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FIRST AMENDMENT TO INDENTURE OF TRUST AND RESTRICTIONS
WINDING TRAILS SUBDIVISION
ST. LOUIS COUNTY, MISSOURI

THIS AMENDMENT TO THE INDENTURE OF TRUST AND RESTRICTIONS WINDING TRAILS SUBDIVISION, ST. LOUIS COUNTY, MISSOURI ("Trust Indenture") made this 18th day of March, 1980 in accordance with said Trust Indenture by the record owners of fee simple title of two-thirds (2/3) of the lots in the Sub-division.

WHEREAS, the undersigned, presently is the owner of fee simple title of two-thirds (2/3) of the lots in Winding Trails Subdivision under the Trust Indenture of said Subdivision re- corded in Book 7166 page 1366 have the right and authority to alter and amend said Trust Indenture and

WHEREAS, the undersigned desires to alter and amend said Trust Indenture in accordance with the authority so granted;

NOW THEREFORE, in consideration of the premises and the mutual promises, covenants and agreements contained herein, and in the aforesaid Trust Indenture, the undersigned covenants and agrees that the aforesaid Trust Indenture shall be amended as follows:

1. The following provision shall be added to "Trustees Duties and Powers", Section IV of the Trust Indenture and shall hereafter be Section IV, subsection 14.

"14. The Trustees shall be empowered and be required upon direction to do so by First Party to seek and make provision for amendment and revision of the Winding Trails Planned Environment Unit through petition as required by St. Louis County Governmental bodies and, if amendment or revision is approved by said Governmen- tal bodies, to amend and revise the Planned Environment Unit and final development plan in accordance with the approved provisions; provided however, there shall be no amendment or revision to the Planned Environment Unit after fifty (50%) percent of all of the lots and/or

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units in said Planned Environment Unit have been sold."

2. The following provision shall be added to "Uses", Section V of the Trust Indenture and shall hereafter be Section V, subsection 3.

"3. As to Parcel B in Winding Trails, said parcel being set forth in Exhibit 1 attached hereto and made a part of this Indenture by reference, the First Party has the right, but not the obligation, if zoning use is approved by ~~St. Louis County~~ governmental bodies, for residential utilization of said parcel and to build thereon, or cause to be built thereon, condominium cluster homes which would be in accordance with ~~St. Louis County~~ and other applicable zoning codes and regulations as to the zoning classification which may be obtained for said parcel. If First Party obtains appropriate zoning or revision and amendment to the Planned Environment Unit for condominium cluster homes, First Party is under no obligation to develop or have developed said parcel be for condominium cluster homes and retains, in its sole discretion, the right to re-plot Parcel B for residential use and development other than condominium cluster homes so long as such use and development comply with this Trust Indenture and the ordinances and regulations of any governmental authority having jurisdiction thereof."

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3. Section VII, "Indenture of Restrictions", subparagraph 19 thereof is stricken in its entirety and in place thereof, to be known as Paragraph 19 of Section VII, shall be the following:

"19. **AMENDMENT:** This Indenture of Trust and Restrictions and any part thereof may be altered, amended or discontinued by a written agreement signed by the then record owners of the fee simple title of two-thirds (2/3) of the lots and units in the Subdivision then included under the

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terms of this Indenture. Any such amendments, alterations, change or discontinuance shall, when duly certified and acknowledged by the Trustees and recorded with the Office of the Recorder of Deeds for the County of St. Louis, Missouri, become part of the provisions and restrictions of this Indenture, provided, however, that any such amendment, alteration, change or discontinuance shall require the consent of the Party of the First Part so long as it is an owner of one lot in any plat of Winding Trails, provided such amendment, modification or change is approved by the Planning Director of St. Louis County, Missouri. Thereafter, this Indenture may be amended, modified or changed by the written consent of two-thirds (2/3) of all the owners of lots and units within Winding Trails Subdivision with any such amendment, modification or change being recorded in the office of the Recorder of Deeds of St. Louis County, Missouri. No such amendment, modification or change shall reduce or modify the obligations or rights granted to or imposed upon the Trustees with respect to maintenance of common land and recreational facilities and the power to levy assessments therefor or to eliminate the requirement that there be Trustees unless some persons or entity is substituted for the Trustees with their responsibilities and duties in a manner approved by the director of Planning of St. Louis County.

