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Book: 1295 Page: 778

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Pages: 16

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Grantor: CLAYTON PROPERTIES GROUP INC

Grantee: NORTHFIELD FIRST PLAT

KC



Gloria Boyer,  
Recorder of Deeds

**1 Cover Sheet – Amendment to Northfield- First Plat Declaration of Restrictions**

Title: Amendment to Northfield- First Plat Declaration of Restrictions

County: Platte County, Missouri

Date of instrument: May 3, 2018

Grantor(s): Clayton Properties Group, Inc.  
Northfield Homes Association, Inc.

Grantee(s): Northfield – First Plat  
Northfield – Second Plat  
Northfield – Third Plat

Grantee(s) Mailing Address: PO Box 901297, Kansas City, Missouri 64190

Street address of the property: 3123 NW 86<sup>th</sup> Street, Kansas City, Missouri 64154

Legal Description: Lots A, B and C, NORTHFIELD – FIRST PLAT,  
Lots D, E, F and G, NORTHFIELD – SECOND PLAT, and  
Lots H, I, J and K, NORTHFIELD – THIRD PLAT,  
subdivisions of land in the City of Kansas City, Platte County,  
Missouri, according to the recorded plats thereof.

Referenced Instruments: Instrument No. 1999018482 in Book 0916 at Page 0313,  
Instrument No. 2002020209 in Book 0982 at Page 0174, and  
Instrument No. 2005019463 in Book 1069 at Page 0224

✓ Northfield Homes Assn.

**AMENDMENT TO  
NORTHFIELD – FIRST PLAT  
DECLARATION OF RESTRICTIONS**

THIS AMENDMENT (hereinafter *“Amendment”*) is made and entered into as of May 3, 2018 by and among the persons who have executed this document in their capacities as owners of record of the building lots of Northfield Subdivision of the City of Kansas City, Platte County, Missouri described below and representing the members of Northfield Homes Association, Inc. (*GRANTOR*) (hereinafter collectively the *“Owners”*) and Clayton Properties Group, Inc. (*GRANTOR*) a Missouri Foreign Corporation (Tennessee For-Profit Corporation, a successor developer to Northfield Enterprises, L.L.C.), as the developer of the lots described below (hereinafter the *“Developer”*).

WITNESSETH:

WHEREAS, the Developer (as successor to Northfield Enterprises, L.L.C.) is the developer of the residential areas in the City of Kansas City, Platte County, Missouri, commonly known as Northfield - First Plat, Northfield – Second Plat and Northfield -Third Plat; and

WHEREAS, the Developer (as Northfield Enterprises, L.L.C.) has previously executed certain documents entitled Northfield – First Plat Declaration of Restrictions, Northfield – Second Plat Declaration of Restrictions and Northfield – Third Plat Declaration of Restrictions and caused such documents to be recorded in the Platte County Recorder's Office (hereinafter the *“Recording Office”*) as:

Instrument No. 1999018482 in Book 0916 at Page 0313 (First Plat),  
Instrument No. 2002020209 in Book 0982 at Page 0174 (Second Plat), and  
Instrument No. 2005019463 in Book 1069 at Page 0224 (Third Plat)

(hereinafter collectively the *“Declarations”*); and

WHEREAS, the Declarations place certain covenants and restrictions upon the following described residential lots (hereinafter the *“Plat Lots”*):

Lots A, B and C, NORTHFIELD – FIRST PLAT,  
Lots D, E, F and G, NORTHFIELD – SECOND PLAT, and  
Lots H, I, J and K, NORTHFIELD – THIRD PLAT,  
subdivisions of land in the City of Kansas City, Platte County, Missouri, according to the recorded plats thereof.

WHEREAS, the Owners of certain of the Lots and the Developer desire to amend the Declaration(s) as provided herein;

NOW, THEREFORE, the parties hereto declare and agree as follows:



- 1.1. The existing Section 8(h) of the Declaration shall be replaced by the following new Section 8(h):

(h) No television, radio, citizens' band, short wave or other antenna; no satellite dish or solar panel (other than as provided below); no clothes line or pole; nor other unsightly projection shall be attached to the exterior of any residence or Exterior Structure or erected in any yard. Should any part or all of the restriction set forth in the preceding sentence be unenforceable under any Federal statute or be held by a court of competent jurisdiction to be unenforceable because it violates the First Amendment or any other provision of the United States Constitution, the Approving Party shall have the right to establish rules and regulations regarding the location, size, landscaping, and other aesthetic aspects of such projections on the Subdivision, and all parts thereof, and any such rules and regulations shall be binding upon all of the Lots.

Notwithstanding any provision in this Declaration to the contrary, small satellite dishes (maximum 20 inches in diameter) and solar panels may be installed and screened, with prior written consent of the Approving Party, so as not to be readily visible from the street. The Approving Party shall have the right to establish rules and regulations binding upon all of the Lots and specific requirements for each Lot, regarding the location, size, landscaping and other aesthetic aspects of such small satellite dishes and solar panel assemblies so as to control the impact thereof on the Subdivision, and all parts thereof.

