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NO 0736-0221

DONNIE SELLING  
CAMDEN COUNTY  
RECORDER OF DEEDS



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DEPUTY [Signature]

**Fifth Amendment to  
First Amended and Restated Declaration of Protective Covenants 3-30  
The Villages at Shawnee Bend**

KNOW ALL MEN BY THESE PRESENTS THAT WHEREAS SHAWNEE BEND DEVELOPMENT CO., L.L.C. (hereinafter referred to as "Grantor"), is the Developer of certain lands situated in the County of Camden, State of Missouri, and known as The Villages at Shawnee Bend (hereinafter referred to as the "Land" or "The Villages") and

WHEREAS, the initial plat of the Villages was Stonebridge Village Subdivision, recorded in the Office of the Recorder of Deeds of Camden County, Missouri, on the 1<sup>st</sup> day of December, 1997, in Book 59, at Pages 7A through 7E, and amended by plat filed on the 13<sup>th</sup> day of May, 1998, in Book 59, Pages 43A through 43D; and

WHEREAS, the Grantor filed in connection therewith, a certain Declaration of Protective Covenants for The Villages at Shawnee Bend executed on the 24<sup>th</sup> day of November, 1997, and recorded on the 1<sup>st</sup> day of December, 1997, in Book 451, at Page 186 in the records of Camden County, Missouri, as stated aforesaid; and

WHEREAS, the Grantor filed in connection therewith a certain First Amended and Restated Declaration of Protective Covenants for The Villages of Shawnee Bend, executed on the 20<sup>th</sup> day of August, 1998, and recorded on the 20<sup>th</sup> day of August, 1998, at Book 0454, Page 0985 in the Records of Camden County, Missouri; and

WHEREAS, the Grantor filed in connection therewith a certain First Amendment to First Amended and Restated Declaration of Protective Covenants for The Villages of Shawnee Bend, executed on the 19<sup>th</sup> day of December, 2001 and recorded on the 27<sup>th</sup> day of December, 2001, at Book 0526, Page 0835 in the Records of Camden County, Missouri; and

WHEREAS, the Grantor filed in connection therewith a certain Second Amendment to First Amended and Restated Declaration of Protective Covenants for the Villages of Shawnee Bend as executed on the 11<sup>th</sup> day of February, 2003 and recorded on the 18<sup>th</sup> day of March, 2003, at Book 0554, Page 0189 in the Records of Camden County, Missouri; and

WHEREAS, the Grantor filed in connection therewith a certain Third Amendment to the First Amended and Restated Declaration of Protective Covenants for The Villages of Shawnee Bend (the original Indenture and all amendments hereinabove identified being hereinafter referred to as the "Restatement of

Indentures"), executed on the 19<sup>th</sup> day of April, 2006 and recorded on the 20<sup>th</sup> day of April, 2006, at Book 622, Page 803 in the Records of Camden County, Missouri; and

WHEREAS, the Grantor filed in connection therewith a certain Fourth Amendment to the First Amended and Restated Declaration of Protective Covenants for The Villages of Shawnee Bend, executed on the 11<sup>th</sup> day of July, 2012 and recorded on the 17<sup>th</sup> day of July, 2012, at Book 724, Page 874 in the Records of Camden County, Missouri; and

WHEREAS, subsequent plats have been recorded for Stonebridge Village Addition in the records of Camden County, Missouri, as stated aforesaid, on the 20<sup>th</sup> day of August, 1998, in Book 61, Pages 5A through 5B; and for Woodhaven Village Subdivision, in the Records of Camden County, Missouri, as stated aforesaid, on the 20<sup>th</sup> day of August, 1998, in Book 61, Pages 6A through 6D; and for Woodhaven Village First Addition, in the Records of Camden County, Missouri, as stated aforesaid, on the 20<sup>th</sup> day of August, 1998, in Book 61, Pages 7A through 7B; for Forestridge Village subdivision, in the Records of Camden County, Missouri as stated aforesaid in Book 62, Pages 48A through 48F, and all of said plats have been made subject to the aforementioned Declaration of Protective Covenants for The Villages at Shawnee Bend; and

WHEREAS, by Section VIII(A) of said Restatement of Indentures, the Grantor may amend said Restatement of Indentures so long as said Grantor, its successors or assigns, owns at least ten percent (10%) of the land then subject to said Amendment of Indentures; and

WHEREAS, the Grantor owns at least ten percent (10%) of the land subject to said Indentures; and

NOW THEREFORE, be it known the Grantor preserves the previous Amendments and Restatements of Indentures, and hereby further amends said Restatement of Indentures as of this 11<sup>th</sup> day of April, 2013 as follows:

Paragraph 3(A) shall be deleted and in its place the following shall be inserted as a new paragraph 3(A):

Adoption of Budget

Before September 1<sup>st</sup> of each year, the Board of Directors shall adopt a budget for the following calendar year which shall include the amount established for the general assessments and for any special assessments. Said budget shall be distributed to all the owners of lots in the same mailing in which notice of the annual meeting is sent. The budget shall become effective unless it is disapproved at the meeting by a vote of at least a simple majority of the association members. Notwithstanding the foregoing, however, in the event that the

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Notwithstanding the foregoing, however, in the event that the membership disapproves the proposed budget or the Board fails for any reason to so determine the budget for the succeeding year, then and until such time as a budget shall have been determined as provided herein, the budget in effect for the then current year shall continue for the succeeding year.

IN WITNESS WHEREOF, the undersigned has caused this Fifth Amendment to First Amended and Restated Declaration of Protective Covenants to be executed as of the day and year first above referenced.

SHAWNEE BEND DEVELOPMENT CO., L.L.C.

By: Thomas H. Biggs  
Thomas H. Biggs, as authorized agent

Florida  
STATE OF ~~MISSOURI~~ )  
Collier ) SS  
COUNTY OF ~~CAMDEN~~ )

On this 11 day of APRIL, 2013, before me did appear Thomas H. Biggs to me personally known, who being by me duly sworn did say that he is the Authorized Agent of Shawnee Bend Development Co., L.L.C., a Missouri limited liability company, and that said instrument was signed on behalf of said company by authority of its Members and said Thomas H. Biggs acknowledged said instrument to be the free act and deed of said company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in the county and state referenced above the day and year last above written.

Mary C. Izbicki  
Notary Public

My commission expires: 10-18-2014

