

EXHIBIT "B"
DECLARATION OF PROTECTIVE COVENANTS
(RESERVATIONS AND RESTRICTIONS)
FOR SUBJECT PARCEL IN PHELPS COUNTY, MISSOURI
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The following covenants and restrictions shall be recorded on the deed for the subject parcel located in the NW ¼ of Section 12, and the NE ¼ and SE ¼ of Section 11, Township 37 North, Range 6 West.

These covenants, reservations and restrictions are to run with the land in perpetuity, and shall be binding on all parties and owners, and on all parties claiming under them.

1. Buildings and Property Use.

Only single-family structures allowed - no multi-family structures.

No building or structure intended for or adapted for business or commercial purposes is allowed. Said tract shall not be used for any business purposes or use or any commercial use, said "business use" or "commercial use" including, but not limited to, Bed & Breakfasts and renting of residences for periods of less than 60 days. No strip or surface mining, mass removal of topsoil, or timber harvest greater than 30% of existing forest density, shall be performed or allowed on said tract.

Tracts from 15 to under 25 acres - two storage buildings allowed in addition to the residence on this tract. No basement, shack, tent, trailer, barn, garage, or other outbuildings shall at any time be used as a residence, temporarily or permanently, nor shall any residence of a temporary character be permitted. No mobile or readily movable homes (single or double wide), nor structures commonly referred to as trailers, shall be placed or used upon said tract for any purposes whatsoever, except as provided for under paragraph 3 herein.

The following additional restrictions shall also apply:

Residences shall be minimum 1100 square feet or larger. All such square feet area figures or measurements shall exclude garages, porches, patios, breezeways, basements and partial basements of any kind, whether finished or not, and other areas which are either open or closed solely by screens. For the purpose of determining compliance with this restriction, outside wall dimensions may be used to determine floor areas. The 1100 sq.ft. shall include open loft floor areas with normal 8 feet or higher ceilings and shall include that portion of sloped ceiling loft areas having ceiling heights greater than 6 feet.

2. Utilities and Easements.

15 foot utility easement adjacent to all roadway easements is established upon said tract.

3. Campers/RV Vehicles.

No vehicles or enclosures of a temporary or camping character, which includes self propelled recreational vehicles, motor coaches, motor homes, tents, camping trailers, auto trailers, recreational vehicles, moveable sheds, vehicles of any kind, or machinery shall be allowed over ten (10) days per month on said tract unless they are housed, kept, or stored within an approved storage building constructed in compliance with paragraphs 4 below. Any such recreational vehicles or temporary enclosures not housed, kept, or stored within an approved storage building constructed in compliance with these covenants shall be located, parked, or kept no closer than

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450 feet from any roadway easement. In all cases, no such vehicles or enclosures shall be used as a residence, whether temporary or permanent.

4. Subdivision of Tracts and Locations of Buildings.

- a. This tract may not be subdivided.
- b. For all buildings of any kind, type, or purpose, there shall be a minimum front setback line of four hundred fifty (450) feet from the edge of any road easement, and other side or rear tract building setbacks shall be not less than thirty (30) feet.

5. Structures and Obstructions:

All above-ground heating fuel tanks, soft water tanks, air conditioners or other residential support equipment, satellite dishes, and similar items shall not be placed or installed closer to the road easement or front property line than one hundred fifty (450) feet.

6. General:

- a. For buildings constructed upon said tract, building shall be completed within Twenty-Four (24) months from the date construction is begun.
- b. No animals, swine, livestock, birds or poultry of any kind, shall be raised, bred or kept on said tract, except for a reasonable number of household pets. All dogs, or house pets, shall be kept contained or "penned", and shall not be allowed to run loose, and shall be kept on leash whenever walked on a the roadway easement or on a public roadway by the owner or anyone. For the purpose of determining compliance with this restriction, no livestock or poultry shall be considered to be household pets, and a "reasonable number" shall be defined as less than six total household pets and no more than four of any one type pet (i.e. dog, cat, etc.).
- c. The Developer shall have the right and authority to approve exceptions or variations from these restrictions without notice or liability to the owners of other tracts or any persons or authority whatsoever.
- d. No garbage, rubbish, bottles, discarded material, refuse, or any unclean, foul, or stagnant material or substance of any nature whatsoever shall be dumped, placed, allowed to accumulate, or suffered to remain anywhere on said tract or any portion thereof.
- e. No commercial firearms or archery shooting ranges are allowed, and no firearms or archery shooting ranges open to the public or quasi-public or private club organizations are allowed on said tract.
- f. No ATV's or dirt bikes shall be operated on the roadway easement or public roads by the owner of said tract, or visitor to said tract. No ATV's or dirt bikes shall be operated on said tract except for agricultural purposes, property management, and hunting. No other sport riding, recreational riding or competitive riding or other ATV and dirt bike use shall be allowed.

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- g. No motor vehicle or equipment in a wrecked or dilapidated condition, or otherwise inoperable or immobile under its own power, shall be permitted to remain on said tract.
- h. All wastewater systems shall be designed and installed in accordance with 10 CSR 20-8.021 and shall be installed in accordance and compliant with either a soils analysis and report or a permeability test and report approved by the Developer and conducted/prepared by a certified soils scientist or a registered professional engineer, respectively. No lagoon systems are allowed. Individual (private) wells shall be constructed in accordance with the Missouri Private Well Construction Standards, 10 CSR 23, and shall be constructed by a well driller who holds a valid permit in the State of Missouri.
- i. If any person, firm or corporation or their heirs, successors or assigns, shall violate or attempt to violate any of these reservations and restrictions, the Developer or their heirs and assigns may prosecute any proceeding at law or in equity against the person violating or attempting to violate any such reservations or restrictions in order to prevent him/her or them from so doing or to recover damages for such violation.
- j. Invalidation of any one of these reservations or restrictions by judgment or court order shall in no wise affect any of the other provisions, which shall remain in full force and effect.
- k. Nothing in these reservations and restrictions shall be construed as to prohibiting any owner from mortgaging his property and executing a Deed of Trust on said property, and no provisions in these reservations and restrictions shall be construed as to restrict or hinder any holder of a note secured by said Deed of Trust from exercising and enforcing any of the terms and conditions of said note and Deed of Trust.
- l. The word "Developer" as used herein refers to Irvin R. Stack and Kathy G. Stack, their successors or assigns.

IN WITNESS THEREOF, the said Developer, Irvin R. Stack and Kathy G. Stack, and buyer have executed this instrument this _____ day of _____, 20__.

Buyer/Purchaser:

By: _____

By: _____

Developer:

By: _____

Irvin R. Stack

By: _____

Kathy G. Stack

STATE OF _____)
COUNTY OF _____) SS

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On this _____ day of _____, 20____, before me personally appeared

__ to be known to be the person(s) _____ described in and who executed the foregoing instrument and acknowledged that _____ executed same as _____ free act and deed. In Testimony Whereof, I have hereunto set my hand and affixed my official seal, at my office in _____, the day and year first above written.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

STATE OF _____)
COUNTY OF _____) SS

On this _____ day of _____, 20____, before me personally appeared

__ to be known to be the person(s) _____ described in and who executed the foregoing instrument and acknowledged that _____ executed same as _____ free act and deed. In Testimony Whereof, I have hereunto set my hand and affixed my official seal, at my office in _____, the day and year first above written.

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NOTARY PUBLIC