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Eugene "Gene" Moore Fee: \$82.00
Cook County Recorder of Deeds
Date: 08/24/2004 09:44 AM Pg: 1 of 6

1st AMERICAN TITLE order # 875097
1084

Property of Cook County Clerk's Office

Recording Cover Sheet

FIRST AMENDMENT
TO
DECLARATION OF EASEMENTS, COVENANTS AND RESTRICTIONS
OF
FONTENAY TOWNHOME SUBDIVISION

u

A Capital Home Development
Arlington Heights, Illinois

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First Amendment to Declaration of Easement, Covenants and Restrictions of Fontenay Townhome Subdivision

This Amendment is made this 27th day of July, 2004 by Fontenay, LLC, an Illinois limited liability company, hereunder referred to as "Declarant."

Recitals

- A. Declarant is the owner in fee simple of certain real estate in the Village of Palatine, Cook County, Illinois legally described in Exhibit A attached hereto and made a part hereof, hereinafter referred to as "the Property."
- B. Declarant is developing a seventeen unit fee simple Townhome Development on the Property for sale to third party home owners.
- C. Declarant prepared a document dated April 15, 2003 known as Declaration of Easements, Covenants and Restrictions of Fontenay Townhome Subdivision for the purpose of establishing and preserving property values within the Development. The Declaration provides for the maintenance of the Property and its management in the months and years ahead.
Document number 0419449110
- D. Declarant has reserved to itself the right to amend the Declaration at any date subsequent to its initial recording so long as Declarant is the owner of one or more lots in the Subdivision.
- E. The final Plat of Subdivision of Fontenay was recorded with the Cook County Recorder of Deeds Office on July 27, 2003 as Document Number 0320927093.
- F. Declarant executes this instrument as its First Amendment to the Declaration of Easements, Covenants and Restrictions in order to insure that the Declaration and final Plat of Subdivision work in harmony for their intended purposes.

Wherefore, Declarant does hereby amend the Declaration of Easements, Covenants and Restrictions as follows:

1. Incorporation of Recitals

The Recitals set forth above are specifically incorporated herein as material parts of this First Amendment to Declaration of Easements, Covenants and Restrictions of Fontenay Townhome Subdivision

2. Amendment to Article I, Definitions, Subpart (C)

Article I, Subject (C.) is hereby modified and rewritten as follows:

"Common Areas" means the areas intended for the common use and enjoyment of the owners, the subdivision signage areas, and all portions of the real estate designated as Lot 1 on the final Plat of Subdivision, all as shown on the final Plat of Subdivision.

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3. Amendment to Article V, Section (B)

Article V, Subpart (B) is hereby modified to rewrite the first paragraph of said subsection which will now read as follows:

“All lots (excluding Lot 1) shall be used for single family attached residential purposes only. All townhome dwellings shall have attached two or three car garages. No accessory buildings may be built on the lot without the express written consent of the association and the Village,. In addition, all residences shall comply with the following architectural standards.

4. Amendment to Article III, Subpart (C)

Article III, Subpart (C) is hereby amended to add a new subsection (7) which will read as follows:

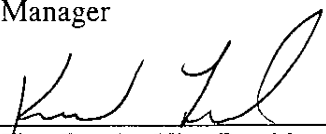
(7) A perpetual easement for ingress and egress is granted to each lot in the Subdivision for use in allowing each private townhome unit direct and unfettered access to the private street system to be built within the Fontenay Townhome Development, presently identified as Glen Ellyn Lane on the face of the final Plat of Subdivision, including that area designated as an ingress and egress easement on said Plat. The ingress and egress easement being granted herein will enable the Declarant/Developer and each townhome owner to establish and maintain driveways on Lot 1 from each residential townhome unit to the private street system within the Subdivision. The driveways will be built on portions of Lot 1 so as to allow ingress and egress access from each individual townhome dwelling to the private street system. Each driveway will be considered by Declarant/Developer and the Association as a “limited common element” for the exclusive use of each lot owner. As a limited common element, the right to use same is established for the exclusive benefit of each lot owner. The Declarant/Developer and the Association reserve the right to establish reasonable rules and regulations to govern the use, misuse and maintenance of each driveway to be built within the Subdivision.

