

Clay County, Missouri Unofficial Document

STATE OF MO.
CLAY COUNTY
I CERTIFY INSTR. REC'D

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BOOK# 4666 PAGE# 93
ROBERT T. SEVIER
RECORDER OF DEEDS

Ben J. Matthews
Deputy

BK 4666 PG 093

COVER PAGE

FIRST AMENDMENT TO SOUTH VALLEY PARK INDENTURE OF TRUST AND RESTRICTIONS

Date: JUNE 21, 2004

Grantor: McBride & Son Homes Kansas City, LLC

Grantee: South Valley Park Homeowner's Association

Grantee's Address: #1 McBride & Son Center Drive
Chesterfield, Missouri 63005

Legal Description: As set forth on Exhibit A of the attached First Amendment to South Valley Park Indenture of Trust and Restrictions.

This cover page is attached solely for the purpose of complying with the requirements stated in §§ 59.310.2; 59.313.2 RSMo 2001 of the Missouri Recording Act. The information provided on this cover page shall not be construed as either modifying or supplementing the substantive provisions of the attached First Amendment to South Valley Park Indenture of Trust and Restrictions. In the event of a conflict between the provisions of the attached First Amendment to South Valley Park Indenture of Trust and Restrictions and the provisions of this cover page, the attached First Amendment to South Valley Park Indenture of Trust and Restrictions shall prevail and control.

Reference Book + Page, Page 2

McBride & Son Homes

#70745242

PO BOX 490

Liberty MO 64069

RL

<http://recorder.claycogov.com>

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FIRST AMENDMENT TO SOUTH VALLEY PARK INDENTURE OF TRUST AND RESTRICTIONS

THIS FIRST AMENDMENT TO SOUTH VALLEY PARK INDENTURE OF TRUST AND RESTRICTIONS ("Amendment") is made and entered into as of the 21ST day of JUNE, 2004 by and among **McBRIDE & SON HOMES KANSAS CITY, LLC** ("Declarant") and **SOUTH VALLEY PARK HOMEOWNERS ASSOCIATION**, a Missouri nonprofit corporation ("Association").

RECITALS:

A. Declarant and Association entered into that certain South Valley Park Indenture Of Trust And Restrictions on March 29, 2004 which indenture was recorded on March 31, _____, 2004 in the Clay County, Missouri records in Book 4558 Pages 141- _____ (the "Indenture").

B. Declarant continues to own Lots and Declarant as owner of eighty-seven percent (87%) of the Lots encumbered by the Indenture and eighty-seven percent (87%) of the voting powers pursuant to Section 6(k) of the Indenture agrees to and consents to this Amendment. The entire property encumbered by the Indenture is described on Exhibit A, attached hereto and made a part hereof.

C. The three individuals executing this Amendment on behalf of Association comprise all of the current directors of Association.

NOW, THEREFORE, The parties hereto agree and declare that the Indenture is hereby amended as follows:

1. All capitalized terms used herein and in the Recitals above and not otherwise defined herein shall have the meaning ascribed to them in the Indenture.
2. The Recitals set forth above are incorporated herein by this reference.
3. Recital A. of the Indenture is amended by deleting the last sentence thereof which is incorrect and was incorrect at the time the Indenture was executed. At the time the Indenture was executed, Declarant owned all of the Lots described in Exhibit A to the Indenture.
4. A new Subsection 1(j) is added at the end of Section 1 of the Indenture as follows: "(j) "Declarant" shall mean and refer to McBride as that term is defined herein."
5. The Indenture is hereby ratified and reaffirmed.
6. Except as specifically modified herein the Indenture shall remain unchanged and in full force and effect. In the event of any inconsistency or conflict between this Amendment and the Indenture this Amendment shall control. This Amendment shall be binding upon the

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Declarant, the Association and all Owners and their heirs, successors and assigns and shall be binding upon the Properties and run with the land.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the date and year first above written.

