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Katee Porter
Recorder of Deeds

(ABOVE SPACE RESERVED FOR RECORDER OF DEEDS' USE)

Document Title: Third Supplement to Declaration of Homes Association and Covenants, Conditions, Restrictions and Easements of Cadence

Document Date: March 22, 2022

Grantor Names: Hunt Midwest Real Estate Development, Inc.

Grantee Names: Hunt Midwest Real Estate Development, Inc.

Statutory Address: Suite 100, 8300 N.E. Underground Drive, Kansas City, Missouri 64161

Legal Descriptions: See Exhibits B and C attached hereto

Reference Book and Page: **Clay County Missouri:** Declaration of Homes Association and Covenants, Conditions, Restrictions and Easements of Cadence, Document No. 2020017531, Book 8692, Page 172

Platte County Missouri: First Supplement to Declaration of Homes Association and Covenants, Conditions, Restrictions and Easements of Cadence, Document No. 2021020390, Book 1367, Page 642 and Corrective Amendment to First Supplement to Declaration of Homes Association and Covenants, Conditions, Restrictions and Easements of Cadence, Document No. 2021022983, Book 1370, Page 216

THIRD SUPPLEMENT TO DECLARATION OF HOMES ASSOCIATION AND COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS OF CADENCE

THIS THIRD SUPPLEMENT TO DECLARATION OF HOMES ASSOCIATION AND COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS OF CADENCE (this "Supplemental Declaration") is made and executed as of March 22, 2022, by **HUNT MIDWEST REAL ESTATE DEVELOPMENT, INC.**, a Missouri corporation (the "Developer"), Suite 100, 8300 N.E. Underground Drive, Kansas City, Missouri 64161.

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RECITALS:

A. On April 17, 2020, Developer executed that certain subdivision plat entitled "CADENCE – FIRST PLAT" (the "First Plat"), covering the real property formerly legally described as shown therein (and on Exhibit A attached to the Declaration, defined below), and platting the same into certain Lots, Tracts, Common Areas, Restricted Common Areas, streets, roadways, private open space and other areas shown and marked on the First Plat as identified therein and in the Declaration defined below (collectively, the "Property" or the "Cadence Property"), which First Plat was approved on June 5, 2018, by the City Council of the City of Kansas City, Missouri (the "City"), and was recorded on June 1, 2020, under Document No. 20200017530, in Cabinet I, at Sleeve 102.1 in the Office of the Recorder of Deeds of Clay County, Missouri, at Liberty (the "Clay County Recorder's Office").

B. The Developer has executed that certain Declaration of Homes Association and Covenants, Conditions, Restrictions and Easements of Cadence, dated February 19, 2020, which was recorded on June 1, 2020, under Document No. 2020017531, in Book 8692, at Page 172, in the Clay County Recorder's Office, as may be amended, modified and supplemented (collectively, the "Declaration"), pursuant to which Developer subjected the Cadence Property to certain covenants, conditions, restrictions and easements for the purpose of protecting the value and desirability of the Property.

C. The Declaration was recorded on December 8, 2021, under Document No. 2021022983, in Book 1370 at Page 216, in the Office of the Recorder of Deeds of Platte County, Missouri (the "Platte County Recorder's Office").

D. Pursuant to its right to do so therein contained, the Developer has amended, supplemented and modified the Declaration pursuant to those certain Supplements thereto identified on **EXHIBIT A** attached to this Supplemental Declaration (each a "Supplement" or "Supplemental Declaration" further identified by number as shown on **EXHIBIT A**);

E. Pursuant to Section 13.1 of the Declaration, the Developer has the absolute unilateral right to expand the Property to include additional Lots (for Single Family Residences, Attached Patio Homes, Attached Townhomes or Villas or any combination thereof), Common Area, Restricted Common Areas and other property in the Subdivision and also other property that has not yet been subdivided or platted (the "Expansion Property").

