91077560

91077560

1ST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS & RESTRICTIONS

THIS 1st Amendment is made this 31st day of July, 1990 pursuant to Article IX of the Declaration of Covenants, Conditions, Easements & Restrictions filed as Document No. #97498653 on September 10, 1987 and states as follows:

WHEREAS Article 2, Section 15 of the original Declaration prohibited the construction of fences or hedges to be created on the Property.

WHEREAS pursuant to notice the Association seeks to amend and modify Article 2, Section 15 of the original Declaration.

WHEREAS on July 31, 1990 a meeting was conducted pursuant to Notice and Approval by vote of the unit owners was carried to amend the Associations' Declaration of Covenants, Conditions, Easements & Restrictions.

NOW THEREFORE the Association for the purposes set forth hereby declare that this Declaration is amended as follows:

1. The owners of Lots 4, 5 & 6 as delineated on the Final Plat hereby are given the right to construct a wooden fence along the Northerly lot line of the subdivision provided that:

   (a) The sole cost of construction is paid by the individual lot owners of Lots 4, 5 & 6.

   (b) Prior to construction of the fence the architectural committee approve the height and design of the fence, which must be uniform.

DEPT-01 RECORDING $17.29
T#9888 TRAN 8622 02/19/91 15:26:00
#1022 # H *-91-077560
COOK COUNTY RECORDER

91077560

(c) The Lot owners of Lots 4, 5 & 6 shall bear the sole cost of maintaining the constructed fence. In the event of a breach of this Paragraph, 1c, the Association has the right within ten (1) days written notice to the lot owner to repair the same and assess the owner of the said lot for the cost of such repairs, plus costs and reasonable attorneys fees.

2. Lot 1 is hereby granted the right to seek a zoning and building variance from the Village of Schaumburg for the purpose of constructing a wooden, split rail fence along the Westerly lot line of Lot 1.

Upon written consent of the Village of Schaumburg of the aforesaid variance, Lot 1 is given the right to construct a wooden, split rail fence provided that:

(a) The sole cost of construction is paid by the lot owner of Lot 1.

(b) Prior to construction the architectural committee must approve the height and design of the fence.

(c) Lot 1's owner shall bear the sole cost of maintaining the constructed fence. In the event of a breach of this Paragraph, 2c, the Association has the right after ten (10) days written notice to the lot owner of Lot 1 to repair the same and assess the owner of Lot 1 for the cost of such repairs plus costs and reasonable attorneys fees.

91077560

3. Lots 1, 19, 20, 21 & 30 delineated on the Final Plat hereby are given the right to plant shrubs and trees along the Westerly lot line of the subdivision provided that:

(a) The Lot owners of Lots 1, 19, 20, 21 & 30 shall pay 1/2 of the total cost for the planting of hedges and trees along the aforesaid lot lines and 1/2 shall be paid by the remaining owners of the Association in equal shares.

(i) The Lot owners referred to above shall be invoiced by a special assessment payable no sooner than thirty (30) days from the date of invoice. This one time assessment shall not exceed Three Hundred Dollars ($300.00) per unit owner.

(ii) In the event of nonpayment of the special assessment, the Association retains their right to pursue all remedies as delineated within the original Declaration Article III, Section 2h.

(iii) The individual Lot owners of Lots 1, 19, 20, 21 & 30 shall be solely responsible for maintenance and costs associated with the upkeep and/or replacement of the hedges and trees. In the event of a breach of this Paragraph, 3c, the Association has the right within ten (10) days written notice to the individual Lot owners to repair or replace the subject additions and assessments, the Lot owners of the said

Lots described herein for the cost of such repairs plus costs and reasonable attorneys fees.

(b) Prior to the planting of shrubs and trees along the Westerly Lot line of the subdivision the Board of Directors or a committee designated by the Board shall obtain a detailed plan for landscaping, showing the type of shrubbery and trees to be planted, their approximate height and cost, which shall be approved by the Board of Directors.

IN WITNESS WHEREOF, the Association has approved the 1st Amendment to Declaration of Covenants, Conditions, Easements & Restrictions.

PRESIDENT

Attest:

EXHIBIT "A"

