

649-321

AGREEMENT TO MODIFY RESTRICTION

This Agreement entered into by and between Cape Town Village, Inc., subdivider, grantor and legal owner of certain lots in Cape Town Village South, Plat #2, party of the First Part, and all the other present legal owners of record of lots in Cape Town Village South, Plat #2, parties of Second Part:

WHEREAS, party of the First Part subdivided and platted Cape Town Village South, Plat #2 in Plat Book 21, Page 12, Recorder of Deeds, Jefferson County, Missouri, and by reference to Plat Book 568, Page 34 adopted Indentures of Trust and Restrictions for Cape Town Village South Subdivision, Jefferson County, and

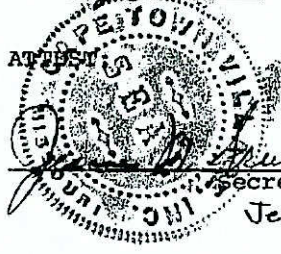
WHEREAS, the party of the First Part has requested that said restriction be modified so as to grant to the party of the First Part, its heirs and assigns, the right to use lots 320, 321, 322, 323 and 324 of Cape Town Village South, Plat #2 for development and operation of a child care and child preschool commercial activity and use and parties of the Second Part, having agreed to such modification:

Now, Therefore, in consideration of the sum of One Dollar and other good and valuable considerations paid by the party of the First Part to the parties of the Second Part, the receipt of which is hereby acknowledged, the parties of the Second Part hereby consent that the said restrictive covenants be and the same hereby are changed and modified so that the party of the First Part, its grantees, heirs and assigns, shall have the right, and they are granted the right to use the said lots 320, 321, 322, 323 and 324 of Cape Town Village South, Plat #2 for the commercial development and use of said lots for child care and child preschool activities along with suitable facilities and buildings for such commercial purpose in such a manner as though the said restrictive covenants had never been made.

In Witness Whereof, the parties hereto set their hands

this 20 day of January, 1980.

ATTEST



Jeanne M. Freeman  
Secretary  
JEANNE M. FREEMAN  
Lot #200

CAPE TOWN VILLAGE, INC.

BY: Harry W. Freeman  
HARRY W. FREEMAN

Gerald E. Lada  
GERALD E. LADA  
2507 Weymouth

Lot #204

Steven S. Gay  
STEVEN S. GAY

Cheryl A. Gay  
CHERYL A. GAY  
2523 Weymouth

Lot #208

Steven W. Bise  
STEVEN W. BIASE  
2539 Weymouth

Lot #213

Martin H. Bondurant III  
MARTIN H. BONDURANT III

Donna M. Bondurant  
DONNA M. BONDURANT  
2557 Weymouth

Lot #215

John R. Lee  
JOHN R. LEE

Debra L. Lee  
DEBRA L. LEE  
2565 Weymouth

Lot #216

Robert J. Matt  
ROBERT J. MATT

Lerma A. Matt  
LERMA A. MATT  
2569 Weymouth

Lot #217

James A. Spiros  
JAMES A. SPIROS

Lynne Marie Bra-Kensien  
LYNNE MARIE BRA-KENSIEN  
2573 Weymouth

Lot #231

David L. Dilthey  
DAVID L. DILTHEY

Mary Ellen Dilthey  
MARY ELLEN DILTHEY  
2522 Weymouth

Lot #237

James E. Powell  
JAMES E. POWELL

Deborah A. Powell  
DEBORAH A. POWELL  
2501 Plymouth

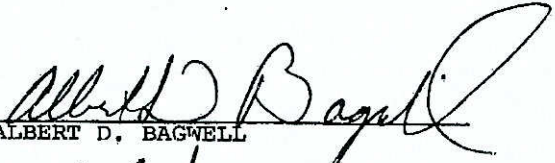
Lot #286


David L. Keeney  
DAVID L. KEENEY

Rebie G. Keeney  
REBIE G. KEENEY  
5348 Belmont

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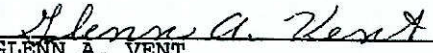
Lot #287

  
 ALBERT D. BAGWELL

  
 PHYLLIS J. HAYES a/k/a Phyllis  
 J. Recar

5344 Belmont

Lot #301

  
 GLENN A. VENT

  
 LAURA L. VENT


2609 Cape Town Village Road


Lot #306

  
 KIM R. WARNER

5323 Waltham Court

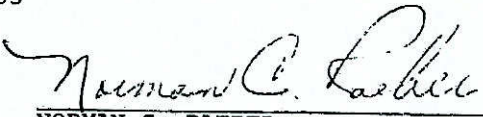
Lot #309


  
 DAVID E. TANNEHILL

  
 LINDA S. TANNEHILL

5335 Waltham Court

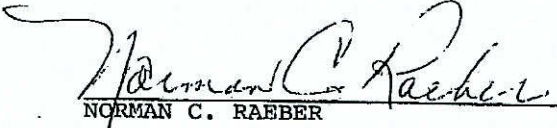
Lot #353

  
 NORMAN C. RAEER

  
 GERALDINE RAEER

5333 Winthrop

Lot #354

  
 NORMAN C. RAEER

  
 GERALDINE RAEER

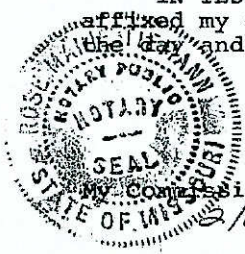
5337 Winthrop

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STATE OF MISSOURI )  
 ) SS  
COUNTY OF JEFFERSON )

On this 22 day of January, 1980, before me appeared Harry H. Tieman to me personally known, who, being by me duly sworn, did say that he is the President of Cape Town Village, Inc., a 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 said Harry H. Tieman 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 in the County and State aforesaid, the day and year first above written.



Rose Marie Tieman  
NOTARY PUBLIC  
Rose Marie Tieman

STATE OF MISSOURI )  
 ) SS  
COUNTY OF JEFFERSON )

On this 22 day of January, 1980, before me personally appeared Gerald E. Lada, Steven J. Gay, Cheryl A. Gay, Steven W. Bise, Martin H. Bondurant III, Donna M. Bondurant, John R. Lee, Debra L. Lee, Robert J. Matt, Lerma A. Matt, James A. Spiros, Lynn Marie Brakensiek, David L. Dilthey, Mary Ellen Dilthey, James E. Powell, Deborah A. Powell, David L. Kenney, Rebie G. Keeney, Albert D. Bagwell, Phyllis J. Hayes, a/k/a Phyllis J. Recar, Glenn A. Vent, Laura L. Vent, Kim R. Warner, David E. Tannehill, Linda S. Tannehill, Norman C. Raerber and Geraldine Raerber to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed, as Parties of the Second Part.

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.



Rose Marie Tieman  
NOTARY PUBLIC  
Rose Marie Tieman

FILED FOR RECORD  
AT...11...O'CLOCK...57...MIN...A...M.

JAN 23 1980

RICHARD KING, RECORDER