F. On July 6th, 2022, Developer executed that certain subdivision plat entitled "CADENCE – THIRD PLAT" (the "Cadence Third Plat"), covering the real property formerly legally described as shown therein and on **EXHIBIT B** attached to this Supplemental Declaration, and platting the same into the Lots, Tracts, streets, roadways, private open space and other areas shown and marked thereon and as identified on **EXHIBIT C** attached to this Supplemental Declaration (the "Third Expansion Property"), which Cadence Third Plat was approved on August 19 2021, 2022, by the City Council of the City, and was recorded on August 4th, 2022, under Document No. 2022025891, in Cabinet I, at Sleeve 184.1, in the Clay County Recorder's Office and was recorded on AUGUST 5, 2022, under Document No. 2022010971, in Cabinet 22, at Sleeve 389, in the Platte County Recorder's Office.

G. Developer presently owns all of the Lots, Tracts, Common Areas, Restricted Common Areas or other areas, if any, shown on the Cadence Third Plat.

H. Developer desires to exercise its right to expand the Property to include the additional Lots, Tracts, Common Areas, Restricted Common Areas or other areas, if any, which constitute the Third

Expansion Property and to subject the Third Expansion Property to the covenants, conditions, restrictions and easements contained within the Declaration.

I. Pursuant to Section 16.2 of the Declaration, the Developer retained the right at any time prior to the Turnover Date (which has not yet occurred) to amend, alter or modify the Declaration. The Developer desires to do so in connection with the "Cadence Third Plat" and "Cadence Third Plat Lots", which are added to the Property as set forth below.

NOW, THEREFORE, in consideration of the premises, the Developer states and declares as follows:

1. **Exercise of Right to Expand.** Developer hereby exercises its unilateral right to expand the Property to include the additional Lots (i.e., Cadence Third Plat Lots), Tracts, Common Areas, Restricted Common Areas or other areas, if any, which constitute the Third Expansion Property.

2. **Expansion Effective Upon Recording.** The expansion set forth above, shall be effective immediately upon filing the Cadence Third Plat and this Supplemental Declaration of record in the Clay County Recorder's Office and of record in the Platte County Recorder's Office. Recording of the Cadence Third Plat and this Supplemental Declaration shall automatically grant, transfer and convey to the Association any new Common Areas, Restricted Common Areas and all other areas designed for Members' or Association use, if any, added by the Third Expansion Property.

3. **Expansion of Definitions.** The definitions contained in the Declaration are hereby expanded to encompass and refer to the Property, as expanded by the Cadence Third Plat and this Supplemental Declaration to include the Third Expansion Property. For example, (i) "Lot" shall mean the Lots described in the Declaration and in the Plat described in the Declaration, all subsequent Plats, the Cadence Third Plat Lots in the Cadence Third Plat and (ii) all references to the Declaration shall mean the Declaration as supplemented and amended by this Supplemental Declaration.

4. **Declaration Operative on New Lots, Tracts, Common Areas and Restricted Common Areas.** The new Cadence Third Plat Lots, Tracts, Common Areas or Restricted Common Areas, which constitute the Third Expansion Property shall be subject to all of the terms and conditions of the Declaration immediately upon recording of the Cadence Third Plat and this Supplemental Declaration in the Clay County Recorder's Office and the Platte County Recorder's Office.

5. **Use and Maintenance of Any Private Open Space, Storm Water Detention Tract and Common Areas.** Any private open space, storm water detention tract or other Common Areas shown on or in the Cadence Third Plat shall be used and maintained by the Association under the terms of the Homes Association Declaration, as amended, as private open green space areas, storm water detention tract or Common Areas or any combination thereof, as applicable.

6. **Fencing Restriction on Restricted Lots.** The Owners of Lots 149, 150 and 174 of the Cadence Third Plat (the "Restricted Lots") are hereby subjected to the following:

(a) Any fencing on such Restricted Lots, as set forth below, shall be constructed of only wrought iron (or aluminum or steel simulations thereof), no more than four (4) feet in height, and shall not have double gates or gates exceeding five (5) feet in width, as set forth in the fencing guidelines established from time to time by the Review Committee and no other fencing of any type shall be permitted thereon; and

(b) Such fencing shall be permitted only at locations on such Restricted Lots as are approved in advance by the Review Committee upon application of a Lot Owner affected hereby.

