

University Hills Subdivision

Summary of our Revised Indenture

Property rights and restrictions

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Assessments

&

Everything you ever wanted to know about
peaceful living in a private Subdivision.

by

Your friendly neighborhood Trustees

November 2002

Board of Trustees University Hills Subdivision University City, Missouri 63130

Welcome to University Hills!

On behalf of all residents, the Trustees of University Hills Subdivision welcome you to one of the premier residential subdivisions in the St. Louis area.

First established as a private Subdivision in 1923, a set of legal documents called "Indentures" govern the rights and responsibilities of all property owners. Recently revised (December 7, 2000), the "University Hills Subdivision Revised and Restated Indenture" is a 20-page legal document which spells out the rights, obligations, restrictions, and liabilities of all property owners.

The purpose of this informal guide is to give new owners a brief, plain-English, non-legal summary of some of the most frequently useful provisions of the Restated Indenture. Our barrister wants us to tell you that this overview does not attempt to cover every provision; nor is it intended to supersede or modify anything in the approved Restated Indenture, or the interpretation thereof. While we believe this informal summary is accurate, any conflicts between this document and the Indentures will be controlled by the express language of the Restated Indenture. Copies of the complete Restated Indenture are available upon request by contacting one of the Trustees shown in Attachment A.

How the Subdivision is Governed

The Subdivision Association is governed by three Trustees (themselves property owners) elected by owners for a three-year term. At least once a year, an annual meeting of Association property owners is held, usually at Flynn Park School. Other meetings may be called for special reasons.

At the annual meeting, the Trustees give a financial report, discuss planned expenditures, and get input from other owners on issues affecting the Association. Property owners vote to fill any open Trustee vacancy at that time.

Property Rights and Use Restrictions

Section 3.02 is a lengthy section containing restrictions that apply to all Lots, owners, and/or residents of any Lot within the Subdivision. Some of the most frequently occurring issues are covered here, however, the reader is again cautioned that this is an informal summary. Not every clause is discussed in this document. For a thorough understanding of this section, one must refer to the complete Restated Indenture.

Keeping this cautionary note in mind, some of the key provisions include:

- The Trustees are responsible for creating rules governing the use of all Common Properties (e.g., islands, tree lawns, walkways, streets, sidewalks, gates, etc.), as well as rules pertaining to subjects such as home maintenance, water run-off, animal control, security, insurance, and garbage disposal, and the general welfare and safety of Owners, residents, and guests.

By the way, "tree lawns" (or "treeways") are the strips of grass between the sidewalk and the street curb. Although the property Owner is responsible for routine maintenance (cutting and watering the grass, watering the trees in this strip, keeping the gutter clean, clearing snow off the sidewalk) of the tree lawn in front of their house, tree lawns are actually considered "Common Property" of the Subdivision. This means the trustees are charged with the maintenance, repair and replacement of the sidewalks and the trees in the tree lawn. Since only the Trustees can approve tree planting in and maintenance of the tree lawns by a Subdivision-approved contractor, please contact the trustees before undertaking any substantial work in the tree lawns.

- No commercial activity of any kind may be conducted on any Lot without the written approval of the Trustees.
- No noxious or offensive activity, nor anything done on a Lot that may become a nuisance or annoyance to the neighborhood. (Examples may include: loud music that can be heard by a neighbor, loud parties, drunken behavior by guests, cats or dogs allowed to roam loose, barking dogs, littering, etc.)
- Owners must keep their Lot (including the tree lawn in front of their property) in good order and repair. (If an Owner doesn't, the Subdivision can, in some cases, take necessary corrective action and bill the Owner for these costs. Example: An absentee Owner allows his/her lawn to go uncut for weeks, creating an eyesore or habitat for vermin. The Trustees are authorized to contract someone to cut the grass and the Owner will be billed for all expenses.)
- Vicious pets, or pets that are a nuisance or annoyance to the neighborhood are prohibited. Trustees have the authority to promulgate additional rules governing pets.
- No signs or advertisements may be displayed without the prior written approval of the Trustees. The only two exceptions are (a) political signs, and (b) signs for the sale/rental of homes. No signs are allowed on Common Properties.
- Construction trailers, sheds, materials, etc. may be kept on a Lot only during construction of a residence.
- No exterior receiver, dish, antenna, mast or similar device (e.g., flagpole) can be installed on any residence Lot with the prior written approval of the Trustees. In no case can it be located in the front yard.
- No Lot can be subdivided or sold without Trustee consent. Entire Lots, however, as shown on the Subdivision Plat, can be sold at will.
- Without prior written approval of the Trustees, no boat, trailer, truck, camper, RV or vehicle of any type or description shall be placed or stored on any Lot, nor parked for any time on the unpaved portion of any Lot, nor on any street overnight. Trustees have authority to

promulgate any further rules on this subject as they deem necessary for the good of the Subdivision.

