

AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
THE HIGHLANDS
ST. CHARLES COUNTY, MISSOURI

THIS AMENDMENT is made as of the 3rd day of January, 1994, to that certain Declaration of Covenants, Conditions and Restrictions for The Highlands dated as of October 19, 1992, and recorded in Book 1493, Page 138 in the Recorder of Deeds' Office of St. Charles County, Missouri, as amended (the "Declaration"). (Terms defined in the Declaration are used herein as defined therein unless otherwise indicated).

RECITALS

A. Article II, Section 2 of the Declaration provides that the Developer may subject additional land to the Declaration by executing and recording an amendment to the Declaration in the office of the Recorder of Deeds of St. Charles County, Missouri, without the consent of any owner, mortgagee, or holder of any deed of trust encumbering the Subdivision.

B. The Developer desires to add the property known as The Highlands Plat Five legally described on the attached Exhibit A, incorporated herein by reference (the "Additional Property") into The Highlands and subject it to the Declaration.

AMENDMENT

Pursuant to the authority vested in Developer by the Declaration and in accordance with the terms of Article II, Section 2 of the Declaration, Developer hereby amends the Declaration to include and add the Additional Property and hereby subjects the Additional Property to all of the terms and provisions of the Declaration.

Except as otherwise provided herein the Declaration shall remain unchanged and in full force and effect.

STATE OF MISSOURI
COUNTY OF ST. CHARLES
FILED FOR RECORD

95 FEB -7 PM 3: 10

Barbara Hall
RECORDER OF DEEDS

IN WITNESS WHEREOF, the undersigned has set its hand and seal this day and year first above written.



WHITTAKER CONSTRUCTION, INCORPORATED

Gregory G. Whittaker

Gregory G. Whittaker
Its Co-President

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

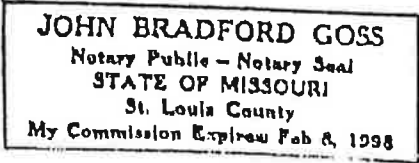
On this 6th day of February, 1995, before me personally appeared Gregory G. Whittaker, to me personally known, who, being by me duly sworn, did state that he is the Co-President of Whittaker Construction, Incorporated, a Missouri corporation, and that the seal affixed to the foregoing instrument is the corporate seal of the corporation and that said instrument was signed and sealed on behalf of said corporation, by authority of its Board of Directors and said Gregory G. Whittaker acknowledges 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.

John Bradford Goss

Notary Public

My Commission Expires:
2/8/98





Pickett, Ray & Silver's Corporate
Registration No. LS-54-D

BOOK 1728 PAGE 1685

78-058B/28149/DE
03/02/93

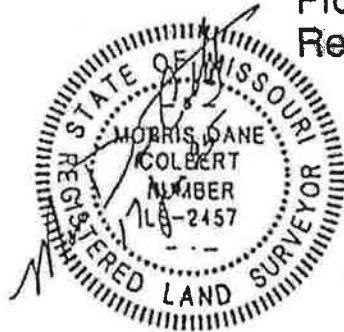
DESCRIPTIONS
TWO TRACTS COMPRISING
THE HIGHLANDS PLAT FIVE
TOTAL 48.15

A tract of land being part of U.S. Survey 292, Township 46 North, Range 3 East, St. Charles County, Missouri, and being more particularly described as follows:

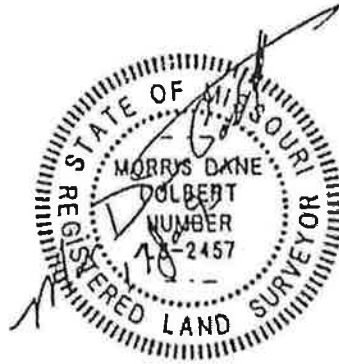
COMMENCING at an iron pipe at the Southwest corner of U.S. Survey 292; thence along the Western line of said U.S. Survey, North $16^{\circ}05'31''$ West, 1313.71 feet to a point on the Southern line of a tract of land described to Roth in Book 941, Page 378; thence along the Southern line of said Roth tract and along the Southern line of a tract of land described in a Deed to Vance in Book 1147, Page 935, North $73^{\circ}09'24''$ East, 1306.03 feet to a point at the Northwest corner of a tract of land described to Engert in Book 525, Page 329 and Book 748, Page 540; thence along the Western and Southern line of said Engert tract, South $16^{\circ}47'25''$ East, 321.83 feet to a point; thence North $73^{\circ}12'35''$ East, 453.50 feet to the POINT OF BEGINNING of the tract herein described; thence continuing along the Southern line and Eastern lines of said Engert tract, North $73^{\circ}12'35''$ East, 92.97 feet to a point; thence North $16^{\circ}44'28''$ West, 104.27 feet to a point; thence North $08^{\circ}37'33''$ West, 162.70 feet to a point; thence leaving the Eastern line of said Engert tract, North $73^{\circ}12'35''$ East, 76.81 feet to a point of curvature; thence along a curve to the right having a radius of 20.00 feet, an arc length of 31.42 feet to a point of tangency; thence South $16^{\circ}47'25''$ East, 126.30 feet to a point of curvature; thence along a curve to the left having a radius of 175.00 feet, an arc length of 64.87 feet to a point of tangency; thence South $38^{\circ}01'39''$ East, 76.45 feet to a point of curvature; thence along the curve to the right having a radius of 20 feet; an arc length of 31.42 feet to the point of tangency; thence South $51^{\circ}58'21''$ West, 50.00 feet to the point of curvature; thence along a curve to the left having a radius of 50.00 feet, an arc length of 157.08 feet to the point of tangency; thence North $51^{\circ}58'21''$ East, 50.00 feet to a point of curvature; thence along the curve to the right having a radius of 20.00 feet, an arc length of 31.42 feet to the point of tangency; thence South $38^{\circ}01'39''$ East, 180.00 feet to the point of curvature; thence along curve to the right having a radius of 20.00 feet, an

arc length of 31.42 feet to the point of tangency; thence South 51°58'21" West, 154.24 feet to the a point; thence North 38°01'39" West, 137.18 feet to a point; thence North 77°07'19" West, 111.18 feet to a point; thence North 83°02'15" West, 72.27 feet to a point; thence North 17°03'32" West, 183.65 feet to THE POINT OF BEGINNING and containing 2.54 acres more or less.

