

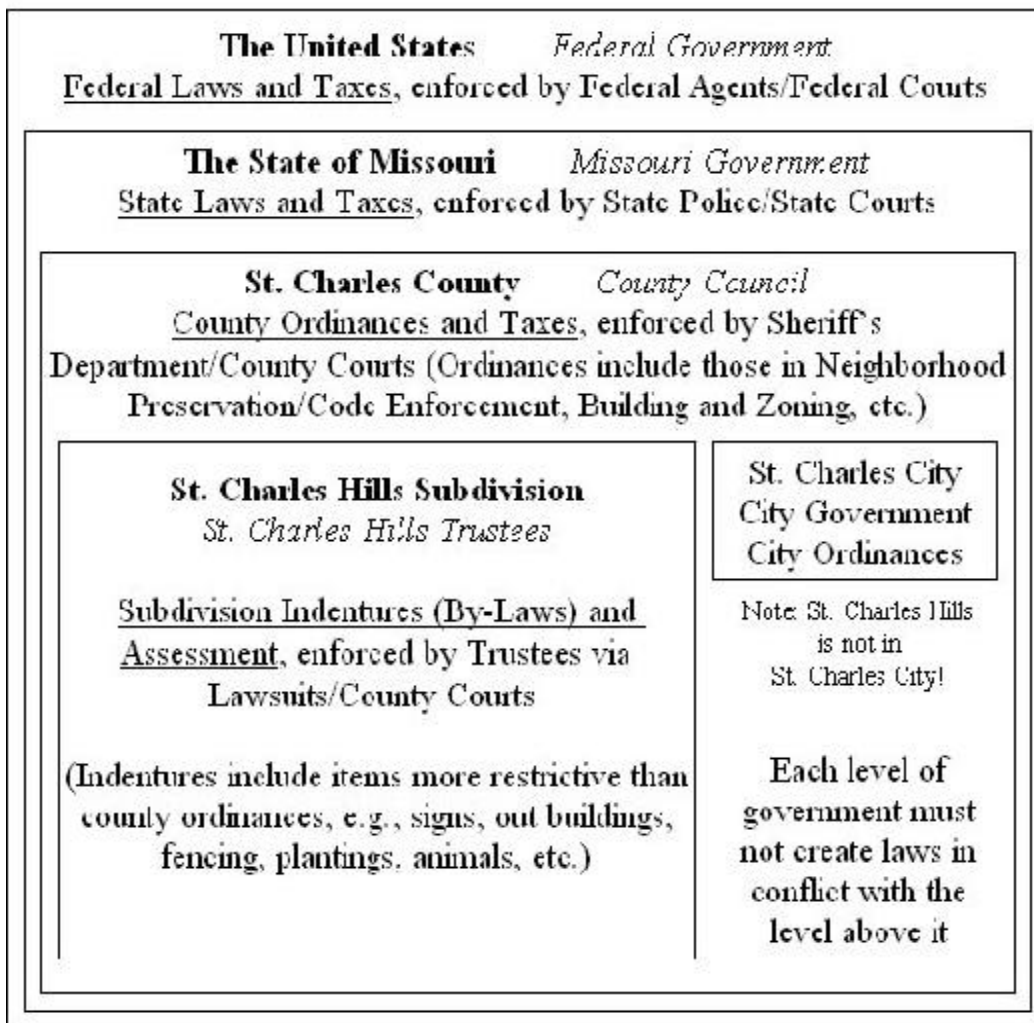
Understanding the Governance of St. Charles Hills Subdivision

The most difficult thing for most St. Charles Hills residents to determine is who to contact when they have a question or complaint. Many residents think that this is always the subdivision Trustees, but often this is not the case. This document is to help St. Charles Hills subdivision residents understand the governance of their subdivision and how it relates to St. Charles County and other government entities.

To start with, the following diagram shows how St. Charles Hills fits in with other governments. Each government is progressively smaller and contained within the next largest government. St. Charles Hills subdivision is the smallest.

The most important part to understand is the difference between county ordinances and subdivision indentures, because parts of these two sets of "rules" are similar in some areas and are easily confused.

The Governance Hierarchy



Level of Government

Governing Body

Laws and Ordinances

The Ordinances of St. Charles County Missouri

An ordinance is an enactment of the legislative body of a local government. St. Charles County ordinances are available at the St. Charles County web site at www.saintcharlescounty.org, or you can request a copy at the county courthouse.

