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**AMENDMENT TO THE
DECLARATION OF
WESTRIDGE OF BARTLETT
HOMEOWNERS
ASSOCIATION**

**IN THE OFFICE OF THE
RECORDER OF DEEDS OF
COOK COUNTY, ILLINOIS**

MAIL TO: Zane D. Smith &
Associates, Ltd.
c/o Boris G. Sarnovalov
221 N. LaSalle St. #1320
Chicago, IL 60601



Doc# 2101519075 Fee \$88.00

RHSP FEE: \$9.00 RPRF FEE: \$1.00

KAREN A. YARBROUGH

COOK COUNTY CLERK

DATE: 01/15/2021 04:32 PM PG: 1 OF 10

For Use By Recorder's Office Only

This document is hereby recorded for the purpose of amending the Declaration for The Westridge of Bartlett Homeowners Association (the "Declaration"), which declaration was recorded on the 27th Day of December, 1993 as Document Number 93870345 in the Office of the Recorder of Deeds of Cook County, State of Illinois, and covers the property legally described in the document attached hereto as **Exhibit A** (the "Property").

WITNESSETH:

WHEREAS, the Declaration recorded with the Recorder of Deeds of Cook County, State of Illinois, the Property has been subjected to the easements, restrictions, and covenants contained in the Declaration; and

WHEREASE, The Westridge of Bartlett Homeowners Association's (the "Association") Board of Directors (the "Board") has determined that it would be in the Association's and the unit owners' best interest to adopt an amendment to the Declaration to conform it to the Homeowners' Energy Policy Statement Act, 765 ILCS 165 *et seq.* (the "Act"); and

WHEREAS, the Act provides, in pertinent part, that an association shall disclose, upon request, its energy policy statement and shall include the statement in its homeowners' common interest community association declaration; and

WHEREAS, the Illinois Common Interest Community Association Act (765 ILCS 160 *et seq.*), in Section 1-60, provides that if a provision of the community instruments does not conform to the Act or to another applicable law because of inconsistency to another law, the Association may correct the inconsistency by vote of two-thirds of the Board of Directors, without a membership vote;

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WHEREAS, the Board has adopted an appropriate resolution by a vote of at least two-thirds of the Board Members and this Amendment has been signed and acknowledged by the President and the Secretary of the Association;

WHEREAS, an affidavit signed by an officer of the Association is attached hereto as **Exhibit B** certifying that this Amendment has been approved by at least two-thirds of the Board Members, as evidenced by the affidavit; and

WHEREAS, an affidavit signed by an officer of the Association is attached hereto as **Exhibit C** certifying that said Amendment has been mailed or delivered to all Owners and that the Owners did not file a petition with the Board in compliance with Section 1-60(c) of the Illinois Common Interest Community Act, objecting to the adoption of this Amendment to the Declaration; and

WHEREAS, this Amendment shall be effective upon recording in the Office of Recorder of Deeds of Cook County, State of Illinois.

WHEREAS, the remaining provisions of the Declaration shall continue in full force and effect without change, to the extent they are not contradicted by this Amendment; and

NOW, THEREFORE, the Declaration is amended by adding the following Article XI, Section L:

ARTICLE XI, SECTION L

A. PURPOSE: The Board of Directors ("Board") of the Westridge of Bartlett Association ("Association") has adopted, the following rules and guidelines to conform with the Illinois Homeowners' Energy Policy Statement Act (735 ILCS 165 *et seq.*) (the "Act") and to support homeowners interested in making improvements to their individual property, specifically, as regards the installation of (a) Solar Energy Systems ("SES") (sometimes referred to as Solar Power Devices, or "SPDs"), or any of their components and mechanisms, commonly known as solar panels, solar inverters, solar collectors, solar storage mechanisms, and their accessory components both electrical and mechanical; (b) Rain Water Collection Systems ("RWCS"); and (c) Composting Systems ("CS").

The installation of exterior SES, RWCS, and CS requires approval of the Association, and also may be governed, restricted, or prohibited in part by Ordinances adopted by the Village of Bartlett. Installation of Wind Energy Collection Systems, as defined in the Act, shall not be permitted on any of the properties within the Association and/or the Association's common elements.

Homeowners and/or property owners considering the installation of any SES, RWCS, and CS on their property, subject to the terms of the Declaration, are strongly encouraged to first contact the Village of Bartlett Building Department for additional information on

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municipal permits, restrictions, and limitations before submitting a Request to the Association.

The Association recognizes that there may be interest by Association members in installing SES, RWCS, and CS. Since these systems by nature must be installed external to the building, the Association has developed this policy to aid Association members in developing their solar projects within Association expectations, thereby minimizing the time for project review and approval by the Board. The Board recognizes the benefits of renewable energy sources, including solar, to overall energy programs within our society, and is committed to working effectively with owners proposing solar power projects.