Special note to truck owners in the Hills: In June 2001, University City passed an ordinance allowing owners of small, non-commercial trucks to apply for a permit to park on public City streets. This does not apply to private subdivisions like University Hills, where our more restrictive covenants apply. Owners of small pickup trucks within the Hills must continue to park them off our streets in this order of preference:

- 1) In their garage, out of sight, or if this is not possible,
- 2) In their driveway behind the front building line, out of sight, or if this is not possible
- 3) In their driveway.

Other Subdivision parking guidelines for vehicles (not trucks) include:

- Please park in your driveway whenever possible. If you must park in the street, park in front of your property, not someone else's. The curb space fronting an Owner's home should be reserved for the Owner and his or her visitors.
- Cars must be parked facing the correct direction of travel. "Wrong way facing" cars will be ticketed.
- Please do not park in your driveway so that your car blocks people from using the sidewalk. You do not want to be responsible for a pedestrian or child injured because they had to walk out into the street because your vehicle blocked the sidewalk.

Violations of our neighborhood parking restrictions will result in the issuance of traffic tickets as often as necessary. Enforcement is through the University City Police Department.

- Any Owner who rents or leases a home to a tenant is responsible for ensuring that the tenant complies with all the provisions of this Indenture.

Frequently Asked Questions about Construction, Renovation, Landscaping, or Fencing Projects

One of the cardinal attributes of a highly desirable neighborhood is that property values consistently increase. This has certainly been the case with University Hills since 1923. One of the principal reasons for the continuing strong values of Hills' homes has been that there are some legal restrictions and guidelines that limit what property owners can and cannot do.

A large portion of the Revised Indenture is therefore devoted to frequently occurring questions regarding fencing, landscaping, renovations, and construction projects that change the appearance and value of a Lot, house, garage, or other outbuildings. In this section, we will try to briefly cover some of the most FAQs residents inquire about.

- The following three pages are a summary of frequently asked questions regarding construction and/or renovation projects that residents commonly inquire about. If a proposed project is shown as "prohibited" in the "Permissible?" column (e.g., front yard fencing), then there is a City ordinance and/or Indenture provision prohibiting that action.

**Frequently Asked Questions – Residence Lot Restrictions
(Sections 3.01 – through 3.05, Revised Indenture)**

Proposed Action	Permissible?	Trustee Approval Required? ¹	Adjacent Neighbors' Approval Required?	City Approval/Permit Required?
Resurface a driveway	Yes	No	No	No
Front yard fencing	Prohibited	N/A	N/A	N/A
Back yard fencing	Restricted ²	Yes	Yes	Yes
Landscape front, side, or back yard	Yes	No	No	No
Remove shrubbery or trees on the Lot proper, e.g., <i>not</i> in the tree lawn	Yes	No	No	No
Trim or remove a tree in the tree lawn	Restricted ³	Yes	N/A	N/A
Install automatic sprinkler system	Yes	No	No	No
Erect a structure that increases the “footprint” of a Lot by >35%	Prohibited	N/A	N/A	N/A
Demolish an existing structure	Yes ⁴	No	No	Possibly—call City Hall
Raise grade of a Lot	Restricted ⁵	Yes	Possibly—discuss with Trustee	No

¹ Just about any project that requires Trustee approval will require you to fill out a “Request for Trustee’ Approval for Construction” form—one is attached to this document for you to duplicate and use.

² For additional details and acceptable materials, see Revised Indenture or discuss with your friendly Trustee. Some materials and/or styles may not be acceptable to the Subdivision and City of University City.

³ Trees in the “tree lawn” (strip between the street and the sidewalk) are Common Property owned by the Subdivision. Trimming, removal, care, and planting of these trees is exclusively done by an approved contractor paid for by Subdivision funds and authorized by the Trustees.

⁴ *Only* so long as no other structure is being erected in place of the old structure. See Revised Indenture and discuss with a Trustee if trash dumpster is needed. If another structure *is* being erected, Trustee review and approval is required prior to any work.

