

Robert T Sevier, Recorder



Grantor SOUTH VALLEY PARK ASSN
Grantee SOUTH VALLEY PARK ASSN

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SECOND AMENDMENT TO SOUTH VALLEY PARK INDENTURE OF TRUST
AND RESTRICTIONS

Grantor, South Valley Park Association
Grantee, South Valley Park Association

WHEREAS, upon the unanimous vote of the Board of Directors of the South Valley Park Homeowners' Association, (hereafter, "Association") and a 2/3 majority of the voting members of the Association, the following amendments are hereby made to the Indenture of Trust and Restrictions originally recorded on March 31, 2004 at book number 4554 and page 141 at the Clay County recorder of deeds and all amendments thereto:

- I. Legal Description. *See Exhibit A*
 - a. This amendment shall have a binding effect on only that real property as set forth in the original Indenture of Trust recorded March 31, 2004 at book number 4554 and page 141, which legal description is incorporated by reference as though fully set forth herein.

- II. Controlling Document.
 - a. This amendment shall supercede all prior agreements and amendments; and any ambiguity or conflict between the terms or restrictions of any prior recorded agreement and this Second Amendment shall be resolved to give this Second Amendment precedence, and construed liberally in favor of enforcing and upholding this Second Amendment.
 - b. This amendment changes only those terms specified herein, and any term or restriction not specifically addressed shall be controlled by the prior recorded agreement and amendments thereto.

- III. Change of Name.

RL Karen Weber
511 Amhurst Ave
Liberty, Mo 64068

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- a. The name of the Association shall be South Valley Estates Homeowners' Association. Any reference to South Valley Park shall be amended to read South Valley Estates.

IV. Easements

- a. Paragraph 2(a)(iii) is struck in its entirety and replaced by the following:
(iii) "The right of the Directors to suspend the rights of any member or resident due to any of the following:
 - A. an unpaid assessment, such suspension shall continue indefinitely until the assessment is paid; or
 - B. as a result of any infraction of the published rules and regulations, such suspension shall not exceed a period of sixty (60) days.
- b. Paragraph 2.(a)(vi) is struck in its entirety and replaced by the following:
“(vi) [Stricken]”
- c. Paragraph 2(e) shall be amended as follows: insert at the end of the paragraph: “Owners of adjoining lots shall provide written notice of the proposed maintenance or replacement of improvements to include the nature of the work to be performed and the duration of any proposed work. Such notice shall be provided at least three (3) days prior to the commencement of the work, unless an emergency exists in which case notice must be provided as soon as practicably possible.
- d. Paragraph 2.(k) is amended as follows: “a perpetual easement in gross” is struck and replaced by “an easement continuing for 120 months from July 1, 2007”

V. Creation of Association

- a. Paragraph 3(b) is struck in its entirety and replaced by the following: “(b) Each member shall have one vote for each lot owned.”

VI. Covenant for Maintenance Assessments

- a. Paragraph 5.(a) is amended as follows: strike “\$200.00” replace with “\$75.00”.
- b. Paragraph 5.(b) is amended as follows: insert “, including a reasonable attorney’s fee,” after “thereof,” and before “shall be”.
- c. Paragraph 5.(f) is amended as follows: insert new paragraph (vi) after Paragraph (v) to read: “(vi) Dollar amounts for special assessments for infractions or violations of any restriction or regulation shall be set each year at the same time the Board promulgates its annual assessment budget under Section 5.(f)(i).”
- d. Paragraph 5.(h)(iii) is struck in its entirety and replaced by the following:
(iii) [Stricken].”

VII. Selection of Directors

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- a. Paragraph 6.(a) is amended as follows: strike the second sentence beginning with “The original” and all subsequent sentences continuing through the sentence ending in “as provided for hereunder.”

VIII. Reservation of Expenditures

- a. Paragraph 7. is amended as follows: strike the word “McBride” in the first sentence and replace with “The Board of Directors”. Strike “McBride” in the second sentence and replace with “The board of Directors”. Insert a new sentence after the last sentence to read: “In the event the of termination, all cash assets shall be distributed equally to the then-existing members.”

IX. Architectural Control

- a. Paragraph 8.(a) is amended as follows: strike each occurrence of the phrase “, other than a lot owned by McBride,” in the first sentence.

X. Directors Powers and Duties

- a. Paragraph 9.(l) is amended as follows: strike “, subject to the reservation by McBride, as provided in Section 7 hereof,”.

