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FILED AND RECORDED  
OFFICIAL RECORDS OF  
JEFFERSON COUNTY MO  
2003 APR 23 AM 8:26

*Jefferson*

FRANKLIN COUNTY  
RECORDS & DEEDS  
APR 18 74.00

\*  
ATT: Sue Pratt  
Marica & Sigmund  
310 Monroe St.  
Jefferson City MO 65101

*Marica Sigmund*

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**Amendment to  
Declaration of Easements, Covenants and Restrictions  
Relating to Honeystone**

**THIS AMENDMENT TO DECLARATION** is made as of the 12 day of APRIL, 2003, by the Tract Owners of Honeystone, a subdivision located in Jefferson County, Missouri and Franklin County, Missouri.

**Whereas**, this Amendment is to amend the Declaration of Easements, Covenants and Restrictions for Honeystone dated April 13, 1998 and recorded in the Office of the Recorders for Jefferson County, Missouri at Book 831, Page 580 and Franklin County, Missouri at Book 1076, Page 274 (the "Declaration").

**Whereas**, the Declaration relates to a tract of land located in Franklin County, Missouri and Jefferson County, Missouri as evidenced by subdivision plat thereof entitled "Honeystone" and recorded in the Office of the Recorder of Jefferson County, Missouri in Plat Book 161 at Page 13 and 14; and as recorded in the Office of the Recorder of Franklin County, Missouri in Plat Book P at Page 542 (the "Subdivision");

**Whereas**, Article 25 of the Declaration provides that it may be amended by the vote of not less than 66-2/3% of the total votes possible of the Tract Owners (with two votes allocated to each Tract) in favor of the amendment or by a petition or agreement signed by the no less than 66-2/3% of the Tract Owners in favor of the amendment;

**Whereas**, pursuant to duly authorized approval of the requisite number of Tract Owners a copy of which results are attached hereto as Exhibit A and incorporated by reference, the Tract Owners desire to amend the Declarations as provided herein.

**Now, Therefore,** pursuant to due authority and approval of the Tract Owners, the Declaration is amended as follows:

1. Article 1 shall be amended to read as follows:

No building, structure, or dusk to dawn lighting fixtures, constituting any permanent or semi-permanent improvement, with the exception of erected fences, shall occupy the area between the set back lines and the tract lines, as shown upon the plat of the Subdivision. No barbed wire fences may be erected within 50 feet of any street or roadway. Any dusk to dawn lighting fixtures located in compliance with this Article 1 shall be a shielded type fixture, approved by the Directors, so as to prevent glare which interferes with adjoining Tract Owners' use of their Tract and/or persons utilizing the roads.

2. Article 3 shall be amended by deleting the following:

Foundations must be continuous and of poured concrete.

and replacing it with the following:

Foundations must be continuous and of poured concrete or equivalent product. Concrete block foundations are specifically prohibited except that, the concrete block foundation on Lot #71 is exempted due to the fact it was built prior to transfer of control from the Developer to the owners.

3. Article 7 shall be amended to read as follows:

Except as provided herein, Tracts shall be used only for residential purposes. Activities on or from Tracts and the improvements thereon which produce revenue shall not be deemed a violation of "residential purposes" provided that such activity does not exhibit an open or notorious commercial business operation. Prohibited "open or notorious commercial business" activity includes, but is not limited to, the following: (i) the parking of employee or agent vehicles on a Tract on a regular basis; (ii) the parking at any time on a Tract of more than two (2) vehicles displaying a business or company name, logo or insignia (except for businesses or persons performing services or supplying materials to the Tract Owner or resident); (iii) the storage of materials and supplies related to the business of the Tract Owner or a resident thereon in a manner which is visible to persons using adjacent Tracts or the roads; (iv) any business enterprise in which customers or clients frequent the Tract for the purpose of conducting business during normal business hours; and (v) the maintenance of an office on the Tract at which more than one

person is employed and who performs duties on the Tract (except that this restriction shall not apply to housekeepers, babysitters, nannies, maid services, gardeners, or grounds maintenance persons employed by the Tract Owner or resident to perform services only for such Tract Owner or resident or their family residing on the Tract).

Signs shall not be permitted on any Tract, provided, however, that one "For Sale" sign not to exceed three (3) feet in height or width may be placed on a Tract while the Tract is actually listed for sale and is actually for sale. No Tract or improvement thereon shall be used for any illegal or unlawful purpose. No residential dwelling, nor any part of any Tract may be used for manufacturing or industrial purposes. Storage or repair of any non-licensed or non-functioning vehicle, whether commercial or otherwise, or heavy machinery shall not be allowed except to the extent fully concealed in buildings as described in Article 8.

