

Dated 3-9-87

Filed 3-16-87

AMENDMENT TO PARKTON DECLARATION AND INDENTURE OF
COVENANTS, RESTRICTIONS, CONDITIONS AND ESTOPPEL

Book 358,

pp 2243-2317

*Jeff. Co. Recorder's
Office*

WHEREAS, there is filed for record with Recorder of Deeds of Jefferson County, Missouri, in Book 529 at Page 822 a certain "Parkton Declaration and Indenture of Covenants, Restrictions, Conditions and Estoppel" relating to "Parkton" Subdivision located in Jefferson County, Missouri, and

WHEREAS, Article 0, Paragraph 55 of said Declaration and Indenture provides for the Amendment of said Declaration and Indenture by seventy-five percent of the property owners in Parkton as measured by the assessed valuation of their respective real estate properties as the same appear in the Jefferson County Assessor's real estate records, and

WHEREAS, the undersigned constitute more than seventy-five percent of the property owners in Parkton as measured by the assessed valuation of the respective real estate properties as the same appear in the Jefferson County Assessor's real estate records at the time of execution of this Amendment, and

WHEREAS, it is the desire of the undersigned to amend said Declaration and Indenture as provided herein:

NOW, THEREFORE, the undersigned do hereby amend the "Parkton Declaration and Indenture of Covenants, Restrictions, Conditions and Estoppel" as follows:

Article 0, Paragraph 55, of said Declaration and Indenture of Covenants, Restrictions, Conditions and Estoppel is hereby amended to read as follows:

ARTICLE O.

AMENDMENT.

55. This Declaration and Indenture may be amended subject to the following provisions:

(a) The Grantors shall have the right to amend this Declaration and Indenture provided that any such amendment is approved by sixty percent of the property owners in Parkton as provided in subparagraph (b) hereinafter, but no such an amendment by the Grantors shall be made after the Grantors have developed and sold off all of the lots and parcels in Parkton.

(b) This Declaration and Indenture may also be amended without the consent of Grantors by the written consent of sixty percent of the property owners in Parkton as measured by the assessed valuations of their respective real properties as the same appear in the Jefferson County Assessor's real estate records, but such amendment shall not in any manner limit the rights of Grantors as provided in Articles A and B hereof. If an amendment pertains only to platted residential areas, then the consents of the owners of commercial, industrial or institutional properties shall not be required, and the amendment shall be effected by sixty percent of the residential property owners as measured by the assessed valuation of the real estate in such residential area, but such amendment shall not in any manner limit the rights of the Grantors as provided in Articles A and B hereof.

(c) No amendment shall become effective until the same is duly executed and recorded in the office of the Recorder of Deeds of Jefferson County, Missouri.

WHEREFORE, the undersigned have executed this amendment on the date set forth beside our respective signatures.

NOTICE OF ADOPTION OF
PARKTON RULES AND REGULATIONS

To: Parkton Residents

Re: Parkton Rules and Regulations

Paragraph 15(a) of the "Parkton Declaration and Indenture of Covenants, Restrictions, Conditions and Estoppel" provides:

"The directors shall have full power and authority to establish rules and regulations pertaining to:

(a) Traffic and parking on the streets and other property owned by the Association including the posting of stop, speed-limit, no parking and one way street signs and prohibition against (and providing for impounding of) abandoned vehicles, commercial vehicles, trucks, tractors, trailers and recreational vehicles."

The purpose of these Rules and Regulations is to make the streets safer and protect against excessive damage to and deterioration of the streets. Your compliance with the Rules and Regulations is encouraged and appreciated. These Rules and Regulations will be enforced through appropriate legal action. All costs of such enforcement will be borne by the violator.

The Board will be happy to receive any comments or suggestions you may have. Additional information will be provided regarding fire lanes as soon as a plan is finalized with the fire district. The required permit for use of commercial vehicles in conjunction with new construction will not apply to buildings for which a foundation was existing as of May 19, 1987. (date of adoption)

Thank you for your cooperation.

PARKTON BOARD OF DIRECTORS

PARKTON RULES AND REGULATIONS

The following Rules and Regulations, as executed by the Board of Directors of the Parkton Association, are authorized by and made pursuant to the Parkton Declaration and Indenture of Covenants, Restrictions, Conditions and Estoppel, hereinafter referred to as "Parkton Restrictions", which has been filed with the Recorder of Deeds in Jefferson County, Missouri at Book 529, Page 522.

WITNESSETH

WHEREAS, the Parkton Association is the owner of all common areas in Parkton, including all roads and easement areas established within the tract described in Exhibit "A" attached to the above referenced "Parkton Restrictions" leading to or located in the residential areas of Parkton which are to be private except for such roads as are dedicated and accepted by Jefferson County for county maintenance and parkway areas and rights-of-way within the tract described in Exhibit "A" leading to or located in the residential areas of Parkton abutting all roads, and

WHEREAS the Parkton Association holds title to the streets and roads for the benefit of all of the lot and parcel owners of Parkton, including tenants, residents, guests, invitees and licensees; and

