



* 3 9 6 8 2 0 7 3 *

396820

JEAN DIMKE, RECORDER
JO DAVIESS COUNTY, IL
11/29/2017 08:03:35AM

REC FEE: 121.00
RHSP FEE: 9.00



THE GALENA TERRITORY
ASSOCIATION, INC.

General Declaration of Covenants and Restrictions

PREPARED BY:
Keay & Costello, P.C.
128 South County Farm Road
Wheaton, IL 60187

AFTER RECORDING RETURN TO:
The Galena Territory Association, Inc.
2000 Territory Drive
Galena, IL 61036

Established July 23, 1973
Revised November 2017

This Page Left Intentionally Blank

TABLE OF CONTENTS

General Declaration of Covenants and Restrictions

Article I – Declaration – Purpose

Article II – Definitions

Article III – Existing Properties – Additions Thereto – Mergers

Article IV – Architectural Review Process

Article V – General Restrictions

Article VI – The Common Properties: Rights, Obligations and Reservations
With Respect Thereto

Article VII – Membership and Voting Rights in the Association

Article VIII – Covenant for Maintenance Assessments

Article IX – Sanitary Disposal

Article X – Water Service

Article XI – General Provisions

This Page Left Intentionally Blank

**AMENDED AND RESTATED GENERAL DECLARATION
OF
COVENANTS AND RESTRICTIONS FOR THE GALENA TERRITORY ASSOCIATION, INC.**

This instrument is recorded for the purpose of amending and restating the Amended and Restated General Declaration of Covenants and Restrictions for The Galena Territory Association, Inc. (hereinafter referred to as "Prior Declaration"), which was recorded with the Recorder of Deeds of Jo Daviess County, Illinois, on March 5, 2014 as Document No. 379037.

This Amended and Restated General Declaration of Covenants and Restrictions for the Galena Territory Association, Inc. is adopted pursuant to the terms of Section 1-60(a) of the Illinois Common Interest Community Association Act, having been approved by the vote of at least two-thirds (2/3) of the directors on the Board. This Amended and Restated General Declaration of Covenants and Restrictions for the Galena Territory Association, Inc. shall become effective after such document has been recorded in the Office of the Recorder of Deeds of Jo Daviess County, Illinois.

PREAMBLE:

WHEREAS, The Galena Territory Association, Inc. (hereinafter the "Association") through its Board of Directors administers the property legally described in Exhibit "A", which is attached hereto and made a part hereof (hereinafter referred to as the "Property");

WHEREAS, the Prior Declaration was recorded with the Recorder of Deeds of Jo Daviess County, Illinois, on March 5, 2014 as Document No. 379037;

WHEREAS, the Board of Directors for The Galena Territory Association, Inc. desires to amend the Prior Declaration to bring that document into compliance with recent changes to the Illinois Common Interest Community Association Act (765 ILCS 160/1-1 et. seq.);

WHEREAS, this Amended and Restated General Declaration of Covenants and Restrictions for the Galena Territory Association, Inc. is adopted pursuant to the terms of Section 1-60(a) of the Illinois Common Interest Community Association Act, having been approved by the vote of at least two-thirds (2/3) of the directors on the Board, to completely replace the Prior Declaration; and

WHEREAS, this Amended and Restated General Declaration of Covenants and Restrictions for the Galena Territory Association, Inc. shall become effective upon recordation in the Office of Recorder of Deeds, Jo Daviess County, Illinois.

NOW THEREFORE, the Prior Declaration is hereby amended and restated as follows:

**ARTICLE I
DECLARATION - PURPOSES**

Section 1. General Purposes: The Developer is the owner of certain real property located in Jo Daviess County, Illinois, and desires to create thereon a planned community development provided with common properties designed for the private use of owners within such development, except as herein otherwise provided.

- (a) The Developer desires to provide for the preservation of the values and amenities in said planned community development and for the maintenance of the open spaces and other common properties and to this end desires to subject the real property described in Article III, together with such additions as hereafter may be made thereto as provided in Article III, to the covenants, restrictions, easements, charges and liens hereinafter set forth, each and all of which is and are for the benefit of said property and each owner thereof.
- (b) The Developer has deemed it desirable for the efficient preservation of the values and amenities in said planned community development to create an entity to which the Common Properties will be conveyed and transferred, and to which will be delegated and assigned the powers of maintaining and administering the Common Properties and administering and enforcing the covenants and restrictions and collection and disbursing the assessments and charges hereinafter created. For that purpose, the Developer has caused to be incorporated under the

laws of the State of Illinois a nonprofit corporation known as "The Galena Territory Association, Inc."