THAT PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 41 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS; COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER AND RUNNING THENCE NORTH 85 DEGREES 40 MINUTES 20 SECONDS EAST ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, A DISTANCE OF 317.97 FEET; THENCE SOUTH 0 DEGREES 10 MINUTES 47 SECONDS EAST, A DISTANCE OF 50.13 FEET FOR A PLACE OF BEGINNING; THENCE SOUTH 0 DEGREES 10 MINUTES 47 SECONDS EAST, A DISTANCE OF 437.51 FEET; THENCE SOUTH 44 DEGREES 37 MINUTES, 32 SECONDS WEST, A DISTANCE OF 7.07 FEET; THENCE SOUTH 89 DEGREES 37 MINUTES 35 SECONDS WEST, A DISTANCE OF 283.13 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF PLUM GROVE ROAD; THENCE NORTH 0 DEGREES 22 MINUTES 28 SECONDS WEST ALONG SAID EAST RIGHT-OF-WAY OF PLUM GROVE ROAD, A DISTANCE OF 402.49 FEET, TO THE SOUTHERLY RIGHT-OF-WAY OF SCHAUMBURG ROAD; THENCE NORTH 42 DEGREES 36 MINUTES, 54 SECONDS EAST ALONG THE SOUTHERLY RIGHT-OF-WAY OF SAID SCHAUMBURG ROAD, A DISTANCE OF 39.24 FEET; THENCE NORTH 85 DEGREES 40 MINUTES 20 SECONDS EAST ALONG THE SOUTHERLY RIGHT-OF-WAY OF SAID SCHAUMBURG ROAD, A DISTANCE OF [illegible].31 FEET TO THE PLACE OF BEGINNING, ALL IN COOK COUNTY, ILLINOIS AND CONTAINING 2.8630 ACRES MORE OR LESS. 07-23-400-014

PARCEL 2: TAX NO: 07-23-400-013-0000

THE NORTH [illegible] ACRES, MEASURED AT RIGHT ANGLES TO THE NORTH LINE THEREOF OF THE FOLLOWING DESCRIBED REAL ESTATE: THAT PART OF THE NORTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 23, TOWNSHIP 41 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST ¼ OF THE SOUTHEAST ¼ AND RUNNING THENCE NORTH 85 DEGREES 40 MINUTES 20 SECONDS EAST ALONG THE NORTH LINE OF SAID NORTHWEST ¼ OF THE SOUTHEAST ¼, 638.[illegible] FEET TO A LINE THAT IS PARALLEL WITH AND 705.0 FEET WEST OF THE EAST LINE OF SAID NORTHWEST ¼ OF THE SOUTHEAST ¼ (AS MEASURED ALONG THE NORTH LINE OF SAID NORTHWEST ¼); THENCE SOUTH 0 DEGREES 10 MINUTES 34 SECONDS EAST ALONG SAID PARALLEL LINE, 50.13 FEET TO A POINT THAT IS 50.0 FEET SOUTH OF SAID NORTH LINE OF THE NORTHWEST ¼ (AS MEASURED PERPENDICULAR TO SAID NORTH LINE) FOR A PLACE OF BEGINNING; THENCE CONTINUING SOUTH 0 DEGREES 10 MINUTES 34 SECONDS EAST ALONG SAID PARALLEL LINE, 726 FEET; THENCE SOUTH 85 DEGREES 40 MINUTES AND 20 SECONDS WEST ALONG A LINE PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST ¼ OF SOUTHEAST ¼, 300 FEET; THENCE NORTH 0 DEGREES 10 MINUTES 34 SECONDS WEST ALONG LINE PARALLEL WITH THE EAST LINE OF THE SAID NORTHWEST ¼ OF THE SOUTHEAST ¼ 726 FEET TO SAID LINE THAT IS PARALLEL WITH AND 50.0 FEET SOUTH OF THE NORTH LINE OF SAID NORTHWEST ¼ OF THE SOUTHEAST ¼ (AS MEASURED PERPENDICULAR TO SAID NORTH LINE); THENCE NORTH 85 DEGREES 40 MINUTES AND 20 SECONDS EAST ALONG SAID LINE, 300 FEET TO THE PLACE OF BEGINNING IN COOK COUNTY, ILLINOIS.

PARCEL 3: TAX NO: 07-23-400-011,012-0000

THAT PART OF THE NORTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 23, TOWNSHIP 41 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY COMMENCING AT THE CENTER OF SAID SECTION 23 AND RUNNING THENCE NORTH 85 DEGREES 40 MINUTES EAST ALONG THE NORTH LINE OF SAID NORTHWEST ¼ OF THE SOUTHEAST ¼, 639.13 FEET TO AN IRON STAKE FOR A PLACE OF BEGINNING; THENCE CONTINUING NORTH 85 DEGREES 40 MINUTES EAST ALONG SAID NORTH LINE, 375.0 FEET TO AN IRON STAKE; THENCE SOUTH 0 DEGREES 10 MINUTES EAST, 1172.33 FEET TO AN IRON STAKE; THENCE SOUTH 85 DEGREES 44 MINUTES WEST, 374.97 FEET TO AN IRON STAKE; THENCE NORTH 0 DEGREES 10 MINUTES WEST, 1171.9 FEET TO THE PLACE OF BEGINNING, EXCEPTING THEREFROM THE NORTH 50 FEET CONVEYED TO COUNTY OF COOK BY DOCUMENT # 23782720 RECORDED JANUARY 18, 1977, IN COOK COUNTY, ILLINOIS.

91077360