

Boone County, Missouri

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Recorded in Boone County, Missouri

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Grantor: MILL CREEK MANOR INC
Grantee: WYNDHAM RIDGE HOMES ASSOCIATION OF ...

Instrument Type: MISC
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No. of Pages: 15


Bettie Johnson, Recorder of Deeds



CLARIFICATION OF AMBIGUITIES AND UNCERTAINTIES EXISTING AS TO THE EXISTENCE OR NON-EXISTENCE OF RESTRICTIONS ON THE RENTING OR LEASING OF LIVING UNITS/DWELLING UNITS LOCATED WITHIN EACH OF THE LOTS OF THE VILLAGE AT WYNDHAM RIDGE, PLAT NO. 2, THE VILLAGE AT WYNDHAM RIDGE, PLAT NO. 3, AND WYNDHAM RIDGE, PLAT NO. 2, ALL LOCATED IN COLUMBIA, BOONE COUNTY, MISSOURI

Developer/Grantor: Mill Creek Manor, Inc., a Missouri corporation [address: Attn: Fred W. Overton, Vice President, 2712 Chapel Wood View, Columbia, MO 65203]

Grantee: Wyndham Ridge Homes Association of Columbia, a not for profit corporation of the State of Missouri, and Lot Owners of Lots located within all plats of Wyndham Ridge [address: c/o Fred W. Overton, 2712 Chapel Wood View, Columbia, MO 65203]

Legal Description: The following described situated in Boone County, Missouri:

See Exhibit A hereto

Date: May 1, 2014

Nora Dietzel, Recorder of Deeds

CLARIFICATION OF AMBIGUITIES AND UNCERTAINTIES EXISTING AS TO THE EXISTENCE OR NON-EXISTENCE OF RESTRICTIONS ON THE RENTING OR LEASING OF LIVING UNITS/DWELLING UNITS LOCATED WITHIN EACH OF THE LOTS OF THE VILLAGE AT WYNDHAM RIDGE, PLAT NO. 2, THE VILLAGE AT WYNDHAM RIDGE, PLAT NO. 3, AND WYNDHAM RIDGE, PLAT NO. 2, ALL LOCATED IN COLUMBIA, BOONE COUNTY, MISSOURI

[THIS DOCUMENT IS INTENDED TO CLARIFY AND ELIMINATE AMBIGUITIES DEALING WITH THE APPLICABILITY OF ANY RESTRICTIONS ON THE RENTING OR LEASING OF LIVING UNITS/DWELLING UNITS LOCATED WITHIN THE LOTS PLATTED BY SUCH PLATS]

THIS CLARIFICATION DOCUMENT ("this document") is made, executed and recorded by **Mill Creek Manor, Inc.**, a Missouri corporation ("the Developer") on this 1st day of May, 2014, in view of the following facts, matters and circumstances:

BACKGROUND RECITALS
["Recitals"]

The Developer was the owner of a large parcel of land ("the Developer's Land") situated in Boone County, Missouri, which consists of 105.82 acres, more or less, which is described on Exhibit 1 to "Annexation Declaration, Annexing Land/Property and Lots to Wyndham Ridge . . ." ("the Original Annexation Declaration") as Exhibit 1 to such Original Annexation Declaration, which such Original Annexation Declaration is recorded in Book 3760 at Page 68 of the Real Estate Records of Boone County, Missouri. The said Exhibit 1 to the said Original Annexation Declaration is incorporated herein by reference, and a copy of same is attached hereto as **Exhibit B**. The said tract of land described on such **Exhibit B** is referred to herein as "the Developer's Land." The Developer still owns Lots within the Developer's Land and the Wyndham Ridge Development hereinafter described.

The Developer committed a portion of the Developer's Land to a development known as "Wyndham Ridge" ("the Development") which is provided for by, and is subject to, a Declaration of Covenants, Easements and Restrictions of Wyndham Ridge ("the Declaration") recorded in Book 3358 at Page 165 of the Real Estate Records of Boone County, Missouri. Such Declaration of Covenants, Easements and Restrictions of Wyndham Ridge has been amended and supplemented as follows:

- By an Affidavit of Scrivener's Error recorded in Book 3690 at Page 33 of the Real Estate Records of Boone County, Missouri ("Affidavit of Scrivener's Error");
- By a "Correction to Declaration of Covenants, Easements and Restrictions of Wyndham Ridge, a Subdivision of Columbia, Boone County, Missouri", recorded in Book 3808 at Page 40 of the Real Estate Records of Boone County, Missouri ("the Correction to Declaration").

Such Declaration, and the Affidavit of Scrivener's Error and the Correction to Declaration, read together collectively, now constitute the Declaration and are referred to herein as "the Original Declaration."