XI. Use Restrictions

- a. Paragraph 10.(a)(xii) is amended as follows: insert new paragraph (J) after paragraph (I) to read: “satellite or receiving dishes 36 inches or less in diameter shall be exempt from board approval, provided that a member or resident shall not be allowed to erect more than 2 such dishes on each lot.
- b. Paragraph 10.(a)(xv) is stricken in its entirety and replaced as follows: “Trash, garbage, rubbish, debris and recycling receptacles can be placed in the exterior rear or adjacent to the residence, provided that: (A) no container shall exceed 50 gallons in capacity; and (B) each container shall have a lid. Containers can be placed at the street curb no earlier than 7:00 p.m. the day before any day designated for trash pick-up. Empty containers should be removed from the street curb by 7:00 p.m. of the designated trash pick-up day.”
- c. Paragraph 10.(a)(xvi) is amended as follows: insert after the last sentence “Nothing in this paragraph will prevent a member from repairing or maintaining any water or sewer line provided that such work is performed by a licensed utility company or similar professional and all permits and/or inspections are strictly complied with.

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SIGNED THIS 26th DAY OF August 2007.

Karen Weber
~~Charles Irwin~~, President
Karen Weber

[Signature]
~~Karen Weber~~, Secretary
David Sloan

[Signature]
~~Jill Flory~~, Treasurer
Sheri Landrum

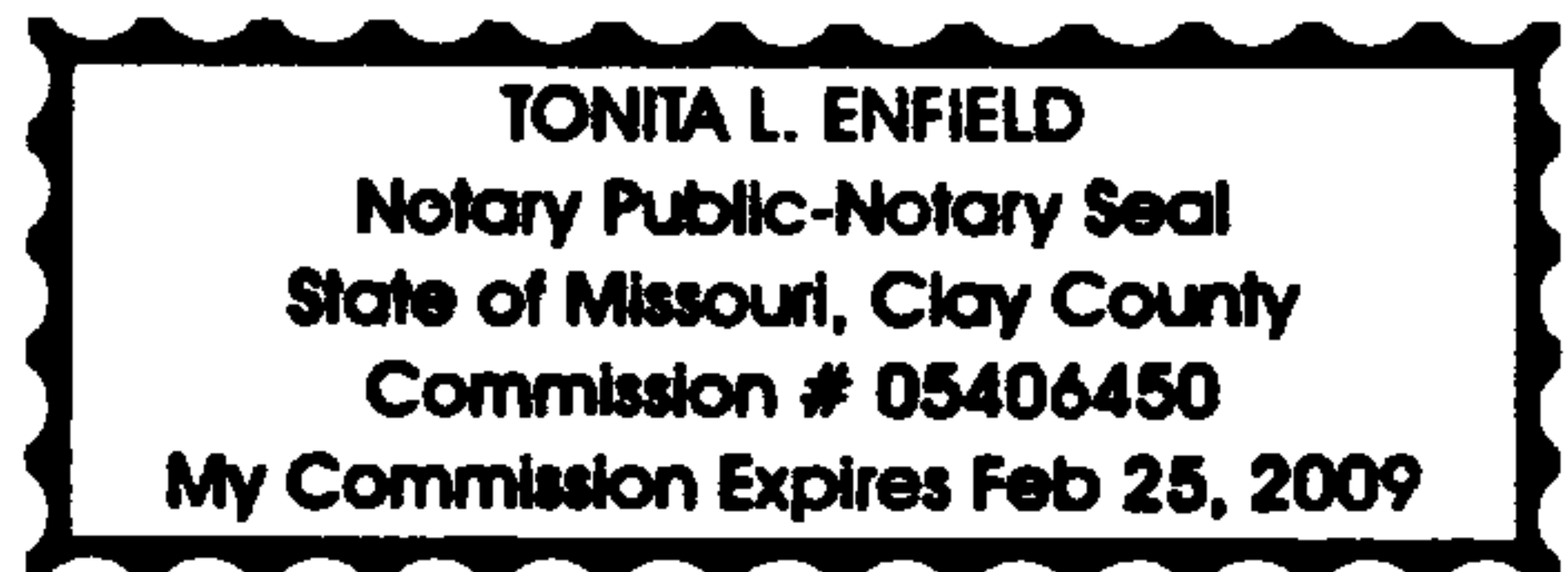
State of Missouri)
County of Clay) ss.

On this 26th day of August, before me personally appeared ~~Charles Irwin~~ Sheri Landrum, personally known to me who executed the foregoing instrument, and acknowledged that he/she executed the same as his/her free act and deed.

