

ROLLING HILLS

A Subdivision in Ozark County, Missouri
Clement Voss, Sponsor

Outline of Protective Covenants

Part A. PREAMBLE

Let it be known on this 20 th day of March , 1967,
that Clement Voss, Theodosia, Missouri, sponsor of Rolling
Hills, a subdivision in Ozark County, Missouri, sets out the
following restrictions and covenants on the above mentioned
subdivision all located in a fractional part of the NE 1/4
and part of the SE 1/4, all in Section 20, Township 22 North,
Range 15 West, County of Ozark, State of Missouri.

Part B. AREA OF APPLICATION

B - 1

The residential area covenants in Part C in their entirety
shall apply to all the area in said subdivision.

Part C. RESIDENTIAL AREA COVENANTS

C - 1 LAND USE AND BUILDING TYPE

All buildings shall be used for residential purposes except
those buildings required for public utility purposes. No
buildings, except as specified above, shall be erected, placed,
or permitted to remain on any lot other than one detached
single-family dwelling not to exceed two stories in height,
excluding basement area, and a private garage for not more than
two cars, except Blocks 1 and 2 which may include 1, 2, or 3
family dwellings.

C - 2 ARCHITECTURAL CONTROL

No buildings shall be erected, placed, or altered on any lot
until the construction plans and specifications and a plan
showing the location of the structure have been approved by the
Architectural Control Committee as to quality of workmanship
and materials, harmony of external design with existing struc-
tures, and as to location with respect to topography and
finish and grade elevation. No fence or wall shall be
erected, placed or altered on any lot nearer to any street than
the minimum building setback line unless similarly approved.
Approval shall be as provided in Part E.

C -3 QUALITY AND SIZE

No dwelling shall be permitted on any lot that is not constructed
with that quality of workmanship and materials substantially
the same or better than that which can be produced on the date
these covenants are recorded and as of the structure, exclusive
of open porches, shall be not less than 1000 square feet for all

lots in Block 1 & 2 and 800 square feet for all other lots, unless otherwise approved by the Architectural Control Board.

C--4 BUILDING LOCATION

No building shall be located on any lot nearer to the front lot line or nearer to the side street line than the minimum building setback lines shown on the recorded plat. In any event no building shall be located on any lot nearer than 20 feet to the front lot line, or nearer than 15 feet to any side street line. No building shall be located nearer than 9 feet to an interior lot line, nor nearer than 9 feet to the rear lot line plus utility easement, if any. For the purposes of the covenant, eaves, steps, and open porches shall not be considered part of a building, provided, however, that this shall not be constructed to permit any portion of a building on a lot to encroach upon another lot.

C--5 LOT AREA AND WIDTH

No dwelling shall be erected or placed on any lot having a

width of less than 50 feet at the minimum building setback line, nor shall any dwelling be erected or placed on any lot having an area of less than 9,000 square feet in Blocks 1 and 2 and not less than 6,000 square feet in all other lots.

C--6 EASEMENTS

Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat and over the bounding five feet of each lot. Within these easements, no structure, planting or other material shall be placed or permitted to remain which may damage or interfere

with the installation and maintenance of utilities or which may change the direction of flow of drainage channels in the easements. The easement area of each lot, except for those improvements for which a public authority or utility company is responsible.

C--7 NUISANCES

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

C--8 TEMPORARY STRUCTURES

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 temporary or permanently. All permitted buildings shall be completed within 6 months of the initial time of construction.

C--9 SIGNS

BK 74. P 11

No signs shall be displayed to the public view on any lot except receiving prior approval from the Architectural Control Board. In no case shall any signs be permitted except the following: one professional sign of not more than one square foot, one sign of not more than four square feet advertising the property for sale or rent or one sign of not more than four square feet advertising the builder during the period of construction.

C--10 OIL AND MINING OPERATIONS

No oil drilling, oil development operations, oil refining, quarrying or mining operations of any kind 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.

C--11 LIVESTOCK AND POULTRY

No animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot, except that 2 cats, dogs, or other household pets may be kept provided that they are not kept, bred, or maintained for any commercial purpose.

C--12 GARBAGE AND REFUSE DISPOSAL

No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage, or 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.

C--13 WATER SUPPLY

No individual water supply system shall be permitted on any lot unless such system is located, constructed and equipped in accordance with the requirements, standards, and recommendations of the Missouri State Board of Health, approval of such system as installed shall be obtained from such authority.

C--14 SEWAGE DISPOSAL

No individual sewage-disposal system shall be permitted on any lot unless such system is designed, located and constructed in accordance with the requirements, standards, and recommendations of the Missouri State Board of Health, approval of such system as installed shall be obtained from such authority.

C--15 DRIVEWAY ENTRANCES

All driveways shall be constructed in such a manner as not to impair the existing drainage.

C--16 THEODOSIA HILLS COUNTRY CLUB

All initial property owners herein shall be eligible for honorary membership to the Theodosia Hills Country Club and shall also be eligible at such time that initial improvements begin on such lot for free membership to the Theodosia Hills Country Club for a period of one year and all privileges given therewith.

C--17 VEHICLES AND EQUIPMENT

No junk cars or trucks will be allowed to be parked on the lot or on the street. Trucks in excess of 3/4 ton, heavy equipment, farm equipment, etc. shall be allowed to be parked, either on the streets or lots over night except on those lots where construction is in process.

C--18 DETACHED BUILDINGS

All approved detached buildings including garages, shall be finished in material similar to the dwelling.

Part D. GENERAL PROVISIONS

D--1 TERM

These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of twenty-five years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of 10 years unless an instrument signed by a majority of the then owners of the lots has been recorded, agreeing to change said covenants in whole or in part.

D--2 ENFORCEMENT

Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or to recover damages.

D--3 SEVERABILITY

Invalidation of any one of these covenants by judgment or court order shall in no wise effect any of the other provisions which shall remain in full force and effect.

PART E. SPECIAL PROVISIONS

E--1 MEMBERSHIP

The Architectural Control Committee is composed of Gene Wood, Clement Voss, and James K. Tracey, all of Theodosia, Missouri (names and addresses of three members.) A majority of the committee may designate a representative to act for it. In the event of death or resignation of any member of the committee, the remaining members shall have full authority to designate a successor. Neither the members of the committee, nor its designated representative shall be entitled to any compensation for services performed pursuant to this covenant. At any time, after 10 years from this date, the then recorded owners of a majority of the lots shall have the power through a duly recorded written instrument to change the membership of the committee or to withdraw from the committee or restore to it any of its powers and duties.

E--2 PROCEDURE

The committee's approval or disapproval as required in these covenants shall be in writing. In the event the committee, or its designated representative, fails to approve or disapprove within 30 days after plans and specifications have been submitted to it, or in any event, if no suit to enjoin the construction has been commenced prior to the completion thereof, approval will not be required and the related covenants shall be deemed to have been fully complied with.

Dated at Ozark County, Missouri, and signed this 20th day of March, 1967.

/s/ Clement Voss
Clement Voss, Sponsor

Subscribed and sworn before me this 20th day of March, 1967.

H. Ackermann
Notary Public

(SEAL)
My commission Expires May 3, 1967

Filed for record this 4th day of August, 1967, at 4:30 P.M.

By: Joyce Smith, Deputy

Billy D. Hambelton, Recorder