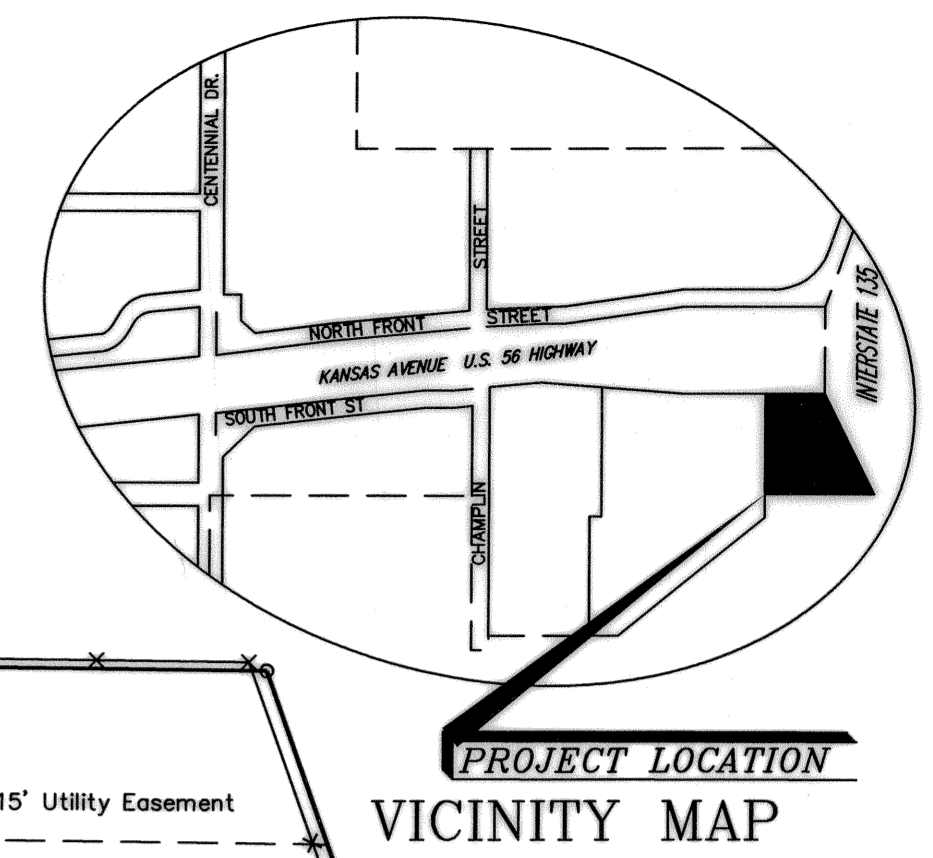


AMENDMENT TO TRACT I - FINAL P.U.D. PLAN OF PLAZA EAST ADDITION MCPHERSON, MCPHERSON COUNTY, KANSAS

Page 1 of 2



General Provisions:
This P.U.D. and the hereon described property is subject to the following:

