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(Reserved for Register of Deeds)

**THIRD AMENDMENT TO DECLARATION  
OF DEER VALLEY**

THIS THIRD AMENDMENT to DECLARATION OF DEER VALLEY is made as of the 24<sup>th</sup> day of January, 2007, by Deer Valley Development, LLC (the "Developer").

WHEREAS, Developer executed a Declaration of Deer Valley, dated as of the 1st day of May, 2005 and filed for record in the office of the Register of Deeds, Johnson County, Kansas on the 6<sup>th</sup> day of May, 2005 in Book 200505, Page 002822 (the "Original Declaration"), which affected the following described real estate (the "Original Declaration Property"):

Lots 1-51 inclusive and Tracts A-C inclusive of Deer Valley First Plat, a subdivision in the City Overland Park, Kansas filed for record on November 29, 2004 in the office of the Register of Deeds of Johnson County, Kansas and recorded in Book 200410 at Page 011240;

WHEREAS, Developer executed an Amendment to Declaration of Deer Valley, dated as of the 4th day of November, 2005 and filed for record in the office of the Register of Deeds, Johnson County, Kansas on the 8<sup>th</sup> day of November, 2005 in Book 200511, Page 003305 (the "First Amendment"), which affected the following described real estate:

Lot 52 through and including Lot 105 Deer Valley Second Plat, Tract G & H Deer Valley Second Plat, and Tracts D, E, and F Deer Valley First Plat, a subdivision in the City of Overland Park, Johnson County, Kansas, as shown on Deer Valley Second Plat, heretofore filed of record in Book 200510, Page 010552 on the 27<sup>th</sup> day of October, 2005, in the office of the Register of Deeds, Johnson County, Kansas;

WHEREAS, the legal description set forth in the Amendment to Declaration of Deer Valley as described above was revised as follows (hereafter referred to as the "First Amendment Parcel"):

Lot 52 through and including Lot 104 Deer Valley Second Plat, Tract F, G & H Deer Valley Second Plat, and Tracts D and E Deer Valley First Plat,

a subdivision in the City of Overland Park, Johnson County, Kansas, as shown on Deer Valley Second Plat, heretofore filed of record in Book 200510, Page 010552 on the 27th day of October, 2005, in the office of the Register of Deeds, Johnson County, Kansas;

WHEREAS, Developer executed a Second Amendment to Declaration of Deer Valley ("Second Amendment"), dated as of the 14<sup>th</sup> day of August, 2006 and filed for record in the office of the Register of Deeds, Johnson County, Kansas on the 24<sup>th</sup> day of August, 2006 in Book 200608, Page 009117 (the "Second Amendment"), which included the addition of the following:

Lots 64, 65, 105 and Lot 106 of Deer Valley Third Plat, a subdivision in the City Overland Park, Kansas filed for record on June 13, 2006, 2006 in the office of the Register of Deeds of Johnson County, Kansas and recorded in Book 200606 at Page 004855.

WHEREAS, pursuant to the authority set forth in Article 15.2 of the Original Declaration, prior to the Turnover Date, the Developer has the sole and exclusive right, power and authority to amend, modify, revise or add to any of the terms of the Declaration;

WHEREAS, pursuant to the authority set forth in Article 12 of the Original Declaration, the Developer reserved the right to subdivide Lots, combine Lots and add to the neighborhood;

WHEREAS, pursuant to the Second Amendment the Developer determined that it is desirable to eliminate Tract "F" of Deer Valley Second Plat and reconfigure Lots 64 and 65 of Deer Valley Second Plat and to add Lots 105 and 106 to the Neighborhood, all as set forth in Deer Valley Third Plat and in the Second Amendment; and

WHEREAS, the Developer has determined that it is desirable to add Lots 107 to and including Lots 154 and Tract J of Deer Valley Fourth Plat, to the Neighborhood, all as set forth in Deer Valley Fourth Plat.

NOW, THEREFORE, in consideration of these premises, and pursuant to the right and authority set out in Article 12 and Article 15.2 of the Original Declaration, the Developer for itself and for its successors and assigns, and for its future grantees, hereby agrees and declares as follows:

1. That all of the following described Lots shall be, and they hereby are, subject to the covenants, restrictions, easements and other provisions set forth in the Original Declaration and any amendments thereto:

Lots 107 to and including Lots 154 and Tract J of Deer Valley Fourth Plat, a subdivision in the City Overland Park, Kansas filed for record on September 8, 2006 in the office of the Register of Deeds of Johnson County, Kansas and recorded in Book 200609 at Page 002309.

2. This instrument shall have the effect of subjecting the above-described Lots to all of the provisions of the Original Declaration and any amendments thereto as though said lots and tracts had been originally described therein and subject to the provisions thereof.

3. Tract J of the Fourth Plat and Tract H of the Second Plat as described above are subject to a Stream Corridor Maintenance Agreement dated May 1, 2006, filed for record on

