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AMENDMENT TO HEATHERGLEN HOMES ASSOCIATION DECLARATION

THIS AMENDMENT is made and entered into as of this 11 day of September, 2006 by HeatherGlen Partners, LLC, a Kansas limited liability company ("Assignee/ Developer") and HeatherGlen Homes Association, Inc. ("Homes Association").

A. WHEREAS, Pflumm 51 Investors, L.L.C., a Kansas limited liability company, in its capacity as Developer and filed that certain HeatherGlen Declaration of Restrictions dated the 25th day of July, 2003 and recorded July 30, 2003 in the Office of the Johnson County Register of Deeds under Document No. 3680641 and recorded in Book 9312 at Page 556 (the "Declaration") relating to certain real property described on Exhibit A attached hereto and incorporated herein by reference (the "Property"); and

B. WHEREAS, Developer sold certain lots and transferred its rights as a developer to HeatherGlen Partners, Assignee/Developer; and

C. WHEREAS, Assignee/Developer currently owns 26 of the 41 lots constituting the Property; and

D. WHEREAS, Assignee/Developer owns more than 63% of the Property; and

E. WHEREAS, a Certificate of Substantial Completion has been filed as contemplated on Section 19(a) of the Declaration; and

F. WHEREAS, at a duly called meeting of the board of directors of the homes association, 75% or more of the full number of directors approved the modifications and called a meeting of the members of the Homes Association, which meeting was held on the 11 day of September, 2006 at which point at least two-thirds of the lots voted in favor of this modification.

NOW, THEREFORE, in consideration of the mutual covenants made herein and for other good and valuable consideration the receipt and sufficient of which is hereby acknowledge, the Declaration is amended as follows:

1. The recitals referenced above are incorporated as part of this Amendment.