

**DECLARATION OF RESTRICTIONS, COVENANTS AND CONDITIONS
OF
PRAIRIE VIEW HEIGHTS NINTH ADDITION**

THIS Declaration of Restrictions, Covenants and Conditions for PRAIRIE VIEW HEIGHTS NINTH ADDITION, made on the date hereinafter set forth, by R. T. SCHELL DEVELOPMENT COMPANY, L.L.C. hereinafter often "Developer",

WITNESSETH:

WHEREAS, on the ___ day of March, 2004, Developer was the owner of record of the following described real property, hereinafter called PRAIRIE VIEW HEIGHTS NINTH ADDITION, or the Property:

A tract of land lying in the Southeast Quarter (SE 1/4) of Section 17, Township 28, Range 22 in Greene County, Missouri, being more particularly described as follows:

Commencing at the Southwest corner of the Southeast Quarter (SE 1/4) of Section 17, Township 28, Range 22 in Greene County, Missouri; thence S 88°05'45" E along the South line of said Southeast Quarter (SE 1/4) a distance of 1682.99 feet; thence N 01°59'55" E, a distance of 820.53 feet to the Northeast corner of Lot 10 Prairie View Heights Eighth Addition, a subdivision in Greene County, Missouri for a point of beginning thence N 01°59'55" E along the East line of Lot 9 said Prairie View Heights Eighth Addition and the East line of Lot 46 Prairie View Heights Fourth Addition, a subdivision in Greene County, Missouri, and said line extended, a distance of 245.65 feet to the North right of way of Randall Street, thence N 88°16'05" W along said North right of way, a distance of 50.02 feet to the Southeast corner of Lot 47, said Prairie View Heights Fourth Addition; thence N 01°43'55" E along the East line of said Lot 47, a distance of 145.00 feet to the Northeast corner of said Lot 47; thence S 88°00'03" E along the South line of Lot 48 said Prairie View Heights Fourth Addition and Lot 8 Prairie View Heights Sixth Addition, a subdivision in Greene County, Missouri, a distance of 101.03 feet; thence N 76°10'28" E along the South line of Lot 9 said Prairie View Heights Sixth Addition, a distance of 70.51 feet; thence N 66°06'44" E continuing along the South line of said Lot 9, a distance of 43.56 feet; thence N 52°37'59" E along the South line of Lot 10 said Prairie View Heights Sixth Addition, a distance of 100.28 feet; thence N 48°24'17" E continuing

along the South line of said Lot 10 and the South line of Lots 11, 13 and 14 said Prairie View Heights Sixth Addition, a distance of 360.02 feet; thence S 41°38'39" E, a distance of 150.03 feet; thence N 48°23'17" E, a distance of 207.96 feet; thence N 47°32'32" E, a distance of 80.01 feet; thence S 41°37'11" E, a distance of 60.01 feet to the South right of way of Ridgecrest Avenue; thence on said South right of way on a curve to the right, said curve having a radius of 770.00 feet, a central angle of 04°41'39", an arc length of 63.09 feet and a long chord of 63.07 which bears N 52°20'39" E; thence N 54°41'28" E continuing on said South right of way, a distance of 6.81 feet to the Northwest corner of Lot 20 said Prairie View Heights Third Addition; thence S 41°37'43" E along the West line of said Lot 20 and part of Lot 19, said Prairie View Heights Third Addition, a distance of 120.46 feet to the East line of the Southeast Quarter (SE 1/4) of Section 17, thence S 02°06'17" W along said East line, a distance of 83.89 feet; thence S 48°23'18" W, a distance of 92.02 feet; thence N 41°37'43" W, a distance of 110.88 feet; thence S 46°35'33" W, a distance of 391.09 feet; thence S 41°35'43" E, a distance of 8.52 feet; thence S 48°24'17" W, a distance of 140.00 feet; thence S 25°09'35" E, a distance of 56.55 feet; thence S 48°24'17" W, a distance of 90.98 feet; thence S 55°47'46" W, a distance of 129.64 feet; thence S 73°46'06" W, a distance of 347.30 feet to the point of beginning, containing 7.37 acres, all lying in Greene County, Missouri.