B. DEFINITIONS: The terms used in this Article XI, Section L shall have the same meanings and definitions as prescribed to in Section 10 the Act.

C. REGULATIONS:

1. The Association does hereby permit the installation, placement or construction of SES, RWCS, and CS on the Property, subject to this Article, provided that the Board shall, at its discretion, approve and determine the specific location where SES, RWCS, and CS may be installed, and provided that such determination does not impair the effective operation of SES, RWCS, and CS. RWCS and CS may not be installed on the Common Areas and/or Common Elements without the prior written consent of the Board and may be installed only on portions of the Property within the Owner's exclusive control. As for SES, they may only be installed on the Owners' roofs, with prior approval of the Board. SES shall not be installed on any portions of Owners' properties, limited common elements, or common elements, other than the Owners' roofs.
2. All SES, RWCS, and CS projects must be approved in writing by the Board prior to commencing any construction activities on the exterior of the residence.
3. Application for the installation of SES, RWCS, and CS must be made to the Board of Directors as described herein.
4. Owners shall not permit SES, RWCS, and CS to fall into disrepair or to become safety hazards.
5. Owners shall be responsible for maintenance and repair of SES, RWCS, and CS. The Owners shall at all times keep SES, RWCS, and CS in good repair. All SES, RWCS, and CS that are deemed to be in a state of disrepair by the Board shall be removed upon five days' notice from the Board at the Owners' expense.
6. Owners shall be responsible for repainting or replacement of SES, RWCS, and CS. The repair of any damages to the Owners' property, the property of the other Owners, and/or the Association's Common Areas and Common Elements,

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resulting from the installation, maintenance and/or operation of SES, RWCS, and CS shall be at the Owner's sole expense.

7. SES shall meet all applicable standards and requirements imposed by state and local permitting authorities and shall be certified by Solar Rating Certification Corporation (SRCC) or other nationally recognized certification agency. No homemade or non-commercially produced SES may be installed. In order to comply with all local, state, and national safety standards and permitting requirements, the Board strongly suggests that SES are professionally installed. If the Owner uses a professional installer, the Owner must provide proof that the contractor is insured (both liability and workman's compensation) and licensed. The Board shall have the right to inspect the installation and maintenance of SES.
8. When installed on the roofs, SES, whenever possible, should be installed on existing plane of roof material, should match the slope of the existing plane of the roof and be flush-mounted with the existing plane of the roof.
9. SES must be firmly affixed to the roof surfaces.
10. All plumbing lines should be concealed on the exterior of the dwelling and the method of installation shown and detailed in the Owner's application, as required by this Article. Lines should be painted colors consistent with the dwelling and other materials adjacent to the system.
11. SES should match or closely match the existing roof color.
12. Roof shingles or glass tiles that absorb solar energy, either directly or indirectly, may be installed upon a dwelling, provided that the shingles or tiles are otherwise in compliance with all rules or architectural controls relating to roofs, and the installation is approved by the Board of Directors.
13. Any material used in the SES, RWCS, and CS, if flammable, should be self-extinguishing.
14. SES shall only be installed by professional contractors, licensed or accredited by the North American Board of Certified Energy Practitioners (NABCEP), Interstate Renewable Energy Council (IREC) or other similar nationally recognized accrediting/licensing authority.
15. Installation of SES, RWCS, and CS shall not cause or result in an unreasonable disturbance to or otherwise interfere with the use and enjoyment of neighboring Dwelling Units. Such unreasonable disturbances shall include, but shall not be limited to unreasonable glare, blockage of surrounding Dwelling Units' sight lines, poor visual aesthetics, and/or noise.

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16. The Association reserves the right to levy a continuing and daily fine for each and every day an unauthorized SES, RWCS, and CS shall remain on the premises after the Owner has been notified to remove it, or advised to re-install the SES, RWCS, and CS in conformance with this Article. The fines shall be set by the Board in the amount deemed reasonable by the Board, based upon the circumstances. The Association shall also be able to take any other action available at law or in equity to abate unauthorized SES, RWCS, and CS after the Owner has been found to be in violation of this Article. In any litigation to enforce this Article the prevailing party shall be entitled to costs and reasonable attorneys' fees.
17. The Owners shall indemnify and hold harmless the Board, the Association, its agents and members from any and all claims, controversies or causes of action resulting from the installation or use of SES, RWCS, and CS, including the payment of any and all costs of litigation and attorneys' fees resulting therefrom. Owners shall be responsible for any damage to the Property or any injury to any individual as a result of the installation or operation of SES, RWCS, and CS.
18. Upon transfer of the ownership or occupancy of the Dwelling Unit, the Owners shall inform the successor in title, including any purchaser by Articles of Agreement for Warranty Deed, or tenant, of the existence of this Amendment and the obligation set forth herein. All obligations herein shall pass to any successor in interest.