- 1.) Easements with Covenants and Restrictions affecting land "ECR" dated November 8, 1985 between Wal-Mart Properties, Inc. and McPherson Development Company, a Missouri General Partnership, filed for record November 14, 1985 in Volume Misc. 260 at Page 440.
- 2.) Development Agreement between Wal-Mart Properties, Inc. and McPherson Development Company, a Missouri General Partnership, dated November 8, 1985.
- 3.) Amendment to Development Agreement between Wal-Mart Properties, Inc. and McPherson Development Company dated July 31, 1986.
- 4.) Second Amendment to Development Agreement filed December 12, 1986 filed for record Volume Misc. 264, Page 357.
- 5.) "Ground or pole-type sign shall not exceed 35 feet in height, except the signs located at the southeast corner of Tract III which due to the interchange may not exceed 50 feet in height. Signs shall not exceed a gross surface area of 300 square feet per sign or total sign area per business shall not exceed three square feet of signage per linear foot store frontage. This plan indicates general location and number of ground or pole-type signs per tract only and not exact sign locations. Signs shall otherwise comply with sign regulations for the B-5 Shopping Center Business District as found in the City Zoning Regulations.
- 6.) A separate site plan is required for approval of each building to be built within the defined "maximum building area" at the time of construction.
- 7.) Amendment to Tract II, Final P.U.D. Plan filed for record in Plat Book B page 60 on June 28, 1999.
- 8.) As per agreement with the K.D.O.T., there will be no entrances allowed from Champlin Street any closer than 100 feet from the south right-of-way of U.S. Highway 56.
- 9.) All existing or future outdoor lighting shall be directed or shielded in such a way so as to prevent the creation of a nuisance to adjacent residential properties or the creation of a hazard on any public way.
- 10.) Planned Unit Development Statement filed for record on September 15, 1999 in book Misc. 310, page 824.
- 11.) The uses allowed in this P.U.D. shall be those listed in the City Zoning Regulations under the B-5 Shopping Center Business District including all additions or deletions for this P.U.D. overlay district as approved by the McPherson City Commission under Ordinance Number 2629 dated July 26, 1999.
- 12.) Temporary and seasonal, sales, display and/or storage areas are allowed outside without screening as long as the required parking area ratio is maintained. Permanent outside storage and display areas are shown and may be fenced as appropriate. Notwithstanding anything to the contrary, the required parking area ratio shall not be greater than the ratio required by the currently existing City Zoning Regulations. Portable storage containers are allowed in Tracts I and IIB behind the buildings. Fire access lanes shall be maintained in accordance with applicable state statute and city ordinance.
- 13.) 6' cedar screening fence to be built along the south property line of Tract I, IIB and III by developer and McPherson Development Company, when and only when the property adjoining and south of these tracts develops as residential.

14.) 6' cedar screening fence to be built along the south property line of Tract I, IIB and III by developer and McPherson Development Company, when and only when the property adjoining and south of these tracts develops as residential.

15.) 6' cedar screening fence to be built along the south property line of Tract I, IIB and III by developer and McPherson Development Company, when and only when the property adjoining and south of these tracts develops as residential.

16.) 6' cedar screening fence to be built along the south property line of Tract I, IIB and III by developer and McPherson Development Company, when and only when the property adjoining and south of these tracts develops as residential.

17.) 6' cedar screening fence to be built along the south property line of Tract I, IIB and III by developer and McPherson Development Company, when and only when the property adjoining and south of these tracts develops as residential.

18.) 6' cedar screening fence to be built along the south property line of Tract I, IIB and III by developer and McPherson Development Company, when and only when the property adjoining and south of these tracts develops as residential.

