

1974

AMENDMENT TO THE
AMENDED TRUST INDENTURE AND RESTRICTIVE COVENANTS AND CONDITIONS
PERTAINING TO A SUBDIVISION OF LAND IN BENTON COUNTY, MISSOURI

KNOW ALL MEN BY THESE PRESENTS, that a certain Trust Indenture and Restrictive Covenants and Conditions Pertaining To A Subdivision of Land in Benton County, Missouri, was entered into between National Development Company, Inc., a Texas corporation and The Trustee of Bent Tree Harbor Trusteeship, was recorded on the 8th day of February, 1983, in Book 382, Page 073 of the Records of the Recorder of Deeds at Benton County, Missouri, and was thereafter amended on the 28th day of February, 1983 in a document recorded in Book 382, Page 370-379 in the records of the Recorder of Deeds at Benton County, Missouri. Said Amended Trust Indenture and Restrictive Covenants and Conditions Pertaining to a Subdivision of Land in Benton County, Missouri is hereafter referred to as "Amended Trust Indenture".

Said Amended Trust Indenture and Restrictive Covenants and Conditions apply to the following real property located in Benton County, Missouri, and described as follows:

THE WEST THREE FOURTHS (3/4) OF SECTION SEVENTEEN (17); THE NORTHEAST QUARTER, ON THE RIGHT BANK OF GRAND RIVER, THE EAST HALF OF THE SOUTHEAST QUARTER AND THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION EIGHTEEN (18), THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION NINETEEN (19); ALL OF THE NORTH HALF OF SECTION TWENTY (20), LYING NORTH OF THE WARSAW AND FINEY ROAD, AND, ALL OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION TWENTY-ONE (21), LYING NORTH OF THE WARSAW AND FINEY PUBLIC ROAD; ALL IN TOWNSHIP FORTY (40), OF RANGE TWENTY-THREE (23), AND CONTAINING 1025 ACRES, MORE OR LESS, EXCEPTING TRACT NO. 2002-1 CONSISTING OF THE EE1/2SE1/4NW1/4NE1/4, THE E1/2E1/2SW1/4NE1/4, THE SW1/4SE1/4SW1/4NE1/4, THE S1/2SW1/4SW1/4NE1/4, AND THE N1/2NW1/4SE1/4 OF SECTION 17, TOWNSHIP 40 NORTH, RANGE 23 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BENTON COUNTY, MISSOURI, CONTAINING 42.50 ACRES, MORE OR LESS, AND TRACT NO. 2002-2 CONSISTING OF THE SW1/4SW1/4SW1/4NW1/4, THE NW1/4NW1/4NW1/4SW1/4 AND THE NW1/4SW1/4SW1/4SW1/4 OF SECTION 17 AND THE N1/2NE1/4NE1/4NE1/4, THE W1/2NE1/4NE1/4, THE SW1/4NE1/4, THE SE1/4SE1/4NE1/4, THE N1/2SE1/4, THE N1/2SE1/4SE1/4, AND THE N1/2S1/2SE1/4SE1/4 OF SECTION 18, TOWNSHIP 40 NORTH, RANGE 23 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BENTON COUNTY, MISSOURI; ALSO THAT PORTION OF THE N1/2NW1/4NW1/4NW1/4 OF SAID SECTION 17 DESCRIBED AS BEGINNING AT THE NORTHWEST CORNER OF SAID N1/2NW1/4NW1/4NW1/4; THENCE EASTERLY ALONG THE NORTH LINE OF SAID N1/2NW1/4NW1/4NW1/4 TO THE NORTHEAST CORNER THEREOF; THENCE SOUTHWEST TO THE SOUTHEAST CORNER OF THE NW1/4NW1/4NW1/4NW1/4 OF SAID SECTION 17, THENCE WESTERLY ALONG THE SOUTH LINE OF SAID N1/2NW1/4NW1/4NW1/4 TO THE SOUTHWEST CORNER THEREOF; THENCE NORTHERLY ALONG THE WEST LINE OF SAID N1/2NW1/4NW1/4 NW1/4 TO THE POINT OF BEGINNING; ALSO THE NW1/4NE1/4, EXCEPT THAT PART LYING NORTH AND WEST OF THE CENTER OF THE SOUTH GRAND RIVER, IN SAID SECTION 18, THE TRACT OF LAND HEREIN DESCRIBED CONTAINS, IN THE AGGREGATE, 246.55 ACRES, MORE OR LESS. (SUBJECT TO AN EASEMENT FOR A PRIVATE ROAD RECORDED IN BOOK 187, AT PAGE 608, OF THE DEED RECORDS OF BENTON COUNTY, MISSOURI, AND CONVEYING ALL RIGHTS OF GRANTORS IN AND TO SAID PRIVATE ROAD.)

