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Prepared by/Return to

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CHICAGO, ILLINOIS 60603

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COOK COUNTY RECORDER



SECOND AMENDMENT TO
DECLARATION OF
COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS
Evergreen Estates Subdivision
Willow Springs, Illinois

This Second Amendment to Declaration of Covenants, Conditions, Restrictions and Easements is made this 22nd day of April, 1996 by Fairway Investments, L.L.C., an Illinois limited liability company (hereinafter referred to as "Declarant").

RECTENAS

A. Declarant owns fee simple title to all subdivided lots (1-20) within Evergreen Estates, being a subdivision of part of the Southwest Quarter of the Northwest Quarter of Section 32, Township 38 North, Range 12 East of the Third Principal Meridian, in Cook County, Illinois, in accordance with the plat thereof, recorded with the Cook County Recorder of Deeds on September 1, 1995 as Document No. 95583328 (hereinafter, the "Property").

B. Declarant made and recorded a Declaration of Covenants, Conditions, Restrictions and Easements against the Property on September 1, 1995 as Document No. 95583329 (hereinafter, the "Declaration"). Declarant made and recorded the First Amendment to the Declaration on October 5, 1995 as Document No. 95678573.

C. Declarant desires to amend the Declaration so as to add provisions related to the construction and maintenance of Dwellings on the Property.

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PROVISIONS

NOW, THEREFORE, Declarant declares that the Declaration is hereby amended as follows, and that the Property shall be held, transferred, sold, conveyed and occupied, subject to the restrictions and requirements hereinafter set forth.

Article 2: General Restrictions

Article 2 of the Declaration is hereby amended by the addition of a new Paragraphs 2.2.1, 2.2.2, 2.2.3, 2.2.4, 2.2.5, 2.2.6 and 2.2.7 which state:

2.2.1 Dwelling Size and Quality. The above-grade floor area of each Dwelling (exclusive of attached garages, open porches, carports and breezeways) shall be no less than 2,300 square feet. The ratio of above-grade floor area of a Dwelling (exclusive of attached garages, open porches, carports and breezeways) to the area of the Lot upon which it is constructed (i.e. FAR/Floor Area Ratio) shall be no more than 0.45 (i.e. 45%). The exterior walls of a Dwelling shall have no more than two (2) materials which are acceptable to Declarant. Declarant's approval of exterior wall materials shall be obtained in accordance with Article 4 hereof.

2.2.2 Landscaping. All Lots, exclusive of driveways, sidewalks, patios, decks and buildings, shall be seeded or sodded and initially provided with foundation plantings within 180 days of the date of occupancy, weather permitting.

2.2.3 Driveways and Sidewalks. Access driveways and other paved areas for vehicular and pedestrian use on a Lot shall have a base of compacted gravel, crushed stone or other approved material, and shall have a permanent hard surface of concrete. Alternate permanent hard surface materials may be approved by Declarant in accordance with Article 4 hereof.

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2.2.4 Noxious or Offensive Activities. No noxious or offensive activity shall take place on, in or upon any Lot, nor shall anything be done on, in or upon any Lot which may be, or may become, an annoyance or nuisance to Persons residing on the Property. Without in any way limiting the effect of the foregoing, the following activities are specifically prohibited on all Lots:

- (i) Introduction or maintenance of underbrush or plants breeding infectious plant diseases or noxious insects;
- (ii) Burning of refuse outside of a Dwelling (except as the burning of leaves by be permitted by the Village);
- (iii) Storage of garbage or refuse outside of a Dwelling;
- (iv) Hanging of laundry or other articles, or erection of laundry drying equipment, outside of a Dwelling, or enclosed accessory structure;
- (v) Raising, breeding or maintaining any livestock, poultry or any other animals, except that a maximum of two (2) dogs and two (2) domesticated cats may be maintained on a Lot. No dogs or cats shall be allowed to run loose.

2.2.4 Lawn and Weed Control. All Owners shall maintain their Lot, regardless of whether a Dwelling is constructed thereon, by mowing all grass and weeds thereon to a maximum height of four inches (4").

2.2.5 Nameplates and Signs. No more than one nameplate may be located on a Dwelling. A nameplate shall not be more than forty-eight (48) square inches in area, and shall contain the address of the Dwelling and/or the name(s) of its occupants only. The nameplate

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may be located on the door of the dwelling or the wall adjacent thereto. No other signs, except "for sale" and political campaign signs as regulated by the Village, shall be allowed on any Lot.

2.2.6 Mailboxes. Each Lot on which a Dwelling is constructed shall have a single mailbox located at the street and dedicated to the exclusive use of the occupants of that Dwelling. The size, design and location of each mailbox shall be approved by Declarant in accordance with Article 4 hereof.

2.2.7 Commencement of Construction. Construction of a Dwelling on a Lot shall commence within sixty (60) months after the date Declarant conveys the Lot to an Owner.

IN WITNESS WHEREOF, Declarant has caused this First Amendment to be executed by its members as of the date first above written.

Railway Investments, L.L.C., an Illinois limited liability company

By: 

Member

By: 

Member

By: 

Member

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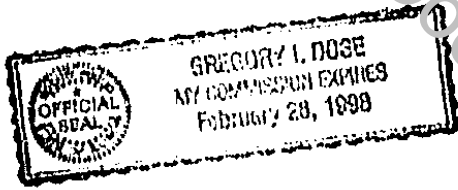
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Notary Certificate

State of Illinois)
)ss
County of Cook)

I, the undersigned, a Notary Public in and for the county and state aforesaid do here certify that David B. McAfee, Donald P. Nelson, and Thomas J. Walsh, personally known to me to be all of the members of Fairway Investments, L.L.C., and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this date in person and severally acknowledged that, as such members, they signed and delivered said instrument as their free and voluntary act and as the free and voluntary act and deed of Fairway Investments, L.L.C., for the purposes therein set forth.

Given under my hand and official seal this 22nd day of April, 1996.



Gregory I. Dose
NOTARY PUBLIC

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