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Title of Document: First Amendment to Declarations of Restrictions, Covenants and Conditions of Grand Haven Estates

Date of Document: _____,2012

Grantor: Ozark R-VI School District, a Missouri public school district, and Grand Haven Property Owners Association, Inc. , a Missouri non profit corporation

Grantor's Address: Ozark R-VI School District, 302 N. 4th Ave, Ozark, MO 65721, Grand Haven Property Owners Association, Inc., 5517 N. Farmer Branch Road, PMB #133, Ozark, MO 65721

Grantee: Ozark R-VI School District, a Missouri public school district, and Grand Haven Property Owners Association, Inc. , a Missouri non profit corporation

Grantee's Address: Ozark R-VI School District, 302 N. 4th Ave, Ozark, MO 65721, Grand Haven Property Owners Association, Inc., 5517 N. Farmer Branch Road, PMB #133, Ozark, MO 65721

Legal Description: See Exhibit A attached hereto.

Reference Book and Page: Declarations of Restrictions, Covenants and Conditions of Grand Haven Estates Phase I recorded March 10, 2005 at Book 389 Page 6843 of the Recorder of Deeds for Christian County, Missouri

This cover page is attached solely for the purpose of complying with the requirements stated in §§ 59.310.2; 59.313.2 RSMo 2001 of the Missouri Recording Act. The information provided on

this cover page shall not be construed as either modifying or supplementing the substantive provisions of the attached document. In the event of a conflict between the provisions of the attached document and the provisions of this cover page, the attached document shall prevail and control.

**FIRST AMENDMENT TO DECLARATIONS OF RESTRICTIONS, COVENANTS AND
CONDITIONS OF GRAND HAVEN ESTATES PHASE I**

THIS FIRST AMENDMENT TO DECLARATIONS OF RESTRICTIONS, COVENANTS AND CONDITIONS OF GRAND HAVEN ESTATES PHASE I (the "Amendment") is made as of the ___ day of _____, 2013 (the "Effective Date"), by and between OZARK R-VI SCHOOL DISTRICT, a Missouri public school district having an address at 302 N. 4th Ave, Ozark, MO 65721 ("District") and GRAND HAVEN PROPERTY OWNERS ASSOCIATION, INC., a Missouri non profit corporation having an address at 5517 N. Farmer Branch Road, PMB #133, Ozark, MO 65721 ("Association").

W I T N E S S E T H:

WHEREAS, Association is the constituted and acting homeowners association for the Grand Haven Estates subdivision pursuant to that certain Declarations of Restrictions, Covenants and Conditions of Grand Haven Estates Phase I recorded March 20, 2005 at Book 389, Page 6843 of the office of the Recorder of Deeds for Christian County, Missouri (as same may have been previously amended, the "Original Declaration"); and

WHEREAS, the Original Declaration affects, encumbers, binds and benefits all of the real property contained and described within the plat of Grand Haven Estates Phase I recorded in Plat Book H, Page 286 in the office of the Recorder of Deeds for Christian County, Missouri (the "Phase I Property"), as well as all of the real property contained and described within the plat of Grand Haven Estates Phase II recorded in Plat Book H at Page 462 in the office of the Recorder of Deeds for Christian County, Missouri (the "Phase II Property"); and

WHEREAS, pursuant to the provisions of Article XII of the Declaration, the Association, by and through its undersigned Board, having first obtained the requisite majority votes of the Association, desires to amend the Original Declaration in the respects set forth below, including to provide for the addition of the below described Phase III Property to the terms and provisions of the Original Declaration and to the Subdivision (as defined below), as amended herein; and

WHEREAS, the District is the record owner of certain real property more particularly described on Exhibit A attached hereto and incorporated herein by this reference, which property is also currently known as Grand Haven Estates Phase III (the "Phase III Property");and

WHEREAS, the District desires to join in this Amendment for the purpose of adding the Phase III Property to the Subdivision Property (as hereinafter defined), subjecting the Phase III Property to the terms of the Original Declaration as amended by this Amendment, so that the Phase III Property becomes part of the Subdivision and subject to the terms, conditions, restrictions and benefits of the Original Declaration, subject, however, to the amendments and conditions hereinafter contained.

NOW, THEREFORE, in consideration of the foregoing recitals, the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration to it duly paid, the receipt and

sufficiency of which is hereby acknowledged, the parties hereto agree that the Original Declaration is hereby amended as follows:

1. Definitions. Subparagraphs (a) through (n) of Article II, Section 1, are hereby deleted and the following subparagraphs (a) through (n) are substituted therefor:

“(a) ‘Association’ shall mean and refer to Grand Haven Estates Property Owners Association, Inc., a Missouri not for profit corporation, its successors and assigns.

