



**FIRST AMENDMENT TO SADDLEBROOKE  
DECLARATION OF RESTRICTIONS**  
*(Synthetic Shake, Slate or Tile, Stone Coated Steel Roofing,  
and Asphalt Laminated Composition Shingles Roofs)*

**THIS FIRST AMENDMENT TO SADDLEBROOKE DECLARATION OF RESTRICTIONS** (hereafter the "First Amendment") is made effective on the date that all parties hereto have duly executed this First Amendment, and is entered into by and among SaddleBrooke Homes Association, Inc., a Kansas not-for-profit corporation (the "Association"), and the undersigned record owners in fee simple of a majority of the Lots located within the SaddleBrooke Lots (said term being defined below).

**RECITALS**

A. the following described real property lots (referred to herein collectively as the SaddleBrooke Lots"), located in the City of Shawnee, Johnson County, Kansas, consisting of 150 platted lots, are subject to the covenants, restrictions, easements and other provisions contained in the SaddleBrooke Documents (defined hereinafter):

Lots 1 through 47, SADDLEBROOKE 1<sup>ST</sup> PLAT, a subdivision in the City of Shawnee, Johnson County, Kansas according to the recorded plat thereof, said Plat being recorded in Plat Book 84 at page 7; and

Lots 1 through 19, THE ENCLAVES AT SADDLEBROOKE, a subdivision in the City of Shawnee, Johnson County, Kansas according to the recorded plat thereof, said Plat being recorded in Plat Book 86 at page 42 (Lots 4 through 7 of said plat being modified by A REPLAT OF LOTS 4 THRU 7 THE ENCLAVES AT SADDLEBROOKE, said Replat being recorded in Plat Book 102 at page 1, resulting in 18 lots in The Enclaves at SaddleBrooke); AND

Lots 72 through 87 and Tract A, SADDLEBROOKE 2<sup>ND</sup> PLAT, a subdivision in the City of Shawnee, Johnson County, Kansas according to the recorded plat thereof, said Plat being recorded in Plat Book 86 at page 43; AND

Lots 48 through 71, SADDLEBROOKE 3<sup>RD</sup> PLAT, a subdivision in the City of Shawnee, Johnson County, Kansas according to the recorded plat thereof, said Plat being recorded in Plat Book 92 at page 3.



Lots 88 through 96, SADDLEBROOKE 4<sup>th</sup> PLAT, a subdivision in the City of Shawnee, Johnson County, Kansas according to the recorded plat thereof, said Plat being recorded in Plat Book 100 at page 17; AND

Lots 1 through 36, SADDLEBROOKE ESTATES, a subdivision in the City of Shawnee, Johnson County, Kansas according to the recorded plat thereof, said Plat being recorded in Plat Book 100 at page 18.

B. By document entitled the "**SaddleBrooke Declaration of Restrictions**" dated May 20, 1993 and recorded as instrument number 2250434 in Volume 3941 at page 515 in the Office of the Register of Deeds of Johnson County, Kansas (hereafter the "**Original Declaration of Restrictions**"), Lots 1 through 47 of the SaddleBrooke 1<sup>st</sup> Plat were subjected to all of the provisions of the Original Declaration of Restrictions.

C. By document entitled "**The Enclaves at SaddleBrooke Declaration of Restrictions**" dated June 13, 1994 and recorded as instrument number 2403314 in Volume 4356 at page 884 in the Office of the Register of Deeds of Johnson County, Kansas, Lots 1 through 19 of The Enclaves at SaddleBrooke plat were subjected to all of the provisions of the Original Declaration of Restrictions.

D. By document entitled "**The Estates at SaddleBrooke 2<sup>nd</sup> Plat Declaration of Restrictions**" dated June 13, 1994 and recorded as instrument number 2403311 in Volume 4356 at page 876 in the Office of the Register of Deeds of Johnson County, Kansas, Lots 72 through 87 and Tract A of the SaddleBrooke 2<sup>nd</sup> Plat were subjected to all of the provisions of the Original Declaration of Restrictions.