4. Article 8 shall be amended to read as follows:

In addition to a residential building, two other buildings may be erected on each Tract. Such building shall be accessory to or complimentary of the residential purposes and the accommodation of permitted animals. Commercially designed and constructed metal buildings are specifically permitted subject to the following limitations: the proposed building must be in conformity and harmony with the external design of existing improvements to the Tract; must not create any threat to the health or safety or the public; must not interfere with the enjoyment and value of neighboring Tracts, and/or must not interfere with the outlook or view from adjacent or neighboring Tracts. Portable buildings, sheds and other buildings not attached to a permanent foundation on the Tract shall not be permitted.

5. Article 25 shall be amended to provide that the vote required for amendment shall be 66 2/3rds of the members of the Association (Tract Owners) present in person or by proxy at a meeting called in accordance with the Bylaws of the Association.

6. The following easements, covenants and restrictions shall be added to the Declaration as if more fully set forth therein:

(a) The Declaration provides for a "Road Committee" to be established for purposes including, but not limited to, providing road maintenance for the Subdivision, providing common services to the Tracts, adopting By-Laws or Rules and Regulations for the governing of the Road Committee, for assessing and collecting funding from the Tract Owners and disbursing the same for road maintenance or common

services for the Subdivision, and for enforcement of the Declaration. In an effort to minimize liability risks to the Tract Owners and the members of the Road Committee, and to encourage Tract Owners to volunteer their services on behalf of the Subdivision, the Tract Owners authorize the Honeystone Owners Association, a Missouri non-profit corporation duly formed on April 1, 2000 (the "Association") to assume the duties and responsibilities of the Road Committee and to be authorized in all respects to act in the place and stead of the Road Committee for purposes of the Declaration. The Tract Owners further agree that all of Tracts and Tract Owners shall be subject to the Articles of Incorporation and Bylaws of the Honeystone Owners Association.

(b) Every Tract Owner shall be a member of the Association. Membership shall be appurtenant to and may not be separated from the ownership of the Tract and shall be governed by the terms and conditions set forth in the Association's Articles of Incorporation and Bylaws and any amendments thereto. The vote of any member comprised of two or more persons, or other legal entities, or any other combination thereof, shall be cast in the manner provided for in the Articles of Incorporation of the Association, or as the several constituents may determine, but in no event shall all such constituents cast more than two votes for the Tracts owned by them.

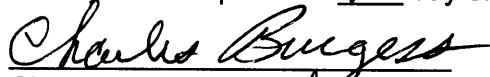
(c) The membership rights of any Tract Owners, including the right to serve as a Director or Officer of the Association, may be suspended by action of the Board of Directors of the Association if the Tract Owner has failed to pay when due any assessment or charge lawfully imposed upon him or her or any Tract owned by him or her, or if the Tract Owners, their family, tenants, or guests of any of them, shall have violated the Declaration or any rule or regulation of the Association.

(d) Enforcement of the rights and obligations under the Declaration, this Amendment and any future amendments shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant, either to restrain the violation or to recover damages and the damages sought for a violation shall include all expenses of such litigation, which shall be taxed on costs therein. Failure by the Association or any Tract Owner to promptly enforce any of the provisions in the Declaration, this Amendment or any future amendments shall not be deemed a waiver of the right to do so at any later time.

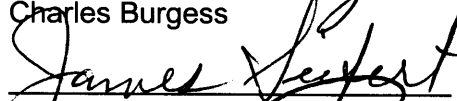
7. Except as herein amended, the Declaration and all terms and conditions stated therein shall remain in full force and effect; the same being incorporated into this Amendment by this reference. This Amendment is intended to control in the event of a conflict with the prior recorded Declaration relating to the Subdivision and to control in the event that any provisions of the Declaration shall be deemed invalid. All of the Tracts shall be subject to the covenants, conditions, restrictions and easements specified in this Amendment, which shall run with the land, and shall be binding upon every owner of the Tracts in the Subdivision in the same manner as if said restrictions were set out in full in each contract and conveyance of or concerning any Tract or any part thereof.

8. The Directors of the Association are authorized to execute this Amendment and cause it to be duly recorded in the Offices of the Recorders of Jefferson County, Missouri and Franklin County, Missouri.