⁵ For additional details, see Revised Indenture or discuss with a Trustee.

**Frequently Asked Questions – Residence Lot Restrictions
(Sections 3.01 – through 3.05, Revised Indenture)**

Proposed Action	Permissible?	Trustee Approval Required?*	Adjacent Neighbors' Approval Required?	City Approval/Permit Required?
Build a back yard patio	Yes	Possibly—discuss with a Trustee ⁶	Possibly—depends on scope, materials, etc. (see footnote)	No
Erect or move air conditioning pad	Yes	Yes	Yes	No
Erect a structure that extends existing building lines	Restricted ⁷	Yes	Yes	Yes
Erect a structure > 2 ½ stories high	Prohibited	N/A	N/A	N/A
Erect a screened in <i>front</i> porch	Prohibited	N/A	N/A	N/A
Erect a screened in <i>back</i> or <i>side</i> yard porch	Yes	Yes	Yes	Yes
Erect a wood deck	Restricted ⁸	Yes	Yes	Yes
Erect a building or structure <i>without</i> a pitched roof, e.g., a flat roof line	Prohibited	N/A	N/A	N/A
Inside renovations that <i>do not</i> change the outside appearance of a house in <i>any</i> way, e.g., renovate a kitchen, bath, etc.	Yes	No	No	Yes
Inside renovations that <i>may/will</i> change the outside appearance of a property, e.g., add or eliminate a window, change the building line(s), expand a room, etc.	Yes	Yes	Yes	Yes

* Note: Just about any project that requires Trustee approval will require you to fill out a “Request for Trustee’ Approval for Construction” form—one is attached to this document for you to duplicate and use.

⁶ Depends on the scope of the project, materials, visual impact (if any) to adjacent neighbors, etc.—consult with a Trustee.

⁷ For additional details, see Revised Indenture or discuss with a Trustee.

⁸ For additional details, see Revised Indenture or discuss with a Trustee.

**Frequently Asked Questions – Residence Lot Restrictions
(Sections 3.01 – through 3.05, Revised Indenture)**

Action	Permissible?	Trustee Approval Required?*	Adjacent Neighbors' Approval Required?	City Approval/Permit Required?
Paint a house (see below)	Yes	No	No	No
Paint a house a tacky, gross, offensive color	No way!	Good luck getting it!	Ditto	N/A
Install a satellite dish/antenna in the <i>front</i> of a house or yard	Prohibited	N/A	N/A	N/A
Install a <i>small</i> dish/antenna in the <i>back</i> or <i>side</i> of a house	Yes	No	No	No
Build a water fountain in a <i>back</i> yard	Yes	Possibly—discuss with a Trustee	No	No
Build a hot tub in a back yard	Yes ⁹	Yes	Yes	Yes
Build a pool in a back yard	Yes ¹⁰	Yes	Yes	Yes
Build an outside dog kennel/run	Restricted—discuss with Trustees ¹¹	Yes	Yes	Possibly—call City Hall
Install outside lighting	Yes ¹²	No	No	No
Install burglar alarm	Yes	No	No	No
Install “fenceless” electronic dog barrier	Yes	No	No	No
Erect children’s playhouse/gym set in back yard	Yes	No	No	No

* Note: Just about any project that requires Trustee approval will require you to fill out a “Request for Trustee’ Approval for Construction” form—one is attached to this document for you to duplicate and use.

⁹ Special protective fencing required.

¹⁰ Special protective fencing required.

¹¹ Special protective fencing required.

¹² However, lighting may *not* shine in vehicle operator’s eyes while driving on Subdivision streets, nor onto neighbors’ property.

- If a project is “Restricted—see Trustees for additional details” (for example, back yard fencing), this means the project can be done as long as certain, specific stipulations are complied with, e.g., height of fencing, material, site location, etc. The easiest way to find out what restrictions might apply to a specific proposed project is simply to contact any one of the three Trustees (see Attachment A). They’ll be happy to help.
- Please keep in mind that, as with any legal covenant, it is not possible to predict and address every conceivable new issue, question, situation, trend, or emerging technology. When questions arise requiring interpretation and judgement, the Trustees do what the Indenture requires them to do—carefully consider each unique situation, taking into account the possible impact not only to the property Owner(s) involved, but his or her neighbors, and the Subdivision as a whole.
- The intent, language, and provisions of the Indenture are deliberately designed to “ensure consistency of style” and “aesthetic harmony within the Subdivision as a whole”. Generally, the Trustees are disinclined to approve precedents that our Indenture does not allow; that would not be in keeping with our obligations to “ensure consistency of style and aesthetic harmony”; might weaken the unique character of the Subdivision; or threaten to diminish other Owners’ future property values.

