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Instrument #: 2014015406 Book: 4338 Page: 134

Grantor: MILL CREEK MANOR INC

Grantee: WYNDHAM RIDGE HOMES ASSOCIATION OF ...

Instrument Type: ANEX

Recording Fee: \$48.00 S

No. of Pages: 9

Bettie Johnson

Bettie Johnson, Recorder of Deeds



ANNEXATION DECLARATION ANNEXING TO WYNDHAM RIDGE LOTS WITHIN WYNDHAM RIDGE, PLAT NO. 3, AS SHOWN BY PLAT OF WYNDHAM RIDGE PLAT NO. 3 RECORDED IN PLAT BOOK 48 AT PAGE 19 OF THE REAL ESTATE RECORDS OF BOONE COUNTY, MISSOURI, EXCLUDING LOTS D-1, D-2, D-3 AND D-4, WHICH ARE RETAINED BY THE DEVELOPER FOR FUTURE ANNEXATION CONSIDERATION

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:

That parcel of land which is shown and described on Exhibit 1, which is annexed to this Annexation Declaration and is incorporated into this Annexation Declaration by reference, and which has been platted into Lots and streets by the Plat of Wyndham Ridge, Plat No. 3, as shown by plat recorded in Plat Book 48 at Page 19 of the Real Estate Records of Boone County, Missouri, including all of Lots C-1 and 301 through 341, both inclusive, as shown by the said plat of Wyndham Ridge Plat No. 3, but excluding from this Annexation Declaration Lots D-1, D-2, D-3 and D-4, which are retained by the Developer for consideration for future annexation purposes

Date: August 11, 2014

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

That parcel of land which is shown and described on Exhibit 1, which is annexed to this Annexation Declaration and is incorporated into this Annexation Declaration by reference, and which has been platted into Lots and streets by the Plat of Wyndham Ridge, Plat No. 3, as shown by plat recorded in Plat Book 48 at Page 19 of the Real Estate Records of Boone County, Missouri, including all of Lots C-1 and 329 through 341, both inclusive, as shown by the said plat of Wyndham Ridge Plat No. 3, but excluding from this Annexation Declaration Lots D-1, D-2, D-3 and D-4, which are retained by the Developer for consideration for future annexation purposes

ANNEXATION DECLARATION ANNEXING TO WYNDHAM RIDGE LOTS WITHIN WYNDHAM RIDGE, PLAT NO. 3, AS SHOWN BY PLAT OF WYNDHAM RIDGE PLAT NO. 3 RECORDED IN PLAT BOOK 48 AT PAGE 19 OF THE REAL ESTATE RECORDS OF BOONE COUNTY, MISSOURI, EXCLUDING LOTS D-1, D-2, D-3 AND D-4, WHICH ARE RETAINED BY THE DEVELOPER FOR FUTURE ANNEXATION CONSIDERATION

THIS ANNEXATION DECLARATION (“this Annexation Declaration”) is made on this 11th day of August, 2014, 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, consisting of 105.82 acres, more or less, which is referred to in, and is described on that Exhibit 1, which is annexed to that “Annexation Declaration, Annexing Land/Property and Lots to Wyndham Ridge . . .” recorded in Book 3760 at Page 68 of the Real Estate Records of Boone County, Missouri (“the Original Annexation Declaration”). The description of the said Developer's Land, the 105.82 acres, first described in such Exhibit 1 to such Original Annexation Declaration, is incorporated herein by reference. The said land is referred to as “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 Original Declaration”) recorded in Book 3358 at Page 165 of the Real Estate Records of Boone County, Missouri. Such Declaration

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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 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 ("the Correction to Declaration"); and
- By an 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 Village at Wyndham Ridge Plat No. 3 Annexation Declaration"); and
- "Annexation Declaration Annexing to Wyndham Ridge Lots C-1, 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," recorded in Book 4204 at Page 106 of the Real Estate Records of Boone County, Missouri ("the Wyndham Ridge Plat No. 2 Annexation Declaration"), and erroneously re-recorded in Book 4240 at Page 116 of such records; and
- "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," recorded in Book 4298 at Page 81 of the Real Estate Records of Boone County, Missouri ("the Clarification Document"); and
- By an "Amendment to and Completion of Annexation Declaration Annexing Lots of the Village at Wyndham Ridge Plat No. 1, as Amended by "Administrative Replat, the Village at Wyndham Ridge, Plat 1-A," Recorded in Book 4197 at Page 82 of the Real Estate Records of Boone County, Missouri to That Development Known as Wyndham Ridge and Amendment/Modification of Use Restrictions for Wyndham Ridge as Same Apply to Lots 101 through 109 of the Administrative Replat of the Village at Wyndham Ridge, Plat No. 1-A, Recorded in Book 4197 at Page 82 of the Real Estate Records of Boone County, Missouri", recorded in Book ~~4317~~ at Page

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60 of the Real Estate Records of Boone County, Missouri ("the Amendment to Annexation Declaration").