Lots in Wyndham Ridge, Plat No. 1, meaning Lots 101 through 144, both inclusive, of Wyndham Ridge, Plat No. 1, as shown by the plat of Wyndham Ridge, Plat No. 1 recorded in Plat Book 41 at Page 68 of the Real Estate Records of Boone County, Missouri, initially constituted the "Parcel," which was subjected by the Original Declaration to all of the easements, restrictions, reservations and covenants of the Original Declaration. The Original Declaration, however, provided that additional real estate could be annexed to the "Parcel" of the Development provided for by the Original Declaration, which such Parcel originally consisted of such Lots of Wyndham Ridge Plat No. 1. The "Annexation Parcel," which contained land which could be annexed to the Wyndham Ridge, was that parcel of land described on Exhibit 2 (Revised/Corrected Exhibit B) to the Affidavit of Scrivener's Error. All of the Lots of Wyndham Ridge, Plat No. 2 and the Village at Wyndham Ridge, Plat No. 2, and the Village at Wyndham Ridge, Plat No. 3, are located within the "Annexation Parcel" and are, therefore (or were), eligible for annexation to the Wyndham Ridge Development provided for by the Original Declaration.

The Original Declaration contained:

- A. Architectural Control Provisions, which appear in Article VII; and
- B. Use Restrictions, which appear in Article XI.

The Original Declaration also defined the term "Family" in Section 13 of Article I, which such Section 13 stated that there would be no prohibitions, other than those provided for by Section 1 of Article XI of the Original Declaration, against the renting or leasing of dwellings.

The Original Declaration provided that as various portions of the Annexation Parcel were annexed to the Wyndham Ridge Development ("the Development"), the Developer could, by the Annexation Declarations annexing such portions of the Annexation Parcel to the Development, provide that differing Architectural Control Provisions (those different than Article VII of the Original Declaration) and differing Use Restrictions (those of Article XI of the Original Declaration) could be made applicable to the various portions of the Annexation Parcel which were annexed to the Development.

Article XI of the Original Declaration provided, in Section 1 of such Article XI ("Use Restrictions") as follows:

a. "Each Living Unit . . . shall be used solely as a residence for a single Family. . . as hereinabove defined in Section 13 of Article I of this Declaration [but] there shall be no prohibitions upon renting or leasing of Living Units, but such provisions notwithstanding . . . " certain provisions as set forth in paragraphs a through f of such Section 1 would apply;

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b. Each Living Unit must be used as a residence by one "Family" and only one "Family," as the term "Family" was defined in Section 13 of Article I;

c. No Lot Owner or Unit Owner, other than the Developer, may own more than one (1) Living Unit within the Development, which is used for rental or lease purposes;

d. Specifically, no Unit Owner or Lot Owner may own more than one Living Unit which is rented or leased or is held for rental or lease purposes, or is offered for rental or lease to persons other than the Lot Owner or Unit Owner, other than the Developer;

e. The prohibitions against ownership for rental or lease purposes apply not just to the Lot Owner or Unit Owner, but also include the Owner's spouse and members of the Owner's Immediate Family (spouses, children and parents) and any corporation, limited liability company, partnership, trust or other entity in which the Owner or Family Member has a substantial interest (more than 5% ownership interest);

f. Any Living Unit which is rented or leased must be personally by the renters or lessees and members of their Families, and no Living Unit which is rented or leased can be occupied by unmarried persons or persons who are not living with their spouses, who have attained the age of at least 25 years or a college bachelor's degree.

The original "Annexation Declaration" ("the Original Annexation Declaration"), which annexed any portion of the Annexation Parcel to the Development was the "Annexation Declaration" that was recorded January 19, 2011, in Book 3760 at Page 68 of the Real Estate Records of Boone County, Missouri. That Original Annexation Declaration, among other things:

1. Annexed Lots 201 through 265, both inclusive, of the Village at Wyndham Ridge, Plat No. 2 (as shown by plat recorded in Plat Book 44 at Page 26) to the Development; and

2. Annexed some Lots in the Village at Wyndham Ridge, Plat No. 1 to the Development; and

3. Amended the Architectural Control Provisions of Article VII of the Original Declaration [with the amended provisions of such Article VII to apply only to Lots 201 through 264, both inclusive, of the Village at Wyndham Ridge, Plat No. 2], by striking Article VII of the Original Declaration (solely as it would apply to such Lots 201 through 264, both inclusive, of the Village at Wyndham Ridge, Plat No. 2), and by inserting a new Article VII, which such amended Article VII, "Architectural Control," would apply only to Lots 201 through 265, both inclusive, of Village at Wyndham Ridge, Plat No. 2. This Original Annexation Declaration, as to those Lots, struck all of the provisions of Article VII of the Original Declaration, and substituted a new Article VII, which would apply to such Lots. The amended (substituted) Article VII contained a Section 1, "Definitions." One of those definitions was a definition of "Family." The definition of the "Family" was essentially the same definition as appeared in Section 13 of Article I of the Original Declaration,

