

Boone County, Missouri



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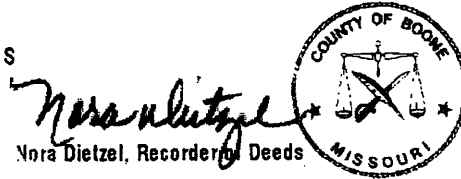
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THIRD AMENDMENT TO DECLARATION OF COVENANTS, EASEMENTS AND RESTRICTIONS OF SETTLER'S RIDGE, A SUBDIVISION OF BOONE COUNTY, MISSOURI

ANNEXATION OF LOTS OF SETTLER'S RIDGE PLAT 3, AS SHOWN BY PLAT RECORDED IN PLAT BOOK 51 AT PAGE 94 OF THE REAL ESTATE RECORDS OF BOONE COUNTY, MISSOURI, TO SETTLER'S RIDGE

Grantor: T-Vine Development Corp. ("Developer") [address: T-Vine Development Corp., Attn: Kersten Carlson, President, c/o C & C Construction, Inc., 204 Peach Way, Columbia, MO 65203]

Grantee: Members of the Public Settler's Ridge Homes Association of Boone County [address: Settler's Ridge Homes Association of Boone County, Attn: President, 204 Peach Way, Columbia, MO 65203]

Legal

Description: Lots 301A, 301B, 302A, 302B, 303A, 303B, 304A, 304B, 305A, 305B, 306A, 306B, 307A, 307B, 308A, 308B, 309A, 309B, 310A, 310B, 311A, 311B, 312A, 312B, 313A and 313B of Settler's Ridge Plat 3, as shown by Final Plat of Settler's Ridge Plat 3 recorded in Plat 51 at Page 94 of the Real Estate Records of Boone County, Missouri

Date: December 28, 2017

Reference: Declaration of Covenants recorded in Book 2679 at Page 156 of the Real Estate Records of Boone County, Missouri

Annexation Declaration recorded in Book 3640 at Page 46 of the Real Estate Records of Boone County, Missouri

Second Amendment to Declaration of Covenants recorded in Book 4729 at Page 14 of the Real Estate Records of Boone County, Missouri

Nora Dietzel, Recorder of Deeds

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~~Official Documents~~
THIRD AMENDMENT TO DECLARATION OF COVENANTS, EASEMENTS AND RESTRICTIONS OF SETTLER'S RIDGE, A SUBDIVISION OF BOONE COUNTY, MISSOURI

ANNEXATION OF LOTS OF SETTLER'S RIDGE PLAT 3, AS SHOWN BY PLAT RECORDED IN PLAT BOOK 51 AT PAGE 94 OF THE REAL ESTATE RECORDS OF BOONE COUNTY, MISSOURI, TO SETTLER'S RIDGE

THIS THIRD AMENDMENT to the Declaration of Covenants, Easements and Restrictions of Settler's Ridge, a subdivision of Boone County, Missouri, which also constitutes an Annexation Declaration ("this Amendment" or "this Third Amendment" or "this Annexation Declaration"), is made, executed and entered into this 26th day of December, 2017, by T-Vine Development Corp., a corporation of the State of Missouri [mailing address: 204 Peach Way, Columbia, MO 65203], which such corporation may hereinafter be referred to as "the Developer", in view of the following facts, matters and circumstances:

BACKGROUND RECITALS

["Recitals"]

This Amendment is executed and entered into by the Developer in view of the following facts, matters and circumstances.

The Developer was the owner of a parcel of real estate ("the Original Parcel") platted as Lots 118 through 169, both inclusive, of Settler's Ridge Plat 1, as shown by plat recorded in Plat Book 39 at Page 16 of the Real Estate Records of Boone County, Missouri. The Developer committed the Original Parcel, and the Lots, buildings and improvements located and to be located therein, to certain covenants, easements and restrictions, by executing and recording in the Real Estate Records of Boone County, Missouri a "Declaration of Covenants, Easements and Restrictions of Settler's Ridge, a Subdivision of Boone County, Missouri", which has been recorded in Book 2679 at Page 156 of the Real Estate Records of Boone County, Missouri ("the Declaration"). Thereafter, pursuant to the Developer's reserved rights, as provided for by the Declaration, the Developer amended the Declaration and annexed to the Development, and subjected to the covenants, easements and restrictions provided for by such Declaration an additional parcel of land, such additional parcel being included within the "Annexation Parcel" as described in the Declaration, such Additional Parcel being platted as Lots of Settler's Ridge Plat 1-A, as shown by plat of Settler's Ridge Plat 1-A recorded in Plat Book 44 at Page 8 of the Real Estate Records of Boone County, Missouri. Such Additional Parcel was annexed to the Development and made subject to the provisions of the Declaration and included within the Development ("the Development") known as "Settler's Ridge," as provided for by the Declaration, by way of an Amendment to the Declaration ("the First Amendment") recorded in Book 3640 at Page 46 of the Real Estate Records of Boone County, Missouri.

