

SUPPLEMENTAL DECLARATION

Supplemental Declaration made this 3rd day of February, 1989, by THE BRANIGAR ORGANIZATION, INC., an Illinois corporation (herein called "Developer").

W I T N E S S E T H :

WHEREAS, Developer is the owner of certain real estate located in Jo Daviess County, Illinois, with respect to which it has recorded under date of July 25, 1973, a General Declaration of Covenants and Restrictions (General Declaration) dated July 23, 1973 in Book 7 of Miscellaneous Records, Pages 780-798, and has recorded under date of September 14, 1973 Amendment to said General Declaration dated September 10, 1973 in Book 7 of Miscellaneous Records, Pages 864-866 and the second Amendment dated October 26, 1978, recorded October 26, 1978 in Book 12 of Miscellaneous Records, Pages 145 and 146; and

WHEREAS, the Developer desires to extend the provisions of said General Declaration, as amended, to the real estate hereinafter described which is subject to this Supplemental Declaration and which is owned by the Developer except to the extent that the provisions of the General Declaration, as amended, herein are modified.

NOW, THEREFORE, the Developer, for itself, its successors and assigns hereby declares that the provisions of the General Declaration of Covenants and Restrictions, as amended, except as herein changed and modified, hereby are extended and shall apply to that additional real estate owned by the Developer in Jo Daviess County, Illinois, and described as follows:

Lots 1-21, both inclusive, in Eagle Ridge Unit 28 of Branigar's The Galena Territory, a Subdivision of Jo Daviess County, Illinois, according to the plat thereof recorded with the Recorder of Deeds of Jo Daviess County, Illinois, in Plan Hold B of Plats, No. 179-A as Document Number 195900 on the 2nd day of February, 1989.

The provisions of the General Declaration hereby are changed and modified in the following respects:

- (a) **PERMITTED USES - GENERAL:** All lots which are subject to this Supplemental Declaration are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one dwelling designed for occupancy by a single family, and one dwelling accessory building designed for use as a private garage, except as otherwise permitted herein. No dwelling accessory structure shall be erected prior to construction of a dwelling.
- (b) **ARCHITECTURAL CRITERIA:** By reason of the unique character and golf course proximity of Eagle Ridge Unit 28, the Architectural Review Committee will apply more stringent criteria, including aesthetic considerations, to proposed dwellings and all other proposed construction, including additions, garages, fencing, walls, patios, and landscaping. Garages and other proposed construction must be designed in architectural continuity with the dwelling. Recreational and maintenance equipment and utility areas must be well screened from visibility. The Architectural Review Committee shall establish general guidelines regarding colors, materials, and architectural forms. The Committee may withhold approval for any reasons deemed by it to be appropriate, including aesthetic reasons, except that approval will not be unreasonably withheld.
- (c) **LIVING AREA:** The living area in any dwelling constructed on any lot subject to this Supplemental Declaration shall not be less than 1,000 square feet.

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(d) DESIGN CRITERIA: To preserve the unique characteristics of Eagle Ridge Unit 28, the following special provisions with respect to the residential units constructed thereon shall apply:

- (1) The minimum pitch of the dominant roof line of any dwelling shall be 6 in 12.
- (2) Exterior siding material shall consist of individual wood boards. Plywood sheet siding is specifically excluded.
- (3) Roofing material shall consist of wood shakes or shingles or, if asphalt or fiberglass roofing is utilized, roof material shall be a 280# grade as a minimum.
- (4) Suitability of design shall be judged in relation to compatibility with other units either existing or approved for construction within Eagle Ridge Unit 28. Designs that conflict sharply in architectural style or exterior treatment with existing or approved units will not be approved.
- (5) A detailed site plan including proposed landscaping elements shall be required prior to approval.
- (6) Satellite television dishes and free-standing antenna towers are prohibited on lots in Eagle Ridge Unit 28.

IN WITNESS WHEREOF, the Developer has caused these presents to be executed in the day and year first above written.

THE BRANIGAR ORGANIZATION, INC.

By: *A. J. Cechvala*
Vice President
A. J. Cechvala

ATTEST:

Genevieve M. Rowe
Assistant Secretary
Genevieve M. Rowe

STATE OF ILLINOIS, COUNTY OF Jo Daviess SS. I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY, that A. J. Cechvala personally known to me to be the Vice President of The Branigar Organization, Inc. and Genevieve Rowe personally known to me to be the Assistant Secretary of said corporation, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that as such Vice President and Assistant Secretary, they signed and delivered the said instrument as Vice President and Assistant Secretary of said corporation, and caused the corporate seal of said corporation to be affixed thereto, pursuant to authority, given by the Board of Directors of said corporation as their free and voluntary act, and as the free and voluntary act and deed of said corporation, for the uses and purposes therein set forth.

Given under my hand and official seal, this 3rd day of February, 1989.

Marilyn Hesselbacher
Notary Public



Prepared by: John D. Alderman, Ass't Vice President
The Branigar Organization, Inc.