
File #: _____

RECORDING DOCUMENT IDENTIFICATION SHEET

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

DATE: February _____, 2006

GRANTOR(S): WHITTAKER BUILDERS, INC.
ADDRESS: 355A MID RIVERS MALL DRIVE, ST. PETERS, MO 63376

GRANTEE(S): WHITTAKER BUILDERS, INC.
ADDRESS: 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 in Book DE4122,
Page 1574, in the Recorder of Deeds' Office of St. Charles County, Missouri.

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

THIS AMENDMENT is made as of the ____ day of February, 2006, 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 "Declaration"), by Whittaker Builders, Inc., a Missouri corporation (the "Declarant"). (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 the above paragraph "B."

D. Article VI, entitled "Formula for Allocating Interests", provides a formula for allocating General Assessments, Special Assessments and Voting Rights among the Parcels accordance with the relative values described in Article VI, Section 2.

E. The Founder has created some new types of housing not contemplated in the Declaration and desires to add additional categories in Article VI, Section 2 for the allocation of values with respect to such housing.

F. Article XI, entitled "Insurance: Damage or Destruction", contains a waiver of subrogation provision that the Founder desires to modify to address concerns raised by insurance companies by narrowing the scope of such waiver.

G. In accordance with Article III, Section 5, the Founder desires to amend the aforesaid Article VI and Article XI as set forth herein below.

AMENDMENT

NOW, THEREFORE, in accordance with Article III, Section 5, of the Declaration, the Founder amends Article VI, Section 2 and Article XI, Item 3 therein as follows:

1. Article VI, Section 2. Article VI, Section 2 is hereby amended to add the following category of housing thereto:

<u>Type of Residential Structure</u>	<u>Allocated Value (and voting right)</u>
Apartment Mansion (Buildings with three or more Units that are platted with individual Units to allow conveyance of such individual Units that may or may not contain common area)	0.90 Per Unit

2. Article XI, Item 3. Article XI, Item 3 is hereby amended by deleting the phrase “and any other party” from Item 3 in the third line of Item 3.

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 the date first above written.

WHITTAKER BUILDERS, INC., Founder

Gregory G. Whittaker, President

STATE OF MISSOURI)
) SS
COUNTY OF ST CHARLES)

On this _____ day of _____, 2006, 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.

Notary Public

My term expires: _____