E. By document entitled "**SaddleBrooke 3<sup>rd</sup> Plat Declaration of Restrictions**" dated July 27, 1995 and recorded as instrument number 2510615 in Volume 4639 at page 802 in the Office of the Register of Deeds of Johnson County, Kansas, Lots 48 through 71 of the SaddleBrooke 3<sup>rd</sup> Plat were subjected to all of the provisions of the Original Declaration of Restrictions.

F. By document entitled "**SaddleBrooke 4<sup>th</sup> Plat Declaration of Restrictions**" dated August 11, 1997 and recorded as instrument number 2730913 in Volume 5273 at page 708 in the Office of the Register of Deeds of Johnson County, Kansas, Lots 88 through 96 of the SaddleBrooke 4<sup>th</sup> Plat were subjected to all of the provisions the Original Declaration of Restrictions.

G. By document entitled "**SaddleBrooke Estates Declaration of Restrictions**", Lots 1 through 36 of the SaddleBrooke Estates Plat were subjected to all of the provisions of the Original Declaration of Restrictions.

H. By document entitled "**Bylaws of SaddleBrooke Homes Association, Inc.**" (referred to herein as the "Bylaws"), signed on August 16, 1995, various rules and regulations were adopted for the governance of the Association.

I. The Original Declaration of Restrictions, The Enclaves Declaration of Restrictions, The Estates at SaddleBrooke 2<sup>nd</sup> Plat Declaration of Restrictions, the SaddleBrooke 3<sup>rd</sup> Plat Declaration of Restrictions, the SaddleBrooke 4<sup>th</sup> Plat Declaration of Restrictions, the SaddleBrooke Estates Declaration of Restrictions, and the Bylaws are collectively referred to herein as the "SaddleBrooke Documents".





J. Section 13 of the Original Declaration of Restrictions provides for the manner in which its provisions may be amended or modified, in whole or in part, and specifically provides that "The provisions of this Declaration maybe amended, modified, or terminated, in whole or in part, at any time by a duly acknowledged and recorded written agreement (in one or more counterparts) signed by both: (a) the Owners (excluding therefrom the Developer if it is then an Owner) of a majority of the Lots (excluding those owned by the Developer), and (b) the Developer, or its successors and assigns."

K. By document entitled "**Assignment of Developer Rights**" dated July 12, 2005 and recorded as instrument number 20050042787 in Book 200508 at page 002035, the Developer of the SaddleBrooke Lots, Highlands Group; a Kansas general partnership ("Developer") assigned and conveyed to the Association all of the rights, reservations and privileges that it had or which were reserved by the Developer in the documents referred to therein as the SaddleBrooke Documents, which documents included, among others, the Original Declaration of Restrictions.

L. The undersigned are record owners (the "Majority Lot Owners") in fee simple of Lots (as said term is defined in the Original Declaration of Restrictions) located among the SaddleBrooke Lots, which Majority Lot Owners constituted a majority of the SaddleBrooke Lots.

M. Pursuant to Sections 9.1 and 9.13 of the Bylaws, the Board of Directors for the Association has the power to exercise all powers, duties and authority vested in or delegated to the Association and to perform all acts and do all things required or permitted to be done by the Association by the Declaration or otherwise.

N. Section 3(d) of the Original Declaration of Restrictions provides that "Roofs shall be covered by cedar shakes, slate, or concrete tile and shall have a minimum roof pitch of 5 on 12. No asphalt shingle, gravel, or tar roofs are allowed. No flat roofs are allowed."

O. The Majority Lot Owner and the Board of Directors, on behalf of the Association, desire and intend to amend and modify Section 3(d) of the Original Declaration of Restrictions to permit, allow and authorize additional roof coverings, and by virtue of amending the Original Declaration of Restrictions, to thereby amend its application upon The Enclaves at SaddleBrooke Declaration of Restrictions, The Estates at SaddleBrooke 2<sup>nd</sup> Plat Declaration of Restrictions, the SaddleBrooke 3<sup>rd</sup> Plat Declaration of Restrictions, the SaddleBrooke 4<sup>th</sup> Plat Declaration of Restrictions and the SaddleBrooke Estates Declaration of Restrictions and all of the lots covered there under.