but did state, at two locations, in bold faced type, that **"there shall be no prohibitions upon renting or leasing of dwellings."** This amended Section 1 of the amended (substituted) Article VII stated that "For purposes of this Declaration and particularly for purposes of this Article VII, the following terms shall have the following meanings. . . ." and then proceeded, among other things, to substitute the definition of "Family" which stated that **"there shall be no prohibitions upon renting or leasing of dwellings"**; whereas Section 13 of Article I of the Original Declaration stated that there would be no prohibitions upon renting or leasing of dwellings **other than those appearing in Section 1 of Article XI** (emphasis added), which such provisions of Section 1 of Article XI are referred to above in this letter.

The Original Annexation Declaration which annexed Lots 201 through 264 of the Village at Wyndham Ridge, Plat No. 2, further stated as to the Use Restrictions, those of Article XI of the Original Declaration, as follows:

"Article XI, Use Restrictions, shall apply to each Lot, Building and improvement, and the Owners, tenants and occupants thereof, of the Village at Wyndham Ridge, Plat No. 2 (meaning each of Lots 201 through 265 thereof, both inclusive)," and that such Lots "shall be subject to all the provisions of Article XI (Use Restrictions) of the Declaration, including each of Sections 1 through 37 of such Article XI, **except to the extent that any of the provisions of such Article or such Sections conflict with or are inconsistent with the provisions of Article VII of the Declaration, modified as per paragraph Third of this Annexation Declaration, in which case the provisions of such modified Article VII, Architectural Control Provisions, shall govern.**" [Emphasis added]

The Lots of Wyndham Ridge, Plat No. 2, meaning Lots C-1 (Common Area) and Lots 201 through 236, both inclusive, as shown by the plat of Wyndham Ridge, Plat No. 2, recorded in Plat Book 47 at Page 1, were annexed to the Development by Annexation Declaration ("the Wyndham Ridge Plat 2 Annexation Declaration") recorded August 26, 2013, in Book 4209 at Page 106 of the Boone County Records, which such Wyndham Ridge Plat 2 Annexation Declaration was apparently mistakenly re-recorded on November 13, 2013, in Book 4240 at Page 106 of the Boone County Records. That Wyndham Ridge Plat 2 Annexation Declaration for Lots in Wyndham Ridge, Plat No. 2, stated, in relevant part, as follows:

- a. Such Lots were annexed to the Development;
- b. Such Lots "shall be subject to the Architectural Control Provisions and requirements as they apply to Lots 201 through 264, both inclusive, of the Village at Wyndham Ridge, Plat No. 2; such Architectural Control Provisions being those set forth in the amended Article VII of the Declaration . . . as set forth in the Original Annexation Declaration recorded in Book 3760 at Page 68";

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c. "Each of the said Lots 301 through 312, both inclusive, of Wyndham Ridge, Plat No. 2, as hereinabove described, shall be subject to all of the Use Restrictions, as set forth in Article XI ("Use Restrictions") of the Original Wyndham Ridge Declaration recorded in Book 3358 at Page 165 of the Real Estate Records of Boone County, Missouri, as amended by the above described Affidavit of Scrivener's Error and the above described "Correction to Declaration of Covenants, Easements and Restrictions of Wyndham Ridge, a Subdivision of Columbia, Boone County, Missouri";

A comparable Annexation Declaration, virtually identical to the Wyndham Ridge Plat No. 2 Annexation Declaration, has been recorded as to Lots 301 through 312, both inclusive, of the Village at Wyndham Ridge, Plat No. 3, as shown by plat of the Village at Wyndham Ridge, Plat No. 3, recorded in Plat Book 46 at Page 40 of the Real Estate Records of Boone County, Missouri. This "Village at Wyndham Ridge Plat 3 Annexation Declaration" is essentially identical to the Wyndham Ridge Plat 2 Annexation Declaration, in that:

a. It makes the Lots subject to the Architectural Control Provisions of that Article VII which appears in the Original Annexation Declaration; and

b. It states as to the Article VII, Use Restrictions, as follows:

"B. Each of the said Lots 301 through 312, both inclusive, of the Village at Wyndham Ridge, Plat No. 3, as hereinabove described, be subject to all of the Use Restrictions as set forth in Article XI ("Use Restrictions") of the Original Declaration recorded in Book 3358 at Page 165 of the Real Estate Records of Boone County, Missouri."

