

# Boone County, Missouri

Filed for record on January 18 1972 at 6 o'clock P.M. in Boone Co. Mo.  
Document No. 505 recorded in Book 396 page 942 Betty Saunders, Recorder of Deeds.

## Unofficial Document

### KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, El Chaparral, Inc., is the owner of the following described real estate situated in the County of Boone, State of Missouri, being specifically described as:

El Chaparral Subdivision, Plat No. 1, recorded in Plat Book 10, at page 164 of the Boone County, Missouri, records, located in the south one-half (S1/2) of Section 16, Township 48N, Range 12W, Boone County, Missouri.

WHEREAS, it is necessary and desirous to place certain building and usage restrictions upon the above described real estate for the mutual benefit of the present owner and for the benefit of all subsequent holders of title to the above described real estate or part thereof as herein provided for, and

WHEREAS, the purpose of these restrictions is to insure usage of the property platted and subdivided into building lots for single family residential purposes compatible with the neighboring residential area, to prevent nuisances, and to establish and maintain a desirable tone and character for the above platted subdivision.

NOW THEREFORE, the said owner does hereby declare that the above described real estate has been platted and surveyed into building lots described above and filed in Plat Book 10 at Page 164 of the Boone County records, and said real estate shall be subject to the following covenants, conditions, agreement and restrictions, to-wit:

1. No lot shall be used except for residential purposes. No building shall be erected, altered, placed, or permitted to remain on any lot other than one detached single family dwelling, not to exceed two (2) stories in height in addition to basement and a private garage for not more than two (2) cars.
2. The ground floor area of the main structure, exclusive of one story open porches and garage, shall not be less than one thousand (1,000) square feet, with two car garage or one thousand and fifty square feet with single car garage for a one story dwelling, nor less than nine hundred (900) square feet for a dwelling of more than one store.
3. No building shall be located on any lot nearer to the front lot line than twenty-five (25) feet and no building shall be located on any lot nearer to the side street line than twelve and one-half (12-1/2) feet. No building shall be located nearer to any interior lot line than the footage equal to ten per cent (10%) of lot width at the building line. No dwelling shall be located on any interior lot nearer than Thirty (30) feet to the rear lot line. For the purpose of this restriction, eaves, steps, and open porches shall not be considered as a part of a building.
4. No dwelling shall be erected or raised on any lot having a width of less than Sixty (60) feet at the minimum building set back line, nor shall any building be erected or placed on any lot having an area of less than Seven Thousand (7,000) square feet unless approved by the architectural control committee.

Nora Dietzel, Recorder of Deeds

# Boone County, Missouri

## Unofficial Document

5. Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat and over the rear five (5) feet of each lot, except as otherwise shown on the plat. Within these easements, no structure, planting or other materials shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities. The easement area of each lot and all improvements in it shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility company is responsible.
6. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done hereon which may be or may become an annoyance or nuisance to the neighborhood.
7. No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other outbuilding shall be used on any lot at any time as a residence either temporarily or permanently. This shall not prevent the construction and use of temporary sheds and warehouses during the time of development by the builders and developers.
8. No sign of any kind shall be displayed to the public view on any lot, except one professional sign of not more than one (1) foot square: one sign of not more than five (5) square feet advertising the property for sale or rent of signs used by a builder or owner to advertise the property during the construction and sale period. However, the subdivider may erect larger signs for use during the development period.
9. No oil drilling, oil development operations, oil refining, quarrying or mining operations of any kinds shall be permitted upon or in any lot, nor shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted upon or in any lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained or permitted upon any lot.
10. No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any lot, except that dogs, cats or other household pets may be kept, provided that they are not kept, bred or maintained for any commercial purpose.
11. No lot shall be used or maintained as a dumping ground for rubbish, trash, garbage, and other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.
12. No individual water supply system shall be permitted on any lot.
13. No individual sewage disposal system shall be permitted on any lot unless such a system is designed, located, and constructed in accordance with the requirements, standards, and recommendations of the Architectural Control Committee.
14. No down spouts or roof drainage water shall be connected to the sanitary sewer system.
15. Personal property, with the exception of automobiles including boats and trailers, shall not be placed or stored in the open or in unenclosed carports on any lot nearer to the front line than the rear line of the dwelling nor in the case of corner lots, nearer to the side street than the side building line. No cars shall be blocked up and left in front yard longer than one (1) week.
16. No commercial activities of any type shall be permitted.
17. No radio or television aerial, antenna, wires, or structures may be erected in front of the building line limits nor shall any such structures, wires, etc., extend Fifteen (15) feet or more above the gutter line of any structure erected on any lot within said subdivision.
  - 17a. Each lot upon which a residence is built shall have installed before occupancy a dust to down yard light located eleven (11) feet set back from the front curb line and on the yard side of the driveway. Said light shall be a Model 116 Black Lantern Adjusta Post, No. 307C-320-293, with a mercury vapor white lamp, No. H50 DX46, unless the owner shall have written approval from the Architectural Control Committee to substitute some other light.