Declarant:

McBRIDE & SON HOMES KANSAS
CITY, LLC

By: McBride & Son Homes, Inc.,
Managing Member

By: 

Name: JAMES R. PIPER, SR.

Title: VICE PRESIDENT

Association:

SOUTH VALLEY PARK
HOMEOWNERS'
ASSOCIATION

By: 

Name: James R. Piper, Sr.

By: 

Name: John F. Eilermann, Jr.

By: 

Name: Justin Honey

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

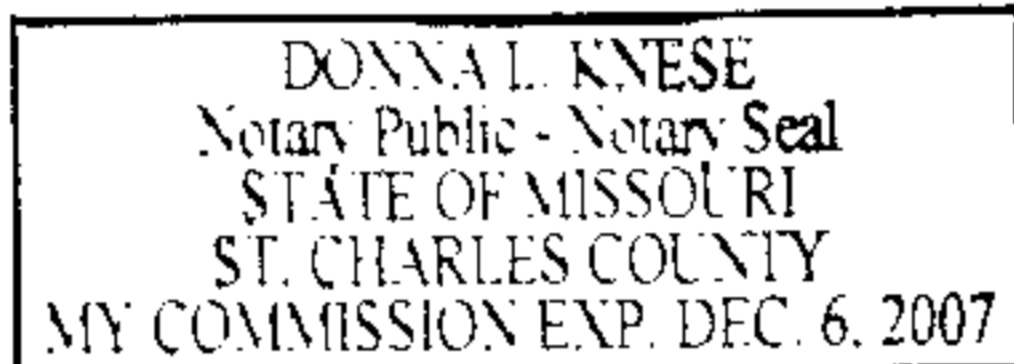
On this 21st day of JUNE, 2004, before me appeared JAMES R. PIPER, SR., to me personally known, who, being by me duly sworn, did say that he/she is the VICE PRESIDENT * of McBride & Son Homes Kansas City, LLC, a limited liability company of the State of MISSOURI, and that said instrument was signed in behalf of said limited liability company, and said JAMES R. PIPER, SR. acknowledged said instrument to be the free act and deed of said limited liability company.

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.

Donna L. Kneese

Notary Public

My Term Expires:



* OF McBRIDE & SON HOMES, INC., MANAGING MEMBER

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

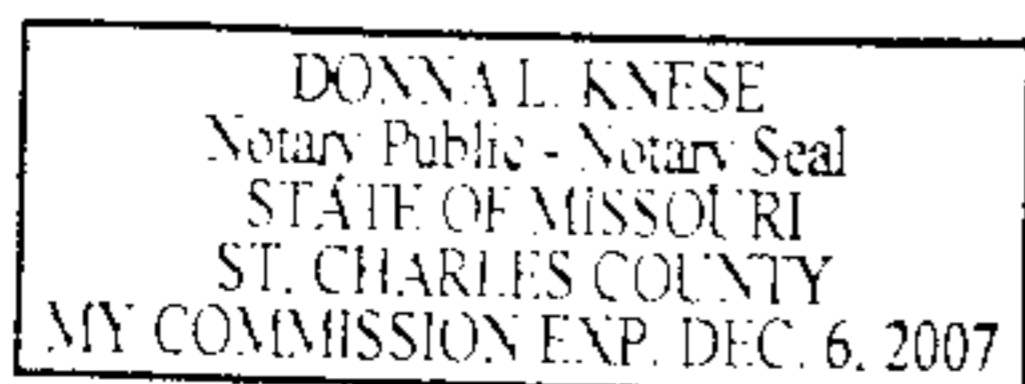
On this 21st day of JUNE, 2004, before me appeared James R. Piper, Sr., to me personally known, who, being by me duly sworn, did say that he is the Director of South Valley Park Homeowners' Association, a nonprofit corporation of the State of Missouri, and that said instrument was signed in behalf of said corporation, and said James R. Piper, Sr. 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 and state aforesaid, the day and year first above written.

