

## RESTRICTIONS

LOTS 253 thru 288, COUNTRY CLUB GARDENS  
 LOT 294, Lots 302 thru 306, COUNTRY CLUB GARDENS

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WHEREAS, the undersigned, owners of described real property to-wit:

All of Lots 253 thru 288, Lot 294, Lots 302 thru 306, COUNTRY CLUB GARDENS, a subdivision in the City of Blue Springs, Jackson County, Missouri,

for the purpose of securing orderly and uniform improvements of said property, and to the objective that the undersigned, their successors, assigns and future grantees may be protected and assured that the above described lands shall be used for high class residential purposes, and shall be conveyed subject to the reservations, restrictions and covenants hereinafter set forth.

## SECTION I

## USE OF LAND

- (1) The above lands, may be improved, used or occupied for private residence, and no flat or apartment house though intended for residential purposes may be erected thereon.
- (2) All improvements designed for occupancy by a single family shall not be more than two (2) stories, except that split-level constructions shall be permitted.
- (3) No dwelling or residence shall be located nearer to the front lot lines or side lot lines than as indicated on the plat. The undersigned reserve the right to permit the erection of a residence on any of the lots in said addition two (2) feet nearer to any street line on which said lot fronts, by executing and recording a proper instrument of writing, changing the front building set back line.
- (4) No trailer, basement, tent, shack, garage, barn or other outbuildings shall at any time be used as a residence, storage or tool shed temporarily or permanently, nor shall any residence of temporary character be permitted. No clothes line of a permanent type shall be erected on any lot. No permanent type trash burner shall be erected and trash burning will not be permitted on any lot after 4 P.M. Fire started before 4 P.M. will be extinguished by 4 P.M.
- (5) No structure shall be moved on said premises from another location, and no dwelling or residence shall be occupied until fully completed, and such dwelling or residence must be fully completed within six months after the first earth excavation is started. All yards, front side and rear must be sodded and shrubs planted within the above time.
- (6) No animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats, or other household pets may be kept, provided that not more than two (2) dogs or two (2) cats or two (2) other household pets shall be kept on any residence lot.
- (7) No school buses, tractors, trucks, boats, or trailers shall be regularly parked or stored in the open on the lot or at the curb, and in any event not more than twelve (12) hours at any one time.
- (8) No noxious or offensive trade or activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become annoyance or nuisance to the neighborhood.

## SECTION II

## APPROVAL OF PLANS AND SPECIFICATIONS OF IMPROVEMENTS PERMITTED.

- (9) All plans and specifications for the construction of a dwelling or residence shall be submitted to the undersigned, or their representative, for their approval as long as they shall own any lot in this subdivision. The undersigned or their representative, shall not be liable in any way for their approval or failure of approval of any plan.
- (10) No fencing shall be permitted on any lot unless the same is yard fencing and approval for all fencing must be obtained in the manner and method as set out in Paragraph 9; but no fencing to extend nearer to front street than the rear house

line, or to the side than the house side line, of that particular residence, except decorative railing along walkways which must be submitted for approval along with the plans and specifications.

(11) All plans, specifications and locations for the construction of a swimming pool must be submitted as set forth in Paragraph 9.

(12) All improvements shall be connected with the sanitary sewer system which is now or shall be, constructed to serve the above premises. No other sanitary provision, septic tank or other device for sewage disposal shall be installed or permitted to remain on any lot.

(13) No residence shall have less than two (2) garages, which may be attached or built-in-garage. All driveways shall be poured concrete or asphalt and shall extend to the curb line of the street upon which the premises front, or to the curb line on the side street. All roofing shall be wood shingle or approved as outlined in Paragraph 9, and any other material due to pitch of roof must be submitted for approval. All residences shall have a masonry front or as outlined in Paragraph 9.

