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CERTIFIED-FILED FOR RECORD
Barbara J. Hall
Recorder of Deeds
St. Charles County, Missouri
BY:LBEWIG

File #: _____

RECORDING DOCUMENT IDENTIFICATION SHEET

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

DATE: January //, 2010

GRANTOR: WHITTAKER BUILDERS, INC.
3333-4 Rue Royale, St. Charles, MO 63301

GRANTEES: WHITTAKER BUILDERS, INC.
3333-4 Rue Royale, St. Charles, MO 63301

THE NEW TOWN AT ST. CHARLES GENERAL ASSEMBLY
3307-1 Domain, St. Charles, MO 63301

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

20961.2



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 11th day of January, 2010, 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, recorded in Book 4122, page 1574, in the office of the St. Charles County Recorder of Deeds, as amended (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. Pursuant to the powers vested in the Founder under Article II, Section 2 of the Declaration, the Founder has added property to the Community and subjected such Property to the Declaration by executing and recording those certain Amendments to the Declaration recorded in Book 4502, page 1095, Book 4572, page 4, Book 4644, page 630, Book 4744, page 2043, Book 4857, page 763, and Book 5147, page 774, respectively, of the St. Charles County Recorder of Deeds office.
- C. This Amendment is made prior to the Turnover Date which is defined in Article I, Section 39 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.
- D. 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 "C."
- E. Article VI, entitled "Formula for Allocating Interests," provides a formula for allocating General Assessments, Special Assessments, and Voting Rights among the Parcels as generally described in Section 1 and in accordance with the relative values described in Article VI, Section 2.
- F. The Founder desires to provide in said Article VI, Section 1 for the temporary assignment to the nearest existing category, by Founder in its sole judgment, of any new type of structure not contemplated by existing categories until such time as an amendment of the Declaration is made to provide for such new category.
- G. The Founder has created a new type of structure not contemplated in the Declaration and desires to add an additional category in Article VI, Section 2 for the allocation of values with respect to such structure.
- H. In accordance with Article III, Section 5, the Founder, desires to amend the aforesaid Article VI, as set forth herein below.

AMENDMENT

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



A. Article VI, Section 1 of the Declaration is hereby amended by adding the following sentence to the end of that Section:

“In the event that structures are created which do not clearly fall within any category listed in Article VI, Section 2 below, then Founder may assign that type of structure to that existing category which Founder in its sole discretion deems to be the nearest suitable category, which assignment shall be effective until such time as a category is added to the Declaration that expressly identifies the new type of structure.”

B. Article VI, Section 2 of the Declaration is hereby amended to add the following new category:

Cottages (Attached Units identified as Cottages, having frontage of greater or less than 40') 0.90 Per Residential Lot

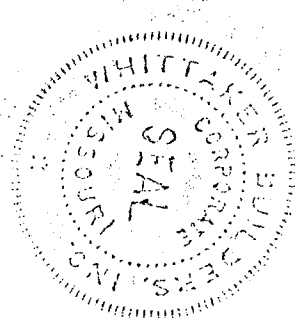
Except as otherwise provided herein, the Declaration shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the undersigned has set their hands as of the date first above written.

WHITTAKER BUILDERS, INC., a Missouri corporation

Gregory G. Whittaker

Gregory G. Whittaker, President



STATE OF MISSOURI)
) SS
COUNTY OF ST CHARLES)

On this 11th day of January, 2010, before me Helena Beth Crosby, a Notary Public, 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: 10-23-2011

Helena Beth Crosby
Notary Public

