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Cover Page

Title of Document: First Amendment to the Amendment,
Consolidation and Restatement of the
Restrictive Agreement of Dougherty Lake
Subdivision

Date of Document: November 12, 2009

Grantor's Name and Address: Trustees of Dougherty Lake Subdivision
c/o James Harris
775 Haw Thicket Lane
Des Peres, Missouri 63131

Grantee's Name and Address: Trustees of Dougherty Lake Subdivision
c/o James Harris
775 Haw Thicket Lane
Des Peres, Missouri 63131

Legal Description of Property: Lots 1 through 33 incl., 41 through 45 incl.,
78 through 79 and Lot 124 of Dougherty
Lake, Plat One, a subdivision in the County
of St. Louis, State of Missouri, according to
the plat thereof, recorded in the Office of the
Recorder of Deeds of St. Louis County,
Missouri, as Daily No. 195 on February 7,
1972, also such other lots on adjoining land
as approved in the St. Louis County
Council's Order of June 24, 1971, and as
Grantor may hereinafter make subject to this
agreement.

Previous Document: Book 15487 Page 3245

**First Amendment to the Amendment,
Consolidation and Restatement of the
Restrictive Agreement of Dougherty Lake Subdivision**

The Trustees of the Dougherty Lake Subdivision, a subdivision in the County of St. Louis, State of Missouri, state as follows:

WHEREAS, on February 7, 1972, Burton Duenke Construction Company, a Missouri Corporation (hereinafter called "Grantor") was the owner of a tract of land situated in the County of St. Louis, State of Missouri, described as follows:

Lots 1 through 33 incl., 41 through 45 incl., 78 through 79 and Lot 124 of Dougherty Lake, Plat One, a subdivision in the County of St. Louis, State of Missouri, according to the plat thereof, recorded in the Office of the Recorder of Deeds of St. Louis County, Missouri, as Daily No. 195 on February 7, 1972, also such other lots on adjoining land as approved in the St. Louis County Council's Order of June 24, 1971, and as Grantor may hereinafter make subject to this agreement.

WHEREAS, on February 7, 1972 Grantor and Burton W. Duenke, G.W. Mefferd and Jerry Davies, as Trustees, entered into the Restrictive Agreement of Dougherty Lake Subdivision (the "Restrictive Agreement") which was filed for record in the Office of the Recorder of Deeds of St. Louis County, Missouri, on February 7, 1972 and recorded in Book 6567 Page 2375, and

WHEREAS, in accordance with the provisions of the Restrictive Agreement, said Restrictive Agreement as theretofore amended was further amended and restated by an

instrument in writing entitled "Amendment, Consolidation and Restatement of the Restrictive Agreement of Dougherty Lake Subdivision" dated November 18, 2003, which was filed for record in the Office of the Recorder of Deeds of St. Louis County, Missouri, on November 24, 2003 in Book 15487 Page 3245, and

WHEREAS, in accordance with the provision of the Restrictive Agreement, as amended and restated, a meeting of the residents of Dougherty Lake Subdivision was held at 7:00 P.M. on November 12, 2009 at the Des Peres City Hall, Des Peres, Missouri, and

WHEREAS, at said meeting a majority of such residents present and voting authorized the undersigned Trustees to further amend said restated Restrictive Agreement as hereinafter set forth;

NOW THEREFORE, the undersigned Trustees do hereby further amend said restated Restrictive Agreement as follows:

Paragraph 19 (b) of said restated Restrictive Agreement is stricken in its entirety and the following paragraph substitutes in lieu thereof:

"19(b) The Trustees shall have the power to make uniform annual assessments upon all lots subject to this Restrictive Agreement, each lot to be assessed equally in such amounts as the Trustees shall determine to be necessary to carry out their responsibilities and perform the purposes of this Restrictive Agreement; provided, that the amount of such assessments shall be limited as follows: The maximum annual assessment shall be Three Hundred Dollars (\$300.00) per lot on January 1, 2010, and in each year thereafter the maximum annual assessment shall be based upon Three Hundred Dollars (\$300.00) increased in portion to the increase since January 1, 2010 in the U.S. Department of Labor's Consumer Price Index (All Urban Consumers, All Items, for St. Louis, Missouri).

IN WITNESS WHEREOF, the undersigned Trustees have executed the foregoing First Amendment to the Amendment, Consolidation and Restatement of the

