

S/Carl B. Schoenhard, Recorder

By: S/Elsie G. Fry, Deputy

SUPPLEMENTAL DECLARATION

Supplemental Declaration made this 2nd day of March, 1978, 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 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

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 to 38, both inclusive, in Eagle Ridge Unit 3 of Branigar's 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 Plat Book 14, at Page 81, as Document No. 146098.

1. The provisions of the General Declaration hereby are changed and modified to 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. Garages may have living quarters in connection therewith for use by the owner or occupants or his servants or guests but shall not be used for rental purposes. No dwelling accessory structure shall be erected prior to construction of a dwelling.

(b) PERMITTED USES - SPECIAL: Developer reserves the right to designate any of the lots subject to this Supplemental Declaration as lots which may be improved, in addition to the General Permitted Uses, with an additional dwelling accessory structure to be used as a stable, together with an appropriate corral in connection therewith as approved by the Committee. The exercise of such right by the Developer shall be by appropriate instrument recorded with the Recorder of Deeds designating the lots with respect to which such Special Uses are permitted. The owner or any lot so designated may maintain such a permitted facility on his lot for the use of the members of family and guests. Such permitted facility shall not be used for the stabling of more than two horses, unless the instrument recorded designating these lots for such Special Uses provides therein that certain lots may have facilities constructed thereon for the stabling of a greater number of horses.

(c) ARCHITECTURAL CRITERIA: By reason of the unique character and golf course proximity of Eagle Ridge Unit 3, 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 reason deemed by it to be appropriate, including aesthetic reasons, except that approval will not be withheld for capricious or unreasonable reasons.

(d) 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.

(e) ROOF PITCH: The minimum roof pitch for any dwelling shall be 4 in 12.

(f) BUILDING SETBACKS: No structures or fencing may be erected within rear building set back areas designated on the plat of subdivision.

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

THE BRANIGAR ORGANIZATION, INC.

BY *Leota S. Harker*



Genevieve M. Rowe
Assistant Secretary

This instrument drafted by:
DENNIS B. ALEXANDER - Attorney
814 COMMERCE DRIVE
OAK BROOK, ILLINOIS 60521