As to the Lots in Wyndham Ridge, Plat No. 1, it is clear that the provisions of Section 1 of Article XI restrict the number of Living Units/Dwelling Units which may be held in Wyndham Ridge, Plat No. 1, for rental or lease purposes, to no more than one (1) Living Unit/Dwelling Unit. However, subject to that exception (meaning no Lot Owner or Unit Owner can own more than one Lot, Unit, Living Unit or Dwelling within Wyndham Ridge, Plat No. 1 for rental or lease purposes), there are no restrictions on the renting or leasing of Dwellings located in Wyndham Ridge, Plat No. 1, although some additional descriptions as to the requirements for the tenants are set forth in Section 1 of Article XI of the Declaration.

The provisions of the Original Declaration, as amended by the Original Annexation Declaration, as they apply to the Lots of the Village at Wyndham Ridge, Plat No. 2, leave room for ambiguity or uncertainty, in that

1. The Original Annexation Declaration provided that each of Articles VII (Architectural Control Provisions) and XI (Use Restrictions) could be changed as to portions of the Annexation Parcel annexed to the Development.

2. Article VII was totally changed as to the Lots of the Village at Wyndham Ridge, Plat No. 2, by the Original Annexation Declaration of January 19, 2011, which inserted a totally amended Article VII that was, later, also made applicable to the Lots in Wyndham Ridge, Plat No. 2, and the subsequent Village at Wyndham Ridge Plat 3 Annexation Declaration.

3. The amended Article VII had its own definition of "Family" and stated that there would be no restrictions on renting or leasing, whereas the original definition of "Family" in Section 13 of Article I of the Original Declaration (essentially the same definition) stated that there would be no restrictions on renting or leasing other than those set forth in Section 1 of Article XI of the Original Declaration. The new definition of "Family" in Section 1 of Article VII made applicable to the Lots in the Village at Wyndham Ridge, Plat No. 2 and Wyndham Ridge, Plat No. 2, made no reference to the restrictive provisions of Section 1 of Article XI of the Original Declaration.

4. The provisions of the Original Annexation Declaration annexed the Lots of the Village at Wyndham Ridge, Plat No. 2 to the Development and stated that the Lots would be subject to all of the provisions of Section 1 through 37 of Article XI of the Original Declaration [. . . except to the extent that any of the provisions of such Article or such Sections conflict with or are inconsistent with the provisions of Article VII of the Declaration, modified as per paragraph Third of [this] Annexation Declaration (the one which annexed the Lots of the Village at Wyndham Ridge, Plat No. 2 to the Development), in which case the provisions of such modified Article VII, Architectural Control Provisions, shall govern]. (Emphasis added)

Ambiguity is also created by the provisions of the Wyndham Ridge, Plat No. 2 Annexation Declaration, and the Village at Wyndham Ridge, Plat No. 3 Annexation Declaration, in that both of such Annexation Declarations:

a. State that the Architectural Control Provisions of the new Article VII of the Declaration, as inserted by the Original Annexation Declaration will apply to the Lots so annexed to the Development;

b. State that "each of said Lots. . . shall be subject to all of the Use Restrictions, as set forth in Article XI ("Use Restrictions") of the Original Wyndham Ridge Declaration recorded in Book 3358 at Page 165 of the Real Estate Records of Boone County, Missouri . . . "

Conflicting conclusions can be reached as to the applicability of the provisions of Section 1 of Article XI of the Original Declaration (which limit the number of Units which may be held for rental purposes and impose other restrictions on rental units as to Lots in the Village at Wyndham Ridge, Plat No. 2, Lots within Wyndham Ridge, Plat No. 2, and Lots within the Village at Wyndham Ridge, Plat No. 3) and there is, therefore, an ambiguity or uncertainty apparent in the documents which govern the various plats of Wyndham Ridge Development. Conflicting interpretations could be reached as follows:

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i. All of the Lots in the entire Development, including those in the Village at Wyndham Ridge, Plat No. 2, Wyndham Ridge, Plat No. 2, and the Village at Wyndham Ridge, Plat No. 3, are subject to all of the limitations of Section 1 of Article XI of the Original Declaration, including those to the effect that no more than one Dwelling Unit can be held in the entire Development for rental or lease purposes; or

ii. Whereas the Lots and Dwelling Units in Wyndham Ridge, Plat No. 1, are subject to such limitations, no such limitations apply as to the Village at Wyndham Ridge, Plat No. 2 Lots annexed to the Development by the Original Annexation Declaration, but the Lots in Wyndham Ridge, Plat No. 2 and the Village at Wyndham Ridge, Plat No. 3, are subject to such limitations; or

iii. Whereas the Lots and Dwelling Units in Wyndham Ridge, Plat No. 1, are subject to the numerical restrictions on the number of Dwelling Units which can be held for rental or lease purposes (meaning one Dwelling Unit held for such purposes), and other restrictions of Section 1 of Article XI of the Original Declaration, such limitations do not exist as to any of the Lots in the Village at Wyndham Ridge, Plat No. 2, Wyndham Ridge, Plat No. 2, or the Village at Wyndham Ridge, Plat No. 3.