(b) ‘Common Area’ shall mean all real property owned by the Association or designated as Common Area on any Subdivision Plat and intended for the common use and enjoyment of the Owners, together with all improvements and fixtures located on such real property and all equipment and personal property owned by the Association and used in connection with such real property.

(c) ‘Developers’ shall mean IDI, L.L.C., its successors and assigns, and any entity designated by them as a Developer or successor, provided, however, the rights and interests of the Developer as such under the Declaration expired prior to the Effective Date, without assignment of such rights.

(d) ‘Declaration’ shall mean the Declaration of Restrictions, Covenants and Conditions of Grand Haven Estates Phase I, as amended by this First Amendment, as the same may from time to time be further amended or modified.

(e) ‘Property’ shall mean all of the real estate described in the Final Plat of Grand Haven Estates Phase I recorded in Plat Book H at Page 286 in the Office of the Recorder of Deeds for Christian County, Missouri, and more fully described on Exhibit “A” attached hereto and incorporated herein by reference (the “Phase I Property”), all of the real estate described in the Final Plat of Grand Haven Estates Phase II recorded in Plat Book H at Page 462 in the Office of the Recorder of Deeds for Christian County, Missouri, and more fully described on Exhibit “A” attached hereto and incorporated herein by reference (the “Phase II Property”), and all of the real estate described in the Final Plat of Grand Haven Estates Phase 3 recorded in Plat Book ____ at Page _____ in the Office of the Recorder of Deeds for Christian County, Missouri and more fully described on Exhibit “A” attached hereto and incorporated herein by reference (the “Phase III Property”).

(f) ‘Owners’ shall mean the record owner, whether one or more persons or entities, of a fee or undivided interest in any Lot. The foregoing does not include any persons or entities that hold an interest in any Lot merely as security for the performance of an obligation. Except as stated otherwise in this Declaration, the term “Owner” shall not include a lessee or tenant of any Lot.

(g) ‘Single Family Residence’ shall mean a structure containing one dwelling only and occupied by not more than one family within the Phase I Property, the Phase II Property or the Phase III Property.

(h) 'Lot' shall mean any parcel of real property designated as a Lot on any recorded Subdivision Plat, with the exception of the Common Area.

(i) 'Subdivision Plat' shall mean a recorded plat covering any or all of the Phase I Property, the Phase II Property or the Phase III Property.

(j) 'Visible From Neighboring Property' shall mean, with respect to any given object, that such object is or would be visible to a person six feet tall, standing on any part of a Lot, adjoining a Lot on which such object is located, at an elevation no greater than the elevation of the base of the object being viewed.

(k) 'Board' shall mean the Board of Directors of the Association.

(l) 'Corner Lot' shall mean any Lot that abuts, other than its rear yard line, upon more than one street.

(m) 'Subdivision' shall mean all of the Phase I Property, the Phase II Property and the Phase III Property, together with any additional real estate subjected to the provisions of the Original Declaration, as amended, by an amendment thereto duly adopted in accordance with the provisions set forth herein for the amendment hereof and duly recorded in the Office of the Recorder of Deeds for Christian County, Missouri.

(n) 'Rules' shall mean and refer to those rules and regulations as passed and promulgated by the Association, or the Board acting on behalf thereof, under the authority granted by this Declaration, the Articles of Incorporation of the Association, or the By-Laws of the Association, as the same may be amended from time to time.

2. Addition of Phase III Property. Subject to the provisions and amendments otherwise set forth in this Amendment, the District does hereby subject the Phase III Property to the Original Declaration, as amended by this Amendment, and does hereby declare that the Phase III Property is and shall be held, conveyed, encumbered, leased, occupied, built upon or otherwise used, improved or transferred in whole or in part subject to the Original Declaration, as amended hereby, and the Original Declaration, as amended hereby, shall run with the Phase III Property for all purposes and shall be binding upon and inure to the benefit of the Association and all Owners including the District and their successors in interest. The Association hereby represents and warrants to the District that: (a) the City of Ozark, Missouri (the "City"), has represented to the Association that the City has waived any right or requirement for the City's approval of this Amendment, (b) the Developer no longer owns any Lots within the Subdivision, and (c) more than seven (7) years have expired since the recording of the Original Declaration. As a result, pursuant to the provisions of Article XII, Section 3(c) of the Original Declaration, the Original Declaration may be amended by an instrument in writing executed by the Board of Directors, with the approval of a majority of the votes of the Association.