SUBJECT TO ANY AND ALL MINERAL RIGHTS AND EASEMENTS OF RECORD OF WHATSOEVER KIND OR NATURE, AND

433

1844

WHEREAS, said Amended Trust Indenture provided for further amendments by a vote of the owners of not less than 51% (fifty-one percent) of the lots into which the tract may be subdivided, and

WHEREAS, the lot owners of said property have met in a meeting duly called for the purpose of amending the Amended Trust Indenture, and

WHEREAS, Duane Brumbaugh, Howard Burns, Karl Fastner, Curtis Roberts, and Patricia Lackey, are the current acting Trustees under the aforementioned Amended Trust Indenture described herein, and

WHEREAS, said meeting was held on the 16 day of April, 1994, and at such meeting, the owners of not less than 51% (fifty-one percent) of the lot which said real estate has been subdivided, voted in favor of the following resolution, to-wit:

RESOLUTION

Be it resolved that Article III, paragraph 1 (C) of the Amended Trust Indenture and Restrictive Covenants and Conditions Pertaining to a Subdivision of Land in Benton County, Missouri which was recorded on the 2nd day of March, 1983, in Book 382, Page 370-379 of the Recorder of Deeds at Benton County, Missouri, shall be repealed and in lieu thereof, the following provisions shall be enacted "Article III, paragraph 1 (C), The assessments made by the Trustees shall apply to all lots owned by any individual, except that no individual or corporation shall be assessed for more than 100 lots irrespective of how many lots they may own."

THEREFORE, be it known by all that the following Amendment to the Amended Trust Indenture and Restrictive Covenants and Conditions Pertaining to a Subdivision of Land in Benton County, Missouri which was recorded on the 2nd day of March, 1983, in Book 382, Page 370-379 is amended by the repeal of Article III paragraph 1 (C) and in lieu, thereof is enacted a new section to-wit:

"Article III paragraph 1 (C) The assessments made by the Trustees shall apply to all lots owned by any individual, except that no individual or corporation shall be assessed for more than 100 lots irrespective of how many lots they may own."

IN WITNESS WHEREOF, the Trustees of the aforementioned have affixed their signature on the 16th day of April, 1994.

Duane Brumbaugh
Duane Brumbaugh

Curtis Roberts
Curtis Roberts

Howard Burns
Howard Burns

Karl Fastner
Karl Fastner

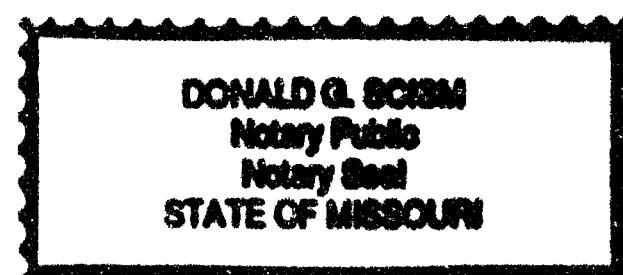
Patricia Lackey
Patricia Lackey

STATE OF MISSOURI)
) ss.
COUNTY OF BENTON)

The undersigned Duane Brumbaugh, Howard Burns, Karl Fastner, Curtis Roberts and Patricia Lackey, being all of the Trustees under the Amended Trust Indenture and Restrictive Covenants and Conditions pertaining to a Subdivision of Land located in Benton County, Missouri, recorded in Book 382, Page 370-379, of the records of the Recorder of Deeds of Benton County, Missouri, subscribed their name on the aforementioned document on the 16th day of April, 1994 herein first above written.

Donald G. Scism
Notary Public Donald G. Scism

My Commission Expires: 4-21-96



433

1845

FILED FOR RECORD ON THE 5th DAY OF
May 19 94 AT 10
O'CLOCK 04 MIN. A. M. RECORDED
IN BOOK 433 PAGE 1844
ROSEMARY WALTHALL, CIRCUIT CLERK AND
EX OFFICIO RECORDER, BENTON COUNTY, MO
BY: Diane Gronewald DEPUTY

433

1846