

# Boone County, Missouri



Recorded in Boone County, Missouri

Unofficial Document

Date and Time: 08/26/2013 at 04:17:18 PM

Instrument #: 2013022157 Book: 4209 Page: 106

Grantor: MILL CREEK MANOR INC

Grantee: WYNDHAM RIDGE HOMES ASSOCIATION OF ...

Instrument Type: DECL

Recording Fee: \$45.00 S

No. of Pages: 8

  
Bettie Johnson, Recorder of Deeds



**ANNEXATION DECLARATION ANNEXING TO WYNDHAM RIDGE LOTS C1, AND  
201 THROUGH 236, BOTH INCLUSIVE, OF WYNDHAM RIDGE, PLAT NO. 2 AS  
SHOWN BY PLAT OF WYNDHAM RIDGE, PLAT NO. 2 RECORDED IN PLAT BOOK  
47, PAGE 1 OF THE REAL ESTATE RECORDS OF  
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:

All Land and Lots constituting and making up "Wyndham Ridge, Plat No. 2", as shown by the final 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 final Plat of Wyndham Ridge, Plat No. 2.

**Date:** August 23, 2013

Nora Dietzel, Recorder of Deeds

# Boone County, Missouri

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

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All Land and Lots constituting and making up "Wyndham Ridge, Plat No. 2", as shown by the final 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 final Plat of Wyndham Ridge, Plat No. 2.

**ANNEXATION DECLARATION ANNEXING TO WYNDHAM RIDGE LOTS C1, AND 201 THROUGH 236, BOTH INCLUSIVE, OF WYNDHAM RIDGE, PLAT NO. 2 AS SHOWN BY PLAT OF WYNDHAM RIDGE, PLAT NO. 2 RECORDED IN PLAT BOOK 47, PAGE 1 OF THE REAL ESTATE RECORDS OF BOONE COUNTY, MISSOURI**

THIS ANNEXATION DECLARATION ("this Annexation Declaration") is made on this 23<sup>rd</sup> day of August, 2013, by **Mill Creek Manor, Inc.**, a Missouri corporation [mailing address: Attn: Fred W. Overton, 2712 Chapel Wood View, Columbia, MO 65203], which such Mill Creek Manor, Inc. is hereinafter referred to as "the Developer."

**BACKGROUND RECITALS**

**["Recitals"]**

This Annexation Declaration is executed and recorded by the Developer in view of the following facts, matters and circumstances:

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 being incorporated herein by reference. The said tract of land is referred to herein as "the Developer's Land." The Developer still owns substantial parts of the Developer's Land.

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;

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- By an Annexation Declaration Annexing Land/Property and Lots to Wyndham Ridge, a Subdivision of Columbia, Boone County, Missouri, which is referred to herein as “the Original Annexation Declaration”, and which is recorded in Book 3760 at Page 68 of the Real Estate Records of Boone County, Missouri;

- 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; and

- Annexation Declaration Annexing Land/Property and Lots Constituting the Village at Wyndham Ridge, Plat No. 3 . . .” to the Development, recorded in Book 4082 at Page 66 of the Real Estate Records of Boone County, Missouri (“the Plat 3 Annexation Declaration”).

Such Original Declaration recorded in Book 3358 at Page 165 of the Real Estate Records of Boone County, Missouri, as amended and corrected by such Affidavit of Scrivener’s Error, and as amended and supplemented by such Original Annexation Declaration and by such Correction to Declaration, and as supplemented by the Plat 3 Annexation Declaration (all hereinabove described) is referred to herein as “the Declaration” or “the Wyndham Ridge Declaration”. The Wyndham Ridge Declaration currently consists of the Original Declaration, the Affidavit of Scrivener’s Error, the Original Annexation Declaration and the Correction to Declaration, and the Plat 3 Annexation Declaration, all as hereinabove described, and all read together, collectively, and all collectively referred to herein as “the Declaration” or “the Wyndham Ridge Declaration”.

The Developer has previously committed portions of the Developer’s Land to the Development provided for by the Wyndham Ridge Declaration, such Development being known as “Wyndham Ridge”, and being referred to herein as “the Development”.

The Wyndham Ridge Declaration defines an “Annexation Parcel” as including “all of the Developer’s Land . . .”, other than the land located within Wyndham Ridge Plat 1, which was the land originally committed to the Development by the Original Declaration.

Included within the Annexation Parcel is a parcel of land which has been platted as “Wyndham Ridge, Plat No. 2”, as shown by the final Plat of Wyndham Ridge, Plat No. 2 recorded in Plat Book 47 at Page 1 of the Real Estate Records of Boone County, Missouri. All of the land of Wyndham Ridge, Plat No. 2, being that land subject to such final plat of Wyndham Ridge, Plat No. 2 including the Lots C1 and 201 through 236, both inclusive, and all streets, as shown by the said Plat, are referred to, collectively, as “the Parcel to be Annexed”.

The Developer desires to annex the Parcel to be Annexed, to the Wyndham Ridge Development, and to subject same to the Declaration, subject, however, to certain modifications in the Architectural Control Provisions of Article VII of the Declaration, as hereinafter described in this Annexation Declaration.