Signed at Palatine, Illinois on the date first noted above.

FONTENAY LLC

an Illinois Limited Liability Company

By: CAPITAL HOMES, INC., an Illinois corporation
Manager

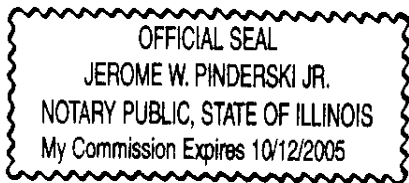
By: 
Ken Frank, Vice President

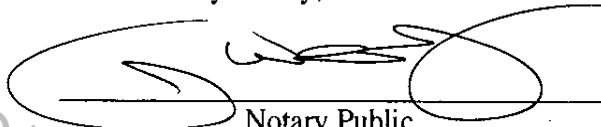
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STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

I, the undersigned, a Notary Public in and for said County, in the state aforesaid DO HEREBY CERTIFY, that Ken Frank, Vice President of CAPITAL HOMES, INC., Manager of FONTENAY LLC who are personally known to me to be the same person whose name is subscribed to the foregoing instrument as corporate officers respectively, appeared before me this day in person and acknowledged that he signed and delivered the said instrument as his own free and voluntary act and as the free and voluntary act of said corporation for the uses and purposes therein set forth.

Given under my hand and Notarial Seal this 27th day of July, 2004.





Notary Public

CONSENT OF MORTGAGEE

AMERICAN CHARTERED BANK, an Illinois banking corporation, holder of a Mortgage on the parcel described in Exhibit "A," and recorded in the Office of the Recorder of Deeds, Cook County, Illinois does hereby consent to the execution and recording of the aforesaid Declaration of Easements, Covenants and Restrictions and agrees that the aforesaid mortgage is subject to the provisions of said Declaration of Easements, Covenants and Restrictions.

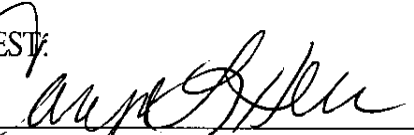
IN WITNESS WHEREOF, AMERICAN CHARTERED BANK has caused these presents to be executed by its duly authorized officers on its behalf this 27th day of July, 2004.

2004 ARF

AMERICAN CHARTERED BANK

By: 

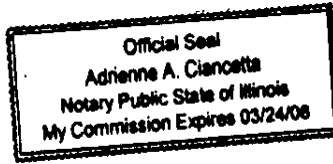
Vice President

ATTEST:
By: 

Assistant Cashier

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STATE OF ILLINOIS)
) SS
COUNTY OF COOK)



1199 E. Higgins Rd.
Schaumburg, IL 60173
Cook County

I, the undersigned, a Notary Public in, and for said County, in the state aforesaid DO HEREBY CERTIFY, that Bob Florio, the Vice President of AMERICAN CHARTERED BANK and Caryn Heltzer, Assistant Cashier of said corporation who are personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such Vice President and Assistant Cashier, respectively appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their own free and voluntary act and as the free and voluntary act of said corporation for the uses and purposes therein set forth herein.

Given under my hand and Notarial Seal this 27th day of July, 2004.

Adrienne A. Ciancetta
Notary Public

This Document was prepared by and should be mailed to after recording:

Jerome W. Pinderski, Jr.
PINDERSKI & PINDERSKI, LTD.
115 West. Colfax Street
Palatine, IL 60067-5086
(847) 358-5220

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EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

Fontenay, a Subdivision of parts of the Southwest Quarter of Section 10 and the Northwest Quarter of Section 15, all in Township 42 North, Range 10 East of the Third Principal Meridian, in Cook County, Illinois.

PIN: 02-15-101-008-0000

also

Lots 1 - 18 in Fontenay Subdivision, a Subdivision of parts of the Southwest Quarter of Section 10 and the Northwest Quarter of Section 15, all in Township 42 North, Range 10 East of the Third Principal Meridian, in Cook County, Illinois per Final Plat of Subdivision recorded July 27, 2003 as document Number 0320927093.

PIN: 02-15-101-008-0000

*Area: 494 sq. ft. Fontenay 3/10/07
Unit 10
Patatine, 10/10/07*