The question raised by the ambiguity or perceived ambiguity is whether the Lots/Living Units/Buildings in the Village at Wyndham Ridge, Plat No. 2, the Village at Wyndham Ridge, Plat No. 3, and Wyndham Ridge, Plat No. 2, are subject to the restrictions on the number of Living Units which any Lot Owner may hold for rental or lease purposes, and other restrictions, specified in Section 1 of Article XI of the Original Declaration, which provide, among other things, that no Lot Owner can hold more than one Living Unit for rental or lease purposes, and provide other limitations stated in such Section 1 of Article XI of the Original Declaration.

The intention of the Developer was that these numerical restrictions on the renting or leasing of Living Units, which apply to Wyndham Ridge, Plat No. 1, and other limitations of Section 1 of Article XI of the Declaration, would not apply to the Living Units located in the Village at Wyndham Ridge, Plat No. 2, or the Village at Wyndham Ridge, Plat No. 3, but would apply to Lots in Wyndham Ridge, Plat No. 2. The Developer, therefore, pursuant to its reserved powers set forth in Article XIX of the Original Declaration, desires to clarify, to the extent necessary, the provisions of the Original Annexation Declaration, the provisions of the Village at Wyndham Ridge Plat 3 Annexation Declaration, and the provisions of the Wyndham Ridge Plat 2 Annexation Declaration, in order to eliminate confusion, and desires to clarify the Developer's intention as to such documents.

Article XIX of the Original Declaration provides that the Developer, in the exercise of good faith and reasonable judgment may, among other things:

- a. Correct any errors in the Declaration;
- b. Amend the Declaration in order to reflect the Developer's intentions;

c. ~~Correct any obvious errors in the Declaration;~~

d. Correct obvious or blatant or patent errors or mistakes in the Declaration;

e. Eliminate confusion in the enforcement of, construction of, understanding of or application of any of the provisions of the Declaration.

WHEREFORE, the Developer does hereby state, declare, promise, covenant and agree as follows:

1. Intentions. The intentions of the Developer behind, and the purposes of certain of the provisions of the Original Annexation Declaration, and the Village at Wyndham Ridge Plat 3 Annexation Declaration, were that there would be no restriction on renting or leasing of Living Units/Dwelling Units located within the Lots of the Village at Wyndham Ridge, Plat No. 2, or the Village at Wyndham Ridge, Plat No. 3, and that the sole restrictions were that each such Living Unit/Dwelling Unit would have to be occupied by one Family, as defined in Section 1 of Article VII (Architectural Control) of the Original Annexation Declaration, which such Section 1 appears beginning at the bottom of page 11 of the Original Annexation Declaration, annexing Lots of the Village at Wyndham Ridge, Plat No. 2 to the Development, which such Original Annexation Declaration appears in Book 3760 at Page 68 of the Real Estate Records of Boone County, Missouri. However, to the contrary, the intentions of the Developer behind the Wyndham Ridge Plat 2 Annexation Declaration were that all Lots in Wyndham Ridge Plat 2 would be subject to all of the provisions and restrictions of Section 1 of Article XI ("Use Restrictions") of the original Wyndham Ridge Declaration recorded in Book 3358 at Page 165 of the Real Estate Records of Boone County, Missouri, meaning that all Lots within each of Wyndham Ridge Plat 1 and Wyndham Ridge Plat 2 would be subject to all of the restrictions of such Section 1 of Article XI of the Original Declaration, but that the Lots within the Village at Wyndham Ridge, Plat No. 2, and the Village at Wyndham Ridge, Plat No. 3, would not be subject to such restrictions, the sole restrictions on such Units in the Village Wyndham Ridge, Plat No. 2, and the Village at Wyndham Ridge, Plat No. 3, being that each of the Units/Living Units in each of the Lots of each of such plats must at all times be occupied by and used as a residence solely by a "Family," as defined in paragraph d of Section 1 of Article VII ("Architectural Control"), as such Article VII appears in the Original Annexation Declaration, annexing land/property and Lots to Wyndham Ridge, being that Annexation Declaration which annexed Lots 201 through 265, both inclusive, of the Village at Wyndham Ridge, Plat No. 2, to the Wyndham Ridge Development, and which is recorded in Book 3760 at Page 68 of the Real Estate Records of Boone County, Missouri. However, all other provision and Sections of Article XI of the Original Declaration shall apply to all Lots in the Village at Wyndham Ridge, Plat No. 2 and Plat No. 3, and Wyndham Ridge, Plat No. 2.

