

Prepared by:

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**FIRST AMENDMENT TO  
DECLARATION OF COVENANTS, CONDITIONS  
AND RESTRICTIONS TO RUN WITH THE LAND  
FOR  
SUNSET PARK ESTATES**

K & R DEVELOPMENT, INC., a South Dakota Corporation, with a registered office at 46005 196th Street, Estelline, South Dakota 57234, hereinafter referred to as Declarant, hereby makes this First Amendment to Declaration of Covenants, Conditions and Restrictions to Run with the Land for Sunset Park Estates:

WITNESSETH:

WHEREAS, Declarant is the owner of the real property described in Exhibit "A".

WHEREAS, the Declarant has filed a Declaration of Covenants, Conditions and Restrictions to Run with the Land for Sunset Park Estates, dated the 27th day of August, 2003, filed in the office of the Hamlin County Register of Deeds on the 28th day of August, 2003, at the hour of 11:30 o'clock a.m. and recorded in Book 50 of MR on page 148.

WHEREAS, the Declarant desires to amend such Declaration of Covenants, Conditions and Restrictions to clarify the issues of residence size restrictions and building set back restrictions.

NOW THEREFORE, Declarant hereby declares that the Covenants, Conditions and Restrictions, dated the 27th day of August, 2003, recorded with the Hamlin County Register of Deeds on the 28th day of August, 2003, at 11:30 o'clock a.m. in Book 50 of MR on page 148 shall remain in full force and effect except that ARTICLE IV Section 4 shall be amended as follows:

Section 4. Buildings, Garages and Driveways. All buildings shall be of new construction. No buildings other than one (1) single family residence and one (1) garage may be constructed upon any lot. On lake frontage lots, the floor area of the residence, exclusive of porches, garages and basements, shall not be less than One Thousand Seven Hundred (1,700) square feet, which may be either a one or two story residence. On all lots other than lake frontage lots, the floor area of the residence, exclusive of porches, garages and basements, shall be not less than One Thousand Five Hundred (1,500) square feet, which may be either a one or two story residence. Each residence shall have at least Twenty-Five (25%) percent of the front of the home covered with stone or brick exterior siding material, excluding the foundation unless a variance is granted by the Design Review Committee. Garages may be attached or detached, and shall be of a minimum size, so as to provide sufficient space for two automobiles and a maximum size so as to provide space for three (3) automobiles. All driveways to garages shall be of concrete or its equivalent. No sheds or similar structures shall be constructed or placed upon any lot. On all lake frontage lots the set back and placement of all buildings relative to the lake shore shall be approved by the Design Review Committee prior to any construction.

FURTHER, Declarant further declares that all of said property is hereby made and shall hereafter be held, transferred, sold conveyed and occupied subject to the covenants, conditions, restrictions, reservations, liens, charges and uses as originally filed as hereby amended. Said covenants, conditions, restrictions, reservations liens, charges and uses shall run with the real property described in Exhibit "A" attached hereto, shall be binding upon all parties having and/or acquiring any right, title or interest in the said real property or in any part thereof and shall inure to the benefit of each and every person or entity from time to time owning or holding an interest in said real property.

IN WITNESS WHEREOF the owner has executed this Amendment this \_\_\_\_ day of September, 2003.

DECLARANT:

K & R DEVELOPMENT, INC.

By: \_\_\_\_\_  
Kenneth D. Hansen, Its President

