

INDENTURE OF TRUST AND RESTRICTIONS

OF

FOX LAKE SUBDIVISION

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This Indenture, made and entered into this 2nd day of June, 1975, by and between RFS, INC., a Missouri corporation, hereinafter referred to as "Party of the First Part", and FRED W. AHLEMEIER CO., a Missouri Corporation, hereinafter referred to as "Party of the Second Part", and FRED W. AHLEMEIER, KENNETH LANDOLT and FRED BRUNING, Parties of the Third Part, hereinafter referred to as "Trustees",

WITNESSETH:

WHEREAS, Party of the First Part and Party of the Second Part are the owners of portions of a tract of land situated in St. Louis County, Missouri, more particularly described in Exhibit A hereto attached, which said parties desire to subdivide, plat, and record as FOX LAKE SUBDIVISION, PLAT ONE, more particularly described as follows:

FOX LAKE SUBDIVISION PLAT ONE, according to the
plat thereof, recorded on June 24, 1975, as Daily No. 89
on said date (and in Plat Book 162 at Pages 12 thru 14.

WHEREAS, Party of the First Part contemplates that the tract of land described in Exhibit A, attached hereto, may be subdivided and that plats thereof designated FOX LAKE SUBDIVISION PLAT ONE, FOX LAKE SUBDIVISION PLAT TWO, FOX LAKE SUBDIVISION PLAT THREE, etc., will be prepared and recorded in the St. Louis County Recorder's Office pursuant to the St. Louis County Ordinances, subject to all of the terms, covenants and restrictions herein contained, and

WHEREAS, the parties hereto intend that all "Common Ground" for parks and recreation areas or other purposes shown on any plat subdividing any part of the tract of land described in Exhibit A, attached hereto, shall be for the joint and common use of the present and future owners of any lot, platted of record, established by the subdivision of said tract of land, and

WHEREAS, it is the purpose and intention of this Indenture to create a trust for the proper supervision, maintenance and regulation of the use of "Common Ground", lakes, parks, playgrounds, park-ways and walkways, in said subdivision, the operation and maintenance of street lights therein, and the protection of all lots in said subdivision, against certain uses, by adopting restrictions for FOX LAKE SUBDIVISION PLAT ONE (and for each succeeding plat, if any), and to apply the restriction not only to all of said land and every lot, and all "Common Ground" but also in favor of or against said lot as against or in favor of all other lots within