Pickett, Ray & Silver's Corporate
Registration No. LS-54-D



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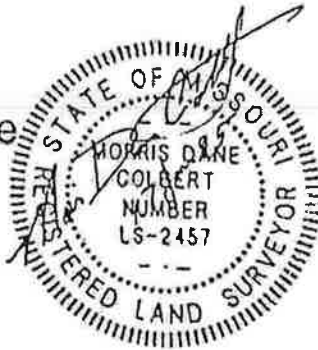
DESCRIPTION
45.61 ACRE TRACT

A tract of land being part of U.S. Survey 292, Township 46 North, Range 3 East; St. Charles County, Missouri, and being more particularly described as follows:

COMMENCING at an iron pipe at the Southwest corner of U.S. Survey 292, thence along the Southern line of said Survey, North $72^{\circ}56'28''$ East, 1,975.74 feet to the POINT OF BEGINNING of the tract herein described: thence leaving the Southern line of U.S. Survey 292, North $53^{\circ}20'19''$ West, 214.53 feet to a point, thence North $36^{\circ}39'41''$ East, 35.33 feet to a point, thence North $53^{\circ}20'19''$ West, 50.00 feet to a point; thence North $40^{\circ}05'00''$ West, 117.37 feet to a point; thence North $51^{\circ}58'21''$ East, 164.26 feet to a point thence North $38^{\circ}01'39''$ West, 100.00 feet to a point of curvature; thence along a curve to the right having a radius of 20.00 feet, an arc length of 31.42 feet to a point of tangency; thence North $51^{\circ}58'21''$ East, 328.48 feet to a point; thence North $38^{\circ}01'39''$ West, 50.00 feet to a point; thence in a Northwestwardly direction along a curve to the right having a radius of 20.00 feet, an arc length of 31.42 feet, the chord of which bears North $83^{\circ}01'39''$ West, 28.28 feet to the point of tangency; thence North $38^{\circ}01'39''$ West, 356.78 feet to the point of curvature; thence along a curve to the right having a radius of 20.00 feet, an arc length of 37.66 feet, to the point of tangency; thence North $69^{\circ}51'18''$ East, 15.49 feet to the point of curvature, thence along a curve to the left having a radius of 50.00 feet, an arc length of 157.08 feet, to the point of tangency; thence South $69^{\circ}51'18''$ West, 28.82 feet, to the point of curvature; thence along a curve to the right having a radius of 20.00 feet and an arc length of 32.59 feet to the point of tangency; thence North $16^{\circ}47'25''$ West, 62.34 feet to the point of curvature; thence along a curve to the right having a radius of 20.00 feet, an arc length 31.42 feet to the point of tangency; thence North $73^{\circ}12'35''$ East 186.56 feet to a point on the Western line a tract of land described in a deed to Roeper in Book 607, Page 887-891 of the St. Charles County Records, thence along

the Western line of said tract South 15°43'04" East, 416.58 feet to the Southwest corner of said Roeper tract, thence along the Southern line of said Roeper tract and the Southern line of a tract of land described in a deed to Brakett, described in Book 930, Page 230 of the St. Charles County Records, North 73°12'01" East 275.00 feet to the Southeast corner of said tract, thence along the Eastern line of said Brakett property the following; North 15°43'27" West 377.23 feet to a point, thence North 73°30'31" West 26.10 feet to a point thence North 53°01'35" West 30.96 feet to a point on the Southern line of Samelman Road, 35 foot wide as described in Road Plat Book 1, Page 7, of the St. Charles County Records, thence along the Southern and Eastern line of Samelman Road, North 73°12'35" East 51.76 feet to a point, thence North 15°47'22" West 13.92 feet to a point, thence leaving the Eastern line of Samelman road along the Southern line of the tract described to Nusman in Book 257, Page 1739 of the St. Charles Record, North 73°13'18" East 514.89 feet to the Southeastern corner of said tract, thence along the Eastern line of said Nusman tract and the Eastern line of a tract of land described in deed to Potter in Book 737, Page 950 of the St. Charles County Record, North 15°47'22" West 491.25 feet to a point on the Southern line of a tract of land described to Shopp in Book 881, Page 1814, of the St. Charles County Records; thence along the Southern line of said Shopp property and a tract of land described in a deed to Morris, North 73°13'18" East 458.64 feet to a point; thence leaving Southern line of said Morris tract, South 15°43'27" East 1766.88 feet to the point of the Southern line of the aforementioned U.S. Survey 292; thence along said survey line South 72°50'10" West 983.51 feet to a point; thence South 72°56'28" West 521.46 feet to the POINT OF BEGINNING containing 45.61 acres more or less.

Pickett, Ray & Silver's Corporate
Registration No. LS-54-D



State of Missouri }
County of St. Charles }

END OF DOCUMENT

I hereby certify that this instrument was FILED FOR RECORD and is RECORDED on the Date and Time and in the Book and Page as stamped hereon

Barbara J. Hall
BARBARA J. HALL
Recorder of St. Charles County

By Theresa Payne
Deputy