P. The Majority Lot Owners and the Association desire for the Original Declaration of Restrictions to be amended as hereinafter set forth.

Q. The Recitals are to be made a material part of this First Amendment and are to be incorporated into the Agreement as if fully set forth therein.

### AGREEMENT

**NOW THEREFORE**, the undersigned Majority Lot Owners and Association hereby declare and amend the Original SaddleBrooke Declaration of Restrictions as follows:

I. Paragraph 3(d) of the Original SaddleBrooke Declaration of Restrictions, which provides: "Roofs shall be covered by cedar shakes, slate, or concrete tile and shall have a minimum roof pitch of 5 on 12. No asphalt shingle, gravel, or tar roofs are allowed. No flat roofs are allowed" is hereby deleted in its entirety and replaced with the following provision, which provision shall constitute Section 3(d) of the





Original Declaration of Restrictions:

"3. Building Standards and Requirements.

(d) Permitted Roof Coverings.

1. All roofs shall be constructed with a minimum of pitch of 5 on 12. No asphalt shingle (except as provided in accordance with subparagraph (vi) below with respect to asphalt laminated composition shingles), gravel, or tar roofs are allowed. No recycled or reclaimed materials will be allowed. No flat roofs are allowed. All roofs of any residential structure constructed, and/or replaced shall conform to the following requirements, standards and specifications:

- (i) Cedar shake wood shingles, that meet the following specifications:  
Number 1 or 2 grade  
Wood Shakes must be at least 1/2" thick measured at the butt
- (ii) Slate
- (iii) Concrete or Clay Tile
- (iv) Synthetic Shake, Slate or Tile (sometimes referred to as "lightweight slate or tile") that meet the following standards and specifications:

Must be UL Listed Class A Fire Resistant  
Must be UL Listed as Class 4 Impact Resistant, Standard 2218  
Wind Resistant to at least 90 mph  
50 Year Warranty  
Must have the appearance and color range of Natural Weathered Wood with a matte finish. Multi-colored tile or slate combinations may be used subject to approval by the "Approving Party"  
Matching hip and ridge caps

- (v) Stone Coated Steel Roofing (and/or Ceramic Coated Metal Roofing), resembling Tile, Slate, or Wood Shakes, that meet the following standards and specifications:

Must be 26 Gauge Steel or heavier  
Must be UL Listed Class A Fire Resistant  
Must be UL Listed as Class 4 Impact Resistant, Standard 2218  
Wind Resistant to at least 110 mph  
50 Year Warranty  
Must have the appearance and color range of Natural Weathered Wood, Dark Gray Slate, or Reddish Spanish Tile (as currently exists in the SaddleBrooke subdivision) Multi-colored Stone Coated Steel may be used, subject to approval by the "Approving Party"  
Coating of ceramic and stone, with a matte finish required  
Matching hip and ridge caps required.





(vi) Asphalt Laminated Composition Shingles that meet the following standards and specifications:

a. Architectural shingle with shadow lines and or relief imitating a wood shingle or shake; and

b. Must have a minimum thickness of 3/16 inch measured at the exposed butt end of overlap, creating the shadow line or individual thickness of the ply of roof material; and

c. Required to be installed with sheet metal valleys and flashing. The shingles themselves may not be used to form closed valleys; and

d. Required to be installed with matching and preformed hip and ridge shingles that imitate wood shingles or wood shakes in appearance; and

e. Must have the appearance and color range of natural weathered cedar shingles or weathered cedar shakes. No other colors, or color blends will be approved; and

f. Must be a minimum of 425 lbs per square, a square being 100 square feet as installed; and

g. Required to be installed over solid decking placed either directly on the roof rafters or atop existing spaced sheathing lumber. All existing roofing materials shall be removed down to the stringers and/or 1x4's. Shingles may not be installed over an existing shake or shingle roof; and

h. Required to be U.L. Class A fire rated; and

i. Material is required to have at least a minimum life of 50 years (50 Year Warranty)

2. All roof coverings shall be installed with the necessary underlayment and other components of a specified roof assembly, as required by the Uniform Building Code (or the applicable residential building code adopted by the City of Shawnee, and shall be installed according to the manufacturer's specifications. All existing roofing materials shall be removed down to the stringers and/or 1x4's.