3. References to Subdivision and Sales and Construction Office. The phrase "**Grand Haven Estates Phase I**" is hereby deleted wherever the same may appear in Articles IV (entitled "Property To Grand Haven Estates Phase I Restrictions"), VI, IX, X and XII and the words "the

Subdivision” is substituted for such phrase in each instance where the same appears. Section 22 of Article X, entitled “Sales and Construction Office”, is hereby deleted from the Original Declaration.

4. Article V, Section 1(a). The words “This of any Lot.” is hereby deleted from the last line of Article V, Section 1(a) of the Original Declaration.

5. Rights of Phase III Property Owners. Notwithstanding any provision to the contrary in the Original Declaration, the provisions of Article VI (Covenant for Assessment) of the Original Declaration and the obligations and commitments set forth therein shall not apply to the District or the Phase III Property or any portion thereof at any time that the Phase III Property or any portion thereof is owned or occupied by the District. The provisions shall, however, apply to any Owner(s) who subsequently purchase(s) the Phase III Property or any Lot within the Phase III Property from the District and thereafter. It is understood and agreed that the District shall not be responsible for the payment of any assessments of any nature. The District shall not be entitled to any voting rights as a member of the Association, nor shall the District, or any person in its name or on its behalf or by virtue of the District’s ownership of any portion of the Phase III Property, be entitled to any access to or use of any of the Common Area. Upon the conveyance of title to a Lot within the Phase III Property to an Owner other than the District, such Lot shall then be subject to the provisions of Article VI, the Owner of such Lot shall be entitled to vote as a member of the Association in accordance with all other applicable terms of the Declaration, and shall be entitled to the use and enjoyment of the Common Area in accordance with and subject to the provisions of the Declaration.

6. Improvement of Phase III Property. Notwithstanding any provision to the contrary in the Original Declaration, the District and those portions of the Phase III Property owned by the District shall be deemed to be in compliance with the provisions of Article X (Use and Building Restrictions), Section 1: Single-Family Residential Use during such times that the District owns such portions of the Phase III Property that is either vacant, improved by a Single Family Residence which has been constructed in accordance with and subject to the provisions of the Declaration or in the process of being improved with a Single Family Residence which is being constructed in accordance with and subject to the provisions of this Declaration, it being acknowledged and understood that it is permitted for the District to own and hold the Phase III Property and to use the Phase III Property for the construction and sale of Single Family Residences which are in compliance with this Declaration as part of its building trades program or otherwise.

Further notwithstanding any provision to the contrary in the Original Declaration, any dwelling constructed on a Lot within the Phase III Property shall have a minimum of 1650 square feet of finished living area within the main living level, exclusive of porches, patios, garages, carports, terraces and breezeways.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be signed effective as of the Effective Date.

OZARK R-VI SCHOOL DISTRICT

By: _____
Gordon Pace, Superintendent

Attest: _____

Secretary

GRAND HAVEN PROPERTY OWNERS
ASSOCIATION, INC.

By: _____
Stephen Page, President

STATE OF MISSOURI)
) ss.
COUNTY OF CHRISTIAN)

On this ____ day of _____, 2012, before me personally appeared _____, to me known to be the person(s) described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed, as _____ of Ozark R-VI School District, and on behalf of the District.

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.

Notary Public

My term expires:

STATE OF MISSOURI)
) ss.
COUNTY OF CHRISTIAN)

On this ____ day of _____, 2012, before me personally appeared _____, to me known to be the person(s) described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed, as _____ of Grand Haven Property Owners Association, Inc., and on behalf of the Association.

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.

Notary Public

My term expires:

EXHIBIT A

Phase I Property Legal Description

All of Lots 1 through 46 of the Final Plat of Grand Haven Estates
Phase I recorded in Plat Book H at Page 286 in the Office of the
Recorder of Deeds for Christian County, Missouri

Phase II Property Legal Description

All of Lots 47 through 94 of the Final Plat of Grand Haven Estates
Phase II recorded in Plat Book H at Page 462 in the Office of the
Recorder of Deeds for Christian County, Missouri

Phase III Property Legal Description

All of Lots 95 through 106 of the Final Plat of Grand Have Estates
Phase 3 recorded in Book ____ at Page ____ in the Office of the Recorder
Of Deeds for Christian County, Missouri