The Developer, again pursuant to the reserved rights reserved by the Developer pursuant to the Declaration, amended the Lot lines and boundaries of certain of the Lots then located within Settler's Ridge Plat 1-A, as provided for by the plat of Settler's Ridge Plat 1-A recorded in Plat Book 44 at Page 8 of the Real Estate Records of Boone County, Missouri, and, accordingly, executed and caused to be

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recorded in the Real Estate Records of Boone County, Missouri, Second Amendment to the Declaration, dated March 23, 2017, and recorded in Book 4729 at Page 146 of the Real Estate Records of Boone County, Missouri ("the Second Amendment"). The Second Amendment adjusted the boundaries of certain of the Lots within Settler's Ridge Plat 1-A, and specifically Lots 109C, Lot 109D, 110C, 110D, 111C, 111D, 112C and 112D.

The Developer has now caused an additional portion of the "Developer's Land" and "Annexation Parcel" described in the Declaration to be developed, and to be platted as "Settler's Ridge Plat 3," as shown by the plat of Settler's Ridge Plat 3 recorded in Plat Book 51 at Page 94 of the Real Estate Records of Boone County, Missouri ("the Settler's Ridge Plat 3 Plat"). The Settler's Ridge Plat 3 Plat shows and identifies the following Lots (collectively and individually "the Settler's Ridge Plat 3 Lots"):

301A, 301B, 302A, 302B, 303A, 303B, 304A, 304B, 305A, 305B, 306A, 306B, 307A, 307B, 308A, 308B, 309A, 309B, 310A, 310B, 311A, 311B, 312A, 312B, 313A and 313B

All of the land subdivided by, described by and contained within the boundaries of Settler's Ridge Plat 3, as shown by the Settler's Ridge Plat 3 Plat, and all of the Settler's Ridge Plat 3 Lots hereinabove described, may collectively be referred to herein as "the Additional Parcel."

Pursuant to Article XIII of the Declaration, entitled "Annexation," the Developer reserved the right, but not the obligation, to bring into the Development and to subject to the Declaration, and to cause to become "Lots" and "Units" of the Development, additional land, Lots and Units located or to be located in various portions of the "Annexation Parcel," including the land which is now subject to the Settler's Ridge Plat 3 Plat.

The Developer desires to annex to the Development the Additional Parcel, being that Additional Parcel described above in these Recitals, and to cause the Additional Parcel to become a part of the "Parcel" of the Development, and to cause the Lots and Units located within the Additional Parcel and hereafter to be located within the Additional Parcel, and the Buildings and improvements located upon the Lots of the Additional Parcel, to become Lots and Units of the Development, and to be subject to the provisions of the Declaration, and all of its terms, covenants, conditions, provisions, liens, charges and assessments.

The Developer, accordingly, executes this Amendment, which may be referred to as "the Third Amendment" to the Declaration.

NOW, THEREFORE, in view of the foregoing Recitals, the Developer hereby states, warrants, promises, covenants and agrees as follows:

FIRST. Declaration. The "Declaration," as it now exists, consists of the original Declaration hereinabove described in the Recitals for this Agreement, same being that "Declaration of Covenants, Easements and Restrictions of Settler's Ridge" executed by the Developer, and recorded in Book 2679 at Page 156 of the Real Estate Records of Boone County, Missouri, as it is amended and supplemented by the First Amendment and Second Amendment described in the foregoing Recitals for this Third

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Amendment, with all of the said Declaration, the First Amendment and the Second Amendment being read together, collectively, and to constitute "the Declaration" as hereinafter referred to in this Amendment, this Third Amendment.

SECOND. "The Plat." All references hereinafter set forth in this Third Amendment to "the Plat" shall mean the original Plat of Settler's Plat 1 recorded in Plat Book 49 at Page 16 of the Real Estate Records of Boone County, Missouri, as amended and supplemented by the Settler's Ridge Plat 1-A Plat, as shown by plat recorded in Plat Book 44 at Page 8 of the Real Estate Records of Boone County, Missouri, as such Settler's Ridge Plat 1-A has been amended by the Second Amendment and the "Lot Line Adjustment Survey" of Lots 109A-112B, Settler's Ridge Plat 1-A" recorded in Book 4678 at Page 145 of the Real Estate Records of Boone County, Missouri. Such original Plat of Settler's Ridge, as supplemented and amended by the said Settler's Ridge Plat 1-A. as adjusted by such Lot Adjustment Survey, are collectively referred to as "the Plat."