Section 2. **Declaration:** To further the general purposes herein expressed, the Developer, for itself, its successors and assigns, hereby declares that the real property hereinafter described in Article III as "Existing Properties; and such additions to the Existing Properties as hereinafter may be made pursuant to the provisions of Article III hereof, whether or not referred to in any deed of conveyance of such properties, at all time is and shall be held, transferred, sold, conveyed and occupied subject to the covenants, restrictions, easements, charges and liens (sometimes referred to as "covenants and restrictions") hereinafter set forth. The provisions of this Declaration are intended to create mutual equitable servitudes upon each lot becoming subject to this Declaration in favor of each and all other such lots; to create privity of contract and estate between the grantees of such lots, their heirs, successors and assigns; and to operate as covenants running with the land for the benefit of each and all such lots becoming subject to this Declaration, and the respective owners of such lots, present and future.

ARTICLE II DEFINITIONS

Section 1. The following words and terms, when used in this Declaration or any Supplemental Declaration (unless the context shall prohibit) shall have the following meanings:

- (a) "Association" shall mean and refer to "The Galena Territory Association, Inc.", its successors and assigns.
- (b) "The Properties" shall mean and refer to Existing Properties, and all additions to the Existing Properties subject to this declaration.
- (c) "Existing Properties" shall mean and refer to the real estate described in Article III Section 1. hereof.
- (d) "Common Properties" shall mean any real property and improvements thereon and any personal property or equipment with respect to which the Developer grants, assigns or conveys to the Association, title, interest in or rights of use, or with respect to which the Developer permits use by the Association and its members, and any replacement of or for any of the foregoing.
- (e) "Lot" shall mean any plot of land described by a number upon any recorded subdivision map of The Properties, but shall not include any plot designated therein as a "tract".
- (f) "Living Unit" shall mean and refer to any portion of a Multi-Family Structure situated upon the properties designed for occupancy by a single family.
- (g) "Multi-Family Structure" shall mean any building containing two or more Living Units under one roof or any cluster of Living Units of single or multiple story construction, whether detached or joined by common walls, situated upon any lot designated for multi-family residential use.
- (h) "Single Family Residential" shall mean any of The Properties restricted by Supplemental Declaration to use for improvement with Dwellings.
- (i) "Multi-Family Residential" shall mean any of The Properties restricted by Supplemental Declaration to use for improvement with Multi-family Structures.
- (j) "Owner" shall mean the record owner, (whether one or more persons or entities), of the fee simple title to or the contract purchaser for any Lot or Living Unit situated upon The Properties; but, notwithstanding any applicable theory of the Deed to Secure Debt, shall not mean or refer to any holder thereof unless and until such holder has acquired title pursuant to foreclosure or any proceedings in lieu of foreclosures.
- (k) "Member" shall mean all those owners who are members of the Association as hereinafter provided, except that the Developer shall not be a Member.

- (l) "Dwelling Lot" shall mean any Lot intended for improvement with a dwelling.
- (m) "Dwelling" shall mean any building located on a Dwelling Lot and intended for the shelter and housing of a single family.
- (n) "Dwelling Accessory Building" shall mean a subordinate building or a portion of a Dwelling, the use of which is incidental to the Dwelling and customary in connection with that use.
- (o) "Single Family" shall mean one or more persons, each related to the other by blood, marriage or adoption, or a group of not more than three persons not all so related, together with his or their domestic servants, maintaining a common household in a Dwelling.
- (p) "Story" shall mean that portion of a Dwelling included between the surface of any floor and the surface of a floor next above, or if there is no floor above, the space between the floor and the ceiling next above.
- (q) "Living Area" shall mean that portion of a Dwelling which is enclosed and customarily used for Dwelling purposes and having not less than six (6) feet headroom, but shall not include open porches, open terraces, breezeways, attached garages, carports or Dwelling Accessory Buildings.
- (r) "Structure" shall mean any building or other improvement erected or constructed, the use of which requires more or less permanent location on or in the ground, or attached to something having a permanent location on or in the ground. A sign or other advertising device, attached or projecting, shall be construed to be a separate Structure.
- (s) "Committee" shall mean the Architectural Review Committee.

