

**WHITNEY LAND COMPANY, LLC DECLARATION OF PROTECTIVE
RESTRICTIONS ON PROPERTY**

Whitney Land Company, LLC ("Owner") is the owner of the following real estate in Douglas County, Kansas described as follows:

SEE ATTACHED EXHIBITS A, B, AND C

Owner does hereby declare protective restrictions on the above property as hereinafter described:

1. LOT SIZE

No lot, as shown in Exhibit B and adjusted in Exhibit C, shall be subdivided into smaller lots or parcels of land in order to obtain additional building sites.

2. LOT USE

Each lot shall be used for not more than one single family, private residence dwelling together with related garage or carport and not more than two additional structures for use as barns or shelters.

3. DWELLING AND STRUCTURE LOCATION

Minimum setback for any dwelling or structure shall be at least 25 feet from any front or side property line. Rear setbacks are 100 feet for any dwelling or structure. All other Douglas County setbacks are applicable.

4. DWELLING SIZE AND CONDITION

Each dwelling erected on said property must have the following minimum square foot area above grade, exclusive of attached garage, carport or porches:

- (a) In a one-level, ranch-type dwelling the floor area must cover at least 1500 square feet on the main floor.
- (b) A split-level dwelling must contain a total finished living area, above the garage level, of not less than 1600 square feet.
- (c) A one and one-half story dwelling must contain at least 1700 square feet of finished area above the basement.
- (d) A two story dwelling must contain at least 1800 square feet of finished area above the basement.

5. CONSTRUCTION

No mobile or modular homes are allowed. Homes must be constructed on site. When construction of a dwelling is commenced upon any said lots the owner thereof shall prosecute with all reasonable diligence, the completion hereof and shall complete the construction thereof within Eighteen (18) months from the date of commencement. No partially completed dwelling shall be occupied prior to completion.

6. VEHICLES

No abandoned vehicles shall be allowed to set outside garages, carports or outbuildings unless for automobiles or pick-ups used daily on public roads.

7. WASTE DISPOSAL

Garbage, refuse, trash and other waste materials shall not be stored or allowed to accumulate on any lot. Collection containers shall be stored in areas out of view from adjacent lots. Sanitary conditions shall be maintained at all times.

8. HEALTH DEPARTMENT APPROVAL

No person shall be permitted to reside on the above-described property until a septic system has been approved by health authorities in Douglas County. No lagoon systems are allowed.

9. ANIMALS

Horses, dogs, cats, fowl and other livestock in the classification of pets shall be allowed unless they are not controlled to the extent that they interfere with the safety and comfort of other property owners. No animals shall be bred or maintained on any lot for commercial purposes.

10. LOT MAINTENANCE

Owners of lots with or without dwellings shall care for the property to maintain a neat appearance to the area of adjacent lots. Vegetation growth shall be reasonably controlled. Further, Purchaser shall be responsible to maintain vegetation including noxious weeds, so as to comply with city, county, and state laws. Aerial spraying is prohibited.

Exhibit A

A parcel of land located in Section 29, Township 13 South, Range 18 East of the 6th P.M., Douglas County, Kansas, more particularly described as follows: Commencing at the Southeast corner of the Southwest Quarter; thence South 89°39'11" East a distance of 993.65 feet (measured), 990 feet (dead), said point being on the South line of the Southwest Quarter and the Southwest corner of the East 100 acres of the Southeast Quarter; thence North 00°30'10" West a distance of 1800.00 feet (measured and dead) to the point of beginning, said point being on the West line of the East 100 acres of the Southwest Quarter; thence continuing North 00°30'10" West a distance of 811.85 feet, said point being on the West line of the East 100 acres of the Southwest Quarter and the Corps of Engineers boundary; thence North 89°54'08" East a distance of 935.98 feet; thence North 33°29'08" East a distance of 1167.26 feet; thence North 00°20'22" West a distance of 642.08 feet, thence North 61°02'03" East a distance of 490.67 feet, said point being the Corps of Engineers boundary and center line of County Road No. 1023 and 456; thence South 42°44'23" East a distance of 3338.96 feet, said point being the center line of County Road No. 1023 and 456 and the East line of the Southeast Quarter; thence South 00°27'40" East a distance of 317.08 feet, said point being on the East line of the Southeast Quarter and the center line of North 851 Diagonal Road; thence South 51°01'08" West a distance of 2269.89 feet, said point being the center line of North 851 Diagonal Road; thence North 00°30'10" West a distance of 1457.03 feet; thence South 89°29'50" West a distance of 2500.00 feet (measured and dead) to the point of beginning; LESS a parcel of land located in the Southeast Quarter of Section 29, Township 13 South, Range 18 East of the 6th P.M., Douglas County, Kansas, more particularly described as follows: Commencing at the Southeast corner of the Southeast Quarter; thence North 89°52'44" West a distance of 1260.70 feet, said point being on the South line of the Southeast Quarter and the center line of 651 Diagonal Road; thence North 51°01'08" East a distance of 121.56 feet to the point of beginning, said point being the center line of 651 Diagonal Road; thence North 00°30'10" West a distance of 206.42 feet; thence South 38°55'52" East a distance of 161.50 feet, said point being the center line of 651 Diagonal Road; thence South 51°01'08" West a distance of 126.44 feet to the point of beginning.

