

DECLARATION OF COVENANTS, EASEMENTS  
AND RESTRICTIONS OF TIMBERLAKE ESTATES - PLAT 1

KNOW ALL PERSONS BY THESE PRESENTS:

WHEREAS, the undersigned is the owner of the following described real estate situated in Cooper County, Missouri, to-wit:

Lots One (1) through Thirty-eight (38), both inclusive, of Timberlake Estates - Plat 1 as shown by plat recorded in Plat Book 7, Page 425, Deed Records of Cooper County, Missouri.

WHEREAS, the undersigned desires to place the covenants and restrictions contained herein upon all of the above described lots for its benefit and for the benefit of all future owners of said lots and to create the easements contained herein; and

WHEREAS, the undersigned desires that said covenants and restrictions shall constitute covenants running with the land and the present and all future successive owners of said lots shall have the right to invoke and enforce said restrictions;

NOW, THEREFORE, the undersigned does hereby impose the covenants and restrictions herein set out on all of the above described lots, being Lots One (1) through Thirty-eight (38), both inclusive, of Timberlake Estates - Plat 1, as shown by plat recorded in Plat Book 7, Page 425, Deed Records of Cooper County, Missouri, which covenants and restrictions shall be considered as covenants running with the land whether or not the same are mentioned in subsequent conveyances, and said covenants and restrictions shall be binding upon the undersigned and its successors in title to the above described lots and to its successors and assigns forever, and the undersigned does hereby create the easements set out below herein, to-wit:

USE RESTRICTIONS

1. That each said lot and the dwelling erected on each lot shall be used only for single family residential dwelling purposes and for no other purpose.

2. No dwelling shall be permitted on any lot unless the following requirements are met:

a) The finished living area of the ground floor of a one-story dwelling must contain not less than 1,500 square feet.

b) The finished living area of the ground floor of a two-story dwelling must contain not less than 600 square feet and the total finished living area of both the ground floor and the upper floor of a two-story dwelling must contain not less than 1,200 square feet.

c) The total finished living area of all floor levels of a split foyer, tri-level, four-level or greater numbered level dwelling must contain not less than 1,800 square feet and the main floor level must contain not less than 600 square feet.

The term "finished living area" as used herein shall be exclusive of and shall not include basement area, open porches, patios and garages.

3. No dwelling shall be permitted on any lot unless it contains an attached garage for two (2) or more automobiles.

4. Not more than one single family dwelling with an attached garage shall be permitted on any lot. No detached buildings nor any outside storage shed (permanent or portable) shall be permitted on any lot without the prior written consent of the Architectural Control Committee.

5. No dwelling shall be permitted on any lot unless not less than eighty percent (80%) of the entire front wall space of the dwelling is composed of brick, stone or stucco construction material; provided however, the requirements of this paragraph may be waived in writing by the Architectural Control Committee and the right of the Architectural Control Committee to waive the requirements of this paragraph shall include the right to permit a log home to be constructed on any lot without brick, stone or stucco construction material being installed on said home.

In the event vinyl siding is installed on a dwelling, said vinyl siding must be equal to or better than the mainstream vinyl siding manufactured by Certainteed.

6. No dwelling shall be permitted on any lot unless the roof contains a pitch which shall not be less than six (6) inches of vertical drop for each twelve (12) inches of roof "run".

7. No flue or chimney shall be constructed adjacent to the exterior wall of any dwelling unless the same is entirely enclosed with masonry or the same material as the exterior siding on the dwelling.

8. No dwelling with attached garage, or other structure permitted by the Architectural Control Committee, shall be located closer to the boundary line of any lot than (a) the building lines shown on the plat of the subdivision where the lot is located, (b) fifteen (15) feet from the side lot line and (c) twenty-five (25) feet from the rear lot line; except no structure shall be located in the "stem" of a stem lot and except the requirements of this paragraph shall not be applicable to fences. In the event of a dispute as to the location of the side boundary line of a lot, the rear boundary line of a lot or the location of the stem on a stem lot the location of the same shall be determined by the Architectural Control Committee.

