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**CERTIFIED-FILED FOR RECORD**  
**Barbara J. Hall**  
Recorder of Deeds  
St. Charles County, Missouri  
BY:SNEFF

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File #: Misc.

RECORDING DOCUMENT IDENTIFICATION SHEET

TITLE: AMENDMENT TO DECLARATION OF GOVERNANCE,  
COVENANTS, EASEMENTS, CONDITIONS, AND RESTRICTIONS  
FOR THE NEW TOWN AT ST. CHARLES

DATE: September 28, 2010

GRANTOR: WHITTAKER BUILDERS, INC.  
3333-4 Rue Royale, St. Charles, MO 63301

GRANTEES: WHITTAKER BUILDERS, INC.  
3333-4 Rue Royale, St. Charles, MO 63301

THE NEW TOWN AT ST. CHARLES GENERAL ASSEMBLY  
3307-1 Domain, St. Charles, MO 63301

REFERENCE BOOK AND PAGE NUMBER: Declaration of Governance, Covenants,  
Easements, Conditions, and Restrictions for The New Town at St. Charles, Book 4122, page  
1574, Recorder of Deeds' Office of St. Charles County, Missouri, as amended.

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AMENDMENT TO THE DECLARATION OF GOVERNANCE,  
COVENANTS, EASEMENTS, CONDITIONS,  
AND RESTRICTIONS FOR THE NEW TOWN AT ST. CHARLES

THIS AMENDMENT is made as of the 28<sup>th</sup> day of September, 2010, to that certain Declaration of Governance, Covenants, Easements, Conditions and Restrictions for The New Town at St. Charles, dated as of the 8<sup>th</sup> day of March, recorded in Book 4122, page 1574, in the office of the St. Charles County Recorder of Deeds, as amended (the "Declaration"), by Whittaker Builders, Inc., a Missouri corporation (the "Declarant"). (Terms defined in the Declaration are used herein as defined therein unless otherwise indicated).

RECITALS

A. Article III, Section 5(a), of the Declaration permits the Declaration to be amended prior to the Turnover Date by the Founder, if at its sole discretion, the Founder believes that such changes will better accomplish the objectives of the Community, adjust to market conditions, or respond to changing land use conditions both within and without the Community.

B. Pursuant to the powers vested in the Founder under Article II, Section 2 of the Declaration, the Founder has added property to the Community and subjected such Property to the Declaration by executing and recording those certain Amendments to the Declaration recorded in Book 4502, page 1095, Book 4572, page 4, Book 4644, page 630, Book 4744, page 2043, Book 4857, page 763, and Book 5147, page 774, respectively, of the St. Charles County Recorder of Deeds office.

C. This Amendment is made prior to the Turnover Date which is defined in Article I, Section 39 as follows:

"Turnover Date" shall mean and refer to the earlier of (a) the date on which neither the Founder nor any Affiliate of the Founder no longer owns any Parcel within the Community or (b) the date on which Founder elects, in its sole and absolute discretion, to relinquish (i) all rights to appoint and remove members of the Board of Governors pursuant to this Declaration and the Bylaws and (ii) all voting rights in the Assembly reserved to the Founder pursuant to this Declaration and the Bylaws.

D. Whittaker Builders, Inc., a Missouri corporation is named as the Founder, owns at least one Parcel within the Community, and has not relinquished any rights set forth in the above paragraph "C."

E. Article V, Section 1, entitled "Number and Terms of District Assembly Directors," provides for terms of one year for District Assembly Directors with annual elections for such Directors.

F. The Founder desires to provide in said Article V, Section 1 for two-year terms for District Assembly Directors elected by the Owners, with elections taking place biennially.

G. In accordance with Article III, Section 5, the Founder, desires to amend the aforesaid Article V, as set forth herein below.

