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I-2330

DECLARATION OF RESTRICTIONS

COUNTRY CLUB GARDENS

Whereas, Marvin A. & Nancy A. Deckert, Blue Springs, Missouri, the owners of the following described real property, to-wit:

All of lots 482 to 487, inclusive of Country Club Gardens, a subdivision in Eastern Jackson County, City of Blue Springs, Missouri.

(2-2001)

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

SECTION I

USE OF LAND

Lots 482 to 487, inclusive for one(1) residence per lot, for one(1) family dwelling.

1. The above lands, may be improved, used or occupied for one private residence on each lot, and no flat or apartment house though intended for residential purposes may be erected thereon, unless a specific approval and exception is granted through Marvin A. & Nancy A. Deckert.

2. All improvements designed for occupancy by a single family shall not be more than two(2) stories, except that split-level construction 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. Marvin A. & Nancy A. Deckert 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 to front building set back line.

4. No trailers, basement, tent, shack, garage, barn or other out-buildings shall at any time be used as a residence, 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.

STATE OF MISSOURI )  
JACKSON COUNTY )  
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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. If any excavation is started on any lot, and the residence or structure is not completed within six(6) months, Marvin A. & Nancy A. Deckert, reserve the right to demolish and fill up the excavation and regrade the lot and to file a lien against the said property for all of the cost and charges including attorney fees.

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, *also Motor Homes. (4 HO's Max)*

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

### IMPROVEMENTS PERMITTED

9. All plans and specifications for the construction of dwelling or residence shall be submitted to Marvin A. & Nancy A. Deckert for their approval so long as they shall own any lot in this subdivision. A copy of the plot plan shall be filed with Marvin A. & Nancy A. Deckert.

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 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.

EXCLUSIONS

13. All lots adjacent to, and or borders on the golf course property, are considered as first tier lots. No residence having only one story shall be erected having an area of less than 1600 square feet. No split-level, bi-level, tri-level or two story residence shall be erected having a living area of less than 1400 square feet on the main level. All houses must have wood shingle roofs.

The above square footage is exclusive of basement recreational rooms, porches, garages and breezeways.

SECOND TIER LOTS

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 the curb line on the side street. All roofing shall be approved as outlined in Paragraph 9, and the main resident roof must have a minimum of one quarter (1/4) pitch.

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

SECTION III

SIGNS, BILLBOARDS AND MISCELLANEOUS

15. The construction or placing of signs, billboards or advertising structures of any kind is prohibited, except that one(1) sign advertising equity 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.

16. 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.

17. No trash, ashes, or other refuse shall be thrown or dumped upon any undeveloped portions of said lands.

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SECTION 17

RESTRICTIONS AND COVENANTS

18. These restrictions and covenants are to run with the lands 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.

19. Each of the restrictions and covenants herein set forth shall run with the land and bind the present owner, its 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 to do so thereafter.

20. Invalidation of any one or more of the provisions, reservations, restrictions and covenants herein contained, and any amendments hereto, by court order or judgement, shall in no wise affect any of the other provisions, reservations, restrictions and covenants herein.

IN WITNESS WHEREOF, the said parties have hereunto set their hand and seal this 15<sup>th</sup> day of November, 1977.

MARVIN A. DECKERT & NANCY A. DECKERT

BLUE SPRINGS, MISSOURI

Marvin A. Deckert  
Marvin A. Deckert

Nancy A. Deckert  
Nancy A. Deckert