- (a) Lots 254, 255, 262, 263, 264, 265, 266, 267, 268, 269,  
No residence of one story shall be erected having a ground floor area of less than 1800 square feet, which shall be exclusive of porches, garages and breezeways. No split-level residence shall be erected having a living area of less than 2000 square feet on the two main levels. No residence of two stories shall be erected having less than 1200 square feet on the ground level, this is not to overhang foundation. No residence having the appearance from the front of a two story residence, including the foundation with the principal living area on the second floor, shall have less than 2000 square feet on the second floor or principal living area. Any dwelling with basement garage must have 2000 square feet on main living area.
- (b) Lots 253, 256, 257, 258, 259, 260, 261, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 283, 288, 294, 302,  
No residence of one story shall be erected having a ground floor area of less than 1600 square feet, which shall be exclusive of porches, garages and breezeways. No split-level residence shall be erected having a living area of less than 1800 square feet on the two main levels. No residence of two stories shall be erected having less than 1200 square feet on the ground level, this is not to overhang foundation. No residence having the appearance from the front of a two story residence, including the foundation, with the principal living area on the second floor shall have less than 1800 square feet on the second floor of the principal living area. Any dwelling with basement garage must have 1800 square feet, on main living area.
- (c) Lots 281, 282, 284, 285, 286, 287, 303, 304, 305, 306, 307, 308.  
No residence of one story shall be erected having a ground floor area of less than 1400 square feet, which shall be exclusive of porches, garages, and breezeways. No split-level residence shall be erected having a living area of less than 1600 square feet on the two main levels. No residence of two stories, shall be erected having less than 1200 square feet on the ground level, this is not to overhang foundation. No residence having the appearance from the front of a two story residence, including the foundation, with the principal living area on the second floor, shall have less than 1600 square feet on the second floor or principal living area. Any dwelling with basement garage must have 1600 square feet, on main living area.

(14) The undersigned owner and developers may maintain a small real estate office from which to sell lots and homes in the development, until all lots have been sold.

(15) No sale of said lots shall be consummated without giving at least fifteen days written notice to the undersigned and the owners of the two adjoining said lots on the sides, of the terms thereof; and any of them shall have the right to buy said lot on such terms within fifteen days, by giving notice to the sellers of their intentions, providing they complete the purchase within the fifteen days after title papers have been made available and on the same terms as provided for the proposed sale of said lots. Such notice shall be personally served if service

can be made on the subdivision; if any person entitled to service cannot be found on the subdivision, notice shall be mailed to such person at his last known address. Affidavit of the person making service shall be sufficient evidence thereof to protect a purchaser. State laws govern paragraph fifteen. No notice shall be required to be given to the undersigned wherein provided after the undersigned have sold the last lot owned by them in the subdivision, but such notice shall be given to the adjoining lot owners.

### SECTION III SIGN, BILLBOARDS AND MISCELLANEOUS PROVISIONS

(16) The construction or placing of signs, billboards or advertising structures of any kind is prohibited, except that one (1) sign advertising the rental or sale of property is permitted, provided it does not exceed five (5) square feet in size, and further that the developers may maintain a large sign or signs pertaining to said development prior to completion.

(17) No tanks for the storage of oil or other fluids or out buildings of any kind may be maintained on any portion of the premises above the surface of the ground. Circulating tanks for swimming pool must be in the residence or garage.

(18) No trash, ashes or other refuse shall be thrown or dumped upon any undeveloped portions of said lands. No antennas to be outside of house.

### SECTION IV DURATION AND ENFORCEMENT

(19) These restrictions and covenants are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 2000, at which time said covenants shall be automatically extended for successive periods of ten (10) years unless the then owners of a majority of the lots in the said subdivision shall before the expiration of said original term or any extension thereof, by an instrument executed, acknowledged and recorded in the office of the Recorder of Deeds, change or modify the same in whole or in part.