Such Original Declaration recorded in Book 3358 at Page 165 of the Real Estate Records of Boone County, Missouri ("the Original Declaration"), as amended and supplemented by each of the Affidavit of Scrivener's Error, the Original Annexation Declaration, the Correction to Declaration, the Village at Wyndham Ridge Plat No. 3 Annexation Declaration, the Wyndham Ridge Plat No. 2 Annexation Declaration, the Clarification Document, and the said Amendment to Annexation Declaration, all read together, collectively, are referred to herein as "the Declaration," with all references hereinafter set forth in this Annexation Declaration to "the Declaration" meaning and referring to the Original Declaration recorded 3358 at Page 165 of the Real Estate Records of Boone County, Missouri, as read together with all of the above described documents (with all of same read together, collectively).

A portion of the Developer's Land is described in and referred to in the Original Declaration as "the Annexation Parcel," which includes all of the Developer's Land, other than the land located within Wyndham Ridge Plat No. 1. Each of those parcels which have been previously annexed to that development known as Wyndham Ridge ("the Development") by the Original Annexation Declaration, the Village at Wyndham Ridge Plat No. 3 Annexation Declaration, and the Wyndham Ridge Plat No. 2 Annexation Declaration, together with the land and Lots which are the subject matter of the Final Plat of Wyndham Ridge, Plat No. 3 recorded in Plat Book 48 at Page 19 of the Real Estate Records of Boone County, Missouri ("the Wyndham Ridge Plat No. 3 Plat"), are located within the Annexation Parcel.

All of the land and Lots which are the subject matter of the Wyndham Ridge Plat No. 3 Plat are, therefore, eligible for annexation to the Development. All of the said land which is the subject matter of the Wyndham Ridge Plat No. 3 Plat is owned by the Developer. The Developer retains the power and authority under Article XIII ("Annexation"), which appears beginning at page 106 of the Original Declaration, to annex the land and Lots which are the subject matter of the Wyndham Ridge Plat No. 3 Plat to the Development, and to subject same to all of the terms, covenants, conditions and provisions of the Declaration.

The Developer desires and intends to hereby annex to the Development, and to subject to the provisions of the Declaration, except to the extent hereinafter specifically described to the contrary in this Annexation Declaration, all of the land and Lots which are the subject matter of the Wyndham Ridge Plat No. 3 Plat; subject, however, to the following:

1. The Developer intends to exclude from this Annexation Declaration, and to NOT annex to the Development by this Annexation Declaration, Lots D-1, D-2, D-3 and D-4, the ownership of which such Lots are retained by the Developer, with the Developer reserving the right to, in the future, either annex or not annex the said Lots to the Development, including the right to cause portions of the said Lots to be subdivided into "Lots" or to be identified as "Lots," or to become "Common Area" of the Development;

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2. Lot C-1 shall be a Common Area and Common Element, and such Lot and any improvements now or hereafter located thereon shall be Common Area and a Common Element of the Development;

3. Each of Lots 301 through 341, both inclusive, as shown by the Wyndham Ridge Plat No. 3 Plat, shall be a "Lot" of the Development;

4. Each of such Lots 301 through 341 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 of the Real Estate Records of Boone County, Missouri; **PROVIDED, HOWEVER, THAT:**

a. Each of the said Lots 301 through 341 of the Wyndham Ridge Plat No. 3 Plat, together with (and including) each of (and all of) the Lots in Wyndham Ridge, Plat No. 1, and Wyndham Ridge, Plat No. 2, shall be subject to the provisions of Section 1 of Article XI of the Original Declaration 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 Correction to Declaration hereinabove described in this document, meaning that all provisions of Section 1 of Article XI of such Original Declaration, and all other provisions and sections of such Article XI of such Original Declaration, shall be applicable to, and shall apply to each of the Lots and all of the Lots within:

- Wyndham Ridge, Plat No. 1;
- Wyndham Ridge, Plat No. 2;
- Wyndham Ridge, Plat No. 3, and

further meaning that, as provided for by Section 1 of Article VII of the Original Declaration, as same appears in the Original Declaration recorded in Book 3358 at Page 165 of the Real Estate Records of Boone County, Missouri (beginning at page 83 of such Original Declaration), "No Lot Owner or Unit Owner, other than the Developer, may own more than one (1) Living Unit" within the Lots of Wyndham Ridge Plat No. 1, Wyndham Ridge Plat No. 2 and Wyndham Ridge Plat No. 3, which is used for rental or lease purposes, and that all such Lots shall be subject to each and all of the restrictions of Section 1 of Article XI (and all other provisions of such Article XI) of the Original Declaration, as set forth beginning at page 83 of such Original Declaration.