3. Construction and installation of any new roof, or replacement of all or a substantial portion of any existing roof on any existing residential structure **shall not** commence unless and until the Owner of the Lot has submitted, in writing, to the Approving Party, a description and specifications of the roofing materials to be used in the construction and/or replacement, and the Approving Party has approved the same in order to ensure compliance with the specifications as set forth herein."

2. This amendment of and to Section 3(d) of the Original Declaration of Restrictions shall amend The Enclaves at SaddleBrooke Declaration of Restrictions, The Estates at SaddleBrooke 2<sup>nd</sup> Plat





Declaration of Restrictions, the SaddleBrooke 3<sup>rd</sup> Plat Declaration of Restrictions, the SaddleBrooke 4<sup>th</sup> Plat Declaration of Restrictions and the SaddleBrooke Estates Declaration of Restrictions insofar as said documents refer to the Original Declaration of Restrictions, and wherever said documents refer to the SaddleBrooke Declaration of Restrictions, the amended provisions hereof, including to Section 3(d), shall apply.

3. Except as expressly amended and modified herein, the Original Declaration of Restrictions, The Enclaves at SaddleBrooke Declaration of Restrictions, The Estates at SaddleBrooke 2<sup>nd</sup> Plat Declaration of Restrictions, the SaddleBrooke 3<sup>rd</sup> Plat Declaration of Restrictions, the SaddleBrooke 4<sup>th</sup> Plat Declaration of Restrictions and the SaddleBrooke Estates Declaration of Restrictions shall remain unchanged and unmodified and remain in full force and effect.

4. This Agreement may be executed in multiple counterparts by some or all of the parties hereto and all identical (except for signature page) counterparts hereof shall be deemed one and the same Agreement. Furthermore, the signature pages on identical counterparts may be separated from the main body of the identical counterpart so signed and consolidated with other signature pages into an identical counterpart for the purposes and convenience of recording the Agreement in the office of the Recorder of Deeds for Johnson County, Kansas.

**IN WITNESS WHEREOF**, the SaddleBrooke Homes Association, Inc., a Kansas not-for-profit corporation and the undersigned record owners in fee simple of a majority of the SaddleBrooke Lots have executed this First Amendment to SaddleBrooke Declaration of Restrictions and subscribed their names hereunto on the date set forth in the notarial acknowledgments.

*[Remainder of this page left blank intentionally.  
Signatures and Notarial Acknowledgements on the following pages]*





**SADDLEBROOKE HOMES ASSOCIATION, INC.**

By: *Mike Thompson*  
Mike Thompson, President

**ACKNOWLEDGMENT**

STATE OF Missouri )  
 ) ss.  
COUNTY OF Jackson )

ON THIS 30 day of June, 2006, before me, the undersigned, a Notary Public, personally appeared Mike Thompson, to me known to be the person described in and who signed the foregoing instrument as the **President** of **SADDLEBROOKE HOMES ASSOCIATION, INC., a Kansas not-for-profit corporation**, and acknowledged he was endowed with the authority to execute said instrument, said instrument was signed on behalf of said corporation, and said signature to be the free act and deed of said corporation for the purposes therein stated.

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

"NOTARY SEAL"  
Kim L. Stripling, Notary Public  
Jackson County, State of Missouri  
My Commission Expires 7/26/2009  
Commission Number 05546131

*Kim L. Stripling*  
Notary Public