(20) Each of the restrictions and covenants and herein set forth shall run with the land and bind the present owners, their successors and assigns and all parties claiming by through or under them shall be taken to hold, agree and covenant with the owner of said tract, to conform to and observe said restrictions and covenants. The owner or owners of any portion of the above lands shall have the right to sue for and obtain an injunction prohibitive or mandatory to prevent the breach of or to enforce the observance of the restrictions and covenants above set forth, in addition to the ordinary legal action for damages; and the failure of the owners of said premises hereby restricted to enforce any of the restrictions and covenants herein set forth shall not waive such right to do so at any time hereafter.

(21) Invalidation of any one or more of the provisions, reservations, restrictions and covenants herein contained, and any amendments hereto, by court order or judgment, shall in no ways affect any of the other provisions, reservations, restrictions and covenants herein.

(22) No outside work on house to be performed by any buyer until house is finished, this does not include clean-up. Builders have to be approved by developers.

IN WITNESS WHEREOF, the owners have signed this instrument this \_\_\_\_ day of January, 1973.

AMENDMENT OF  
DECLARATION OF RESTRICTIONS

Come now the undersigned, who, being a majority of the lot owners as provided in Paragraph 19 of Declaration of Restrictions dated January 11, 1973, filed for record January 26, 1973, in the office of the Recorder of Deeds for Jackson County, Missouri, at Independence, as Document No. I-141407, in Book I-410 at Page 122, restricting the land use of the following described real estate in Jackson County, Missouri:

All of Lots 253 thru 268, Lot 294 and Lots 302 thru 308, COUNTRY CLUB GARDENS, Blue Springs, Jackson County, Missouri.

82-2221

do hereby amend Paragraph 13 of said Declaration of Restrictions, to read and provide as follows:

(13) No residence shall have less than two (2) garages, which may be attached or built-in-garage. All driveways shall be poured concrete or asphalt and shall extend to the curb line of the street upon which the premises front, or to the curb line of the street street. All roofing shall be wood shingle or approved as outlined in Paragraph 9, and any other material due to pitch of roof must be submitted for approval. All residences shall have a masonry front or as outlined in Paragraph 9.

(a) Lots 254, 255, 262, 263, 264, 265, 266, 267, 268, 269, No residence of one story shall be erected having a ground floor area of less than 1800 square feet, which shall be exclusive of porches, garages and breezeways. No split-level residence shall be erected having a living area of less than 2000 square feet on the two main levels. No residence of two stories shall be erected having less than 1200 square feet on the ground level, this is not to overhang foundation. No residence having the appearance from the front of a two story living area on the second floor, shall have less than 2000 square feet on the second floor or principal living area. Any dwelling with basement garage must have 2000 square feet on main living area.

(b) Lots 233, 256, 257, 258, 259, 260, 261, 270, 271, 272, 277, 278, 279, 280, 283, 288, 294, 302, No residence of one story shall be erected having a ground floor area of less than 1600 square feet, which shall be exclusive of porches, garages, and breezeways. No split-level residence shall be erected having a living area of less than 1800 square feet on the two main levels. No residence of two stories shall be erected having less than 1200 square feet on the ground level, this is not to overhang foundation. No residence having the appearance from the front of a two story residence, including the foundation, with the principal living area on the second floor shall have less than 1800 square feet on the second floor of the principal living area. Any dwelling with basement garage must have 1800 square feet, on main living area.

(c) Lots 273, 274, 275, 276, 281, 282, 284, 285, 287, 303, 304, 305, 307, 308, No residence of one story shall be erected having a ground floor area of less than 1600 square feet, which shall be exclusive of porches, garages, and breezeways. No split-level residence shall be erected having a living area of less than 1800 square feet on the two main levels. No residence of two stories shall be erected having less than 1200 square feet on the ground level, this is not to overhang foundation. No residence having the appearance from the front of a two story residence, including the foundation, with the principal living area on the second floor, shall have less than 1800 square feet on the second floor or principal living area. Any dwelling with basement garage must have 1600 square feet, on main living area.

In witness whereof, the said parties have hereunto set their hands and seals on this day of March, 1973.