This Annexation Declaration is executed accordingly

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NOW, THEREFORE, in view of the foregoing Recitals, the Developer does hereby declare that, subject to any modifications hereinafter provided for in this Annexation Declaration, and the provisions hereinafter set forth in this Annexation Declaration, all of the real estate of the Parcel to be Annexed as hereinabove described in the foregoing Recitals, meaning:

A All of, and each of Lots C1 (a Common Area), and 201 through 236 (each a "Lot"), both inclusive, as shown by the final Plat of Wyndham Ridge, Plat No. 2, hereinabove described; and

B. All of the Land which is the subject matter of and which is platted into Lots and streets, as shown by the Plat of Wyndham Ridge, Plat No. 2 hereinabove described,

shall be and the same are hereby:

a. Annexed to the Development provided for by the Declaration; and

b. Subjected to the terms, covenants, conditions, provisions, liens, charges and assessments as provided for by the Declaration;

provided, however, that:

A. the said Land of the Parcel to be Annexed and each of the said Lots 201 through 236, both inclusive, of Wyndham Ridge, Plat No. 2, as hereinabove described (each of which shall be a "Lot" of the Development), 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, which applies to the said Lots 201 through 264, both inclusive of the Village at Wyndham Ridge, Plat No. 2, as set forth in the Original Annexation Declaration recorded in Book 3760 at Page 68 of the Real Estate Records of Boone County, Missouri (such Original Annexation Declaration being incorporated herein by reference the same as though fully set forth herein verbatim, and the said Article VII ("Architectural Control Provisions") being those appearing on pages 6 through 29 of the Original Annexation Declaration); and

B. Each of the said Lots 201 through 236, 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"; and

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C. All other provisions of the Declaration shall apply to, and to be in full force and effect as to each of the Lots of the Parcel to be Annexed, meaning each of the said Lots 201 through 236, both inclusive, and with each of the said Lots to be a "Lot" of the Development and with each Lot Owner of each of the said Lots to be a "Lot Owner" of the Development, and with each of the said Lots to be subject to all of the terms, covenants, conditions and provisions of the Wyndham Ridge Declaration, amended, however, to conform with the provisions of this Annexation Declaration with respect to Article VII and Article XI; and

D. Lot C1 shall be a "Common Area" of the Wyndham Ridge Development, as "Common Areas" are defined and described in the Wyndham Ridge Declaration, including within the provisions of Section 8 of Article I of the Wyndham Ridge Declaration, and the said Lot, and all landscaping and improvements now or hereafter located on the said Lot (all of which shall be "Common Elements" as defined and described in Section 9 of Article I of the Wyndham Ridge Declaration) shall be held by the Association, and shall be repaired, replaced and operated by the Association, for the benefit of all Lot Owners, all as described in the Declaration; and

E. All of the provisions of this document, and the original Annexation Declaration and the Wyndham Ridge Declaration notwithstanding, since Lot 216 of Wyndham Ridge, Plat No. 2, as shown by Plat recorded in Plat Book 47 at Page 1 of the Real Estate Records of Boone County, Missouri abuts upon Lot 144 of Wyndham Ridge, Plat No. 1, no fence shall be placed or installed upon the said Lot 216, except after Architectural Control approval is received from the Developer, the Board of Directors of the Association or its Architectural Control Committee (whichever holds the Architectural Control Powers under Article VII of the Declaration, as amended by the original Annexation Declaration), with the Developer, the Board of Directors of the Association or its Architectural Control Committee (whichever holds the Architectural Control Powers) to have full and complete, and unlimited, and unmitigated, and unfettered discretion to approve or disapprove of any proposed fence to be placed on the said Lot 216, and, in any event, no fence placed on Lot 216 shall extend beyond the 25 foot building line as shown by the Plat of Wyndham Ridge, Plat No. 2.

IN WITNESS WHEREOF, the Developer has executed this Annexation Declaration on the day and year hereinabove first written.

**THIS DOCUMENT CONTAINS A BINDING ARBITRATION PROVISION WHICH MAY BE ENFORCED BY THE PARTIES.**

**MILL CREEK MANOR, INC.**

(Corporate Seal)

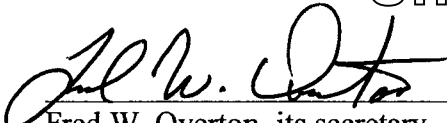
By: *Doris Overton*  
Doris Overton, President

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ATTEST:

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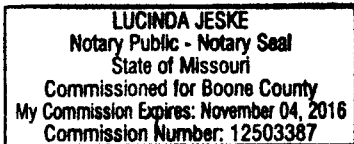
  
Fred W. Overton, its secretary

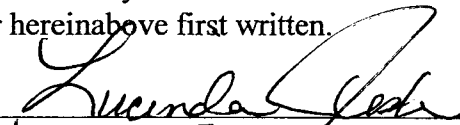
### Exhibit 1 - Legal description of Developer's Land

STATE OF MISSOURI     )  
  ) SS  
COUNTY OF BOONE     )

On this 23<sup>rd</sup> day of August, 2013, 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 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 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.



  
Lucinda Jeske, Notary Public  
Boone County, State of Missouri  
My commission expires: 11-4-2016

# Boone County, Missouri

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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 TRUSTEE'S 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 1"

Nora Dietzel, Recorder of Deeds

# Boone County, Missouri

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BOONE COUNTY MO JAN 19 2011

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:

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 CONTAINING 22.70 ACRES.

Nora Dietzel, Recorder of Deeds