2. Correction of Original Annexation Declaration (the Annexation Declaration Which Annexed Lots of the Village at Wyndham Ridge Plat No. 2 to the Development) and the Wyndham Ridge Plat 3 Annexation Declaration. Each of the Original Annexation Declaration described above, and the Village at Wyndham Ridge Plat 3 Annexation Declaration described above, should be

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construed to provide that while each Dwelling Unit/Living Unit within the Lots of the Village at Wyndham Ridge, Plat No. 2, and the Village at Wyndham Ridge, Plat No. 3, can be occupied only by one Building which contains one Living Unit, which such Living Unit shall be occupied solely by a "Family," as defined in paragraph d of Section 1 of Article VII of the Declaration, as inserted by the Original Annexation Declaration, which such Family must use such Living Unit/Dwelling Unit solely for residential purposes, there shall be no restrictions on the renting or leasing of Living Units/ Dwelling Units located within the Lots of the Village at Wyndham Ridge, Plat No. 2, or the Village at Wyndham Ridge, Plat No. 3. Therefore, Section 1 of Article XI ("Use Restrictions") of the Original Declaration, as made applicable to such Lots in the Village at Wyndham Ridge, Plat No. 2, and the Village at Wyndham Ridge, Plat No. 3, should be construed as reading as follows:

"Section 1. One Family Dwelling Purposes. Each Living Unit located within a Building upon a Lot within the Village at Wyndham Ridge, Plat No. 2, and the Village at Wyndham Ridge, Plat No. 3, shall be used solely for, and as a residence, for a single Family. Only one (1) Building, with one (1) Living Unit, shall be placed on each Lot. For purposes of this restriction upon use, a "Family" shall mean a "Family" as defined in paragraph d of Section 1 of Article VII (Architectural Control), as such Article VII appears in Annexation Declaration Annexing Land/Property and Lots to Wyndham Ridge. . .", being that Annexation Declaration which annexed Lots 201 through 265, both inclusive, of the Village at Wyndham Ridge, Plat No. 2, to the Wyndham Ridge Development, which is recorded in Book 3760 at Page 68 of the Real Estate Records of Boone County, Missouri. There shall be no prohibitions upon renting or leasing of Living Units located within the Lots of the Village at Wyndham Ridge, Plat No. 2, and the Village at Wyndham Ridge, Plat No. 3, and none shall be expressed or implied."

However, all other Sections and all other provisions of Article XI ("Use Restrictions") of the original Declaration shall apply to each Lot of the Village at Wyndham Ridge, Plat No. 2 and Plat No. 3.

The intention of the Developer being, at the time of the execution and recording of the Original Annexation Declaration described above, and the Village at Wyndham Ridge Plat 3 Annexation Declaration described above, that there would be no prohibitions upon renting or leasing of Living Units within the Lots of the Village at Wyndham Ridge, Plat No. 2, and the Village at Wyndham Ridge, Plat No. 3, provided that each such Lot and the Living Unit/Unit located therein must at all times be occupied solely by one "Family" as defined in paragraph d of Section 1 of Article VII ("Architectural Control"), as such Article VII appears in the Annexation Declaration annexing land/property and Lots 201 through 265, both inclusive, of the Village at Wyndham Ridge, Plat No. 2, to the Wyndham Ridge Development, which is recorded in Book 3760 at Page 68 of the Real Estate Records of Boone County, Missouri; provided that each Unit/Living Unit within each of such Lots must be occupied solely by a single Family, which uses the Living Unit located within such Lot solely as a residence, with the term "Family" meaning a "Family" as defined in paragraph d of Section 1 of Article VII ("Architectural Control") of such Annexation Declaration recorded in

Book 3760 at Page 68 of the Real Estate Records of Boone County, Missouri. All other provisions and Sections of Article XI shall apply to each Lot in the Village at Wyndham Ridge Plat No. 2 and Plat No. 3.

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3. Correction of Wyndham Ridge Plat No. 2 Annexation Declaration. The Annexation Declaration which annexed to the Wyndham Ridge Development the Lots of Wyndham Ridge, Plat No. 2, which is referred to herein as the "Wyndham Ridge Plat 2 Annexation Declaration," and which is recorded in Book 4209 at Page 106 of the Real Estate Records of Boone County, Missouri, should be construed to provide, as is provided by the Original Declaration for Lots within the plat of Wyndham Ridge, Plat No. 1, that each Dwelling Unit/Living Unit located within the Lots of each of Wyndham Ridge, Plat No. 1, and Wyndham Ridge, Plat No. 2, shall be subject to all of the provisions of, and all of the restrictions of Article XI ("Use Restrictions") of the Original Declaration, including all provisions of Section 1 of Article XI ("Use Restrictions") of the Original Declaration [meaning that "Original Declaration" hereinabove described in this document, meaning the Declaration of Covenants, Easements and Restrictions of Wyndham Ridge recorded in Book 3358 at Page 165 of the Real Estate Records of Boone County, Missouri, as modified and amended by the Affidavit of Scrivener's Error and the Correction to Declaration hereinabove described in the Recitals for this document]. Therefore, all of the provisions of Section 1 of Article XI of the Original Declaration and all other provisions and Sections of such Article XI shall be applicable and shall apply to each of the Lots and all of the Lots within Wyndham Ridge, Plat No. 1, and Wyndham Ridge, Plat No. 2.