**In Witness Whereof**, upon vote of the Tract Owners as specified above, this Amendment to Declaration of Easements, Restrictions and Covenants of Honeystone is executed under due authority and adopted this 12 day of APRIL, 2003.



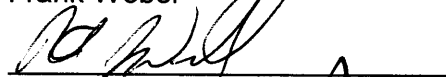
Charles Burgess



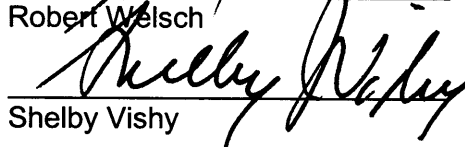
James Seifert



Frank Weber



Robert Welsch



Shelby Vishy

Being all of the Directors of  
Honeystone Owners Association

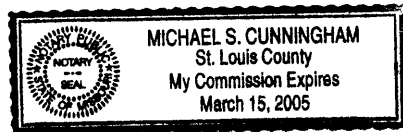
State of Missouri                     )  
  ) ss  
County of FRANKLIN             )

On this 12 day of APRIL, 2003, before me personally Charles Burgess, James Seifert, Frank Weber, Robert Welsch, and Shelby Vishy, to me known to be the persons who executed the foregoing instrument, and, being by me duly sworn, stated that they are the Directors of Honeystone Owners' Association, a Missouri nonprofit corporation, and as the Directors they are authorized to execute this instrument on behalf of such Association and the Tract Owners as described in the Declaration and acknowledged to me that they executed the same as their free act and deed for the purposes therein stated.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

  
\_\_\_\_\_  
Notary Public in said State

My Commission Expires:



# Exhibit A

**Honeystone Voting Results from 10/01 Attempt at Several Changes**  
If Report Shows 1, the vote was affirmative. 0 is for negative vote

**If Report Shows 1, the vote was affirmative. 0 is for negative vote**

EXHIBIT A

04/01/03

Honeystone Voting Results from 10/01 Attempt at Several Changes  
If Report Shows 1, the vote was affirmative. 0 is for negative vote

