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TANEY COUNTY, MISSOURI
RECORDERS CERTIFICATION
JODY C STAHL

Amendment to Declaration of Restrictions and Covenants for Emory Creek Ranch

Date: June 12, 2021
Grantor and Grantee: Emory Creek Ranch Property Owners Association, Inc., PO Box 115, Branson MO 65614 (the "Association")

Real Estate: All of Emory Creek Ranch, as shown on the plats recorded as follows:

Phase or Lots	Plat Book	Pages
Phase 1	I	105
Phase 3	I	501
Phase 1, Lot 94A	I	710
Phase 5A	J	143
Phase 6	J	145
Phase 5B	J	452
Phase 1, Lots 110A and 110B	J	672
Phase 5C	J	712
Phase 1, Lots 45A and 46A	K	133
Phase 1, Lots 120A, 120B, 121A, 121B	K	327
Phase 1, Lots 131A, 132A, 133A	K	355
Lots 55A and 55B	K	541
Lots 127A and 127B	K	724
Lots 47A and 47B	L	564
Phase 3, Lot 157A	L	742
Phase 3, Lot 164A	M	45

in the office of the Taney County Recorder, and subject to the following declarations recorded in the office of the Taney County Recorder (the "Declarations"):

Phase	Book	Page
1 (also applies to Phases 3 and 6)	497	2349
3	2007	41074
5A	2008	23218
6	2008	23219
5B and 5C	2010	03764

(The declaration for Phase 5B is incorporated by reference on the plat for Phase 5C. The Declarations listed above for Phases 3 and 6 are supplemental declarations that incorporate the Phase 1 Declaration by reference).

This Amendment was approved by the written ballots of a majority of lot owners at a meeting held on May 26, 2021 for the purpose of considering the following proposals separately, in accordance with Section 10.3(b) of the Declaration of Covenants, Conditions and Restrictions for Emory Creek Ranch, recorded in Book 297 Page 2349 (the "Original Declaration"):

- To replace section 5.16 of the Original Declaration (and corresponding provisions of the declaration for Phases 5B and 5C identified above) to specify that the minimum square footage of living space shall not include the area of garages, whether or not the garages are heated or cooled.
- To replace section 5.26 of the Old Declaration (and corresponding provisions of the declaration for Phases 5B and 5C identified above) to clarify restrictions on swimming pools and related outdoor structures.
- To replace section 5.27 of the Original Declaration (and corresponding provisions of the declaration for Phases 5B and 5C identified above) with a new section 5.27 establishing criteria for the installation of solar equipment.

NOW, THEREFORE, as authorized by the votes of the owners of lots in the various phases of Emory Creek Ranch, the following amendments to the Original Declaration (binding on all phases and lots identified above) shall be in force henceforth as follows:

A. Section 5.16 of the Old Declaration (and corresponding provisions of the declaration for Phases 5B and 5C identified above) is deleted in its entirety and replaced with the following new section 5.16:

5.16 Dwelling Size. The Architectural Control Committee shall exercise its best judgment to see that all structures, as to size, conform to and harmonize with the existing surroundings and structures. No permanent residence to be constructed on a Lot shall contain less than:

- 1,600 square feet (Phases 1, 3, 5A and Lots 302, 303, 304 and 305 of Phase 5C),
- 1,200 square feet (Phases 5B and Lots 299, 300, and 301 of Phase 5C)
- 1,800 square feet (Phase 6)

of heated and cooled living space, on the main level. The area of garages, whether or not heated or cooled, or both, shall not be considered in the calculation of living space.

B. Section 5.26 of the Old Declaration (and corresponding provisions of the declaration for Phases 5B and 5C identified above) is deleted in its entirety and replaced with the following new section 5.26:

5.26 Swimming Pools. (a) Accessory buildings, in-ground swimming pools, cabana structures and gazebos may be built in the back of the building area (i. e., within setbacks) of any Lot, after approval of the ACC under Section 5.4 of the Declaration of the pool, cabana, gazebo, fence and any other structure. For such structures, the requirements listed in subsection 5.1 of the Declaration pertaining to buildings shall apply.

(b) Permanent above-ground pools with a water surface area of at least 144 square feet are permitted, subject to the requirement that the rear yard containing the pool be fully enclosed with a wooden privacy fence meeting the criteria established in the Declaration. This fence requirement is not intended to meet any requirement that the lot owner's insurance company may require for a safety fence.

(c) Lot owners and occupants shall be solely responsible for compliance with all local, state, and federal regulations and laws relating to swimming pools.

(d) The Association will not consider “kiddie pools,” flexible plastic or inflatable, to be in violation of Section 5.26’s prohibition of above-ground pools as long as they are no more than 60 inches in diameter and are not kept in front lawns. They may be used in driveways, but must be removed daily.

C. Section 5.27 of the Old Declaration (and corresponding provisions of the declaration for Phases 5B and 5C identified above) is deleted in its entirety and replaced with the following new section 5.27:

5.27 Solar Facilities. Under Missouri laws, the right to sunlight is a property right. The Association has a right under the Declaration to regulate the construction, installation and maintenance of solar systems for generating electricity or capturing heat. The Association and the ACC will depend on the designers and installers as to the technical aspects of the design and installation, and will focus on the appearance of the solar facilities.


No installation of a solar system for generating electricity or capturing heat may be installed without the approval of the ACC. The ACC’s approval shall be in compliance with the following criteria and shall be evidenced by a permit issued by the ACC:

- a. The plans and specifications for the installation of solar equipment must identify the name of the person who has designed the system and must contain the designer’s statement that the design of the system is in compliance with the current version of the National Electrical Code for solar facilities and that the system will be installed in compliance with the National Electrical Code.
- b. All solar panels must be installed on roofs of primary residences (including the roofs of attached garages) and may not be installed on any other portion of the housing structure, any outbuilding, or in any portion of the lawn or landscaped area, unless the primary residence has insufficient south-facing roof area adequate for installation. For residences with insufficient south-facing roof areas only on the street side of the house and for lots without south-facing roofs, arrays of solar panels may be placed in fenced rear yards within building lines.
- c. All installation of solar facilities must be performed by experienced technicians, such as electricians. Electricians holding statewide Missouri licenses shall be presumed to be and qualified to install solar facilities.

- d. The panels mounted on roofs shall be at the same pitch as the roof and shall not extend over the roof's eaves or peak or interfere with drainage in the roof's valleys.
- e. The visible portions of the mounting system for the solar panels must be of anodized aluminum or other metal with a durable coating.
- f. If a roof-mounted solar system visible from the street or adjacent lots is removed without replacement within 90 days, the roofing material shall be replaced so that the past installation will not be visually evident.

IN WITNESS WHEREOF, the authorized officer of the Emory Creek Ranch Property Owners Association, Inc., has signed this amendment.

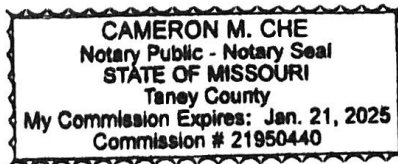
Emory Creek Ranch Property Owners Association, Inc.

By  6/14/2021
 Rick Ebbinghaus, President

State of Missouri, County of Taney ACKNOWLEDGMENT

On this 14th day of June, 2021, before me appeared Rick Ebbinghaus, to me personally known, who, being by me duly sworn (or affirmed) did say that he or she is the President of **Emory Creek Ranch Property Owners Association, Inc.** and that the seal affixed to foregoing instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors, and said he or she acknowledged said instrument to be the free act and deed of said corporation


 Notary Public



06/14/2021