

hereof; prohibit (1) swimming in the lake, (2) the use of boats thereon, without the express written permission of the Trustees, (3) dumping of any items therein, and (4) the use of motorcycles, go-carts, or similar vehicles on the "Common Ground".

(4) To grant easements on the "Common Ground" and to accept or abandon any easement or portion thereof by a proper and appropriate instrument duly executed and in the Office of the Recorder of Deeds of St. Louis County, Missouri, but such easement or portion thereof may be accepted or abandoned only when the Trustees determine that it is in the best interest of the subdivision to do so.

(5) To negotiate with any public agency seeking to acquire for a public purpose all or any part of the property conveyed to the Trustees and to execute instruments for that purpose. Should acquisition by eminent domain become necessary, only the Trustees shall be necessary parties to such action and it shall not be necessary to join the then owners of lots or parcels in the above described tract as parties to such action. In any event the proceeds received shall be held by the Trustees for the benefit of those entitled to the use of the common property or easements.

(6) To prevent, in their discretion, as Trustees of an express trust, any infringement, and to compel the performance of any restriction set out in this Indenture or established by law, and also any rules and regulations issued by said Trustees covering the use of said "Common Ground" or any matters relating thereto. This provision is intended to be cumulative and not to restrict the right of any lot owner to proceed in his own behalf.

(7) To consider, approve or reject any and all plans and specifications for any and all fences.

(8) To establish and fix minimum costs which shall apply to residences which may be erected on said lots as the Trustees deem desirable in order to maintain a high character of such residences, subject to revision or abandonment at the discretion of the Trustees, in order that residences which may be erected on said lots shall be fairly uniform in character, irrespective of cost or other circumstance.

(9) In exercising rights, powers, and privileges granted to them, and in discharging the duties imposed upon them by time enter into contracts, employ agents, attorneys, accountants, servants, clerks, other employees and labor as they deem necessary or advisable, to institute, prosecute and defend such actions as they deem necessary or advisable, and defend actions brought against them in their capacity as Trustees, or against their agents and employees.

3. Common Ground – Vesting in Lot Owners. Notwithstanding any other provisions of this Indenture, if the trust with respect to