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BUTLER & TOMKO LLC

Dottie D. Crenshaw  
Recorder of Deeds

FALCON POINTE SUBDIVISION

AMENDED INDENTURE OF TRUST AND RESTRICTIONS

DATED: April 22, 2022

Grantor(s): Trustees of Falcon Pointe Subdivision

Grantee(s): Public

Statutory Mailing Address: 191 Falcon Pointe, Silex, MO 63377

Reference Book(s): Book 1801 Pages 316 - 340

Legal Description: See Attached Exhibit A

FALCON POINTE SUBDIVISION  
AMENDED INDENTURE OF TRUST AND RESTRICTIONS

This amendment to Indenture of Trust and Restrictions is made by the duly elected trustees of Falcon Pointe Subdivision and serves as an Amendment to the Indenture of Trust and Restrictions recorded in Book 1801, Pages 316 - 340 and as thereafter Revised in the Deed of Records of Lincoln County, Missouri.

WHEREAS the original restrictions allow the Lot Owners to amend the Declaration of Covenants and Restrictions as provided in Article X paragraph 4 of said original indenture; and

WHEREAS, the property described in Exhibit A attached hereto and incorporated by reference herein is subject to the Indenture of Trust and Restrictions; and

WHEREAS a vote of the Lot Owners of Falcon Pointe Subdivision was taken. Said vote was taken as required in Article X Paragraph 4 of the Declaration of Covenants and Restrictions described above; and

WHEREAS by said vote of more than two-thirds (2/3) of the Lot Owners voted in favor of a proposition to allow future amendments to the Declaration of Covenants and Restrictions by a majority vote of Lot Owners in attendance at a regular or special meeting called, provided a notice of not less than two weeks is provided to all Lot Owners consistent with the requirements for providing notice of a meeting as provided in the Declaration of Covenants and Restrictions, effective immediately upon said vote; and

WHEREAS by said vote of more than two-thirds (2/3) of the Lot Owners voted in favor of a proposition allowing for the collection of certain fees and costs associated with non-payment of fees and assessments; and

WHEREAS, The undersigned, being the duly elected Trustees of the Subdivision, acting under the direction of more than two-thirds (2/3) of the Lot Owners, have caused the foregoing Amendment to be recorded in the Lincoln County Records.

**NOW THEREFORE**, this Amendment modifies the Indenture of Trust and Restrictions of Falcon Pointe Subdivision of the Lincoln County, Missouri, records (hereinafter the "Indenture") as follows:

**Amendment to Article V:**

9. Deposits. To require a deposit of \$1,000.00 in connection with the proposed erection of any building, structure, fence, detached building, outbuilding, swimming pool, tennis court, or other structure in the Subdivision to assure that upon completion of the project, all debris shall be removed from the site and adjacent Lots and parcels and all damage to subdivision improvements repaired. The construction of a primary residence and driveway, must be completed within one (1) year of start of construction, or the deposit will be forfeited to the HOA general account.

**Amendment to Article VIII:**

3. Annual Assessments. Until increased as herein authorized, the maximum annual assessment upon and against each Lot will be: (a) \$650.00 for lots with houses, \$290.00 for lots without houses for road maintenance and improvements; (b) \$180.00 for the community water system; and (c) \$180.00 for common elements including streetlights, gated entries, park and common areas; provided however that the Trustees may increase such assessment for any assessment year by an amount which is equal to the increase in the Consumer Price Index last published prior to the assessment year over the Index last published prior to commencement of the first assessment year. If such Index is discontinued, the Trustees shall utilize a successor index, determined by the Trustees in their sole judgment to be most similar to the discontinued Index. In addition to the Annual Assessments, if a water well goes out in the Subdivision, the Trustees are authorized to divide such charges among all Lots, both improved and unimproved, a pro-rata share per Lot for

such repairs without requiring a special assessment. Such assessment shall be due within thirty (30) days of notification to Lot Owners.

**Amendment to Article X:**

13. Septic/Sewer. All septic systems and lateral installations shall be properly designed and installed by a professional company so that the water percolation to the surface is not readily apparent and so that no odors are emitted to the neighborhood air. All septic systems are to be approved by the appropriate Government/Municipal authority prior to installation. No open air or lagoon style systems are allowed.

14. Electronic Voting. Any action that may be taken at any annual or special meeting of members may be taken by written ballot without a meeting, either via a mail-in ballot or an electronic ballot vote, if the following requirements are met: (i) a written ballot is distributed to every Owner entitled to vote on the matter, setting forth each proposed action and providing an opportunity to vote for or against each proposed action; (ii) the solicitation for votes by written ballot (a) indicates the percentage of all the voting interests needed to meet the quorum requirements for authorization or rejection of the proposed action; (b) states the percentage of votes needed to authorize or reject each matter, other than election of a Director; (c) specifies the date and time by which a ballot must be received by the Association in order to be counted; and (d) is accompanied by written information (including, if applicable, a summary of any proposed Association budget) sufficient to permit each person casting such ballot to reach an informed decision on the matter; and (iii) the number of votes cast by written ballot within the specified time period, authorizing or rejecting the proposed action, equals or exceeds the quorum required to be present at a meeting authorizing or rejecting the action, and the number of votes in favor or against the proposed action equals or exceeds the number of votes in favor or against that would be required to authorize or reject the action at a meeting at which the total number of votes cast was the same as the number of votes cast by written ballot. The Trustees shall ensure that each Lot Owner has access to a paper or electronic ballot, whichever his/her/their preference is and shall ensure that an accurate record of all votes cast is kept.

**This amendment shall be effective to amend the Declaration of Covenants and Restrictions as well as Schedule A and B of the Declaration of Covenants and Restrictions and any conflict between this amendment and any previous Declaration of Covenants and Restrictions shall be resolved in favor of this Amendment. All other provisions of the Declaration of Covenants and Restrictions shall remain the same.**

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Ashley Demitroff  
Ashley Demitroff, Trustee

Joe Grote  
Joe Grote, Trustee

Seth Hopkins  
Seth Hopkins, Trustee

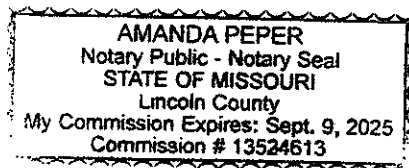
STATE OF MISSOURI )

)ss.

COUNTY OF LINCOLN )

On this 22nd day of April, 2022, before me appeared Ashley Demitroff, Joe Grote and Seth Hopkins, to me personally known, who being duly sworn by me, did state that they are the current board of trustees of Falcon Pointe Subdivision, and states that the instrument was signed on behalf of said Board of Trustees, by Ashley Demitroff, Joe Grote and Seth Hopkins, acknowledging that said instrument was by the free act and deed of the Board of Trustees acting on behalf of the Lot Owners therein.

IN TESTIMONY THEREOF, I have hereunto set my hand and affixed my official seal in the County of State aforesaid, the day and date first above written.



Amanda Peper  
NOTARY PUBLIC

**EXHIBIT A**

Lots 1 through 47 of FALCON POINTE SUBDIVISION, as per plat thereof recorded on 10-26-2005 (as Daily No. 14343) or (in Book 14 page 77-78) in the Office of the Recorder of Deeds for the County of Lincoln and the State of Missouri.