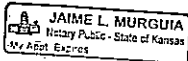
STATE OF KANSAS
COUNTY OF DOUGLAS, ss.

BE IT REMEMBERED, That on this 27 day of May A.D., 2003, before me, the undersigned, a Notary Public in and for said County and State, came Jaime L. Murguia, Whitney manager of Whitney Land Company LLC who personally known to me to be the same person who executed the within instrument of writing, and duly acknowledged the execution of the same.

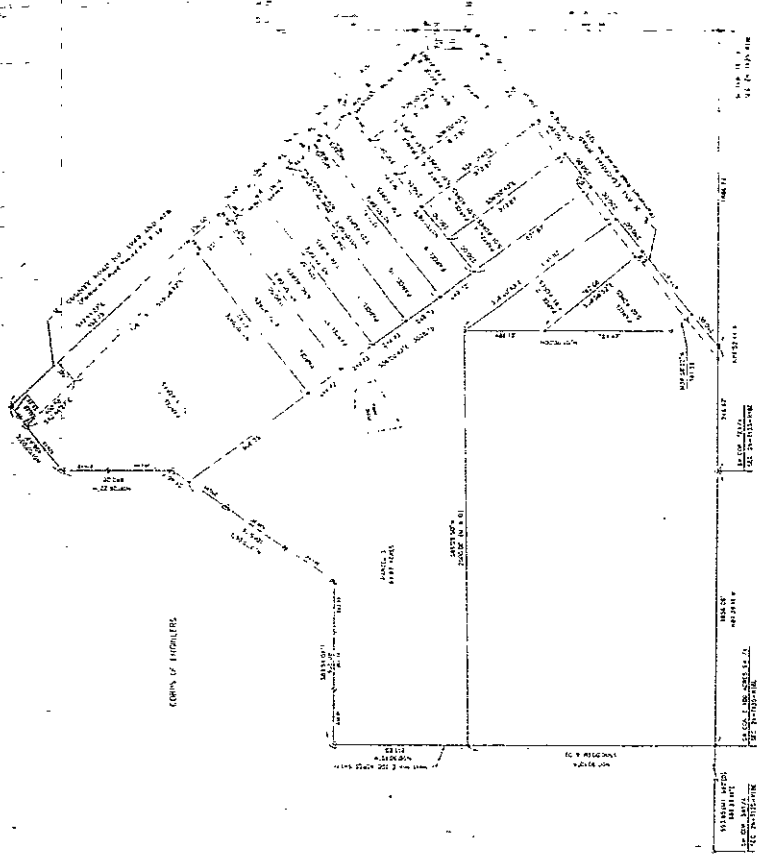
IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

Jaime L. Murguia
Notary Public

My Commission Expires July 2, 2005



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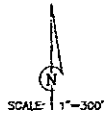
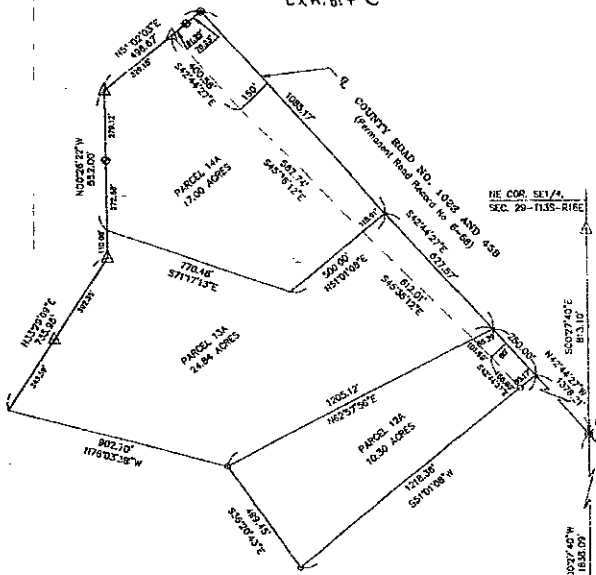
COMPASS OF SURVEILLERS

PLAT OF SURVEY

FRED G. ROGERS, 13143 ARROWHEAD DRIVE, PERRY, KS 66753, (785) 597-5438

SHEET 1 OF 2
 ORDERED BY Clint Whitney
 DATE OF SURVEY May 23, 2003, PARTY FR/PR JOB NO. 38-03
 DESCRIPTION: (SET SHEET 2 OF 2)

Exhibit C



REVIEWED IN COMPLIANCE WITH K.S.A. 38-2005

MICHAEL D. KELLY, L.S. COUNTY SURVEYOR

SE. COR. SE1/4, SEC. 29-1135-R16E

I hereby certify that this survey was conducted under my direct supervision on May 23, 2003, and that all corners were set or found. This survey does not certify ownership or easements.

SURVEYOR
 Fred G. Rogers, L.S.-84

ALL BEARINGS ARE ASSUMED

LEGEND

- 1/2" x 24" Iron Pin Set w/cap
- 1/2" Iron Pin Found (Survey No.)
- Magnetic Nail Found (Survey No.)
- 1/2" Iron Pin Found (Handke Survey No. 6004)
- △ Corps of Engineers Monument Found (Norman Cook No. 169)
- Calculated Point Not Set
- Point On Line Found (Retacement of Corps Boundary 9/19/83)