Neighborhood Construction Stipulations

Section 2.01(p) of the Revised Indenture authorizes the Trustees to establish Neighborhood Construction Stipulations necessary to protect the residents of the Subdivision during large, complex, or lengthy construction projects. These stipulations are designed to ensure the project’s timely and proper completion; protect the Common Properties during the project; and protect the general welfare of Owners, residents, and guests of the Subdivision.

Similar construction stipulations are common in this area—most neighborhoods and municipalities have them, as do most other private subdivisions.

- After reviewing a proposed project, the Trustees may make their approval contingent upon satisfactory compliance with certain Neighborhood Construction Stipulations. This additional protection may be deemed necessary if a project of a sizeable nature, (garage, house, house addition, outbuilding, etc.), lengthy (> one month), complex (subcontractors), or might have some impact on the Common Properties (tree lawn, sidewalk, street), neighbors, and/or other Owners (run-off, temporary fencing, trash dumpster, etc.).
- Generally, construction stipulations would not normally be necessary for smaller, less complex projects such as fencing, a deck, installing an air conditioner pad, etc. The Trustees evaluate each project individually and make a decision on a case-by-case basis.
- Our Neighborhood Construction Stipulations spell out in detail certain steps that must be satisfied before any work may commence (for example, posting a site improvement bond or cashier’s check), and specify the conditions which must be complied with by the property Owner/contractor during the duration of the project. Depending on the nature of the project, these stipulations can be lengthy and are not covered here. For additional information, please contact one of your friendly neighborhood Trustees.

How to Get Trustee Approval

If you're contemplating a project, please review the three page chart in this document to see if it's permissible, if Trustee approval is required, and if University City approval might also be required.

- If a proposed project is permissible, call one of the Trustees for any additional information that might pertain to your project. He or she can demystify the approval process and hopefully save you some time and trouble.
- Just about any project that requires Trustee approval will also require you to fill out a "Request for Trustee' Approval for Construction" form—one is attached to this document. For fencing, you'll need to attach a Lot site plan showing exactly where the fencing would be erected, a description of the fence material, and a picture or drawing of the fence style.
- In addition, other, larger projects will probably require detailed architectural plans (e.g., wood decks, room additions, garages, etc.). If you're not sure, ask a Trustee. If your project does require detailed plans, once you have your plans ready for review, call a Trustee and he or she will go over them with you. A "Request for Trustee' Approval for Construction" form will then be completed by you and the Trustee, and permanently attached to the construction plans.
- At that time, the Trustees will be able to make a determination whether additional Neighborhood Construction Stipulations are necessary, and will discuss them with you.
- **In all cases, Trustee approval must first be obtained before applying for any University City building permits.** Knowing this is a private Subdivision, the City will not consider any proposed plans without first seeing evidence of Trustee approval.

Assessments

In order to have the means to comply with the Indenture, assessments are collected each calendar year for each Lot. Article IV of the Revised Indenture discusses revenue provisions in excruciating detail, but here is a summary of the most salient points:

General Assessments

- Each year a General Assessment is collected based on the "assessable front footage" of each Lot.
- Assessments are mailed out in December for the *coming* fiscal year, which starts in April and ends the following March. So, for example, in December 2001, assessments will go out for FY 2002 (April 1, 2002—March 31, 2003).
- The Subdivision uses the accounting firm of Wilhelm & Whitworth, CPA, PC (7777 Bonhomme Ave., Suite 1202, St. Louis, MO 63105-1911, 314-727-1155, fax 314-721-8690) to collect all assessments. Persons or title companies should contact Wihelm & Whitworth directly to verify the status of any outstanding or paid assessments for any Lot.

- In addition to the base amount of the General Assessment, \$0.50 per frontage foot is also assessed and allocated to a capital improvement fund for longer term Subdivision improvements.
- The following table shows the currently approved General Assessment schedule. These amounts are subject to change as provided in the Revised Indentures by a vote of assessable owners at a qualified Subdivision meeting.

