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RECORDING DOCUMENT IDENTIFICATION SHEET

TITLE: AMENDMENT TO DECLARATION OF GOVERNANCE,  
COVENANTS, EASEMENTS, CONDITIONS, AND  
RESTRICTIONS FOR THE NEW TOWN AT ST. CHARLES

DATE: \_\_\_\_\_

GRANTOR: WHITTAKER BUILDERS, INC.  
355A Mid Rivers Mall Drive, St. Peters, MO 63376

GRANTEE: WHITTAKER BUILDERS, INC.  
355A Mid Rivers Mall Drive, St. Peters, MO 63376

REFERENCE BOOK AND PAGE NUMBER: Declaration of Governance, Covenants,  
Easements, Conditions, and Restrictions for The New Town at St. Charles recorded in  
Book 4122, Page 1574, in the Recorder of Deeds' Office of St. Charles County, Missouri.

AMENDMENT TO THE  
DECLARATION OF GOVERNANCE, COVENANTS, CONDITIONS, AND RESTRICTIONS  
FOR THE NEW TOWN AT ST. CHARLES

THIS AMENDMENT is made as of the \_\_\_\_\_ day of October, 2005, to that certain Declaration of Governance, Covenants, Easements, Conditions and Restrictions for The New Town at St. Charles, dated as of the 8th day of March, 2005, recorded in Book DE4122 , Page 1574, in the office of the St. Charles County Recorder of Deeds (the "Recorder"), as amended by that certain Amendment to the Declaration of Governance, Covenants, Conditions, Easements, and Restrictions for The New Town at St. Charles (the "First Amendment"), dated as of the 8th day of August, 2005, and recorded in Book DE4254, at Page 1161, in the office of the Recorder (the "Declaration"), by Whittaker Builders, Inc., a Missouri corporation (the "Founder"). (Terms defined in the Declaration are used herein as defined therein unless otherwise indicated).

RECITALS

- A. Article III, Section 5.a. of the Declaration permits the Declaration to be amended prior to the Turnover Date by the Founder, if, at its sole discretion, the Founder believes that such changes will better accomplish the objectives of the Community, adjust to market conditions, or respond to changing land use conditions both within and without the Community.
- B. This Amendment is made prior to the Turnover Date which is defined in Article I, Section 42 as follows:
- "Turnover Date" shall mean and refer to the earlier of (a) the date on which neither the Founder nor any Affiliate of the Founder no longer owns any Parcel within the Community or (b) the date on which Founder elects, in its sole and absolute discretion, to relinquish (i) all rights to appoint and remove members of the Board of Governors pursuant to this Declaration and the Bylaws and (ii) all voting rights in the Assembly reserved to the Founder pursuant to this Declaration and the Bylaws.
- C. Whittaker Builders, Inc., a Missouri corporation is named as the Founder, owns at least one Parcel within the Community, and has not relinquished any rights set forth in Recital paragraph B.
- D. Article IX, Section 1, Subparagraph m. of the Declaration sets forth certain provisions with respect to pets and livestock.
- E. Article IX, Section 1, Subparagraph c. sets forth restrictions on certain businesses operating within the Community.
- F. In accordance with Article III, Section 5.a. the Founder desires to amend the aforesaid Article IX, Section 1, Subparagraphs c. and m. as set forth hereinbelow.

AMENDMENT

NOW, THEREFORE, in accordance with Article III, Section 5.a. of the Declaration, the Founder amends the Declaration as follows:

1. The first sentence of Article IX, Section 1, Subparagraph c. titled Certain Uses Prohibited is hereby replaced with the following:

Notwithstanding the above section b., prior to the Turnover Date, the following businesses are prohibited in the Community, unless owned, operated, or expressly permitted in writing by the Founder or an Affiliate of the Founder: (i) real estate sales or brokerage offices for any type of real estate; (ii) property management companies; (iii) apartment rental services; (iv) a grocery store, food store or general store that receives at least fifty percent of its annual gross revenue from the sale of prepackaged food or raw fruits, meat or vegetables; (v) a bank, credit union or other financial institution; (vi) automated teller machines; (vii) a mortgage company; or (viii) any similar type of business.

2. The current language of Article IX, Section 1, Subparagraph m. is replaced with the following:

m. Limitation on Pets/Livestock. No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any Parcel other than as permitted under the Code. Notwithstanding the foregoing, dogs, cats, or other household pets may be kept, provided with the exception of the Commercial District, they shall not be kept, bred, or maintained for any commercial purposes and provided that such household pets shall not exceed three (3) in number per Dwelling on any Parcel at any one time, and provided that no more than two (2) of such pets shall be dogs. Each Owner shall comply with all ordinances, zoning, and regulations of the City relating to the supervision, control, responsibility, and maintenance of animals and/or pets in residential areas and shall maintain control of their pet at all times.

3. The references in the First Amendment to Article IX, Section 1, Subparagraph (o)(ii) and Article IX, Section 1, Subparagraph (o)(iii) of the Declaration is incorrect and is hereby corrected to read "Article IX, Section 1, Subparagraph (q)(ii)" and "Article IX, Section 1, Subparagraph (q) (iii)."

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

IN WITNESS WHEREOF, the undersigned has set his hand as of the date first above written.

FOUNDER

WHITTAKER BUILDERS, INC.

\_\_\_\_\_  
Gregory G. Whittaker, President

STATE OF MISSOURI            )  
  ) SS  
COUNTY OF ST CHARLES    )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2005, before me personally appeared Gregory G. Whittaker who being by me duly sworn, did say that he is the President of Whittaker Builders, Inc. a corporation of the State of Missouri, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation, and that said instrument was signed in behalf of said corporation by authority of its Board of Directors, and said Gregory G. Whittaker 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 of St. Charles and State of Missouri the day and year first above written.

My term expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public