

et 6 m:1347

State Of Missouri County of St. Louis Filed For RECORD

A. J.J.AN22 (1985) M

C.A. G. State County Of State County of St. Louis St. Loui

AMENDMENT TO TRUST AGREEMENT

AND

INDENTURE OF RESTRICTIONS OF FOUR SEASONS SUBDIVISION

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:

- 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

BOOK 5587 PAGE 423

ill.

RGLL 6 FRANCE 1348

BOOK 5587 PAGE 424

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 quests, 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). Anyther to the contrary in Article I network anding, the state of the original Trusters 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

Λl 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.

(seal)

Vire said

NEW FOUR SEASONS,

President

Times they

MANUY KAWAL

Ol Dandel

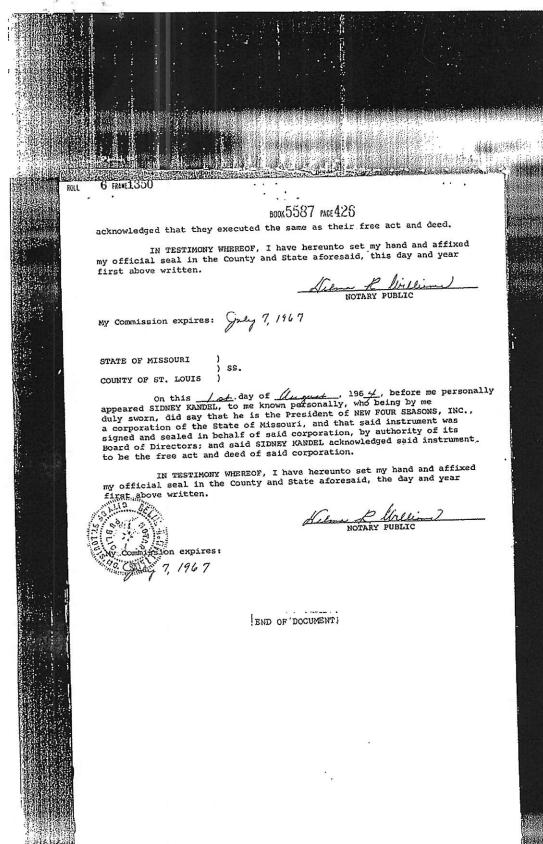
STATE OF MISSOURI

COUNTY OF ST. LOUIS

) ss.

On this 151, day of languard, 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

800K5587 PAGE 425



Marie State Company