9. No dwelling shall be permitted on any lot unless the lot also contains a driveway leading from the public street to the garage attached to the dwelling and unless said driveway is of sufficient width that two (2) automobiles may be parked side by side on the driveway. The lot owner must construct the entrance to said driveway from the subdivision road and said driveway entrance shall be constructed so as to not obstruct the side or cross drainage of the subdivision roadway, and if a culvert is needed the same shall be installed at the location, at the grade, at the depth and of the material specified by the Architectural Control Committee. The driveway entrance shall contain the same surface material as the driveway to the dwelling and shall be installed at such a grade as to provide easy access from the driveway to the subdivision road.

10. No fence shall be constructed on any lot closer to the boundary lines of the lot than the building lines shown on the

subdivision plat unless otherwise approved by the Architectural Control Committee.

11. No personal property, with the exception of operative automobiles or operative pickup trucks not to exceed one ton in size, shall be placed or stored in the open on any lot nearer to the boundary lines of the lot than the building lines shown on the subdivision plat.

12. No vehicle, with the exception of operative automobiles or operative pickup trucks not to exceed one ton in size, shall be parked, placed or stored overnight upon any of the roadways located in the above described subdivision.

13. No partially dismantled, non-operating, wrecked, junked or discarded vehicle or equipment of any kind shall be permitted to remain upon any lot or upon any of the public roadways abutting any lot.

14. The front yard on any lot containing a dwelling must be either sodded or seeded. In addition, said front yard must contain six (6) plants or shrubs of a size not less than the size commonly referred to as "three gallon" size.

15. No grasses, weeds or other vegetation (excluding trees and shrubs) shall be permitted to grow on any lot to a height greater than ten inches (10") above the surface of the ground, except said height limitation shall not apply to a garden plot on a lot maintained for the personal use of the residents of the lot. No field crops shall be planted or maintained on any lot.

16. No doghouses, dog pens or dog runs may be constructed upon any lot without the prior written consent of the Architectural Control Committee. No dog may be kept or maintained on any lot which barks causing disturbance to the occupant of any other lot.

17. No electronic dish larger than twenty-four inches (24") in diameter or exterior antenna shall be permitted on the exterior of any building on a lot or upon any lot exterior to the building on the lot without the prior written consent of the Architectural Control Committee.

18. No electrical lines or wires shall be installed above the surface of the ground on any lot without the prior written consent of the Architectural Control Committee.

19. No propane tank shall be permitted on any lot unless the same is placed behind the dwelling on the lot or below the surface of the ground and unless the location of the same is approved in writing by the Architectural Control Committee.

20. No illegal, noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may become an annoyance or nuisance to a neighbor or the neighborhood.

21. No temporary structure, basement, tent, shack, trailer or mobile home shall be used on any lot at any time as a residence, either temporary or permanent. No house trailer or mobile home shall be permitted on any lot.

22. No sign of any kind shall be displayed to the public view upon any lot without the prior written consent of the Architectural Control Committee except signs used to advertise the property for sale or rent and except the undersigned may maintain development and construction signs on the lots owned by the undersigned until the undersigned has sold all of the aforesaid lots.

23. No animal, livestock, swine, poultry, bird or reptile of any kind shall be raised, kept or bred on any lot, except that dogs, cats or other household pets may kept provided they are not kept, bred or maintained for any commercial purpose.

24. No pet shall be permitted to run at large off the premises of a lot unless either such pet is on a leash and under the control of a competent person or such pet is under the control of a competent person and is obedient to the command of such person.

25. No lot shall be used or maintained as a dumping ground, and rubbish, trash, garbage or other waste shall not be kept on the premises of any lot except in sanitary containers. All containers or other equipment for the storage or disposal of such materials must be kept in a clean and sanitary condition.

26. No lot shall be used for any commercial purpose, except a licensed day care center shall be permitted on any lot if the child play area is entirely enclosed with a solid wood fence not less than six feet (6') in height.

27. No structure, planting or other materials shall be placed or permitted to remain on the easement areas as shown on the Plat of the subdivision which may damage or interfere with the installation and maintenance of the utility facilities.