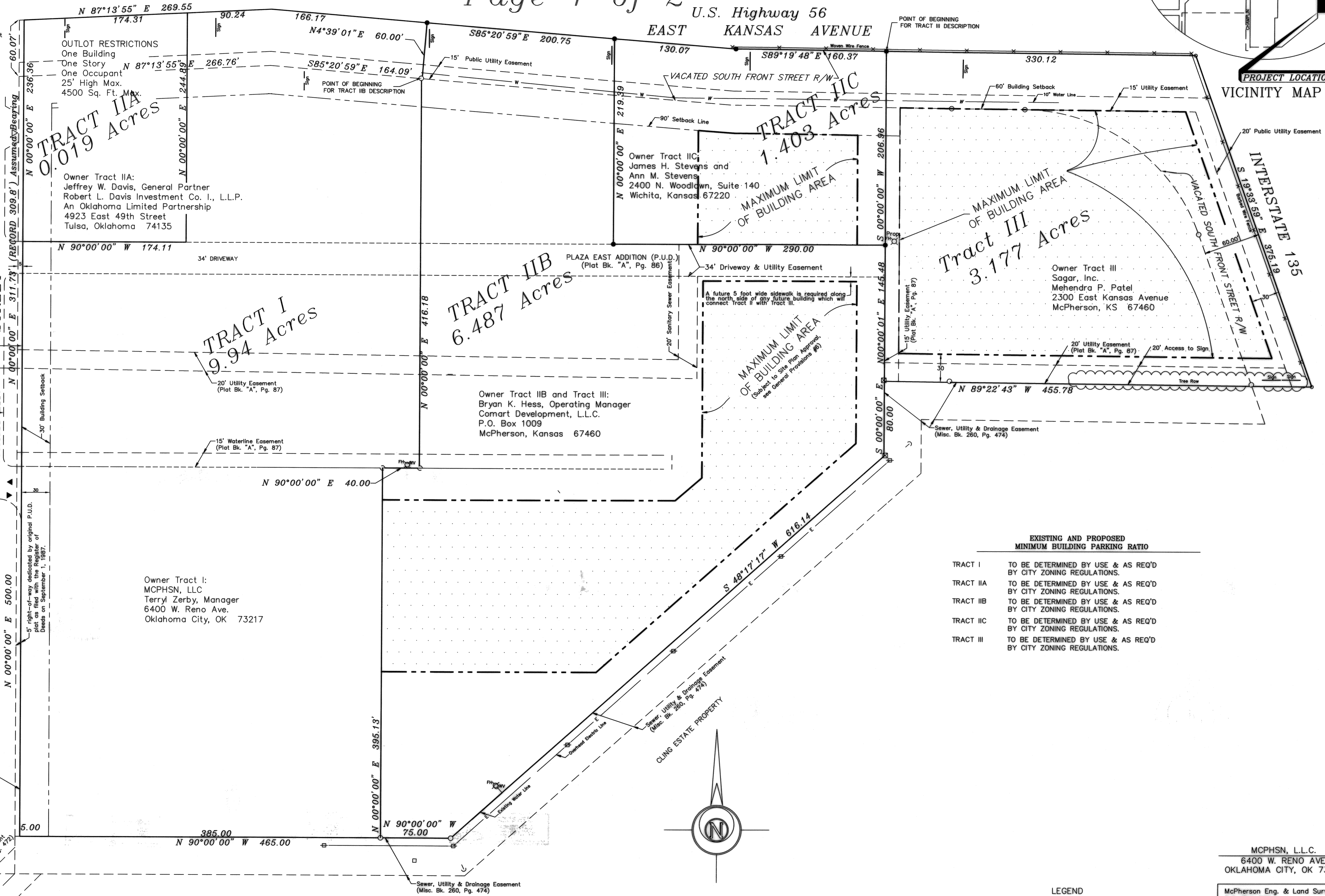
19.) 6' cedar screening fence to be built along the south property line of Tract I, IIB and III by developer and McPherson Development Company, when and only when the property adjoining and south of these tracts develops as residential.

20.) 6' cedar screening fence to be built along the south property line of Tract I, IIB and III by developer and McPherson Development Company, when and only when the property adjoining and south of these tracts develops as residential.

BENCHMARK:
Chiseled [] (Square) on top of Headwall at Southwest corner of East branch, Dry Turkey Creek culverts under East Kansas Avenue (1/2 mile West of site) RM3 National Flood Rate Map, Panel 20 of 20.
Elevation = 1487.91 USGS

TEMPORARY BENCHMARK:
"d" on East side of Concrete Pole Base.
Elevation = 1502.94 USGS

FLOOD CERTIFICATION:
No portion of this site is in the "Zone A" designated flood area (100-Year Frequency Flood Zone) as designated by the Federal Emergency Management Agency, Flood Insurance Rate Map, Community Panel Number 200217 00200, for the City of McPherson, McPherson County, Kansas, dated March 16, 1983. This site is in Zone C.



EXISTING AND PROPOSED MINIMUM BUILDING PARKING RATIO	
TRACT I	TO BE DETERMINED BY USE & AS REQ'D BY CITY ZONING REGULATIONS.
TRACT IIA	TO BE DETERMINED BY USE & AS REQ'D BY CITY ZONING REGULATIONS.
TRACT IIB	TO BE DETERMINED BY USE & AS REQ'D BY CITY ZONING REGULATIONS.
TRACT IIC	TO BE DETERMINED BY USE & AS REQ'D BY CITY ZONING REGULATIONS.
TRACT III	TO BE DETERMINED BY USE & AS REQ'D BY CITY ZONING REGULATIONS.