St. Charles Hills subdivision Indentures

The St. Charles Hills "Indentures" are the Conditions, Restrictions, Provisions and Trusteeship, sometimes called "By-Laws". The Indentures are available at the St. Charles Hill subdivision web site at www.saintcharleshills.org, or you can request a copy from the Trustees (for a modest fee to cover costs).

We hear many St. Charles Hills residents say that they have never seen a copy of the Indentures and did not know that they exist. While this is unfortunate, it does not relieve the resident from adhering to the Indentures.

The following is an excerpt of a St. Charles Hills homeowner's General Warranty Deed for their home. (The seller's and homeowner's personal information is grayed out.) Notice the text that has been highlighted inside a rectangular box. What this text means is that the homeowner is responsible for understanding and adhering to the subdivision (St. Charles Hills) indentures which are *on file* with St. Charles County.

This same text was included with this homeowner's Deed of Trust from the financial institution that handled the loan for the purchase of their home. When the seller and the homeowner "closed" on the house the homeowner was given a copy of the Indentures by the title company used during the process.

Your deed contains this same text, therefore you are responsible for its meaning and content.

GENERAL WARRANTY DEED

(INDIVIDUAL)

BOOK 804 PAGE 966

This Deed, Made and entered into this 21 day of June, 1978, by and between

_____ of the County of St. Charles State of Missouri party or parties of the first part, and
_____ of the County of St. Charles State of Missouri party or parties of the second part.

WITNESSETH, that the said party or parties of the first part, for and in consideration of the sum of One Dollar and other valuable considerations paid by the said party or parties of the second part, the receipt of which is hereby acknowledged, does or do by these presents GRANT, BARGAIN AND SELL, CONVEY AND CONFIRM unto the said party or parties of the second part, the following described Real Estate, situated in the County of St. Charles and State of Missouri, to-wit:

Lot _____ of ST. CHARLES HILLS PLAT FOUR, a Subdivision in St. Charles County, Missouri, as per plat thereof recorded in Plat Book 11 page 41 of the St. Charles County records.

Subject to building lines, easements, conditions, and restrictions now of record, if any.

STATE OF MISSOURI
COUNTY OF ST. CHARLES
RECORDER OF DEEDS
FILED FOR RECORD

11236

JUN 21 1978

Interpreting laws, ordinances, and indentures

At times laws need to be interpreted and decisions need to be made regarding the scope and intent of the law. This is done at the higher levels of government by the courts, (in particular at the federal and state levels by a "Supreme Court".) At the St. Charles Hills subdivision level there are no courts, so the duty of interpreting the subdivision Indentures becomes one that the Trustees must assume.

Understanding the Ordinances and Indentures

Many St. Charles Hills residents never have the need to familiarize themselves with St. Charles County Ordinances or St. Charles Hill Indentures. Any resident that maintains their home in a normal manner and does not build or change any structure will probably never violate an Ordinance or Indenture. *But if there is ever a complaint against a homeowner or a resident, or if a resident has any question as to whether another homeowner or resident is adhering to the Ordinances or Indentures, there is no substitute for obtaining, reading, and understanding the Ordinances and Indentures!* (Unless this is done, a complainant against another party will not be able to accurately determine the validity of the complaint.)

Working with your Trustees to solve problems

The Trustees of St. Charles Hills subdivision will always be glad to help you solve a problem, but you cannot expect them to do all the work, especially if it involves St. Charles County Ordinances.

The Trustees have created a Contact List that provides contact information for a large number of agencies, services, and utilities. This list of contacts is available at the St. Charles Hill subdivision web site at www.saintcharleshills.org, or you can request a copy from the Trustees.

If you have a question or problem, first check this list to see if you can simply make a phone call or send an email to the proper organization to begin the process of answering your question or solving your problem.

Do not expect your problem to be solved immediately!

Keep a record of each time you make contact with the organization. Ask the person you contact how long it should take to resolve the issue or ask them to get back to you when they believe the issue is resolved. One of the main reasons that some problems do not get solved is that the complainant does not follow up. If they investigate an incident and are not able to take any action, you must continue contacting them each time the incident happens.

If your problem is not solved after a number of contacts, then contact your Trustees to ask for additional help.