D. APPLICATION AND APPROVAL PROCEDURES

1. All applications for installation of SES, RWCS, and CS shall be submitted to the Board, or its designated agent, in writing.
2. A sample or illustrated brochure of the proposed SES, RWCS, and CS shall be submitted to the Board as part of the Owners' application and should clearly depict the system and define the materials used. Construction drawings should clearly show all elevations, roof planes, proposed assembly and attachments to the roof structure, proposed installation location, and/or the location of any storage tanks.
3. All applications concerning SES should include calculations indicating the number and area of panels required.
4. The Board may request additional information should the original submission need clarification. The Board will promptly communicate its decision in writing to the homeowner and/or property owner who made the application.
5. If the Owner wishes to appear before the Board to present additional information for consideration by the Board, the Owner should contact the Board no less than ten business days prior to the date of a scheduled meeting of the Board, and should supply the Board Secretary with at least five copies of the application and attachments, so copies can be available to the members of the Board prior to the

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meeting. "Business days" mean Monday through Friday inclusive, excluding State and Federal holidays.

6. The Board shall promptly communicate its decision in writing to the Owner who made the application.
7. Approval of the Board only means the proposed SES, RWCS, and CS meets the standards of the Association. This approval **does not** exempt any Owner from obtaining the necessary approval from the Local Governing Body or any other permitting requirements.

E. ADDITIONAL RULES AND REGULATIONS

The Board can adopt additional rules and regulations that it deems necessary to effectuate enforcement of this Article, which may include, but shall not be limited to the ability to delegate certain obligations to the Association's Management and/or a qualified third-party contractor, for the purpose of conducting inspections and reviewing Owners' applications for installation of SES, RWCS, and CS.

APPROVED THIS 6th DAY OF February, 2020

WESTRIDGE OF BARTLETT HOMEOWNERS
ASSOCIATION

By: [Signature]
Its President

ATTEST:

By: [Signature]
Its Secretary

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EXHIBIT A

LEGAL DESCRIPTION

TO BE ADDED PRIOR TO RECORDING

COOK COUNTY
RECORDER OF DEEDS

COOK COUNTY
RECORDER OF DEEDS

COOK COUNTY
RECORDER OF DEEDS

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City: Bartlett County: Cook

PIN: 06-31-300-002-0000

06-31-300-008-0000

LEGAL DESCRIPTION:

LOTS 1 THRU 45, BOTH INCLUSIVE, 68 THRU 70, BOTH INCLUSIVE, 163 THRU 171, BOTH INCLUSIVE, 195 THRU 212 BOTH INCLUSIVE, 232 THRU 299 BOTH INCLUSIVE, LOT 311, LOTS 326 THRU 328, BOTH INCLUSIVE, AND LOTS 637 AND 638 IN WESTRIDGE OF BARTLETT UNIT 1, BEING A SUBDIVISION OF PART OF THE SOUTH 1/2 OF SECTION 31, TOWNSHIP 41 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 20, 1993 AS DOCUMENT 93041369, IN COOK COUNTY, ILLINOIS

Property of Cook County Clerk's Office

UNOFFICIAL COPY**EXHIBIT B****CERTIFICATION AS TO BOARD APPROVAL**

State of Illinois)

County of Cook)

SS. :

I, Hollis Healy, do hereby certify and declare, under penalty of perjury, that I am duly elected and qualified Secretary for The Westridge of Bartlett Homeowners Association (the "Association"), and as such Secretary, I am the keeper of the Association's books and records.

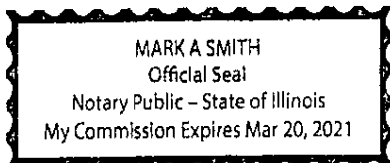
I further certify that the foregoing Amendment to the Declaration for The Westridge of Bartlett Homeowners Association was duly approved by two-thirds (2/3) of the Board of Directors at a duly called meeting on February 6, 2020, in accordance with Section 1-60 of the Illinois Common Interest Community Association Act.

Hollis Healy
Secretary of Westridge of Bartlett Homeowners
Association

Subscribed and Sworn to before me this

6th day of February, 2020

Mark A. Smith
Notary Public



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EXHIBIT C

AFFIDAVIT

I, Kevin Haas, under penalty of perjury, state that I am the Secretary of The Westridge of Bartlett Homeowners Association (the "Association"), and that a copy of the foregoing Amendment to the Association's Declaration has been either delivered personally or was sent by regular U.S. Mail, postage prepaid, to each Owner in the Association, at the address of the Dwelling Unit, or such other address as the Owner has provided to the Association's Board, for the purposes of mailing notices. I further state that the Owners did not file a petition with the Board, pursuant to the requirements set forth in Section 1-60(c) of the Illinois Common Interest Community Association Act, objection to the adoption of this Amendment to the Association's Declaration.


 Secretary of Westridge of Bartlett Homeowners
 Association

Subscribed and Sworn to before me this

29th day of June, 2020


 Notary Public