The construction methods, materials and location of fences so permitted on the Restricted Lots shall harmonize with the external design of the Single Family Residence, Attached Patio Homes and Attached Townhomes in the Subdivision. No wire, chain link, wood, plastic, polymer or other types of fences shall be permitted (except for privacy fencing in certain areas which may be wood, plastic or polymer materials as approved in advance by the Review Committee). Under no circumstances shall any fence on any Restricted Lot be permitted in violation of restrictions in any Plat of the Subdivision or any ordinance approving any Plat or any other Plat affecting the Property. No fence shall be placed in front of the rear wall of the Single Family Residence. The total number and location of gates are subject to the prior written Review Committee approval.

7. **Ratification of Declaration.** The Developer, on behalf of itself and as the holder of a majority of the votes possible to be cast under the Declaration, hereby ratifies, affirms and confirms all covenants, conditions, restrictions and easements contained in the Declaration, which covenants, conditions and provisions shall run with the land and be binding upon the Owners, including the Developer, and their respective heirs, personal representatives, successors, transferees and assigns and all other persons or entities having, at any time, any right, title or interest in all, or any part of, the Property and any Lots, Tracts, Common Areas or Restricted Common Areas otherwise subject to the terms hereof.

[Signature Page Follows]

**EXHIBIT A
TO
THIRD SUPPLEMENT TO
DECLARATION OF HOMES ASSOCIATION AND
COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS OF CADENCE**

Previous Supplements to Declaration

DATE EXECUTED/ DATE RECORDED	DOCUMENT NUMBER/ RECORDING INFORMATION	SUPPLEMENT #	INFORMATION
02-19-20/06-01-20	2020017531; Book 8692/Page 172 (Clay Co.)	Original Declaration	Full CC&R Document – Cadence - First Plat
08-31-21/10-26-21	2021046335; Book 9214/Page 133 (Clay Co.)	First	Expands Property – Cadence Villas – First Plat
08-31-21/10-27-21	2021020390; Book 1367/Page 642 (Platte Co.)	First	Expands Property – Cadence Villas – First Plat
12-07-21/12-08-21	2021022983; Book 1370/Page 216 (Platte Co.)	First	Corrective Amendment to attach a copy of the Full CC&R Document
12-14-21/02-07-22	2022004470; Book 9298/Page 164 (Clay Co.)	Second	Expands Property - Cadence - Second Plat

EXHIBIT B
TO
THIRD SUPPLEMENT TO
DECLARATION OF HOMES ASSOCIATION AND
COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS OF CADENCE

Legal Description of Third Expansion Property Prior to Platting:

A tract of land in the Northwest Quarter of Section 34 and Southwest Quarter of Section 27, all in Township 52 North, Range 33 West of the 5th Principal Meridian in Kansas City, Clay and Platte County Missouri being bounded and described by or under the direct supervision of Jason S Roudebush P.L.S. 2002014092 as follows: Beginning at the Southwest corner of said Southwest Quarter, also being the Northwest corner of said Northwest Quarter; thence South 89°42'25" East, on the North line of said Northwest Quarter, also being the South line of said Southwest Quarter, 50.00 feet; thence leaving said North and South line, South 00°36'17" West, 120.68 feet; thence Easterly, along a curve to the left, having an initial tangent bearing of South 60°36'35" East with a radius of 25.00 feet, a central angle of 28°55'24" and an arc distance of 12.62 feet; thence South 89°31'59" East, 2.07 feet; thence Easterly, along a curve to the left, having an initial tangent bearing of South 89°31'45" East with a radius of 466.63 feet, a central angle of 21°35'39" and an arc distance of 175.87 feet; thence Easterly, along a curve to the right, having an initial tangent bearing of North 68°56'54" East with a radius of 2,233.00 feet, a central angle of 02°58'03" and an arc distance of 115.65 feet; thence North 75°09'52" East, 75.31 feet; thence Easterly, along a curve to the right, having an initial tangent bearing of North 73°50'53" East with a radius of 2,230.00 feet, a central angle of 03°59'22" and an arc distance of 155.28 feet; thence Easterly, along a curve to the right, having a common tangent with the last described course with a radius of 2,000.00 feet, a central angle of 05°33'38" and an arc distance of 194.10 feet; thence Northeasterly, along a curve to the left, having a common tangent with the last described course with a radius of 15.00 feet, a central angle of 83°14'11" and an arc distance of 21.79 feet; thence North 00°09'42" East, 129.10 feet; thence Northwesterly, along a curve to the left, being tangent to the last described course with a radius of 15.00 feet, a central angle of 90°00'00" and an arc distance of 23.56 feet; thence North 00°09'42" East, 50.00 feet; thence Northeasterly, along a curve to the left, having an initial tangent bearing of South 89°50'18" East with a radius of 15.00 feet, a central angle of 90°00'00" and an arc distance of 23.56 feet; thence North 00°09'42" East, 235.34 feet; thence Northwesterly, along a curve to the left, being tangent to the last described course with a radius of 15.00 feet, a central angle of 90°00'00" and an arc distance of 23.56 feet; thence North 00°09'42" East, 50.00 feet; thence Northeasterly, along a curve to the left having an initial tangent bearing of South 89°50'18" East with a radius of 15.00 feet, a central angle of 90°00'00" and an arc distance of 23.56 feet; thence North 00°09'42" East, 230.00 feet; thence Northwesterly, along a curve to the left being tangent to the last described course with a radius of 15.00 feet, a central angle of 90°00'00" and an arc distance of 23.56 feet; thence North 00°09'42" East, 50.00 feet; thence Northeasterly, along a curve to the left, having an initial tangent bearing of South 89°50'18" East with a radius of 15.00 feet, a central angle of 90°00'00" and an arc distance of 23.56 feet; thence North 00°09'42" East, 15.80 feet; thence Northerly, along a curve to the right, being tangent to the last described course with a radius of 206.00 feet, a central angle of 28°47'19" and an arc distance of 103.51 feet; thence North 89°50'18" West, 150.46 feet to a point on the West line of the Fractional Southwest Quarter; thence North 00°09'42" East, on said West line, 135.87 feet to the Southeast corner of CADENCE VILLAS - FIRST PLAT, a subdivision of land in said Kansas City in said Clay County and said Platte County recorded as Instrument # 2021046332 in Book I at Page 155.1 in Clay County Recorder of Deeds Office on October 26, 2021 and recorded as Instrument Number 2021020387 in Book 22 at Page 305 and recorded as Instrument Number 2021020387 in Book 22 at Page 305 in Platte County Recorder of Deeds Office on October 27, 2021; thence North 00°09'42" East along said West line and Easterly line of said CADENCE VILLAS – FIRST PLAT, 109.72 feet; thence leaving said West line, South 68°43'41" West along said Easterly line, 17.93 feet; thence North 00°09'42" East, along said Easterly line, 399.71 feet; thence South 89°50'18" East along said Easterly line, 16.69 feet to a point on said West line of said