THIRD. Declaration and Plat to Continue in Effect as Amended by This Third Amendment. "the Declaration." as described in paragraph FIRST above, as amended by this Third Amendment, and "the Plat." as described in paragraph SECOND above, as amended and supplemented by the "Settler's Ridge Plat 3 Plat," as described in the foregoing Recitals for this Third Amendment, shall continue in full force and effect. All provisions of the Declaration, as it is described in paragraph FIRST above, and of the Plat, as described in paragraph SECOND above, which are not amended by this Amendment, this Third Amendment, or by the Settler's Ridge Plat 3 Plat, shall continue in full force and effect as written.

FOURTH. Future References to "the Declaration" and "the Plat". In the future, "the Declaration" shall consist of "the Declaration" as described in paragraph FIRST above, as amended by this Third Amendment, and "the Plat" shall consist of "the Plat" as described in paragraph SECOND above, as amended and supplemented by the Settler's Ridge Plat 3 Plat.

FIFTH. Annexation. The Additional Parcel, meaning that parcel of land which is the subject matter of and is subdivided by the Settler's Ridge Plat 3 Plat, and its Settler's Ridge Plat 3 Lots, and all Lots and Units now or hereafter contained therein, shall be the and the same are hereby annexed to the Development and are made subject to the provisions of the Declaration and the Plat. All Lots contained within the Additional Parcel, same being the Settler's Ridge Plat 3 Lots, as described in the foregoing Recitals, shall henceforth be "Lots" of the Development, as provided for by the Declaration, and all Units now or hereafter located within such Lots and the Additional Parcel shall be and become "Units" of the Development. The current and future owners of all such Lots, the Settler's Ridge Plat 3 Lots, and the Buildings and Dwellings located or hereafter located thereon, and the Lot Owners and Unit Owners of such Lots and Units, shall be subject to all of the terms, covenants, provisions, conditions and restrictions appearing in the Declaration. The owners of all Lots and Units contained or hereafter to be contained within the Additional Parcel, and each of its Lots, the Settler's Ridge Plat 3 Lots, shall be subject to the provisions of the Declaration and shall be made members of the Association as provided for by the Declaration, and shall be entitled to all rights and privileges of membership, and shall be subject to all duties and obligations (including Assessments) as provided for by the Association identified in the Declaration.

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SIXTH. Establishment of Easements and Joint Use and Maintenance Agreements for Common Driveway. Paragraph Third of the "First Amendment," being that document recorded in Book 3640 at Page 46 of the Real Estate Records of Boone County, Missouri, makes provisions for, and establishes easements and obligations of Unit Owners with respect to "Common Driveways," serving certain subject Lots and the Dwellings and Units located thereon. Certain of the Lots, Units and Dwellings located within or hereafter to be located within the Settler's Ridge Plat 3 Lots might contain or will contain "Common Driveways" as described in such paragraph Third. If any driveway ("the Common Driveways"), as described in such paragraph Third, are hereafter placed, roughly, along the Lot line dividing two (2) adjacent subject Lots of Settler's Ridge Plat 3 Lots, or which are obviously intended to serve two (2) Dwellings on Adjacent Lots of such Settler's Ridge Plat 3 Lots, then same shall be "Common Driveways" for the benefit of the Dwellings and Units (and the respective Unit Owners thereof) located on both of the Adjacent Lots of Settler's Ridge Plat 3 Lots ("the Adjacent Lots"), and Dwellings, or Dwellings obviously intended to be served by such Driveway, all as described in and provided for by such paragraph Third of the First Amendment, such paragraph Third being incorporated into this Third Amendment, in its entirety, verbatim, and to apply to the Settler's Ridge Plat 3 Lots.


SEVENTH. Running with the Land. All provisions of the Declaration shall, henceforth, constitute covenants running with the Land of the Additional Parcel and the entirety of such Land and each and all of the Settler's Ridge Plat 3 Lots and the Dwellings and improvements located or hereafter located upon such Lots, all of which such provisions shall constitute covenants running with the Land of the Additional Parcel, and the Lots and Units contained therein, and shall inure to the benefit and be binding upon all present and future owners of all parts of the Land, Lots and Units of the Additional Parcel and the Dwellings, Buildings and other improvements located or to be located thereon.

IN WITNESS WHEREOF, the Developer has executed this document and has caused or will cause same to be recorded in the Real Estate Records of Boone County, Missouri.

T-VINE DEVELOPMENT CORP.

By: 
Kersten K. Carlson, its President

ATTEST:


Rhonda D. Carlson, its secretary

