

*Amend #1*

*603*

*SEC 33334 (LT 105932)*

State of Missouri }  
 County of St. Louis }  
 FILED FOR RECORD  
 822 JAN 22 1965  
 A  
 O'clock  
*John L. Cook*  
 Recorder of Deeds

AMENDMENT TO TRUST AGREEMENT  
 AND  
 INDENTURE OF RESTRICTIONS OF  
FOUR SEASONS SUBDIVISION

12 WHEREAS, New Four Seasons, Inc., herein called "Owner," and GERALD IKEN, SIDNEY KANDEL, and AL KANDEL, herein called "Trustees", have heretofore executed a Trust Agreement and Indenture of Restrictions, herein called "Indenture," recorded in Book 4821 at Page 454 of the St. Louis County Recorder's Office, and

WHEREAS, Owner has the right and power under Article V to amend and modify Indenture,

NOW, THEREFORE, Owner hereby amends and modifies Indenture, and Trustees consent thereto, in the following respects, to-wit:

- 1). Indenture is hereby amended by adding after Sec. 3.16 of Article III thereof, the following Sec. 3.161:

"Sec. 3.161 - Anything in this Indenture to the contrary notwithstanding, in no event shall any assessment made under this Indenture, in any calendar year during the term thereof, against any Multiple Family Unit constituting a part of a Multiple Family Building constitute more than 75% of the assessment levied in any such calendar year against a Single Family Residential Lot."

- 2). Indenture is amended by adding after Sec. 3.161, of Article III, the following Sec. 3.162:

"Sec. 3.162 - Vacant land, unimproved by any building structure, and not platted of record, shall not (anything to the contrary in Indenture notwithstanding) be subject to assessment under this Indenture. Vacant land unimproved by any building structure, but platted of record into Single Family Residential lots, shall be subject

*also Amended Indenture January 1965 Book 5896 Page 343*  
*67 86 248 4240 300 ST. LOUIS A-B-S 42150*

T.C. 0-44347

to assessments hereunder at a rate not exceeding 10% of the assessment in any one calendar year assessed against any single family residential lot improved with a building structure."

- 3). Article III of Indenture is amended by adding at the end of Article III, the following Sec. 3.18:

"Sec. 3.18 - Trustees shall have the power to promulgate rules and regulations for the use and enjoyment of Park Area, which shall bind all persons subject to Indenture, and their respective guests, invitees, and tenants. No person who shall be delinquent in the payment of any assessment shall have the right to use and enjoy Park Area, nor any facilities located thereon, nor to authorize his or her or its guests, invitees to do so, and all persons using Park Area or any facilities located thereon in violation of this prohibition shall be deemed a trespasser on Park Area, in the event of which trespass, all persons committing same shall be deemed to have authorized Trustees hereunder to cause arrest and prosecution therefor to be instituted and concluded, without any liability, personal or otherwise, on account thereof on the part of Trustees. Those persons committing a trespass, as well as all persons responsible for such trespass, hereby indemnify Trustees in their individual capacity and in their capacity as Trustees, against all loss or damage (including, but not limited to Court Costs and attorney fees) arising directly or indirectly out of any damage suit in behalf of the person or persons arrested for any trespass hereinabove referred to.

4). Any term to the contrary in Article I notwithstanding, the term of office of the original Trustees shall be deemed extended and shall expire on the following dates; or until their respective Successors shall have been duly elected and qualified:

Gerald Iken - February 1, 1968  
Sidney Kandel - February 1, 1967  
Al Kandel - February 1, 1966

After the expiration of the above extended terms of Trustees, their respective Successor Trustees shall, upon election as provided in said Indenture serve for terms of three (3) years each. Regular elections of a Trustee, when necessary hereunder, may be held at an annual meeting.

IN WITNESS WHEREOF, the parties hereto have set their hands,  
this 1st day of August 1964.



NEW FOUR SEASONS, INC.

By: Sidney Kandel  
President

Gerald Iken  
Gerald Iken - Trustee

Sidney Kandel  
Sidney Kandel - Trustee

Al Kandel  
Al Kandel, Trustee

STATE OF MISSOURI )  
                          ) SS.  
COUNTY OF ST. LOUIS )

On this 1st day of August, 1964, before me personally appeared GERALD IKEN, SIDNEY KANDEL and AL KANDEL, to me known to be the persons described in and who executed the foregoing instrument, and

acknowledged that they executed the same as their free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, this day and year first above written.

*Helena R. Williams*  
NOTARY PUBLIC

My Commission expires: *July 7, 1967*

STATE OF MISSOURI )  
                          ) ss.  
COUNTY OF ST. LOUIS )

On this 1st day of August, 1964, before me personally appeared SIDNEY KANDEL, to me known personally, who being by me duly sworn, did say that he is the President of NEW FOUR SEASONS, INC., a corporation of the State of Missouri, and that said instrument was signed and sealed in behalf of said corporation, by authority of its Board of Directors; and said SIDNEY KANDEL acknowledged said instrument to be the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

*Helena R. Williams*  
NOTARY PUBLIC



My Commission expires: *July 7, 1967*

!END OF DOCUMENT!