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DECLARATION CREATING OXFORD HILLS
HOMES ASSOCIATION

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned Southgate Bank and Trust Company, Trustee of Imperial Development Trust, is the owner of the following described real estate situated in Johnson County, Kansas, to-wit:

"All of the subdivision of OXFORD HILLS, now or hereafter platted, a subdivision in Leawood, Johnson County, Kansas," and

does hereby create and establish an association to be known as Oxford Hills Homes Association.

The membership of the association shall consist of the owners from time to time of the improved lots in said subdivision as now or hereafter platted as Oxford Hills. "Improved lots" shall mean those lots which have streets in front of them and sewer lines available to them.

The said association shall be under and subject to the direction, management, and control of said Southgate Bank and Trust Company, Trustee, until such time as it shall turn over the direction, management and control thereof to a duly organized Oxford Hills Homes Association, consisting of owners of improved lots in said Oxford Hills.

In order to carry out the purpose of the association, it shall have the following duties and powers, to-wit:

1. Through the Trustee prior to transfer to the association and through the Board of Directors of the association, thereafter to enforce, either in its own name, or in the name of any owner, any and all restrictions and agreements which are imposed on said properties, or may hereafter be imposed thereon, provided; that nothing herein contained shall prevent any owner from enforcing said restrictions at his own expense.

2. To own and maintain all common areas including but not limited to the islands, berm areas, the perimeter landscaped areas bordering, if any, and to replant, if necessary, protect,

trim and care for all plantings and grass in or on such common areas. The term common areas shall include all areas within easements, provided, that each lot owner shall be responsible for the maintenance of the street easement area between the front lot line of such lot owner and the curb.

3. If desired, to provide for the removal of trash, rubbish or garbage, provided the same is not a governmental function at any time.

4. To do or provide for such other matters as are proper and incidental to the purpose of the association.

The powers and duties contained in paragraph two and four above shall be performed by the Southgate Bank and Trust Company, Trustee of Imperial Development Trust, at its own expense during 1976. For the years 1977, 1978, and 1979, Southgate Bank and Trust Company, Trustee of Imperial Development Trust, shall perform such obligations and at the end of each such year it shall divide the total expense it has incurred during such year for such maintenance work by the total number of lots in the subdivision. The owner of each lot purchased shall be sent a statement in the amount that results from such calculation which shall not exceed \$18.00 per month per lot. Such sum shall be due within 30 days of billing and collectible in the same manner as Homes Association assessments as herein-after set forth. Commencing with the year 1978 all such functions shall be performed by the Homes Association and paid for from its annual assessments as hereinafter set forth.

METHOD OF PROVIDING GENERAL FUNDS

Each improved lot shall be subject to an annual assessment payable on January 1st of each year, but not sooner than January 1, 1977.

The amount of such assessment shall be fixed by the association by a vote of the owners of the improved lots, at a

meeting held in accordance with the by-laws of said association, after due notice of said meeting.

Written or printed notice addressed to the respective owners at the last address listed with the association, and deposited in the United States mail, shall be deemed sufficient and proper notice of the levy of said assessment. If the owner shall fail to pay said assessment within sixty days after the depositing of such notice, then the assessment shall be delinquent and shall bear interest at the rate of eight per cent per annum from date of delinquency, until finally paid.

ENFORCEMENT OF LIEN

If not paid before becoming delinquent, the amount of the assessment plus interest shall become a lien on the lot or lots against which assessment has been made and the association may at its discretion file certificates of non-payment of assessments in the office of the Register of Deeds of Johnson County, Kansas, whenever any such assessments are delinquent. Such liens may be enforced as liens on the real estate in any court of competent jurisdiction. It shall be the duty of the association to enforce such liens before the expiration thereof. For each certificate filed with the Register of Deeds, the association shall be entitled to collect from the owner of the property described therein a fee of \$5.00 which fee is hereby declared to be a lien upon the real estate so described in said certificates. Such fee shall be collectible in the same manner as the original assessments provided for herein and in addition to the interest and principal due thereon.

Such liens shall continue for a period of five years from the date of delinquency, unless within such time suit shall have been filed for the collection of the assessment or foreclosure of the lien, in which case the lien shall continue until the termination of the suit and until the sale of the property

under the execution of the judgment establishing same or until the judgment is otherwise satisfied.

COVENANTS RUNNING WITH THE LAND

All of the provisions of this Declaration shall be deemed to be covenants running with the land, and shall be binding upon the parties hereto, their grantees, successors, heirs and assigns, and all other persons, their heirs, executors, administrators, successors and assigns who may subject their land to the terms thereof by a proper instrument in writing.

IN WITNESS WHEREOF, the said Southgate Bank and Trust Company, Trustee of Imperial Development Trust, has caused these presents to be executed this 14th day of September, 1976.

SOUTHGATE BANK AND TRUST COMPANY,
TRUSTEE OF IMPERIAL DEVELOPMENT
TRUST

By: Robert E. Atteberry
Senior Vice-President and Trust
Officer Robert E. Atteberry

ATTEST:

(SEAL)

[Signature]
Secretary

STATE OF KANSAS)
) ss:
COUNTY OF JOHNSON)

On this 14th day of September, 1976, before me, appeared Robert E. Atteberry, to me personally known who being by me duly sworn, did say that he is Senior Vice-President and Trust Officer of Southgate Bank and Trust Company, and that said instrument was signed and sealed on behalf of said corporation, by authority of the Board of Directors, and said Robert E. Atteberry acknowledged said instrument to be the free act and deed of said Oxford Hills Homes Association.

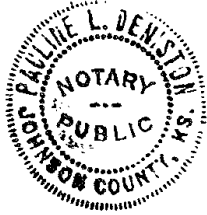
IN WITNESS WHEREOF, I have hereunto set my hand and affixed

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my notarial seal at my office in Johnson County, Kansas, this
day and year last above written.

Pauline L. Deniston

NOTARY PUBLIC Pauline L. Deniston

My Appointment Expires: My Commission Expires Sept. 8, 1979



STATE OF KANSAS }
COUNTY OF JOHNSON } SS
FILED FOR RECORD

1976 OCT 1 AM 10 43 8

Marguerite M. Brennan

NANCY L. BAKER
REGISTER OF DEEDS

9.00 BY _____ DEP