AGREEMENTS

NOW, THEREFORE, in view of the foregoing Recitals, the Developer does hereby state, declare, promise, covenant and agree as follows:

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1. Annexation of Lots Within the Wyndham Ridge Plat No. 3 Plat to the Development.

All of Lots 301 through 341, both inclusive, and all of the real estate which are the subject matter of Wyndham Ridge No. 3 Plat, as recorded in Plat Book 48 at Page 19 of the Real Estate Records of Boone County, Missouri (herein referred to as "the Wyndham Ridge Plat No. 3 Plat"), shall be and the same are hereby annexed to the Development, and are hereby made subject to the Declaration (as the "Declaration" is described in the foregoing Recitals); provided, however, that the provisions of the Declaration as they apply to the said Lots shall be amended and supplemented as hereinafter provided for in this Annexation Declaration; and further provided, however, that Lots D-1, D-2, D-3 and D-4, as shown by the Wyndham Ridge Plat No. 3 Plat shall NOT be annexed to the Development or made subject to the Declaration by this Annexation Declaration (but rather such Lots are reserved by the Developer for annexation or not annexation, as the Developer sees fit in the future (in the Developer's discretion) to the Development), and further providing, however, that Lot C-1, as shown by the said Plat, shall be Common Area, and meaning that each of Lots 301 through 341, both inclusive, shall henceforth be a "Lot" of the Development, and that all present and future Owners of each of such Lots shall be Lot Owner of the Wyndham Ridge Development, and that each of such Lots shall be subject to all provisions of the Declaration, amended and supplemented as provided for by this Annexation Declaration.

2. Lots Not Annexed. Lots D-1, D-2, D-3 and D-4, as shown by the Wyndham Ridge Plat No. 3 Plat shall not be annexed to the Development by way of this Annexation Declaration. Rather, the ownership of such Lots is retained by the Developer, who may, in the future, in the Developer's discretion, annex or not annex the said Lots to the Development provided for by the Declaration.

3. Lot C-1 Common Area. Lot C-1, as shown by the Wyndham Ridge Plat No. 3 Plat, shall be and it is hereby designated as a "Common Area" of the Development, and such Lot and all improvements now or hereafter located thereon shall be "Common Elements" of the Development, to be owned, held, managed and controlled by the Association identified in the Declaration. The said Lot C-1 shall be Common Area, and shall henceforth be treated as if owned by the Association, as Common Area, whether or not conveyed to the Association.

4. Architectural Control Provisions. Each of the Lots 301 through 341, both inclusive, of the Wyndham Ridge Plat No. 3 Plat, 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 265, both inclusive, of the Village at Wyndham Ridge Plat No. 2, as set forth in the Original Annexation Declaration described in the foregoing Recitals for this Annexation Declaration, which such Original Annexation Declaration is recorded in Book 3760 at Page 68 of the Real Estate Records of Boone County, Missouri (such Article VII as set forth in the Original Annexation Declaration being incorporated herein by reference the same as though fully set forth herein, and the said Article VII ("Architectural Control Provisions") being those appearing at pages 6 through 29, both inclusive of the Original Annexation

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Declaration); PROVIDED, HOWEVER, THAT EACH OF THE SAID LOTS 301 THROUGH 341, BOTH INCLUSIVE, OF WYNDHAM RIDGE, PLAT NO. 3, AS HEREINABOVE DESCRIBED, SHALL 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, INCLUDING BUT NOT LIMITED TO ALL OF THE RESTRICTIONS OF SECTION 1 OF SUCH ARTICLE XI OF THE SAID ORIGINAL DECLARATION.