Subscribed and Sworn to Me:

[Signature]
Notary Public

My Commission Expires: 2-25-09



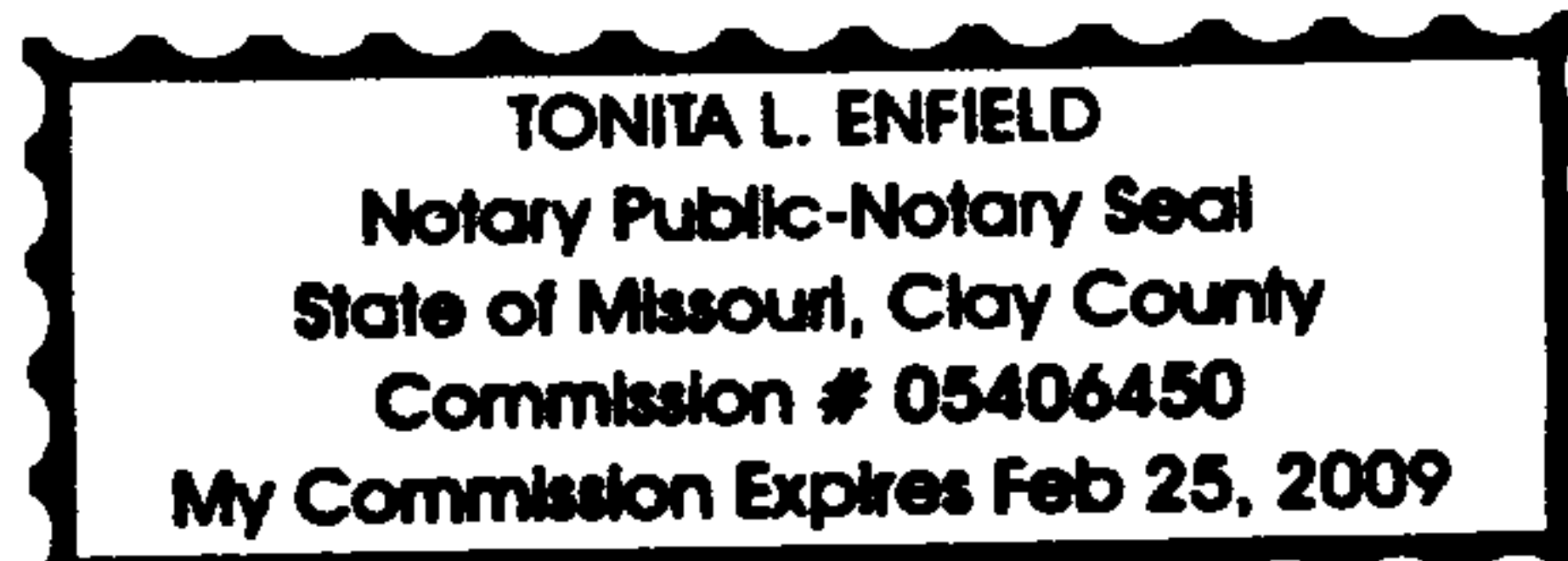
State of Missouri)
County of Clay) ss.

On this 26th day of August, before me personally appeared Karen Weber, personally known to me who executed the foregoing instrument, and acknowledged that he/she executed the same as his/her free act and deed.

Subscribed and Sworn to Me:

[Signature]
Notary Public

My Commission Expires: 2-25-09



Clay County, Missouri
Unofficial Document

State of Missouri)
)
County of Clay) ss.

