

20130906000707550 AGREE

Bk:DE6088 Pg:2493

09/06/2013 02:33:01 PM 1/9

\$45.00

CERTIFIED-FILED FOR RECORD

Barbara J. Hall

Recorder of Deeds

St. Charles County, Missouri

BY:CGRAF

1300817  
ARL

[SPACE ABOVE LINE RESERVED FOR RECORDER'S USE]

(10)

**DOCUMENT COVER SHEET**

Title of document: Indenture Annexation Option Agreement

Date of document: September 3, 2013

Grantors' name and address: **WILMER VALLEY INVESTMENTS, LLC**  
16440 Chesterfield Grove Road, Suite 130  
Chesterfield, Missouri 63005  
and  
**THE MANORS AT WILMER VALLEY**  
**HOMEOWNERS ASSOCIATION**  
158 McCluer Drive  
O'Fallon, Missouri 63368

Grantees' name and address: **WILMER ROAD HOLDINGS, LLC**  
7800 Highway N  
O'Fallon, Missouri 63308  
and  
**FIRST NATIONAL BANK OF ST. LOUIS**  
7707 Forsyth Blvd.  
St. Louis, Missouri 63105

Full legal description: See Exhibit "A" - Page 8

Reference book and page: Book DE 5162; Page 1396 (Indenture)  
Book PL 46, Pages 38-41 (Plat)  
Book DE 4397, Page 1948 (Deed of Trust)

This instrument was prepared by  
and upon recordation should be returned to:  
Stephen L. Kling, Jr., Esq.  
Jenkins & Kling, P.C.  
150 North Meramec Ave., Suite 400  
St. Louis, MO 63105

## INDENTURE ANNEXATION OPTION AGREEMENT

This INDENTURE ANNEXATION OPTION AGREEMENT (this "*Agreement*") is made and entered into as of the 3<sup>rd</sup> day of September, 2013, by and among WILMER ROAD HOLDINGS, LLC, a Missouri limited liability company ("*WRH*"), FIRST NATIONAL BANK OF ST. LOUIS, a national banking association ("*Lender*"), WILMER VALLEY INVESTMENTS, LLC, a Missouri limited liability company ("*Investments*") and THE MANORS AT WILMER VALLEY HOMEOWNERS ASSOCIATION, a Missouri non-profit corporation ("*Association*"). For recording purposes, Investments and Association are "Grantor" and WRH and Lender are "Grantee."

### WITNESSETH:

WHEREAS, WRH is the owner of certain real property located in the County of St. Charles, State of Missouri, consisting of approximately eleven (11) acres and legally described on Exhibit "A" attached hereto and incorporated herein by reference (the "*11 Acres*"); and

WHEREAS, Lender is the beneficiary of a deed of trust recorded against the 11 Acres recorded in Book 4397, Page 1948, as amended, of the St. Charles County, Missouri real estate records; and

WHEREAS, Investments is a builder and successor "Grantor" under the Indenture of Trust and Restrictions for The Manors at Wilmer Valley recorded in Book DE5162, Page 1396 of the St. Charles County, Missouri real estate records (the "*Indenture*"); and

WHEREAS, Association is the homeowners association empowered under the Indenture to administer the Indenture; and

WHEREAS, in connection with certain other related transactions between the parties regarding real property at The Manors at Wilmer Valley, a subdivision and development in the City of Wentzville, St. Charles County, Missouri, the initial plat of which is recorded in Plat Book 46 Pages 38-41 of the St. Charles County Records (collectively, the "*Subdivision*"), Investments and Association desire to grant WRH, Lender and their successors and assigns in interest with respect to the 11 Acres, an option to annex the 11 Acres into the Subdivision and to subject the 11 Acres to the Indenture.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. Recitals Correct. The foregoing recitals are true and correct in all material respects and incorporated in and made a part of this Agreement by reference.
2. Option to Annex. Upon the written request of WRH, Lender or any of its successors and assigns in interest with respect to the 11 Acres or any part thereof, including any purchaser at foreclosure sale or deed in lieu transferee (collectively, the "*11 Acres Parties*"), so long as it remains, or succeeds to rights of, a "Grantor" under the Indenture, Investments and Association shall cause and permit the Indenture to be amended so that it also covers and annexes the 11 Acres into the Subdivision on the same terms and conditions in effect for the properties then subject thereto (the "*11 Acres Annexation*").

[SIGNATURE PAGE TO INDENTURE ANNEXATION OPTION AGREEMENT]

"LENDER"

FIRST NATIONAL BANK OF ST.  
LOUIS, a national banking association

BY: *Norm Mueller*  
Name: NORM MUELLER  
Title: REGIONAL PRESIDENT

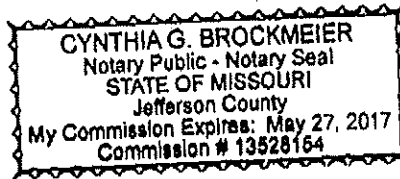
STATE OF MISSOURI        )  
  ) SS  
COUNTY OF ST. CHARLES )

On this 3rd day of September, 2013, before me, a Notary Public in and for said state, personally appeared Norm Mueller Regional President of First National Bank of St. Louis, a national banking association, known to me to be the person who executed the within document in behalf of said association and acknowledged to me that said person executed the same for the purposes therein stated.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

