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DEBORAH L ENGEMANN  
RECORDER OF DEEDS  
WARREN COUNTY, MO



**RECORDING MEMORANDUM**

Instrument: First Amendment to Deed of Dedication, Restrictions, and Protective Covenants for Falcon's Crest, All Plats

Date: December 20, 2021

Grantors: Falcon's Crest Homeowners Association  
c/o Elia M. Ellis, LLC  
7777 Bonhomme, Suite 1910  
Clayton, MO 63105

Grantee: Falcon's Crest Homeowners Association  
c/o Elia M. Ellis, LLC  
7777 Bonhomme, Suite 1910  
Clayton, MO 63105

Legal Description: Plat Book  D , Page  105

Instrument Affected: Book: 1385 Page: 132

Return to: Elia M. Ellis, LLC  
7777 Bonhomme, Suite 1910  
Clayton, Missouri 63105

FIRST AMENDMENT TO  
DEED OF DEDICATION, RESTRICTIONS, AND PROTECTIVE COVENANTS  
FOR  
FALCON'S CREST, ALL PLATS  
A Subdivision in Warren County

This First Amendment to Deed of Dedication, Restrictions, and Protective Covenants for Falcon's Crest is hereby made by and between the Falcon's Crest Homeowners Association, a Missouri nonprofit corporation and the lot owners of Falcon's Crest Subdivision in Warren County, Missouri.

Whereas, the Deed of Dedication, Restrictions, and Protective Covenants for Falcon's Crest (hereinafter "Deed of Dedication") was recorded May 3, 2006 in Book 1385, Page 132 of the Warren County Recorder of Deeds records imposing the terms of the Deed of Dedication on real property legally described as "Tracts of land being part of the east half of the SW quarter of section 19 township 47 north, range 1 west, Warren County, Missouri" and further described in Plat Book D, Page(s) 105; and

Whereas the Deed of Dedication, and the restrictions and covenants contained therein, may be amended or changed, in whole or in part, by an instrument signed by the owners of a majority of the lots and then recorded in the records of the Warren County Recorder of Deeds, pursuant to Section 28 of the Deed of Dedication; and

Whereas Section 22 of the Deed of Dedication grants authority and the power in the Board of Director of the Falcon's Crest Homeowners Association to enforce the restrictions and covenants contained in the Deed of Dedication and to formulate, subject to approval of the majority of owners of the lots present at any annual or special meeting, such other rules and regulations consistent with the administration of the affairs of the Subdivision; and

Whereas the owners of a majority of lots in the Subdivision now agree to amend the Deed of Dedication for the purpose of granting authority to the Board of Directors to compel enforcement of the restrictions and covenants contained in the Deed of Dedication and the rules and regulations adopted pursuant to Section 22 and to restrain any violation of the restrictions, covenants and duly adopted rules and regulations.

Now, therefore, the Deed of Dedication is hereby amended by deleting Section 29 and replacing it, in its entirety, with the following new Section 29:

29. ***Any person violating or attempting to violate any covenant, restriction, condition or limitation contained herein or any rule or regulation duly adopted pursuant to***

*Section 22 shall be subject, at the discretion of the Board of Directors, to the following enforcement procedure:*

*A. Where feasible, the Board of Directors will speak directly to the violator to explain the violation and the required remedy and a reasonable timeframe for voluntary compliance.*

*B. If compliance is not accomplished following Step A, the Board of Directors will deliver a written notice of violation to the violator explaining the violation, the required remedy and a reasonable deadline for voluntary compliance. The notice shall also describe the violator's right to a hearing within fifteen days before the Board of Directors to challenge or appeal the violation notice before any fine or other sanction or remedy is imposed.*

*C. If voluntary compliance or other resolution satisfactory to the Board of Directors is not accomplished following Step B, the Board of Directors may levy a first fine pursuant to a fine schedule adopted and revised from time to time pursuant to Section 22 and deliver to the violator a notice of continuing violation and imposition of fine, demanding both compliance and payment of the fine within thirty days of the notice.*

*D. If compliance or other resolution satisfactory to the Board of Directors is not accomplished following Step C, the Board of Directors may levy subsequent fines pursuant to the fine schedule and as frequently as reasonably necessary in the discretion of the Board of Directors to compel compliance by the violator.*