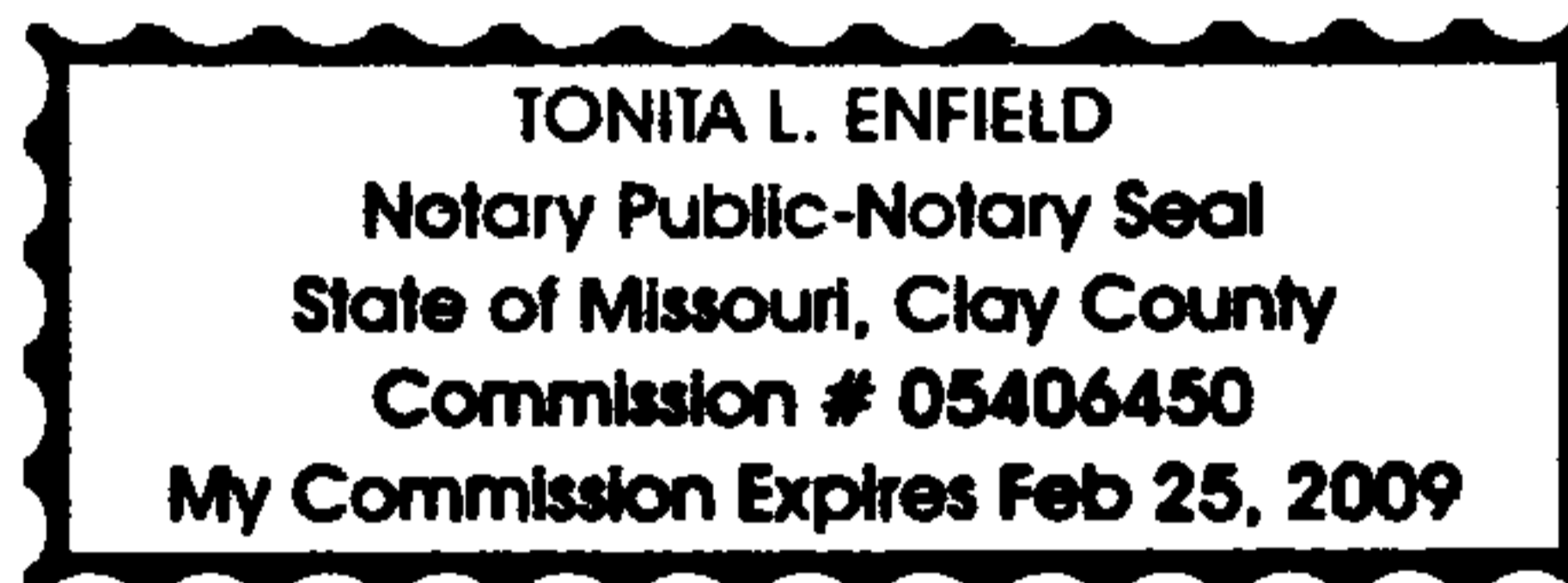
David Sloan

On this 26th day of August, before me personally appeared ~~Jill Flory~~, personally known to me who executed the foregoing instrument, and acknowledged that he/she executed the same as his/her free act and deed.

Subscribed and Sworn to Me:

Tonita L. Enfield
Notary Public

My Commission Expires: 2-25-09



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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.

#652636 – McBride/South Valley Park

**Amendment to the By-Laws of South Valley
Park Homeowner's Association**

WHEREAS, upon the unanimous vote of the Board of Directors of the South Valley Park Homeowners' Association (hereafter, "Association"), and pursuant to Article XI of the By-Laws, the following amendments are hereby made to the By-Laws of the Association and all amendments thereto:


- I. Controlling Document.
 - a. This amendment shall supercede all prior agreements and amendments; and any ambiguity or conflict between the terms or restrictions of any prior executed By-Laws and this Amendment shall be resolved to give this Amendment precedence, and construed liberally in favor of enforcing and upholding this Second Amendment.
 - b. This amendment changes only those terms specified herein, and any term or restriction not specifically addressed shall be controlled by the prior recorded agreement and amendments thereto.


- II. Article I.
 - a. Article I is stricken in its entirety and replaced with: "The name of the corporation shall be South Valley Estates Homeowners' Association. The Principal address of the corporation shall be located at the then-current President's residential address or such other address as the President designates."


- III. Article IV.
 - a. Section 4 of Article 4 is hereby amended as follows: insert after the last sentence: "Any director may resign by providing written notice of resignation to the board at any time without penalty to the resigning Director."

- IV. Article XI.
 - a. Section 1 is amended as follows: strike the last sentence.

SIGNED THIS 26th DAY OF August 2007.


~~Charles Irwin, President~~
Karen Weber


~~Karen Weber, Secretary~~
~~Sheri Landrum~~
David Sloan


Jill Flory, Treasurer
Sheri Landrum

Clay County, Missouri
Unofficial Document

SOUTH VALLEY ESTATES HOMEOWNERS' ASSOCIATION, INC.

RESOLUTION

WHEREAS, The Board of Directors held a special meeting and upon a unanimous vote recommends that the Indenture of Trust and Restrictions and all amendments thereto be further amended as set forth in the Proposed Second Amendment to the South Valley Park Indenture of Trust and Restrictions, attached and incorporated as Exhibit A;

WHEREAS, Upon unanimous vote of the Board at a special meeting, the Board recommends that the By-Laws of the association be amended as set forth in the Proposed Amendment to the South Valley Park By-Laws, attached and incorporated as Exhibit B.

WHEREAS, Upon unanimous vote of the Board at a special meeting, the Board recommends that the name of the association be changed to SOUTH VALLEY ESTATES HOMEOWNERS' ASSOCIATION, INC.;

IT IS THEREFORE RESOLVED, that the attached exhibits shall be submitted to the members of the Association for final approval;

IT IS FURTHER RESOLVED, that upon passing of any or all of the proposed amendments, that the Board shall promptly file all necessary documents with any state or county agency to effect the amendments.

SIGNED THIS 26th DAY OF August 2007.

Karen Weber
~~Charles Irwin~~, President
Karen Weber

David Sloan
~~Karen Weber~~, Secretary
David Sloan

Sheri Landrum
~~Jill Flory~~, Treasurer
Sheri Landrum