**General Assessment Schedule
(Per Assessable Front Foot)**

Year	FY 2001	FY 2002 ¹³	FY 2003	FY 2004	2005-2010
Base Amount	\$3.00	\$3.75	\$4.50	\$5.25	\$5.25
Capital Improvement Fund	.50	.50	.50	.50	.50
Total General Assessment	\$3.50	\$4.25	\$5.00	\$5.75	\$5.75

Special Assessments

If the Trustees determine that the cost of an improvement cannot be paid from either the General Assessment nor the Capital Improvement Fund, a Special Assessment can be levied. (The Trustees may also levy a Special Assessment for Litigation costs as well.)

- Any Special Assessment (except for a Special Assessment for Litigation costs) shall only be levied after approval by a majority of votes cast by owners at a qualified Subdivision meeting.
- In addition, the Trustees may levy, without the need for any approval, a special assessment against any Lot and/or Owner for purposes of making repairs or maintenance to the Lot; or for repairing any damage caused by an Owner, the Owner's employees, contractors, invitees, or tenants.

For instance, if an Owner left town for an extended period without making arrangements to have someone cut his/her grass, the Trustees could have this work done and levy a Special Assessment against that Owner for all costs.

Another example would be if an Owner had to dig up a sidewalk or street to repair a water line running into their house. The Owner is responsible for restoring the Subdivision's Common Property (the sidewalk or street) to the condition it was in before the repair work. If the Owner (or his/her contractor) failed to restore the property to its original condition, the Trustees could perform the necessary work, and then recover all costs by levying a special assessment and/or lien against that Owner and Lot (see next section).

Such special assessments are the exception and not the rule.

¹³ Assessments for FY 2002 (April 2002—March 2003) will be mailed out in December 2001.

Enforcement of Assessments and Liens

- The Owner(s) of any Lot at the time of any assessment, whether General or Special, is personally liable to the Trustees for the payment of that assessment, together with all interest, attorney's fees, and costs.
- All unpaid assessments shall constitute a first lien against a Lot superior to any other lien or encumbrance. If an assessment is not paid within thirty (30) days after the delinquency date, that assessment can bear interest from the date of delinquency at an annual rate equal to the maximum statutory rate. The Trustees may bring legal action (including foreclosure and public sale) against the Owner(s), recording such action in the Office of the Recorder of Deeds of St. Louis County.

Attachments

- A** Trustee names and phone numbers
- B** "Request for Trustee Approval for Construction" form

**Board of Trustees
University Hills Subdivision**

Scott Wilson

7257 Greenway
314-727-7344
Work 314-645-9595
Fax 314-645-1700
scottw@smwilson.com

Jim Wheeler

7336 Kingsbury
314-721-6234
Fax 314-721-5018
jswheeler@sbcglobal.net

Larry Connor

568 Stratford
314-862-5672
Work 314-721-0050
Fax 314-862-6635
yankee6@accessus.net

Wilhelm & Whitworth, CPA, PC

7777 Bonhomme Ave., Suite 1202
St. Louis, MO 63105-1911
314-727-1155
Fax 314-721-8690

University City Services

City Hall	862-6767
Building Permits	862-0770
Weeds and Litter	863-3208, ext. 405/260

University Hills Subdivision Request for Trustees' Approval for Construction

Attachment B

Sections 2.01 (Trustees' Duties and Powers) and 3.02 (Use Restrictions) of the Revised Indenture governing the University Hills Subdivision set forth specific requirements with respect to certain property improvements, and requires the Trustees' prior approval to ensure the planned improvements are in conformity with the Indenture.

In an effort to speed the process along, please provide the following information:

Name _____ **Phone/Fax** _____

Address _____ **E-mail** _____

Description of Project _____

Estimated Start Date _____ **Estimated Completion** _____

Will this project require a refuse container? <i>If Yes, specify exactly where it will be located.</i>	Yes	No	N/A
Have you or a representative reviewed the Indenture?	Yes	No	N/A
Does this replace an existing structure, fence, etc.?	Yes	No	N/A
Will this project change the "footprint" of an existing structure?	Yes	No	N/A
Have you discussed this project with your adjacent neighbors? <i>If any object, please explain who and why.</i>	Yes	No	N/A
Are building plans required and submitted with this application?	Yes	No	N/A
Is this project subject to approval by University City?	Yes	No	N/A

Additional Information _____

TRUSTEES' USE ONLY

Date request received _____

Date additional requested information received _____

Neighborhood Construction Stipulations required *See attached.*

Approved as submitted

Approved subject to attached comments, changes, or conditions

Rejected based on attached comments

Trustees' Signatures

Date _____ **Date** _____ **Date** _____