*E. Payment of any fines not timely paid to the Association by the violator may be compelled by either or both: (1) a lien against the violator's lot; or (2) a lawsuit for collection of the fines; pursuant to the authority and procedures contained in Section 23. A lien created pursuant to Section 23 may be foreclosed upon by power of sale pursuant to Chapter 443 of the Revised Statutes of Missouri.*

*F. Any person violating any covenant, restriction, condition or limitation contained herein or any rule or regulation following the Board of Director's execution of Steps A through D, above, shall be, in addition to the remedies in Section 23, subject to proceedings at law or in equity to restrain such violation and or to recover damages, including fines imposed.*

*G. Any failure or delay of enforcement of any covenant, restriction, condition or limitation contained herein or any rule or regulation shall neither act as nor constitute a waiver of such breach or any subsequent breach thereof.*

*H. In any successful action to enjoin a breach or violation or to recover damages, whether by lien or lawsuit, the Association shall be entitled to recover its costs and reasonable attorney's fees incurred.*

*[End of Amendment]*

The Board of Directors of Falcon's Crest Homeowners Association is authorized to execute and record this Amendment upon its adoption by written consent of the owners of a majority of lots and, by their signatures below, do certify that this Amendment has been duly approved as required in Section 28 of the Deed of Dedication.

This Amendment shall become effective upon the date of recording in the office of the Recorder of Deeds of Warren County, Missouri.


In Witness Whereof, the Falcon's Crest Homeowners Association, acting by and through its duly elected Board of Directors, has executed this Amendment on the 19th of December, 2021.

FALCON'S CREST HOMEOWNERS ASSOCIATION, a Missouri nonprofit corporation,

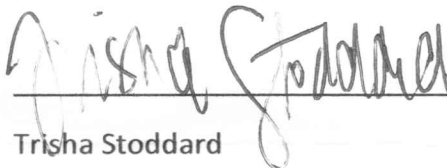
By its Board of Directors:

 12/19/2021

Kelly Gaskins

 12-19-21

Brian Henning

 12/19/2021

Trisha Stoddard

STATE OF MISSOURI )  
  ) SS  
COUNTY OF WARREN)

On this ~~1<sup>st</sup>~~ day of December, 2021, before me appeared Trisha Stoddard, to me personally known, who, being by me duly sworn, did say that he/she is a Board Member of Falcon Crest Homeowners Association, an Illinois non-profit corporation, that said instrument was signed on behalf of said Association, that said person acknowledged said instrument to be his/her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

  
\_\_\_\_\_  
Notary Public

My Commission Expires: 02/13/2022

MATTHEW C. HUGGINS Notary Public - Notary Seal State of Missouri Warren County My Commission Expires 02-13-2022 Commission # 18521364
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STATE OF MISSOURI )  
  ) SS  
COUNTY OF WARREN)

On this 1<sup>st</sup> day of December, 2021, before me appeared Trisha Stoddard, to me personally known, who, being by me duly sworn, did say that he/she is a Board Member of Falcon Crest Homeowners Association, an Illinois non-profit corporation, that said instrument was signed on behalf of said Association, that said person acknowledged said instrument to be his/her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.



Notary Public

My Commission Expires: 02/13/2022

MATTHEW C. HUGGINS  
Notary Public - Notary Seal  
State of Missouri  
Warren County  
My Commission Expires 02-13-2022  
Commission # 18521364

STATE OF MISSOURI )  
  ) SS  
COUNTY OF WARREN)

On this 19<sup>th</sup> day of December, 2021, before me appeared Kelly Gaskins, to me personally known, who, being by me duly sworn, did say that he/she is a Board Member of Falcon Crest Homeowners Association, an Illinois non-profit corporation, that said instrument was signed on behalf of said Association, that said person acknowledged said instrument to be his/her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

  
\_\_\_\_\_  
Notary Public

My Commission Expires: 02/13/2022



STATE OF MISSOURI )  
  ) SS  
COUNTY OF WARREN)

On this 19<sup>th</sup> day of December, 2021, before me appeared Brian Henning, to me personally known, who, being by me duly sworn, did say that he/she is a Board Member of Falcon Crest Homeowners Association, an Illinois non-profit corporation, that said instrument was signed on behalf of said Association, that said person acknowledged said instrument to be his/her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

  
\_\_\_\_\_  
Notary Public

My Commission Expires: 02/13/2022