WHEREAS, the plat of PRAIRIE VIEW HEIGHTS NINTH ADDITION has been approved by the City of Battlefield and has been recorded in Book 2003 at Page 66549-03 in the Office of the Recorder of Deeds of Greene County, Missouri; and

WHEREAS, Developer's predecessor in interest has previously caused to be recorded in Book 2003 at Page 008548-03 in the Office of the Recorder of Deeds of Greene County, Missouri a "Declaration of Restrictions, Covenants and Conditions of Prairie View Heights Eighth Addition and Any Subsequently Platted Additions of Prairie View Heights", and

WHEREAS, said Declarations therein provided that said "any subsequently platted additions to PRAIRIE VIEW HEIGHTS shall be subject to the restrictions, covenants and conditions, easements and charges" contained therein and that same "shall run with the land and be binding on all present and future owners, and shall inure to the benefit of each owner of the land included in PRAIRIE VIEW HEIGHTS EIGHTH ADDITION and to any subsequently platted additions to "PRAIRIE VIEW HEIGHTS", and

WHEREAS, Developer desires that said restrictions, covenants and conditions, easements and charges shall apply to PRAIRIE VIEW HEIGHTS NINTH ADDITION;

NOW THEREFORE, Developer does hereby declare that PRAIRIE VIEW HEIGHTS NINTH ADDITION subdivision and any subsequently platted additions to PRAIRIE VIEW HEIGHTS shall be and are subject to the restrictions, covenants and conditions, easements and charges set forth in the DECLARATION OF RESTRICTIONS, COVENANTS AND CONDITIONS OF PRAIRIE VIEW HEIGHTS EIGHTH ADDITION which shall run with the land and be binding on all present and future owners, and shall inure to the benefit of each owner of the land included in the PRAIRIE VIEW HEIGHTS EIGHTH ADDITION, the PRAIRIE VIEW HEIGHTS NINTH ADDITION and to any subsequently platted additions to PRAIRIE VIEW HEIGHTS.

Article 1. The Declaration of Restrictions, Covenants and Conditions of Prairie View Heights Eighth Addition as recorded in the Office of the Recorder of Deeds of Greene County, Missouri is hereby incorporated into this Declaration by reference as if fully set forth herein.

Article 2. So as to render same applicable to the property of the Ninth Addition, any references in Articles I through XI of the said Declaration of Restrictions, Covenants and Conditions of Prairie View Heights Eighth Addition to "PRAIRIE VIEW HEIGHTS EIGHTH ADDITION" or to PRAIRIE VIEW HEIGHTS EIGHTH shall be and is hereby declared to be amended and modified to read "PRAIRIE VIEW HEIGHTS NINTH ADDITION."

Article 3. The Declarations for the Eighth Addition are hereby ratified and affirmed by Developer.

IN WITNESS WHEREOF, the undersigned RANDALL T. SCHELL, Operating Manager of R. T. SCHELL DEVELOPMENT COMPANY, L.L.C. has caused this instrument to be executed on this ___ day of March, 2004.

R. T. SCHELL DEVELOPMENT
COMPANY, L.L.C.

Randall T. Schell, Operating Manager

STATE OF MISSOURI)
) ss.
COUNTY OF GREENE)

On this ___ day of March, 2004 before me personally appeared **RANDALL T. SCHELL** to me personally known, who being duly sworn did say that he is the Operating Manager of **R. T. SCHELL DEVELOPMENT COMPANY, L.L.C.**, and that the said instrument was signed and sealed in behalf of said **R. T. SCHELL DEVELOPMENT COMPANY, L.L.C.**, and the said **RANDALL T. SCHELL** acknowledges said instrument to be the free act and deed of said limited liability company.

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

Notary Public, Margaret F. Wise