LEGEND

- - 5/8" x 24" Iron Rebar w/G.S.S. Cap
- - Survey Monument Found 4/12/1999 by Garber
- - Fence
- - 1/2" Rebar in Concrete

MCPHSN, L.L.C.
6400 W. RENO AVE.
OKLAHOMA CITY, OK 73127

McPherson Eng. & Land Surveying
P.O. Box 662
McPherson, Kansas 67460
620-241-5086
Drawing Date: 12/19/2006

AMENDMENT TO TRACT I - FINAL P.U.D. PLAN OF PLAZA EAST ADDITION MCPHERSON, MCPHERSON COUNTY, KANSAS PAGE 2 OF 2

LAND SURVEYOR'S CERTIFICATE AND DESCRIPTION:

I, the undersigned, registered land surveyor of the State of Kansas, do hereby certify that the following described tract was surveyed on April 12, 1999 per the Amendment to Tract II, Final P.U.D. Plan of the Plaza East Addition as certified by Dan Garber, as filed at the Register of Deeds Plat Bk. "B", Page 60 in McPherson County, McPherson County, Kansas. The basis of origin is from Francis Rankin survey Champlin Addition 1/9/1970.

DESCRIPTION TRACT IIB:

A portion of Tract II of Plaza East Addition, a part of the West Half (W 1/2) of Section Twenty-six (26), Township Nineteen (19) South, Range Three (3) West of the 6th Principal Meridian, more particularly described as follows:

From the Southwest corner of the Northwest Quarter (NW 1/4) of Section 26, as shown on the plat of Champlin Addition to the City of McPherson, Kansas, run South 89 degrees 22 minutes 43 seconds East (no record bearing) 971.65 feet to the Southwest corner of Block Four (4) of said Champlin Addition, as originally platted; thence North 00 degrees 00 minutes 00 seconds East 311.73 feet (record 309.8 feet) along the East right-of-way line of Champlin Street as originally platted; thence North 87 degrees 13 minutes 55 seconds East 266.76 feet along the South right-of-way line of South Front Street as originally platted and now vacated; thence South 85 degrees 20 minutes 59 seconds East 164.09 feet along the South right-of-way line of said vacated South Front Street to the point of beginning; thence North 04 degrees 39 minutes 01 seconds East 60.00 feet to the North right-of-way line of said vacated South Front Street; thence South 85 degrees 20 minutes 59 seconds East 200.75 feet along the North right-of-way line of said vacated South Front Street; thence South 00 degrees 00 minutes 00 seconds West 219.39 feet; thence North 90 degrees 00 minutes 00 seconds East 290.00 feet; thence South 00 degrees 00 minutes 01 seconds West 145.48 feet; thence South 00 degrees 00 minutes 00 seconds East 80 feet; thence South 48 degrees 17 minutes 17 seconds West 616.14 feet; thence North 90 degrees 00 minutes 00 seconds West 75 feet; thence North 00 degrees 00 minutes 00 seconds East 395.13 feet; thence North 90 degrees 00 minutes 00 seconds East 40.00 feet; thence North 00 degrees 00 minutes 00 seconds East 416.18 feet to the point of beginning containing 6.487 Acres in McPherson, McPherson County, Kansas.

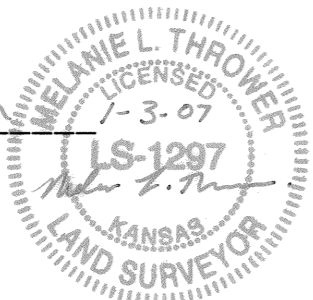
DESCRIPTION TRACT IIC:

A portion of Tract II and all of Area "R" of Plaza East Addition, a part of the West Half (W 1/2) of Section Twenty-six (26), Township Nineteen (19) South, Range Three (3) West of the 6th Principal Meridian, more particularly described as follows:

From the Southwest corner of the Northwest Quarter (NW 1/4) of Section 26, as shown on the plat of Champlin Addition to the City of McPherson, Kansas, run South 89 degrees 22 minutes 43 seconds East (no record bearing) 971.65 feet to the Southwest corner of Block Four (4) of said Champlin Addition, as originally platted; thence North 00 degrees 00 minutes 00 seconds East 311.73 feet (record 309.8 feet) along the East right-of-way line of Champlin Street as originally platted; thence North 87 degrees 13 minutes 55 seconds East 266.76 feet along the South right-of-way line of South Front Street as originally platted and now vacated; thence South 85 degrees 20 minutes 59 seconds East 164.09 feet along the South right-of-way line of said vacated South Front Street; thence North 04 degrees 39 minutes 01 seconds East 60.00 feet to the North right-of-way line of said vacated South Front Street; thence South 85 degrees 20 minutes 59 seconds East 330.82 feet along the North right-of-way line of said vacated South Front Street; thence South 89 degrees 19 minutes 48 seconds East 160.37 feet along the North right-of-way line of said vacated South Front Street to the point of beginning; thence continuing South 89 degrees 19 minutes 48 seconds East 330.12 feet along the North right-of-way line of said vacated South Front Street; thence South 19 degrees 33 minutes 59 seconds East 375.19 feet along the East right-of-way line of said vacated South Front Street; thence North 89 degrees 22 minutes 43 seconds West 455.78 feet; thence North 00 degrees 00 minutes 01 seconds East 145.48 feet; thence North 00 degrees 00 minutes 00 seconds East 206.96 feet to the point of beginning containing 3.177 Acres in McPherson County, Kansas.

Date Jan. 3, 2007

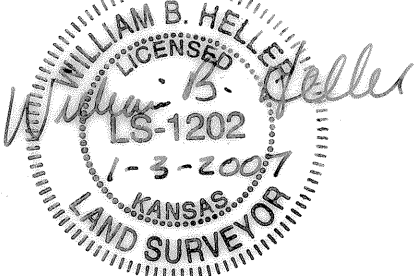
[SEAL]

Melanie L. Thrower
Melanie L. Thrower RLS #1297


COUNTY SURVEYOR CERTIFICATE

State of Kansas }
County of McPherson }


Reviewed by the Unified Government Surveyor this 3rd day of January, 2007. This survey has been reviewed for filing, pursuant to K.S.A. 58-2005 and K.S.A. 58-2011 for content only and is in compliance with those provisions. No other warranties are extended or implied.

William B. Heller
William B. Heller, LS #1202 McPherson County Surveyor


STATE OF KANSAS }
COUNTY OF McPherson }

The foregoing instrument was acknowledged before me this 9th day of January, 2007, by Mehendra P. Patel.

[SEAL]

My commission expires: July 29, 2008


OWNER'S CERTIFICATE AND DEDICATION:

STATE OF KANSAS }
COUNTY OF MCPHERSON }

This is to certify that the undersigned owner(s) of the land described in the Surveyor's Certificate; have caused the same to be surveyed and subdivided on the accompanying plat into lots, blocks, streets and other public ways under the name of Plaza East Addition; (an addition to the City of McPherson, McPherson County, Kansas); that all highways, streets, alleys, easements and public grounds as denoted on the plat are hereby dedicated to and for the use of the public for the purposes of constructing, operating, maintaining and repairing public improvements; and further that the land contained herein is held and shall be conveyed subject to any applicable restrictions, reservations, and covenants now on file or hereafter filed in the Office of the Register of Deeds of McPherson County, Kansas.

Bryan K. Hess
Bryan K. Hess
TRACT 11B
Comart Development, L.L.C.

Jeffrey W. Davis
Jeffrey W. Davis
TRACT 11A
Robert L. Davis Investment Co. I, L.L.C.

Terry H. Zerby
Terry Zerby, Manager
TRACT I
MCPHSN, L.L.C.

James H. Stevens
James H. Stevens
TRACT IIC
Ann M. Stevens

Mehendra P. Patel
Mehendra P. Patel
TRACT III
Sagar, Inc.

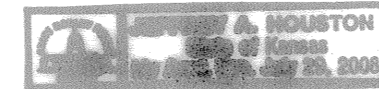
Ann M. Stevens
Ann M. Stevens
TRACT IIC

NOTARY CERTIFICATES

STATE OF KANSAS }
COUNTY OF McPHERSON }

The foregoing instrument was acknowledged before me this 9th day of January, 2007, by Bryan K. Hess.