Donna L. Kneese

Notary Public

My Term Expires:



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

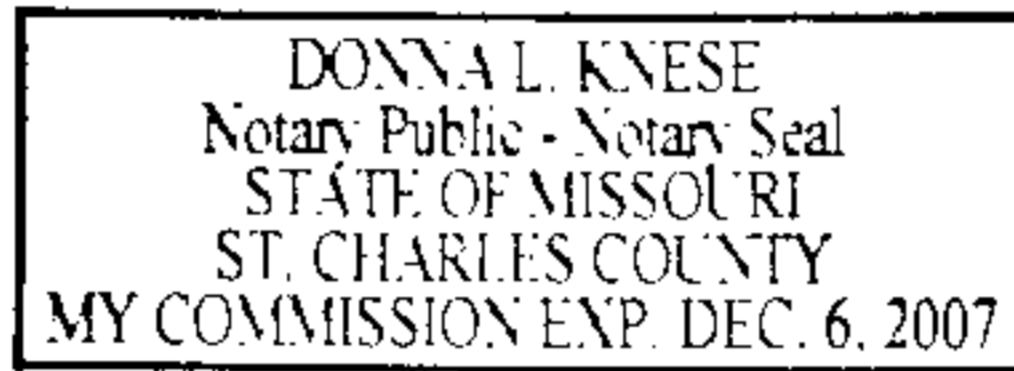
On this 21ST day of JUNE, 2004, before me appeared John F. Eilermann, Jr., to me personally known, who, being by me duly sworn, did say that he is the Director of South Valley Park Homeowners' Association, a nonprofit corporation of the State of Missouri, and that said instrument was signed in behalf of said corporation, and said John F. Eilermann, Jr. 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 and state aforesaid, the day and year first above written.



Notary Public

My Term Expires:



STATE OF MISSOURI)
) ss.
County OF Clay)

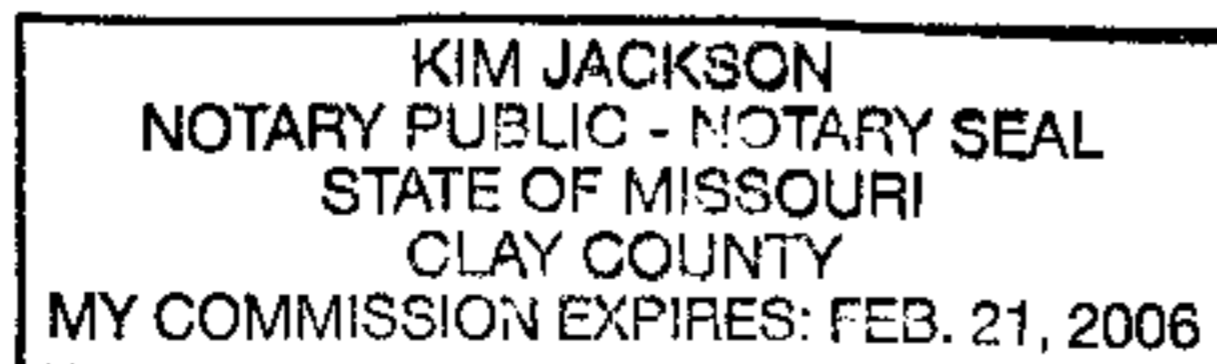
On this 25th day of June, 2004, before me appeared Justin Honey, to me personally known, who, being by me duly sworn, did say that he is the Director of South Valley Park Homeowners' Association, a nonprofit corporation of the State of Missouri, and that said instrument was signed in behalf of said corporation, and said Justin Honey 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 and state aforesaid, the day and year first above written.



Notary Public

My Term Expires: 2-21-06



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EXHIBIT A
LEGAL DESCRIPTION

SOUTH VALLEY PARK

Lot 1-33, 35-45, 47-65 of South Valley Park Record Plat as recorded in Cabinet F, Sleeve 38, in Clay County, Missouri.

BK 4666 PG 098