IN WITNESS WHEREOF, the Developer has executed this document on the day and year first above written.

MILL CREEK MANOR, INC.

By: Doris Overton
Doris Overton, President

ATTEST:

Fred Overton
Fred Overton, its secretary

Exhibit A - Legal Description

Exhibit B - Annexation Parcel

Boone County, Missouri

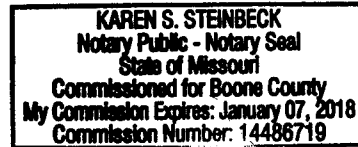
BOONE COUNTY MO MAY 09 2014

STATE OF MISSOURI)
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COUNTY OF BOONE)

On this 1st day of May, 2014, before me appeared Doris Overton, to me personally known, who, being by me duly sworn did say that she is the president of Mill Creek Manor, Inc., a Missouri corporation, and that said instrument was signed on behalf of said corporation by authority of its Board of Directors, and said Doris Overton acknowledged said instrument to be the free act and deed of said corporation.

IN TESTIMONY WHEREOF, I have hereunto affixed my hand and notarial seal at my office in the State and County aforesaid, on the day and year hereinabove first written.

Karen S. Steinbeck
Karen S. Steinbeck, Notary Public
Boone County, State of Missouri
My commission expires: 1-7-2018



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The following described real estate situated in Boone County, Missouri, to wit:

Parcel 1: All Land and Lots [Lots 1 through 144, both inclusive] identified by the Plat of Wyndham Ridge, Plat No. 1, recorded in Plat Book 41 at Page 68 of the Real Estate Records of Boone County, Missouri

Parcel 2: All Land and Lots constituting the Village at Wyndham Ridge, Plat No. 2, meaning Lots 201 through 265, both inclusive, of the Village at Wyndham Ridge, Plat No. 2, as shown by the plat of the Village at Wyndham Ridge, Plat No. 2, recorded in Plat Book 44 at Page 26, of the Real Estate Records of Boone County, Missouri; and

Parcel 3: All Land and Lots constituting the Village at Wyndham Ridge, Plat No. 3, as shown by the plat of the Village at Wyndham Ridge, Plat No. 3, recorded in Plat Book 46 at Page 40 of the Real Estate Records of Boone County, Missouri, including Lots 301 through 312, both inclusive, of the Village at Wyndham Ridge, Plat No. 3, as shown by such plat; and

Parcel 4: All Land and Lots constituting "Wyndham Ridge, Plat No. 2", as shown by the Plat of Wyndham Ridge, Plat No. 2, recorded in Plat Book 47 at Page 1 of the Real Estate Records of Boone County, Missouri, including Lots C1, and 201 through 236, both inclusive, as shown by the said Plat of Wyndham Ridge, Plat No. 2