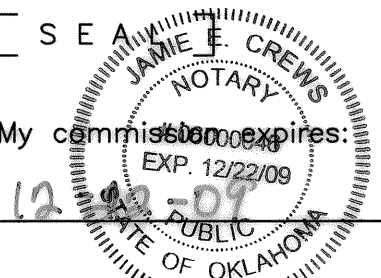
[SEAL]

My commission expires: July 29, 2008


STATE OF OKLAHOMA }
COUNTY OF Oklahoma }

The foregoing instrument was acknowledged before me this 18 day of January, 2007, by Terry Zerby.

[SEAL]

My commission expires: 12-31-07


STATE OF OKLAHOMA }
COUNTY OF Tulsa }

The foregoing instrument was acknowledged before me this 12th day of January, 2007, by Jeffrey W. Davis.

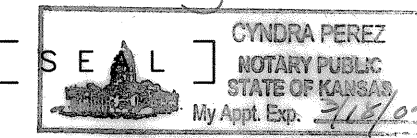
[SEAL]

My commission expires: 3-14-10


STATE OF KANSAS }
COUNTY OF Sedgwick }

The foregoing instrument was acknowledged before me this 30th day of January, 2007, by James H. Stevens and Ann M. Stevens.

[SEAL]

My commission expires: 3/18/07


MORTGAGE HOLDER

We, Home State Bank and Trust, by Paul K. Ediger, ^{Executive Vice} President, holders of a mortgage on the above described property do hereby consent to the plat of Plaza East Addition, City of McPherson, McPherson County, Kansas.

Home State Bank And Trust
223 N. Main Street
McPherson, Kansas

Paul K. Ediger
Paul K. Ediger, President
^{Executive Vice}

MORTGAGE HOLDER

We, Bank of Hydro, by Calvin Campbell, President, holders of a mortgage on the above described property do hereby consent to the plat of Plaza East Addition, City of McPherson, McPherson County, Kansas.

Bank of Hydro
146 W. Main Street
Hydro, Oklahoma 73048

Calvin Campbell
Calvin Campbell, President

MORTGAGE HOLDER

We, Bank of America, by Mark Heiman, Senior Vice-President, holders of a mortgage on the above described property do hereby consent to the plat of Plaza East Addition, City of McPherson, McPherson County, Kansas.

Bank of America
P.O. Box 4
Wichita, Kansas 67201


Mark Heiman
Mark Heiman, President
^{Heiman, Senior Vice President}

NOTARY CERTIFICATES

STATE OF KANSAS }
COUNTY OF McPHERSON }

The foregoing instrument was acknowledged before me this 9th day of January, 2007, by Paul K. Ediger.

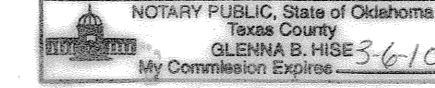
[SEAL]

My commission expires: July 29, 2008


STATE OF OKLAHOMA }
COUNTY OF Texas }

The foregoing instrument was acknowledged before me this 22nd day of January, 2007, by Calvin Campbell.

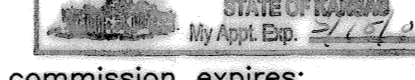
[SEAL]

My commission expires: 3-6-10


STATE OF KANSAS }
COUNTY OF Sedgwick }

The foregoing instrument was acknowledged before me this 30th day of January, 2007, by Mark Heiman.

[SEAL]

My commission expires: 3/18/07


PLANNING COMMISSION CERTIFICATE

STATE OF KANSAS }
CITY OF MCPHERSON }

This plat was approved by the McPherson City Planning Commission on

December 12, 2006.