*Walter J. Miller*

*Ray J. Hill*

*Spencer S. Miller*

An Amendment date 3-19-73

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AMENDMENT OF DECLARATION OF RESTRICTIONS

Come now the undersigned, who, being a majority of the lot owners as provided in paragraph 19 of Declaration of Restrictions dated January 11, 1973, filed for record January 26, 1973, in the Office of the Recorder of Deeds for Jackson County, Missouri, at Independence, as Document No. 1-141407 in Book 1410 at page 122, restricting the land use of the following described real estate:

All of Lots 253 thru 288, Lot 294 and Lots 302 thru 308, COUNTRY CLUB GARDENS, Blue Springs, Jackson County, Missouri, 02-2221

and amended by an Amendment of Declaration of Restrictions dated March 29, 1973, filed for record in the Office of the Recorder of Deeds for Jackson County, Missouri at Independence, as Document No. 1-147535, in Book 1425 at Page 1928, do hereby amend paragraph 13 of said Declaration of Restrictions, as subsequently amended, to read and provide as follows:

(13) No residence shall have less than two (2) garages, which may be attached or built-in garages. All driveways shall be poured concrete or asphalt and shall extend to the curb line of the street upon which the premises front, or to the curb line on the side street. All roofing shall be wood shingle or laminated, double-layer composition shingle with a 25 year minimum warranty and of weathered wood in color. All residences shall have a masonry front or as outlined in paragraph 9.

(a) Lots 254, 255, 262, 263, 264, 265, 266, 267, 268, 269. No residence of one story shall be erected having a ground floor area of less than 1800 square feet, which shall be exclusive of porches, garages and breezeways. No split-level residence shall be erected having a living area of less than 2000 square feet on the two main levels. No residence of two stories shall be erected having less than 1200 square feet on the ground level, this is not to overhang foundation. No residence, including the appearance from the front of a two residence, including the foundation with the principal living area on the second floor, shall have less than 2000 square feet on the second floor or principal living area. Any dwelling with basement garage must have 2000 square feet on main living area.

(b) Lots 253, 256, 257, 258, 259, 260, 261, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 283, 288, 294, 302. No residence of one story shall be erected having a ground floor area of less than 1600 square feet, which shall be exclusive of porches, garages and breezeways. No split-level residence shall be erected

having a living area of less than 1800 square feet on the two main levels. No residence of two stories shall be erected having less than 1200 square feet on the ground level, this is not to overhang foundation. No residence having the appearance from the front of of two story residence, including the foundation, with the principal living area on the second floor shall have less than 1800 square feet on the second floor of the principal living area. Any dwelling with basement garage must have 1800 square feet, on main living area.

(c) Lots 281, 282, 284, 285, 286, 287, 303, 304, 305, 306, 307, 308. No residence of one story shall be erected having a ground floor area of less than 1400 square feet, which shall be exclusive of porches, garages, and breezeways. No split-level residence shall be erected having a living area of less than 1600 square feet on the two main levels. No residence of two stories, shall be erected having less than 1200 square feet on the ground level, this is not to overhang foundation. No residence having the appearance from the front of a two story residence, including the foundation, with the principal living area on the second floor, shall have less than 1600 square feet on the second floor or principal living area. Any dwelling with basement garage must have 1600 square feet, on main living area.

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|----------------------------|---------------------|-----|
| <i>Jerry W. Terrell</i>    | Kathleen C. Terrell | 281 |
| <i>Robert A. Booker</i>    | Robert A. Booker    | 285 |
| <i>Charles L. Booker</i>   | Robert S. Booker    | 259 |
| <i>Charles Gary Holder</i> | Barbara A. Holder   | 257 |
| <i>James Bauch</i>         | Janice Bauch        | 268 |
| <i>Ronald R. Peters</i>    | Robert F. M. Peters | 276 |
| <i>Berlina F. Goph</i>     | Robert M. Goph      | 275 |
| <i>Errol L. Rider</i>      | Ferril L. Rider     | 294 |
| <i>Robert B. Elliott</i>   | Jean M. Elliott     |     |