*Cynthia G. Brockmeier*  
Notary Public

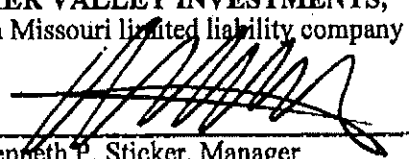
My commission expires: 5-27-17



[SIGNATURE PAGE TO INDENTURE ANNEXATION OPTION AGREEMENT]

**"INVESTMENTS"**

**WILMER VALLEY INVESTMENTS,  
LLC, a Missouri limited liability company**

BY:   
Kenneth P. Sticker, Manager

STATE OF MISSOURI )  
COUNTY OF ST. WIS ) SS

On this 3rd day of September, 2013, before me, a Notary Public in and for said state, personally appeared Kenneth P. Sticker, Manager of Wilmer Valley Investments, LLC, a limited liability company of the State of Missouri, known to me to be the person who executed the within document in behalf of said limited liability company and acknowledged to me that said person executed the same for the purposes therein stated.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

  
Notary Public

My commission expires: 11/20/16

SUSAN J. PISONI  
Notary Public - Notary Seal  
STATE OF MISSOURI  
St. Louis County  
My Commission Expires: November 20, 2016  
Commission # 12473911

[SIGNATURE PAGE TO INDENTURE ANNEXATION OPTION AGREEMENT]

"ASSOCIATION"

THE MANORS AT WILMER  
VALLEY HOMEOWNERS  
ASSOCIATION, a Missouri not-for-profit  
corporation

BY   
William Wannstedt, Director

STATE OF MISSOURI )  
COUNTY OF ST. Louis ) SS

On this 3rd day of September, 2013, before me, a Notary Public in and for said state, personally appeared William Wannstedt, Director of The Manors at Wilmer Valley Homeowners Association, a not-for-profit corporation of the State of Missouri, known to me to be the person who executed the within document in behalf of said corporation and acknowledged to me that said person executed the same for the purposes therein stated.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.


  
Notary Public

My commission expires: 11/26/16

SUSAN J. PISONI  
Notary Public - Notary Seal  
STATE OF MISSOURI  
St. Louis County  
My Commission Expires: November 26, 2016  
Commission # 12473911

[SIGNATURE PAGE TO INDENTURE ANNEXATION OPTION AGREEMENT]

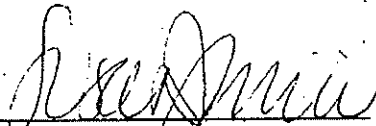
**THE MANORS AT WILMER  
VALLEY HOMEOWNERS  
ASSOCIATION**, a Missouri not-for-profit  
corporation

BY:   
Robin Ruckman, Director

STATE OF MISSOURI     )  
                                  ) SS  
COUNTY OF ST. Louis    )

On this 3rd day of September, 2013, before me, a Notary Public in and for said state, personally appeared Robin Ruckman, Director of The Manors at Wilmer Valley Homeowners Association, a not-for-profit corporation of the State of Missouri, known to me to be the person who executed the within document in behalf of said corporation and acknowledged to me that said person executed the same for the purposes therein stated.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

  
Notary Public

My commission expires:

SUSAN J. PISONI  
Notary Public - Notary Seal  
STATE OF MISSOURI  
St. Louis County  
My Commission Expires: November 28, 2016  
Commission # 12473911

[SIGNATURE PAGE TO INDENTURE ANNEXATION OPTION AGREEMENT]

**THE MANORS AT WILMER  
VALLEY HOMEOWNERS  
ASSOCIATION**, a Missouri not-for-profit  
corporation

BY: *Shelly Bliss*  
Shelly Bliss, Director

STATE OF MISSOURI )  
COUNTY OF ST. LOUIS ) SS

On this 3rd day of September, 2013, before me, a Notary Public in and for said state, personally appeared Shelly Bliss, Director of The Manors at Wilmer Valley Homeowners Association, a not-for-profit corporation of the State of Missouri, known to me to be the person who executed the within document in behalf of said corporation and acknowledged to me that said person executed the same for the purposes therein stated.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

*Susan J. Pisoni*  
Notary Public

My commission expires: 11/26/16

SUSAN J. PISONI  
Notary Public - Notary Seal  
STATE OF MISSOURI  
St. Louis County  
My Commission Expires: November 26, 2016  
Commission # 12473911

EXHIBIT " A "

## Legal Description: 11 Acres

A tract of land being part of the Northwest Quarter of the Southwest Quarter of section 25, Township 47 North, Range 1 East, St. Charles County, Missouri, being more particularly described as follows: Commencing at the Southeast corner of the Northwest Quarter of the Southwest Quarter of said Section 25; thence along the South line of said Northwest Quarter, South 89 degrees 56 minutes 38 seconds West, a distance of 289.91 feet to the true Point of Beginning; thence continuing along said South Line, South 89 degrees 56 minutes 38 seconds West, a distance of 1082.75 feet to the Centerline of Wilmer Road; thence along said Centerline, North 01 degrees 17 minutes 49 seconds East, a distance of 483.91 feet to the South line of Land now or formerly of William Truss and Barbara J. Truss, as recorded by Deed in Book 2808, Page 1590 of the St. Charles County, Missouri, Recorder's Office; thence along said South line the following courses and distances; South 86 degrees 55 minutes 31 seconds East, a distance of 1073.09 feet and South 02 degrees 28 minutes 48 seconds West, a distance of 462.80 feet to the Point of Beginning.

The above described tract of land containing 11.588 Acres is based upon an actual Boundary Survey completed by Cole and Associates, Inc., during the month of January, 2008 and is subject to all Easements, Restrictions, Reservations and Conditions of Record, if any.