

FOURTH AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, EASEMENTS AND DISCLOSURES FOR TYLER'S LANDING

WHEREAS, Developer executed and recorded in the Sedgwick County real estate records that certain Declaration of Covenants, Conditions, Restrictions, Easements and Disclosures for Tyler's Landing which is recorded in the Sedgwick County real estate records, as amended by that certain Annexation and First Amendment to the Declaration of Covenants, Conditions, Restrictions, Easements and Disclosures for Tyler's Landing; Second Amendment to the Declaration of Covenants, Conditions, Restrictions, Easements and Disclosures for Tyler's Landing; and Annexation and Third Amendment to the Declaration of Covenants, Conditions, Restrictions, Easements and Disclosures for Tyler's Landing (the "Third Amendment, and collectively with the foregoing are hereafter referred to as the "Declaration"); and

WHEREAS, the Property referenced in the Declaration currently includes certain Lots and Common Area as follows:

Tyler's Landing Addition, Wichita Sedgwick County, Kansas

Lots 1-27, inclusive, Block A; Lots 1-67, inclusive, Block B; and Reserves A and B all in Tyler's Landing 2nd Addition, Wichita, Sedgwick County, Kansas

Tyler's Landing 3rd Addition, Wichita Sedgwick County, Kansas ("Tyler's Landing 3rd Addition")

WHEREAS, Developer has the right pursuant to the terms of the Declaration to further amend and modify the same and the Developer desires to do so as provided herein.

NOW, THEREFORE, the Declaration is hereby amended and modified as provided below effective January 1, 2006:

1. The following sentence shall be added to the end of Section 3.4 <u>Subsidy of Common Area Operations</u> of the Declaration:

"Developer shall <u>not</u> have any obligation to subsidize the costs of owning, improving, maintaining, repairing, restoring or operating Lots 37, 38, 39, Block D, Tyler's Landing 3rd Addition in connection therewith as provided in this Section 3.4."

- 2. The following shall be added to the Declaration as Section 3.7:
 - "Section 3.7. Exclusion of Developer's Responsibilities Concerning Lots 37, 38, and 39, Block D, Tyler's Landing 3rd Addition. Even though Lots 37, 38 and 39, Block D, Tyler's Landing 3rd Addition are within the Common Area, the Developer shall not be responsible for or have any financial obligations (including subsidy obligations) for the pool or other amenities to be constructed and operated thereon by the Association."
- 3. Section 4.1 <u>General Assessments</u> is hereby amended as follows: delete "Fifteen and no/100 Dollars (\$15.00)" from the 9th and 10th lines thereof and substitute "Twenty-Five Dollars (\$25.00)" therefor.
- 4. Section 9.2 <u>Amenity Mortgage Financing</u> is hereby amended as follows: After each reference to "Exhibit B" there is hereby inserted "and on Exhibit 'A' to the Third Amendment."
- 5. Except as provided herein, the Declaration shall remain in full force and effect in accordance with its prior terms and provisions.

IN WITNESS WHEREOF, executed as of the day and year first above written.

		DEVELOPER
		R & R Realty, LIC
		By
		Jay W. Russell, Manager
STATE OF KANSAS)	
COUNTY OF SEDGWICK) ss:)	

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

My appointment expires:

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DANELLE K. REICHENBERGER
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Exp. 6/11/09