Fractional Southwest Quarter; thence North 00°09'42" East along said Easterly line and said West line, 235.23 feet to a point on the Westerly line of CADENCE - FIRST PLAT, a subdivision of land in said Kansas City, Clay County recorded as Instrument Number 2020017530 in Book I at Page 102.1 in Clay County Recorder of Deeds Office; thence leaving said West and said Easterly lines, South 89°50'18" East, along said Westerly line, 48.65 feet; thence North 63°54'29" East, along said Westerly line, 50.14 feet; thence North 51°02'19" East, along said Westerly line, 180.49 feet; thence South 39°59'36" East, along said Westerly line, 265.78 feet; thence South 52°27'53" East, along said Westerly line, 440.03 feet to the Southwest corner of said CADENCE - FIRST PLAT; thence North 68°43'55" East, along the Southerly line of said CADENCE - FIRST PLAT, 5.00 feet to the Northwest corner of CADENCE - SECOND PLAT, a subdivision of land in said Kansas City recorded as Instrument Number 2022004469 in Book I at Page 161.1 in said Clay County Recorder of Deeds Office; thence South 23°37'45" East, along the Westerly line of said CADENCE - SECOND PLAT, 100.23 feet; thence leaving said Westerly line, South 68°43'27" West, 104.57 feet; thence South 02°06'12"E, 303.24 feet; thence South 13°50'16" West, 76.80 feet; thence South 01°05'53" West, 93.11 feet; thence South 16°01'55" West, 291.76 feet; thence South 00°09'42" West, 601.08 feet; thence North 89°50'18" West, 129.65 feet; thence Southeasterly along a curve to the left having an initial tangent bearing of South 12°17'30" East with a radius of 15.00 feet, a central angle of 74°53'45" and an arc distance of 19.61 feet; thence South 00°14'54" East, 50.07 feet; thence Westerly, along a curve to the left, having an initial tangent bearing of North 87°07'01" West with a radius of 2,175.00 feet, a central angle of 03°04'36" and an arc distance of 116.79 feet; thence Westerly, along a curve to the left, having a common tangent with the last described course with a radius of 987.00 feet, a central angle of 04°59'36" and an arc distance of 86.02 feet; thence South 84°48'47" West, 82.79 feet; thence Westerly, along a curve to the left, being tangent to the last described course with a radius of 2,000.00 feet, a central angle of 01°15'08" and an arc distance of 43.71 feet; thence South 83°33'39" West, 24.34 feet; thence Westerly, along a curve to the left being tangent to the last described course with a radius of 2,170.00 feet, a central angle of 08°51'14" and an arc distance of 335.33 feet; thence Westerly, along a curve to the left, having an initial tangent bearing of South 73°21'36" West with a radius of 987.00 feet, a central angle of 02°00'08" and an arc distance of 34.49 feet; thence South 71°21'29" West, 71.14 feet; thence Westerly, along a curve to the left, having an initial tangent bearing of South 71°55'00" West with a radius of 2,167.00 feet, a central angle of 02°58'03" and an arc distance of 112.23 feet; thence Westerly, along a curve to the right, having an initial tangent bearing of South 68°52'53" West with a radius of 532.63 feet, a central angle of 21°35'22" and an arc distance of 200.70 feet; thence North 89°31'59" West, 2.36 feet; thence Westerly, along a curve to the left, being tangent to the last described course with a radius of 25.00 feet, a central angle of 28°37'20" and an arc distance of 12.49 feet; thence South 00°36'17" West, 123.91 feet; thence North 89°23'43" West, 50.00 feet to a point on West line of said Northwest Quarter; thence North 00°36'17" East, on said West line, 316.50 feet to the Point of Beginning. Containing 1,161,825 square feet or 26.67 acres, more or less.

**EXHIBIT C
TO
THIRD SUPPLEMENT TO
DECLARATION OF HOMES ASSOCIATION AND
COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS OF CADENCE**

Description of Lots Contained in the Cadence Third Plat

Lots 114 through and including 174, and Tracts H, I, J and K, CADENCE – THIRD PLAT, a subdivision in Kansas City, Clay County and Platte County Missouri.

**CERTIFICATE OF SECRETARY
OF
THE CADENCE HOME OWNERS ASSOCIATION**

I, Amy Nelson, hereby certify that I am the duly elected and qualified Secretary/Treasurer of the Cadence Home Owners Association. I hereby also certify that Hunt Midwest Real Estate Development, Inc., the Developer identified in the Declaration of Covenants, Conditions, Restrictions and Easements of Cadence, dated February 19, 2020 (the "Declaration"), is the sole Class B Member of The Cadence Home Owners Association and the owner of sufficient Lots in the District to give Hunt Midwest Real Estate Development, Inc. a majority of the votes possible to be cast under the Declaration.

Dated this 22 day of March, 2022.



Amy Nelson

4/5/11

Recorded in Platte County, Missouri

Recording Date/Time: 08/05/2022 at 09:37:57 AM

Instr Number: 2022010974

Book: 1382 Page: 480

Type: DE DEC

Pages: 11

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Grantor: HUNT MIDWEST REAL ESTATE DEVELOPMEN...

Gloria Boyer,

Grantee: HUNT MIDWEST REAL ESTATE DEVELOPMEN...

Recorder of Deeds

PLATTE COUNTY MISSOURI CERTIFICATION RECORDER OF DEEDS

EXEMPT DOCUMENT

The Recorder of Deeds has added this page to your document per compliance with State law under Exempt Status.
RSMo 59.310.4 (effective January 1, 2002)

Gloria Boyer
Recorder of Deeds
415 Third St., Suite 70
Platte City, MO 64079

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