2. Pursuant to Section 19(a) of the Declaration, this Amendment shall become effective as an amendment of the Declaration and binding upon all of the Lots upon (a) the execution hereof by the owners of record of at least two-thirds (2/3rds) of the Lots, (b) the execution hereof by the Developer, and the recordation hereof in the Recording Office.
3. The execution of this Amendment may occur in counterparts with only one copy of the main body hereof being recorded together with the various signature and acknowledgment pages from such counterparts.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be duly executed.

**[Remainder of page intentionally left blank – signature page to follow]**

**THE DEVELOPER:**

CLAYTON PROPERTIES GROUP, INC.

By: CLAYTON PROPERTIES GROUP, INC.

Assistant Secretary

By:   
David Price, Assistant Secretary

STATE OF Missouri )  
 ) ss.  
COUNTY OF Cass )

On this 14<sup>th</sup> day of March, 2019, before me personally appeared David Price, to me personally known who, being duly sworn, did say that he/she is the authorized representative of Clayton Properties Group, Inc. and that he is signing this instrument on behalf of Clayton Properties Group, Inc. by authority of same, said instrument to be the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

  
Notary Public

My commission expires:  
December 6, 2019



## AFFIDAVIT OF GERALD SCHWEBKE

STATE OF MD )  
 COUNTY OF Platte ) ss.

Gerald Schwebke  
 Gerald Schwebke

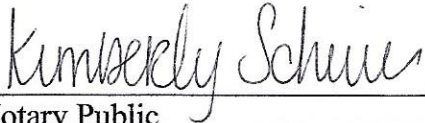
NOW on this 3 day of May, 2018, before me, the undersigned notary public, did personally appear Gerald Schwebke, who did swear upon his oath and attestation that the statements contained herein are true:

1. My name is Gerald Schwebke; I am a member of the Northfield Homes Association, Inc. Board of Directors; and I have personal knowledge of the facts and statements contained in the affidavit;
2. On October 11<sup>th</sup>, 2017 the home owners of record of the lots within Northfield - First Plat, Northfield - Second Plat, and Northfield - Third Plat (hereinafter "*lot owners*") were sent an email from the Northfield Homes Association's Board of Directors asking that they vote to amend the Northfield – First Plat Declaration of Restrictions, Northfield – Second Plat Declaration of Restrictions and Northfield – Third Plat Declaration of Restrictions to allow for the installation of Solar Panels subject to certain parameters (hereinafter "*Amendment*").
3. The ballot was provided via a Google Forms web link contained within body of the email, more specifically <https://goo.gl/forms/3rYr1eZaRQHtIAg12>.
4. A true and accurate copy of the ballot is attached to this Affidavit as Exhibit 1.
5. 58 votes were cast in favor of the Amendment via the Google Forms link online submission.
6. An additional 6 lot owners cast paper ballots in favor of the Amendment.
7. A true and accurate accounting of the vote is attached to this Affidavit as Exhibit 2.
8. The lot owners were informed that a vote in favor the Amendment would act as and in place of their signature on the Amendment document.

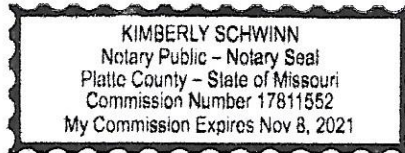
9. In total, 64 out of 91 (70.3%) of the owners of lots, as then and now constituted, voted in favor of the Amendment shown on both the online ballot and paper ballots as "Proposed Amendment #2".

**FURTHER AFFIANT SAID NOT**

**SWORN** before me on the date above written:

  
\_\_\_\_\_  
Notary Public

My commission expires:





**Exhibit 1****2017 Vote for Amendments to the Northfield Declaration of Restrictions**

Please vote on the two proposed amendments presented below. Each household is allowed one vote per amendment.

\* Required

1. **Email address \***

2. **Name: \***

**Proposed Amendment #1**

Proposed Amendment to correct certain errors referencing Jackson County, Missouri. Replace with Platte County, Missouri in:

Section 6 Setbacks, page 5

Section 17 Covenants Running with Land: Enforcement, page 12

Section 21 Party Walls and Related Matters, Subsection (i), page 15

3. **Vote for Amendment #1 \***

*Mark only one oval*

Yes, correct the errors referencing "Jackson County, Missouri" and replace with "Platte County, Missouri".

No, do not amend the Declaration of Restrictions. The errors will remain.

**Proposed Amendment #2**

Solar panels may be installed and screened, with prior written consent of the Approving Party, so as not to be readily visible from the street. The Approving Party shall have the right to establish rules and regulations binding upon all of the Lots and specific requirements for each Lot, regarding the location, size, landscaping and other aesthetic aspects of such solar panel assemblies so as to control the impact thereof on the Subdivision, and all parts thereof.

4. *Mark only one oval.*

Yes, amend the Northfield Declaration of Restrictions to include the installation of Solar Panels as written above.

No, do NOT amend the Northfield Declaration of Restrictions allowing the installation of Solar Panels as written above.

**Clicking the SUBMIT button is considered to be your electronic signature.**