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**IN THE DISTRICT COURT OF BUTLER COUNTY, KANSAS
 CIVIL DEPARTMENT**

VERN T. PALMER and PEGGY PALMER)
 AS TRUSTEES OF THE PALMER FAMILY)
 TRUST, et al;)
)
 Plaintiffs,)
)
 v.)
)
 L.A. KNEBLER ADDITION HOMEOWNERS)
 ASSOCIATION, ET AL.,)
)
 Defendants.)

Case No. 2016-CV-299

 (pursuant to K.S.A. Chapter 60)

JOURNAL ENTRY OF JUDGMENT

NOW on this ____ day of March, 2018, the above-captioned matter comes on for hearing. Plaintiffs appear by and through counsel, Vernon L. Jarboe of Sloan, Eisenbarth, Glassman, McEntire & Jarboe, L.L.C. Defendants appear by and through counsel, Jason Reed of Adams Jones Law Firm, PA.

This matter comes on for hearing with respect to a ruling on Plaintiffs' Motion for Summary Judgment. The parties were previously notified the hearing would be held for purposes of the Court issuing a ruling.

1. The Court finds that the notary public having notarized the proposed modifications to the neighborhood restrictions had a beneficial interest in the subject matter for which she was notarizing signatures. The Court finds that pursuant to K.S.A. 53-109(a), it is not appropriate for a notary to notarize signatures on a matter where the subject is one in which the notary has a

beneficial interest. Therefore, the Court finds that the notaries are invalid and the supposed modification is set aside.

2. The Court further finds that by setting aside the restrictions, then the lien on property owners arising from those restrictions must also be set aside.

3. The Court does not have sufficient information before it with respect to the Motion to Set Aside the Deed and therefore makes no ruling on that matter.

4. The Court therefore grants Plaintiffs' Motion for Summary Judgment setting aside the declarations and liens.

IT IS THEREFORE BY THE COURT ORDERED, ADJUDGED AND DECREED that each of the above and foregoing numerically styled paragraphs are and do become the order of the Court.

IT IS SO ORDERED.

This Order is effective as of the date and time shown on the electronic file stamp.

PREPARED AND APPROVED BY:

Respectfully Submitted by:

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/s/

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Attorneys for Defendants