Signed February 1, 2007 2007
Donna S. Lehner
Donna S. Lehner, Chairperson

ATTEST: Gail Lauderdale
Gail Lauderdale, Secretary

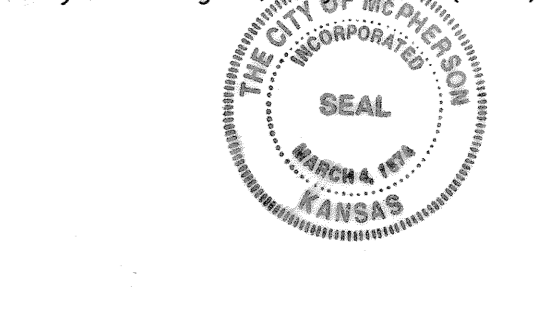
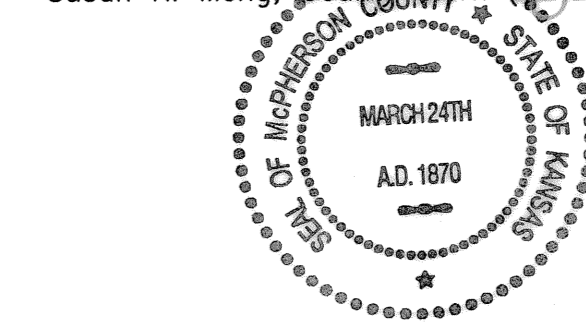
COUNTY CLERK AND CITY CLERK CERTIFICATE

STATE OF KANSAS }
COUNTY OF MCPHERSON }

We, the undersigned, County Clerk of McPherson County, Kansas, and City Clerk of the City of McPherson, Kansas, within our respective jurisdictions, do hereby certify that at the date of this certificate, all currently due and owing taxes and special assessments of any kind assessed against any of the land included in this plat, have been paid.

Date Signed Feb. 6, 2007
Susan R. Meng
Susan R. Meng, County Clerk (SEAL)

Date Signed FEBRUARY 5, 2007
Gary L. Meagher
Gary L. Meagher, City Clerk (SEAL)

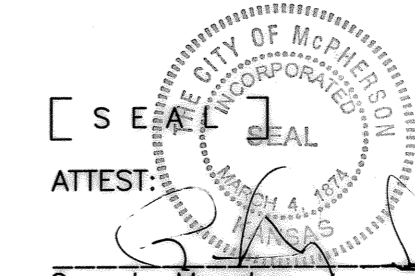


GOVERNING BODY CERTIFICATE:

STATE OF KANSAS }
CITY OF MCPHERSON }

The dedications shown on this plat, if any, are hereby accepted by the Governing Body of the City of McPherson, Kansas, on FEBRUARY 5, 2007.

William J. Goering
William J. Goering, Mayor

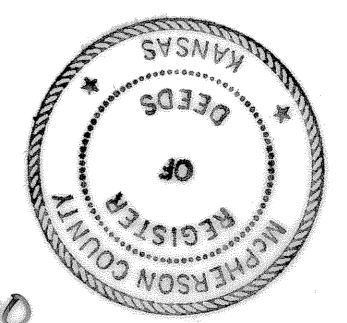


ATTEST: Gary L. Meagher
Gary L. Meagher, City Clerk

REGISTER OF DEEDS CERTIFICATE:

State of Kansas, McPherson Co., SS:
This instrument was filed for record on the 6 day of Feb, A. D., 2007, at 3:15 o'clock P.m. and duly recorded in book 561 on page 3.

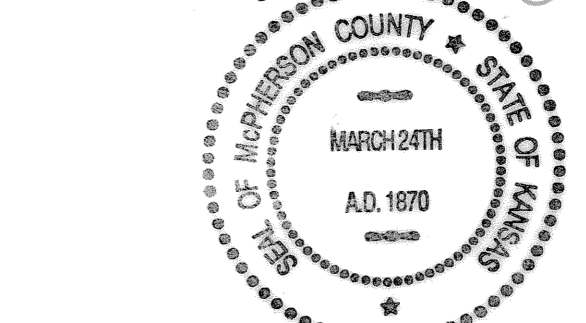
Glenna B. Hise
Glenna B. Hise, Register of Deeds
40.00



TRANSFER RECORD

Entered on transfer record this 6th day of January, 2007.

Susan R. Meng
Susan R. Meng, County Clerk



MCPHSN, L.L.C.
6400 W. RENO AVE.
OKLAHOMA CITY, OK 73127
McPherson Eng. & Land Surveying
P.O. Box 662
McPherson, Kansas 67460
316-241-5086
Drawing Date 12/19/2006