant and unimproved. The term "public place" as used herein shall be deemed to mean all streets, all parks at street intersections or elsewhere, and all similar places the use of which is dedicated to or set aside for the use of the general public, or for the general use of all of the owners within the district, or which may, with appropriate consent, be used by all of the owners of the district. The term "owners" as used herein shall mean those persons or corporations who may from time to time own the land within the district.

SECTION 1. MEMBERSHIP IN ASSOCIATION. The owners of all of Lots 1-38, inclusive, of Waterfield North, as shown on the recorded plat thereof, together with the owners of any other land which may from time to time be made subject to all of the terms and provisions of this Declaration in the manner hereinafter provided for, shall be the members of an Association, which is hereby created and established, to be known as the WATERFIELD NORTH HOMES ASSOCIATION. The Association shall be incorporated under the laws of the State of Missouri as a corporation not organized for profit.

Membership in the Association shall be limited to the owners of land within the boundaries of the district as it exists from time to time. The Association shall be the sole judge of the qualifications of its members and of their right to participate in its meetings and proceedings.

SECTION 2. LAND ENTITLED TO BENEFITS. No land shall be entitled to any of the benefits, improvements or services provided by this Association unless the owner or owners thereof shall have subjected their land to the terms of this Declaration and to the assessments herein provided for.

SECTION 3. OTHER LANDS - HOW THEY MAY BE ADDED. The General Partner of Waterfield North Limited Partnership or his or its assigns may from time to time add to the district such land as is now or hereafter owned or approved for addition by said limited partnership, provided that land so added to the district shall at that time be bound by all of the terms of this Declaration and any future modifications thereof, except that in the addition to the district of land owned by a church and used for church purposes or land devoted to park purposes, Waterfield North Limited Partnership shall have the right to provide that such land shall not be obligated to pay the assessments herein provided for so long as it is used for such purposes. The Association may unite or combine with any other association similarly organized, operating on a similar basis, and having jurisdiction of land lying within Jackson County, Missouri.

SECTION 4. POWERS AND DUTIES OF THE ASSOCIATION . The Association shall have the following powers and duties, which it may exercise and perform whenever in its discretion it may deem them necessary or desirable, to-wit:

1. To enforce, either in its own name or in the name of any owner within the district, any and all restrictions which have been or hereafter may be imposed upon any of the land in the district, either as originally placed thereon or as modified subsequently. This right of enforcement shall not serve to prevent such changes, releases or modifications of restrictions or reservations being made by the parties having the right to do so under the terms of the deeds, declarations, contracts or plats in which such restrictions and reservations are set forth; nor shall it serve to prevent the assignment of those rights by the proper parties, wherever and whenever such rights of assignment exist. The expenses and costs of any enforcement proceedings shall be paid out of the general fund of the Association as herein provided for. Nothing herein contained shall be deemed or construed to prevent any owner having the contractual right to do so from enforcing in his own name any such restrictions.

2. To manage and control as Trustee for its members all public improvements upon and to the land in the district, or improvements in public places, provided that such management and control of said improvements shall at all time be subject to that and exercised by and City, Township, County and State in which land within the district is located.

3. To provide for collection and disposal of rubbish and garbage.

4. To care for, spray, trim, protect and replant trees on all streets and in other public places in the district; to care for, protect and replant shrubbery, resow grass, and replace sod in parks which are in streets and in any parks set aside for general use of owners in the district, or to which such owners have access and the use thereof, or on landscaped easements where the maintenance thereof is for the welfare and benefit of the entire district in the judgment of the Board of Directors.

5. To mow, care for, maintain and remove rubbish from vacant and unimproved property and to do any other things necessary or desirable in the judgment of the officers of the Association to keep any vacant and unimproved property and the parking in front of any property in the district neat in appearance and in good order.

6. To provide for plowing and removal of snow from sidewalks and streets.

7. To provide for maintenance of any pedestrian ways, gateways, entrances, fountains, gardens, pools, lighting, water sprinkling systems, landscaped areas within public rights-of-way and platted landscape easements, fences and ornamental features now existing or which may hereafter be erected or created in said district in any public street or park or on any land set aside for the general use of owners in the district.

8. To provide for maintenance and upkeep of any streams and natural water-courses within the district.

9. To provide such lights as the Association may deem advisable on streets, parks, parkings, pedestrian ways, gateways, entrances or other features, and in other public or semi-public places.

10. To provide for cleaning of streets, gutters, catch basins, sidewalks and pedestrian ways, and for repair and maintenance of storm sewers and appurtenant drainage facilities.

11. To erect and maintain signs for marking of streets, and safety signs for protection of children and other persons, after such signs are approved by appropriate public authorities.

12. To employ duly qualified officers for the purpose of providing such police protection as the Association may deem necessary or desirable in addition to that rendered by public authorities.

13. To exercise control over such easements as it may acquire from time to time.

14. To acquire and own title to such real estate as may be reasonably necessary in order to carry out the purpose of the Association and promote the health, safety, welfare and recreation of owners in the district; to pay taxes on real estate and facilities