AUGUST 31, 2010

Unofficial Document

BOONE COUNTY MO JAN 19 2011

A TRACT OF LAND LOCATED IN THE NORTH FRACTIONAL HALF OF SECTION 4, TOWNSHIP 47 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI AND BEING ALL OF TRACT 1 OF THE SURVEY RECORDED IN BOOK 3079 AT PAGE 49 ALSO BEING THE LAND DESCRIBED BY THE TRUSTEE'S DEEDS RECORDED IN BOOK 2804, PAGE 11, AND IN BOOK 3060, PAGE 2 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 4 AS SHOWN IN LAND CORNER DOCUMENT NUMBER 600-29429; THENCE WITH THE WEST LINE OF SAID SECTION 4, N0°16'50"W, 19.45 FEET TO THE POINT OF BEGINNING; THENCE FROM THE POINT OF BEGINNING AND CONTINUING WITH THE WEST LINE OF SAID SECTION 4, N0°16'50"W, 3240.00 FEET TO THE NORTH LINE OF SAID TRUSTEE'S DEED RECORDED IN BOOK 2804, PAGE 11; THENCE WITH THE NORTH LINE OF SAID DEED, N89°44'00"E, 360.02 FEET TO THE NORTHEAST CORNER OF SAID TRUSTEE'S DEED RECORDED IN BOOK 3060, PAGE 2; THENCE WITH THE EAST LINE OF SAID DEED, S0°16'00"E, 169.42 FEET TO AFORESAID NORTH LINE OF THE TRUSTEE'S DEED RECORDED IN BOOK 2804, PAGE 11; THENCE LEAVING THE LINES OF SAID DEED RECORDED IN BOOK 3060, PAGE 2 AND WITH SAID NORTH LINE, S33°16'00"E, 467.99 FEET; THENCE S76°46'00"E, 480.00 FEET; THENCE N72°14'00"E, 540.00 FEET; THENCE N37°14'00"E, 175.00 FEET TO THE SOUTH LINE OF SAID TRUSTEE'S DEED RECORDED IN BOOK 3060, PAGE 1; THENCE LEAVING SAID NORTH LINE AND WITH SAID SOUTH LINE, S68°49'00"E, 740.86 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROUTE KK; THENCE LEAVING SAID SOUTH LINE AND WITH SAID WESTERLY RIGHT-OF-WAY LINE, 143.37 FEET ALONG A 1115.73-FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, SAID CURVE HAVING A CHORD, S25°47'15"W, 142.96 FEET; THENCE S29°27'35"W, 937.00 FEET; THENCE 247.42 FEET ALONG A 2835.26-FOOT RADIUS CURVE TO THE RIGHT, SAID CURVE HAVING A CHORD, S31°57'35"W, 247.34 FEET; THENCE S34°27'35"W, 1471.20 FEET; THENCE 521.27 FEET ALONG A 543.03-FOOT RADIUS CURVE TO THE RIGHT, SAID CURVE HAVING A CHORD, S61°57'35"W, 501.49 FEET; THENCE S89°27'35"W, 450.83 FEET TO THE POINT OF BEGINNING AND CONTAINING 105.82 ACRES

EXCEPTING THEREFROM ALL OF WYNDHAM RIDGE PLAT 1 AS RECORDED IN PLAT BOOK 41 AT PAGE 68 BEING DESCRIBED AS: A TRACT OF LAND LOCATED IN SECTION 4, TOWNSHIP 47 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI AND BEING PART OF TRACT 1 OF THE SURVEY RECORDED IN BOOK 3079, PAGE 49 AND BEING PART OF TRUSTEES DEED RECORDED IN BOOK 2804, PAGE 11 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING ON THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROUTE KK AS SHOWN IN SAID SURVEY RECORDED IN BOOK 3079, PAGE 49 AT PT STATION 76+03.7; THENCE WITH SAID RIGHT-OF-WAY LINE AND THE EAST LINE OF SAID SURVEY, N34°27'35"E, 1169.96 FEET TO THE POINT OF BEGINNING; THENCE FROM THE POINT OF BEGINNING AND LEAVING SAID RIGHT-OF-WAY LINE, N62°55'05"W, 529.31 FEET; THENCE S86°44'45"W, 294.33 FEET; THENCE N15°55'50"W, 189.13 FEET; THENCE N3°50'20"W, 269.39 FEET; THENCE 21.25 FEET ALONG A 1530.00-FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, SAID CURVE HAVING A CHORD S82°02'05"W, 21.25 FEET; THENCE N8°21'50"W, 371.62 FEET; THENCE S83°38'35"E, 638.28 FEET; THENCE N85°33'40"E, 667.75 FEET; THENCE S50°56'15"E, 46.81 FEET; THENCE S3°22'35"E, 282.82 FEET TO SAID WESTERLY RIGHT-OF-WAY LINE OF STATE ROUTE KK; THENCE WITH SAID WESTERLY RIGHT-OF-WAY LINE, S°29'27'35"W, 287.80 FEET; THENCE 247.42 FEET ALONG A 2835.26-FOOT RADIUS CURVE TO THE RIGHT, SAID CURVE HAVING A CHORD S31°57'35"W, 247.34 FEET; THENCE S34°27'35"W, 301.24 FEET TO THE POINT OF BEGINNING AND SAID EXCEPTION CONTAINING 22.70 ACRES.

THE NET AREA OF THIS DESCRIBED TRACT IS 83.12 ACRES.

"EXHIBIT B "

Nora Dietzel, Recorder of Deeds

Unofficial Document

BOONE COUNTY MO JAN 19 2014

Wyndham Ridge Plat No. 1

A TRACT OF LAND LOCATED IN SECTION 4, TOWNSHIP 47 NORTH, RANGE 13 WEST, COLUMBIA, BOONE COUNTY, MISSOURI AND BEING PART OF TRACT 1 OF THE SURVEY RECORDED IN BOOK 3079, PAGE 49 AND BEING PART OF TRUSTEES DEED RECORDED IN BOOK 2804, PAGE 11 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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