Lot Number	Vote Numbr	2001 Owner Name	Attendee of 10/06/01 Ann Mtg?	Arts Of Inc	L O T Ass'n Bylaws	O W N E R S Amendments to # 1	Revisions of # 3	V O T I N G Articles # 6	# 7	R E S U L T S # 8	# 25	Approval of 7A	7B	Additions 7C	7D	7E
35	Num 1	Paglione	N													
36	Num 1	Abbate, Salvatore & Lia	N													
37	Num 1	Abbate, Salvatore & Lia	N													
38	Num 1	Varvaro, Vincenzo & Benede	N													
39	Num 2	Cates	N													
39	Num 1	Huerner, Michael & Holly	N		1	1	1	1	1	1	1	1	1	1	1	1
40	Num 2	Huerner, Michael & Holly	N		1	1	1	1	1	1	1	1	1	1	1	1
40	Num 1	Burgess	N		1	1	1	1	1	1	1	1	1	1	1	1
41	Num 2	Burgess	N		1	1	1	1	1	1	1	1	1	1	1	1
41	Num 1	Blaser, John or Sandy	N		1	1	1	1	1	1	1	1	1	1	1	1
42	Num 2	Blaser, John or Sandy	N		1	1	1	1	1	1	1	1	1	1	1	1
42	Num 1	Gibson, Michael & Dawn	N		1	1	1	1	1	1	1	1	1	1	1	1
43	Num 2	Gibson, Michael & Dawn	N		1	1	1	1	1	1	1	1	1	1	1	1
43	Num 1	Bregezer, Ronald J. & Mary ;	N		1	1	1	1	1	1	1	1	1	1	1	1
43	Num 2	Bregezer, Ronald J. & Mary ;	N		1	1	1	1	1	1	1	1	1	1	1	1
44	Num 1	Christopher	N		1	1	1	1	1	0	1	1	1	1	1	1
45	Num 2	Christopher	N		1	1	1	1	1	1	0	1	1	1	1	1
45	Num 1	Kempin, Chris & Cheryl	N		1	0	1	1	1	1	0	1	1	1	1	1
46	Num 2	Kempin, Chris & Cheryl	N		1	1	1	1	1	1	0	1	1	1	1	1
46	Num 1	Travers, Danny R. & Carrie h	N		1	1	1	1	1	1	1	1	1	1	1	1
47	Num 2	Travers, Danny R. & Carrie h	N		1	1	1	1	1	1	1	1	1	1	1	1
47	Num 1	Casey Hauser	N		1	1	1	1	1	1	1	1	1	1	1	1
48	Num 2	Casey Hauser	N		1	1	1	1	1	1	1	1	1	1	1	1
48	Num 1	Worthington, Robert & Joyce	N		1	1	1	1	1	1	1	1	1	1	1	1
49	Num 2	Worthington, Robert & Joyce	N		1	1	1	1	1	1	1	1	1	1	1	1
49	Num 1	Lowe	N		0	0	1	1	1	1	0	1	1	1	0	0
50	Num 2	Lowe	N		0	1	1	1	1	1	0	1	1	1	0	0
50	Num 1	Beste	N		1	1	1	1	1	1	1	1	1	1	1	1
51	Num 2	Beste	N		1	1	1	1	1	1	1	1	1	1	1	1
51	Num 1	Varvaro	N													
52	Num 2	Varvaro	N													
52	Num 1	Heintz, Joe	N		0	0	1	0	0	0	0	0	0	1	0	0
53	Num 2	Heintz, Joe	N		0	0	1	0	0	0	0	0	0	1	0	0
53	Num 1	Lucy, Stella or Leroy	N		1	1	1	1	1	1	0	1	1	1	1	1
54	Num 2	Lucy, Stella or Leroy	N		1	1	1	1	1	1	0	1	1	1	1	1
54	Num 1	Mach, Robert	N		1	1	1	1	1	1	1	1	1	1	1	1
55	Num 2	Mach, Robert	N		1	1	1	1	1	1	1	1	1	1	1	1
55	Num 1	Vietnaus, James and Mary	N		1	1	1	1	1	1	1	1	1	1	1	1
56	Num 2	Vietnaus, James and Mary	N		1	1	1	1	1	1	1	1	1	1	1	1
56	Num 1	Barrier, Mary M. (Meg)	N		1	1	1	1	1	1	1	1	1	1	1	1
57	Num 2	Barrier, Mary M. (Meg)	N		1	1	1	1	1	1	1	1	1	1	1	1
57	Num 1	Visly	N		1	1	1	1	1	1	1	1	1	1	1	1
58	Num 2	Visly	N		1	1	1	1	1	1	1	1	1	1	1	1
58	Num 1	Visly	N		1	1	1	1	1	1	1	1	1	1	1	1
59	Num 2	Visly	N		1	1	1	1	1	1	1	1	1	1	1	1
59	Num 1	Hess	N													
60	Num 2	Hess	N													
60	Num 1	Clifton, Anita B.	N													
61	Num 2	Clifton, Anita B.	N													
61	Num 1	Eisele, John or Kathy	N		1	1	1	1	1	1	1	1	1	1	1	1
62	Num 2	Eisele, John or Kathy	N		1	1	1	1	1	1	1	1	1	1	1	1
62	Num 1	Koch, Donald J. & Vickie L	N		1	1	1	1	1	1	1	1	1	1	1	1
63	Num 2	Koch, Donald J. & Vickie L	N		1	1	1	1	1	1	1	1	1	1	1	1
63	Num 1	Seeman, Michael R.	N													
64	Num 2	Seeman, Michael R.	N													
64	Num 1	Lorenxen, Matt & Vickie	N		1	1	1	1	1	1	1	1	1	1	1	1
65	Num 2	Lorenxen, Matt & Vickie	N		1	1	1	1	1	1	1	1	1	1	1	1
65	Num 1	Pizzo, Joseph Jr. & Susan M	N		1	1	1	1	1	1	1	1	1	1	0	0
66	Num 2	Pizzo, Joseph Jr. & Susan M	N		1	1	1	1	1	1	1	1	1	1	1	1
66	Num 1	Priester	N		1	1	1	1	1	1	1	1	1	1	1	1
67	Num 2	Priester	N		1	1	1	1	1	1	1	1	1	1	1	1
67	Num 1	Busken, Gary & Susan	N													
68	Num 2	Busken, Gary & Susan	N													
68	Num 1	Dowd, Debra & Dennis	N		1	1	1	1	1	1	1	1	1	1	1	1
Num 2	Dowd, Debra & Dennis	N			1	1	1	1	1	1	1	1	1	1	1	1



**Honesty Voting Results from 10/01 Attempt at Several Changes**  
If Report Shows 1, the vote was affirmative. 0 is for negative vote

If Report Shows 1, the vote was affirmative. 0 is for

Dust Light Foundation: Animals & Set Backs	Private Out Buildings	Quorum/ 66.60%	Road Committee per tract	2 votes	Suspend voting right	Maintain Tract	Pay for Problems
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