28. No two-wheel, three-wheel, four-wheel or multiple wheel recreational vehicle (motorcycle, moped, powered scooter, powered tricycle or motor bike) may be operated on any roadway in the subdivision except for use in going to and from work and for other normal transportation purposes. All such vehicles must have a suitable muffler so as to provide for quiet operation.

29. No quarrying operations, mining operations, mineral excavations, oil drilling, gas drilling or mineral drilling shall be permitted on any lot.

30. No fence, wall, hedge or shrub planting obstructing sight lines at elevations between two (2) and six (6) feet above the roadway shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points twenty-five (25) feet from the intersection of the street lines, or in the case of a rounded property corner the lot line shall be extended into the intersection on imaginary lines until they meet with the twenty-five (25) feet dimension to be measured from the point where said imaginary lines meet in the intersection.

31. That the level of the bottom floor (i.e., basement floor) of any dwelling constructed on a lot abutting the lake area described below herein must be an elevation of 665 feet above sea level or higher unless otherwise approved in writing by the Architectural Control Committee.

32. No dumping from or washing of concrete trucks shall be permitted on any subdivision road nor on any adjacent property but any such dumping from or washing of concrete trucks shall be



conducted on the lot where the construction work is being performed, and further, the owner of a lot shall be fully liable for any damages inflicted by any said owner's contractor or subcontractor on the roads in the subdivision.

33. After a lot has been sold by the undersigned or any assignee of the rights of the undersigned as Developer, said lot shall not be subdivided by deed, plat, survey or otherwise into smaller lots, tracts or parcels without the prior written consent of the Architectural Control Committee; provided however, nothing contained herein shall prevent the undersigned as Developer from subdividing lots owned by the undersigned into smaller lots, tracts or parcels or from amending lot lines, or from combining lots, or from eliminating lots, or from otherwise amending the boundaries of any lot, and that nothing contained herein shall prevent the partition of a lot as between co-owners thereof if such right of partition shall otherwise be available but such partition shall not be in kind.

34. No sewage disposal system shall be maintained on any lot except as specified below herein or except as otherwise approved in writing by the Architectural Control Committee.

35. No dusk-to-dawn lights shall be installed, maintained or operated in the subdivision except street lights controlled by the Association.

#### ARCHITECTURAL CONTROL

36. No dwelling, building, fence, wall or other structure or improvement shall be erected, constructed, placed, altered or maintained on any lot, unless the plans and specifications therefor have been approved in advance, in writing, by the Architectural Control Committee hereinafter described. The person proposing or desiring to do any of the foregoing shall submit plans and specifications for the same to the Architectural Control Committee and said plans and specifications shall include the following:

- a) Two (2) copies of the plans for the dwelling, building or other improvement showing all dimensions,

interior floor plans and exterior elevations, and describing the exterior appearance; and

b) Specifications for the dwelling, building or other improvement.

All of the above documents must be submitted to the Architectural Control Committee. If fewer than all of the documents hereinabove described are presented to the Architectural Control Committee, then the submission shall be deemed to be incomplete, and need not be considered by the Architectural Control Committee. The Architectural Control Committee shall not be required to act until it has received a complete submission, including all of the documents hereinabove described and such documents must at least do the following:

i) Show the elevations of all of the improvements;

ii) Contain site plans, which show the site location of the dwelling, building or improvements;

iii) Contain floor plans for the dwelling, building or improvements;

iv) Show and describe, in detail, exterior finish materials for the dwelling, building or improvements, including a specific description as to whether same are stain/clear wood finish on all wood exteriors, types of brick or stone (including type, nature and manufacturer of brick or stone and brick or stone colors), roofing material types and kinds, a specific description of stone and types of stone finishes, and a very specific description of all exterior finish material;

v) Show all interior and exterior dimensions;

vi) Contain all other data reasonably deemed necessary by the Architectural Control Committee so that the Architectural Control Committee can reasonably make a determination as to whether said dwelling, building or improvement is compatible with surrounding structures and topography, and with other dwellings, buildings and improvements subject to these Covenants