Nora Dietzel, Recorder of Deeds

# Boone County, Missouri

## Unofficial Document

18. An Architectural Control Committee shall be appointed by the Corporate Officers of El Chaparral, Inc., which Committee shall be composed of one or more persons as may be so designated and, no building shall be erected or materially altered or improved on any of the lots in El Chaparral as hereinabove described until the construction or improvement plans and specifications, shall have been approved by the said Architectural Control Committee. The Architectural Control Committee shall have the authority to interpret the provisions of these said Building and Usage Restrictions and, further shall have the authority to waive or alter any of the requirements or restrictions as contained herein, providing said waiver or alterations shall be, in the opinion of the Architectural Control Committee, in the best interests of the compatible development of El Chaparral as described hereinabove. Prior to any excavation or construction on any of said lots, the building plans of the structure or addition to, the alteration of, the reconstruction and location of any structure shall be submitted to the Architectural Control Committee for approval. If the Architectural Control Committee shall not approve said plans, it shall notify the owner or contractor or other persons submitting said plans of its disapproval, in writing. Its decision shall be final. If submitted plans are not approved by the Architectural Control Committee after ten (10) days have expired from the date of the submission of the plans to them, and the owner, contractor, or other person submitting said plans have not been notified in writing of the Architectural Control Committee's disapproval, said plans shall be considered approved, and excavation or construction may commence.

19. All fences in the front yards must be approved by the Architectural Control Committee. All driveways shall be of concrete and Ten (10) feet in width and have a Nine (9) feet break from the curb, unless approved by Architectural Control Committee.

20. At such time as Eighty per cent (80%) of the lots as located in Plat One (1) of El Chaparral as hereinabove described shall have been disposed of by El Chaparral, Inc., then and in that event, the Architectural Control Committee shall be selected and established by a majority vote of the owners of said Lots (with each Lot entitled to cast one vote in connection therewith) and membership on the Architectural Control Committee shall be limited to persons owning lots in Plat No. 1 of the property hereinabove described recorded in Plat Book 10, at page 164 of the Boone County records.

21. Any of the requirements and restrictions herein contained may be altered, amended, added to, or deleted, by declaration and agreement of the owners of Eighty per cent (80%) of the Lots in Plat One (1) of El Chaparral as hereinabove described in Plat Book 10, page 164 of the Boone County records, with each lot being entitled to cast one vote in connection with any said change, amendment, or deletion.

22. The foregoing restrictions, requirements, covenants, and conditions are to run with the land and shall be binding upon all parties who may become owners of any of said tracts or lots therein, and if any party becomes the owner of any of said tracts or lots and shall, at any time thereafter, violate or attempt to violate or shall fail to observe or perform any one of the foregoing restrictions, requirements, covenants or conditions, then it shall be lawful for any person who is the owner of any of the other tracts or lots as herein described, to institute and prosecute appropriate proceedings in law or equity, to remedy or prevent the wrong done or attempted, from any such breach.

23. Invalidation of any one of the restrictions and requirements as contained hereinabove by a judgment, decree, or court order shall in no way affect the validity of any of the other provisions, all of which shall remain in full force and effect.

IN WITNESS WHEREOF, El Chaparral, Inc., a Missouri Corporation, has caused

# Boone County, Missouri

## Unofficial Document

this instrument to be signed by its President and attested to by its Secretary and has caused its corporate seal to be affixed and has executed this instrument on this 18th day of January, 19 72.

ATTEST:

EL CHAPARRAL, INC.



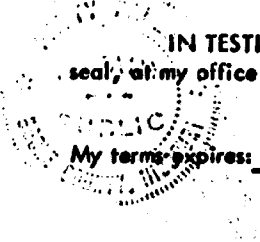
Paul Sapp  
Secretary

Elvin E. Sapp  
President

STATE OF MISSOURI )  
                          ) ss.  
COUNTY OF BOONE )

On this 18th day of January, 1972, before me appeared Elvin E. Sapp to me personally known, who, being by me duly sworn, did say that he is the President of the Corporation of the State of Missouri, and that the seal affixed to the 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 the said President acknowledged said instrument to be the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in Columbia, the day and year first above written.



My terms expires: July 19, 1973

Patty Bowley  
Notary Public - Patty Bowley

State of Missouri }  
County of Boone, } Sec.

I, the undersigned Recorder of Deeds for said County and State do hereby certify that the foregoing instrument of writing was filed for record in my office on the 18 day of January A.D., 1972 at 1 o'clock and 57 minutes P.M. and is truly recorded in Book 396 page 842.

Witness my hand and official seal on the day and year aforesaid

Patty Bowley Recorder  
By \_\_\_\_\_ Deputy



Nora Dietzel, Recorder of Deeds