4. Section VII, "Indenture of Restrictions", subparagraph 2 is stricken in its entirety and in place thereof, to be known as Paragraph 2 of Section VII is the following:

"2. LAND USE AND BUILDING TYPE: All lots in Winding Trails shall be used only for single family residential dwellings except as to Parcel A and Parcel B where the land use, building type and development are provided for under

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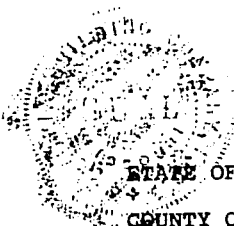
Paragraphs 1 and 3 of Section V of this Indenture; further provided, First Party shall not be restricted for the provisions of this Paragraph in exercising the rights and privileges granted it under Article V, paragraph 2 and nothing herein shall be construed to prohibit the placement of construction trailers and attendant equipment until all lots have been developed and all residences in the plats of Winding Trails have been completed.

5. All other provisions, covenants and restrictions, as set forth in the Indenture of Trust and Restrictions Winding Trails Subdivision, St. Louis County, Missouri, as recorded, shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned, owner of fee simple title to two-thirds (2/3) of the lots in the Subdivision, have hereunto executed this First Amendment to the Indenture of Trust and Restrictions of Winding Trails Subdivision, St. Louis County, Missouri the day and year first above written.

OLYMPIA BUILDING COMPANY

BY: Charles Liebert
Charles Liebert



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

On this 18th day of March, 1980, before me appeared Charles Liebert, to me personally known, being by me duly sworn says that he is the President of OLYMPIA BUILDING COMPANY, a Corporation of the State of Missouri, and that said Company is the fee simple owner of more than two-thirds (2/3) of the lots of Winding Trails Subdivision and that the Seal affixed to the foregoing instrument is the Corporate Seal of Olympia Building Company and that said instrument was signed and sealed on behalf of said Corporation by

authority of the Board of Directors and is 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 of St. Louis, State of Missouri the day and year first above written.

Reviewed and approved this

20th day of March, 1980.

Alex A. Joyner
Director of Planning
St. Louis County, Missouri



Diane J. Viehmann
Notary

Diane J. Viehmann

Commission Expires: 4-23-83

PARCEL B

PROPERTY DESCRIPTION

35.000 ACRES

A tract of land in the Northwest quarter of Section 31, Township 45 North, Range 4 East, St. Louis County, Missouri, and being more particularly described as follows:

Beginning in the Northwestern property corner of a tract of land conveyed to Martha N. Wade as recorded in Deed Book 6832, Page 224, of the St. Louis County Records, said point being in the Southern right-of-way line of Strecker Road, 40 feet wide; thence along the Western line of said Wade tract, South 0 degrees, 09 minutes East, 1,096.5 feet to a point in the Northeastern property corner of a tract of land conveyed to Houlihan Nursery Company as recorded in Deed Book 2898, Page 457, of the St. Louis County Records; thence along the Northern line of said Houlihan tract, South 89 degrees, 58 minutes West, 1,194.08 feet; thence leaving said Northern line, North 0 degrees, 02 minutes, 00 seconds West, 1,327.41 feet to a point in the Northern line of the aforementioned Section 31, said point also being in the Southern property line of a tract of land conveyed to the City of Ellisville as recorded in Deed Book 5348, Page 432, of the St. Louis County Records; thence along said Southern line, North 89 degrees, 42 minutes East, 543.54 feet to a point in the aforementioned Southern right-of-way line of Strecker Road; thence along said Southern right-of-way line in a Southeastly direction, along a curve to the left, having a radius of 350.00 feet, and an arc length of 150.00 feet, whose chord bears South 72 degrees, 21 minutes, 20 seconds East, 148.86 feet; thence South 84 degrees, 38 minutes East, 169.5 feet; thence South 64 degrees, 42 minutes East, 302.3 feet; thence South 56 degrees, 23 minutes East, 77.50 feet to the point of beginning.

The above described tract of land contains in aggregate, 35.000 acres, more or less, and is subject to all restrictions, conditions and easements of record, if any.

END OF DOCUMENT

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