Amendment of DECLARATION OF RESTRICTIONS

WHEREAS, the following are a majority of the lot owners as provided in paragraph 19 of Declarations of Restrictions dated January 11, 1973, filed for record January 26, 1973, in the Office of the Recorder of Deeds for Jackson County, Missouri at Independence, as Document No. I - 141407 in Book I - 410 at page 122, restricting the land use of the following described real estate:

All of Lots 253 thru 288, Lot 294 and Lots 302 thru 308, COUNTRY CLUB GARDENS, Blue Springs, Jackson County, Missouri.

And amended by an Amendment of Declaration of Restrictions dated March 29, 1973, filed for record in the Office of the Recorder of Deeds for Jackson County, Missouri at Independence, as Document No. I - 147535, in Book I-425 at Page 1928, do hereby change and modify the said Declarations of Restrictions in the following respects, to-wit:

. And further amended by an Amendment of Declaration of Restrictions dated \_\_\_\_\_, filed for record in the Office of the Recorder of Deeds for Jackson County, Missouri at Independence, as Document No. I - 1026496, in Book I-2100 at Page 2195, do hereby change and modify the said Declarations of Restrictions in the following respects, to-wit  
Section I, Use of Land, Paragraph (7) is changed and modified to read as follows:

- (7) No school buses, farm or industrial tractors, commercial trucks (excluding personal pickup trucks or vans as defined by the State of Missouri), boats, recreational vehicles, campers, or trailers shall be kept, parked, maintained, or stored in the open on the driveway, lot or on the street at the curb for more than twenty-four (24) hours at any one time, it being the intention of this paragraph that the permanent parking and storage of any of the vehicles described herein shall be done either, at a location off-site of the property subject to the Restrictions, or within the enclosed garages with closed doors which form a part of the residences.

Section II, Approval of Plans and Specifications of Improvements Permitted, Paragraphs (9) and (11) are hereby deleted in their entirety. Paragraphs (10) and (13) are hereby changed and modified to read as follows:

(10) No fencing shall be permitted on any lot unless the same is yard fencing, and no fencing shall extend nearer to the front street than the rear house line of a residence, except decorative railing along a walkways.

(13) No residence shall have less than two (2) garages, which may be attached or built-in-garages. All driveways shall be poured concrete, asphalt, brick, cast concrete paving blocks or coated concrete and shall extend to the curb line of the street upon which the premises fronts, or to the property line on the side street. All roofing shall be wood shingle, laminated double layer composition shingle with a 40 year minimum warranty and of weathered wood color, or composite cement simulated wood shingle.

(a), (b) and (c) Remain unchanged and unmodified.

Section II, Approval of Plans and Specifications of Improvements Permitted, Paragraph (14) and (15) are hereby deleted in their entirety.

Section II, Approval of Plans and Specifications of Improvements Permitted, the following are inserted and shall become Paragraphs (14) and (15):

(14) No radio or television Transmitting or receiving antenna or dish (excluding support) larger than a cube 2 feet by 2 feet by 2 feet (2' x 2' x2') may be erected or maintained outside of any residence on any lot.

(15) No solar apparatus or above ground swimming pools may be maintained or erected on any lot.

Section III, Signs, Billboards, and Miscellaneous Provisions, Paragraph (16) is hereby changed and modified to read as follows:

(16) The construction or placing of signs, billboards or advertising structures of any kind is prohibited, except burglar alarm signs, and that one sign advertising the rental or sale of property is permitted, provided it does not exceed five (5) square feet in size and except that political signs not exceeding five (5) square feet in size, shall be allowed within seven (7) days prior to an election and for one (1) day after an election.

In all other respects, the covenants and restrictions contained within the Declaration as same exists as of this date, remain unchanged and unmodified.