5. Use Restrictions. All of the Use Restrictions of Article XI of the Original Declaration, as hereinabove described, which is recorded in Book 3358 at Page 165 of the Real Estate Records of Boone County, Missouri, and as such Article XI appears beginning at page 83 of such Original Declaration, shall be fully applicable to each of the Lots 301 through 341, both inclusive, of the Wyndham Ridge Plat No. 3 Plat, and all Buildings, Improvements and Living Units located within each of the said Lots of the Wyndham Ridge Plat No. 3 Plat, meaning each of Lots 301 through 341, both inclusive, of the Wyndham Ridge Plat No. 3 Plat. Therefore, any provisions of Section 1 of the amended Architectural Control Provisions as set forth in the Original Annexation Declaration (which such Architectural Control Provisions shall otherwise apply to each of the said Lots 301 through 341, both inclusive) notwithstanding, all provisions of the Section 1 of Article XI of the Original Declaration, as such Section 1 appears beginning on page 83 of the Original Declaration, shall apply to each of and all of the Lots, Buildings and Living Units located within Wyndham Ridge, Plat No. 1, Wyndham Ridge, Plat No. 2, and Wyndham Ridge, Plat No. 3, and further meaning that no Lot Owner or Unit Owner, other than the Developer, may (in addition to other restrictions as set forth in such Section 1 of Article XI of the Original Declaration) own more than one (1) Living Unit located within any of (and all of) the Lots of the said Wyndham Ridge, Plat No. 1, Wyndham Ridge, Plat No. 2, and Wyndham Ridge, Plat No. 3, which is used for rental or lease purposes, other than as provided for by such Section 1 of Article XI, and further meaning that all of the said Lots shall be subject to all provisions of the said Section 1 of Article XI of the Original Declaration and all other Use Restrictions of the Original Declaration, any provisions of the Declaration or of this Annexation Declaration to the contrary notwithstanding.

6. Declaration as Hereby Amended Shall Remain in Full Force and Effect. The Declaration, as the "Declaration" is described in the foregoing Recitals for this Annexation Declaration, shall, as hereby amended, be in full force and effect as to each of the Lots 301 through 341, both inclusive, of Wyndham Ridge, Plat No. 3. All provisions of the Declaration as described in the foregoing Recitals, to the extent not amended by this Annexation Declaration, shall be in full force and effect as to each of said Lots.

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

Nora Dietzel, Recorder of Deeds

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EXHIBIT 1

A TRACT OF LAND LOCATED IN SECTION 4 OF TOWNSHIP 47 NORTH, RANGE 13 WEST, BOONE COUNTY, MISSOURI AND BEING PART OF THE LAND DESCRIBED BY THE TRUSTEES DEEDS RECORDED IN BOOK 2804, PAGE 11 AND BOOK 3060, PAGE 2 AND BEING PART OF TRACT 1 OF THE SURVEY RECORDED IN BOOK 3079, PAGE 49 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 214 OF WYNDHAM RIDGE, PLAT NO. 2, RECORDED IN PLAT BOOK 47, PAGE 1, SAID POINT ALSO BEING THE NORTHWEST CORNER OF LOT 144 OF WYNDHAM RIDGE, PLAT NO. 1, RECORDED IN PLAT BOOK 41, PAGE 68, THENCE WITH THE NORTH LINES OF SAID WYNDHAM RIDGE, PLAT NO. 2, N 69°17'50"W, 314.95 FEET; THENCE S 72°52'10"W, 326.18 FEET; THENCE S 89°43'10"W, 50.00 FEET TO THE WEST LINE OF SAID SECTION 4; THENCE LEAVING THE LINES OF SAID WYNDHAM RIDGE, PLAT NO. 2, AND WITH THE SAID WEST LINE OF SAID SECTION 4, N 0°16'50"W, 980.68 FEET TO THE NORTHWEST CORNER OF TRACT 1 OF SAID SURVEY RECORDED IN BOOK 3079, PAGE 49; THENCE LEAVING THE WEST LINE OF SAID SECTION LINE AND WITH THE LINES OF SAID TRACT 1, N 89°44'00"E, 360.02 FEET; THENCE S 0°16'00"E, 169.42 FEET; THENCE S 33°16'00"E, 467.99 FEET; THENCE S 76°46'00"E, 480.00 FEET; THENCE N 72°14'00"E, 540.00 FEET; THENCE N 37°14'00"E, 175.00 FEET; THENCE S 68°49'00"E, 740.86 FEET; THENCE 143.06 FEET ALONG A 1115.73 FOOT-RADIUS, NON-TANGENT, CURVE TO THE RIGHT, SAID CURVE HAVING A CHORD S 25°47'15"W, 142.96 FEET; THENCE S 29°27'35"W, 649.20 FEET TO THE EAST LINE OF LOT 147 OF SAID OF SAID WYNDHAM RIDGE PLAT NO.1; THENCE N 3°22'35"W, 282.82 FEET; THENCE N 50°56'15"W, 46.81 FEET; THENCE S 85°33'40"W, 667.75 FEET; THENCE N 83°38'35"W, 638.28 FEET TO THE POINT OF BEGINNING AND CONTAINING 30.48 ACRES.