WHEREAS, under paragraph 15 (a) of the "Parkton Restrictions" the Board of Directors of the Parkton Association has full power and authority to establish rules and regulations pertaining to traffic and parking on the streets and other property owned by the Parkton Association, including the posting of stop, speed-limit, no parking and one-way street signs and prohibition against (and providing for impounding of) abandoned vehicles, commercial vehicles,

trucks, tractors, trailers, boats and recreational vehicles; and

WHEREAS, traffic and parking in Parkton is creating a serious danger to the health, welfare, and safety of residents in Parkton and heavy commercial vehicles traveling across the streets and roads of Parkton are damaging and will continue to damage the streets and roads resulting in substantial and unnecessary costs to maintain said streets;

NOW THEREFORE, the Directors do herewith establish rules and regulations regarding traffic and parking on the streets and other property owned by Parkton Association and do herewith provide as follows:

1. a. COMMERCIAL VEHICLES

i. No Commercial vehicle, truck, tractor or trailer used in, or in conjunction with, the construction of a new home or new building shall be operated on the roads, streets, drives, ways or easements owned by the Association unless the owner of the Real Property upon which the new home or new building is to be constructed has purchased and has in his or her possession a permit granted by the Board of Directors for the use of such streets, roads, drives, ways or easements in Parkton. "Commercial vehicle, truck, tractor, or trailer" shall include but not be limited to material delivery vehicles of all kinds, concrete trucks, brick or block delivery vehicles, lumber delivery vehicles, electric trucks, plumbing trucks, floats, pickup trucks,

bulldozers, road graders, backhoes and other earth moving equipment, gravel trucks, asphalt trucks, and all other related or similar equipment, trucks, tractors, trailers or vehicles used in construction of a new home or new building. A permit shall not be required for the use of commercial vehicles, trucks, tractors or trailers in conjunction with any addition to or remodeling of any home or building.

ii. The permit shall be obtained by submitting an application to the Board of Directors in the form of Exhibit "A" attached hereto. Such application shall be accompanied by a fee of \$1,000 for each building, home or lot for which, or in conjunction with which, such commercial vehicle, truck tractor or trailer shall be used. The permit shall be in the form of Exhibit "B" attached hereto. The permit shall be valid for a period of one year from the date of its issuance. The granting of a permit shall not release any owner, contractor or subcontractor from liability for any damage to the roads or streets caused by any commercial vehicles permitted thereon by any permit.

iii. The owner of each parcel of real property for which or in conjunction with which a commercial vehicle will be used for the construction of a new home or new building shall provide a copy of the permit obtained for said parcel of real property, home or building to the operator of each commercial vehicle, truck, tractor or trailer to be used in construction of the home or building. The operator of each

such vehicle shall present the copy of said permit upon demand of any authorized official of the Board of Directors or their appointee. Use of the roads, streets, drives, ways or easements in Parkton will not be permitted to any such commercial vehicle unless such permit has been obtained and in the possession of the commercial vehicle operator. Such permit shall authorize each commercial vehicle, truck, tractor or trailer to be used only in conjunction with construction upon the real property for which the permit is issued. The owner of each parcel of real property shall be responsible to enforce proper use of the permit issued to such owner, and such permit may be revoked for improper use or if vehicles enter for work on lots, homes or buildings other than for which the permit is issued or without a permit.

b. Parking

No boat, trailer, recreational vehicle, inoperable or abandoned vehicle, tractor, combine, self-propelled mower or other motorized farm implement shall be permitted to park on the streets and roads in Parkton.

c. Fire Lanes

The parking of any vehicle shall be permitted on only one side of a street or road in Parkton where Posted. The parking of any vehicle shall be prohibited in any area designated as a fire lane as adopted by the local fire district and posted.

d. Unlicensed Motor Vehicles

No motor vehicle shall be operated upon the roads, streets, drives, ways or easements of Parkton unless such motor vehicle is properly licensed by the State of Missouri or has a valid license from another state or territory.

2. ENFORCEMENT:

The Board of Directors or any property owner within the Parkton Association may institute an appropriate proceeding in law or equity for purposes of obtaining injunctive and/or monetary relief for damages to any of the common areas upon any violation of the before mentioned rules and regulations. The Board of Directors shall also have the authority to contract for the erection of a gate to the entrance of any street or road in Parkton and to deny access to said streets and roads to anyone who is or has been in violation of the rules and regulations. If legal action is taken the person or persons found in violation of said rules and regulations shall be responsible for all costs associated with the prosecution of said action, including attorney's fees. The failure to enforce any rule or regulation by the Directors or property owners within the Parkton Association shall not be deemed to be a waiver of those rights.

3. SEPARABILITY:

If any paragraph, sub-paragraph, sentence, clause, phrase or

portion of these rules and regulations is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

4. AMENDMENT:

These Rules and Regulations may be amended as deemed necessary by the Board of Directors for the health and safety of Parkton residents and protection of the roads, streets and common areas.

These Rules and Regulations of Parkton Subdivision are adopted at a meeting of the Board of Directors of Parkton Subdivision duly called and held on the 19 of MAY, 1987, with a quorum present, by the undersigned members of said Board of Directors.

Filed; November 30, 1987
Recorded; Book 383
Pp. 814-823

Harold J. Munn
Donald E. Fitzgerald
John K. Mandell
John S. Appellon
Wayne Wehking

ATTESTED