**ARTICLE III
EXISTING PROPERTIES -
ADDITIONS THERETO - MERGERS:**

Section 1. **Existing Properties.** The real property which is and shall be held transferred, sold, conveyed and occupied subject to this Declaration is located in Jo Daviess County, Illinois and more particularly described in Exhibit "A" attached hereto. The specific restrictions and specifications pertaining to the various lots as set forth by the Developer in the aforementioned Supplemental Declarations are set forth in Exhibit "A" and by reference incorporated herein.

Section 2. **Additions to Existing Properties.** The Developer is the owner of, or has the right to acquire, 6,500 acres, more or less, including the Existing Properties, comprising a single tract of land in Jo Daviess County, Illinois. The Developer, its successors and assigns, in accordance with Developer's General Plan of Development for The Galena Territory, shall have the right to bring within the scheme of this Declaration in future stages of development any part or all of said lands which are not included in the Existing Properties. The additions authorized under this, and Article III Section 3, shall be made by filing of record a Supplemental Declaration of covenants and restrictions with respect to the additional property which shall extend the scheme of the covenants and restrictions of this Declaration to such property. Any Supplemental Declaration may contain such complementary additions and modifications of the covenants and restrictions contained in this Declaration as may be necessary to reflect the different character, if any, of use of the added property, as are not inconsistent with the scheme of this Declaration. Any such additional property, when made subject to the scheme of this Declaration, will become subject to assessment for its just share of Association expenses in accordance with the scheme of this Declaration. In no event shall any such supplementary declaration revoke, modify or add to the covenants established by this Declaration with respect to the existing properties in any manner which would substantially alter the scheme of this Declaration.

Section 3. **Other Additions.** The Developer reserves the right to bring within the scheme of this Declaration any additional lands which are contiguous or adjacent to or within the immediate vicinity of the lands referred to in Article III Section 1 and Section 2 and which now are or hereafter may be owned by Developer and subjected to the scheme of this declaration, provided that Developer provides with

respect to such additional lands, open areas and recreational or other facilities which, in developer's sole discretion, will not unjustly dilute the available facilities within The Properties as so expanded.

Section 4. **Mergers.** In the event of a merger or consolidation of the Association with another association as authorized by its Articles of Incorporation, its properties, rights and obligations may be transferred to another surviving or consolidated association. Alternatively, if the Association is the surviving corporation in a merger or consolidation, it may administer the covenants and restrictions established by this Declaration within the Existing Properties together with the covenants and restrictions established upon any, other properties, as one scheme. However, no such merger or consolidation shall effect any revocation, change or addition to the covenants established by this Declaration with respect to the Existing Properties or any Supplemental Declaration with respect to any additions thereto, except as hereinafter provided.

ARTICLE IV ARCHITECTURAL REVIEW PROCESS:

Section 1. **Objectives.** Developer's objectives are to carry out the general purposes expressed in this Declaration; and to assure that any improvements or changes in the properties will be of good and attractive design and in harmony with the natural setting of the area and will serve to preserve and enhance existing features of natural beauty; and to assure that materials and workmanship of all improvements are of high quality and comparable to other improvements in the area.

Section 2. **The Committee.** To achieve Developer's objectives, the Developer shall create the Committee with power to administer this Declaration with regard to approving or disapproving those matters which are expressed herein to be within the jurisdiction of the Committee. The Committee shall consist of not less than three members. The names and addresses of the persons who from time to time comprise the membership of the Committee shall be furnished the Association. Matters requiring approval of the Committee shall be submitted to its Chairman, or as the Committee otherwise designates. The function of the Committee shall be transferred to the Association at any time at the option of the Developer.

Section 3. **Matters Requiring Approval.** Prior written approval shall be obtained from the Committee with respect to all matters stated in this Declaration as requiring such approval. In addition thereto, no building, fence, wall or other structure shall be commenced, erected or maintained upon The Properties, nor shall any exterior addition to or change or alteration therein be made, nor shall any clearing of trees or change of property grade be made until the plans and specifications showing the nature, kind, shape, elevations, heights, materials and color, location and grade, proposed landscaping, design and proposed location on the lot of the sanitary disposal system, of the same shall have been submitted to and approved in writing by the Committee.

Section 4. **Procedure.** Whenever approval is required of the Committee, appropriate plans and specifications shall be submitted to the Committee. The Committee shall either approve or disapprove such design and location and proposed construction and clearing activities within thirty days after said plans and specifications have been submitted to it; except that, if such plans and specifications are disapproved in any respect, the applicant shall be notified wherein such plans and specifications are deficient. 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. If such plans and specifications are not approved or disapproved within thirty days after submission, approval will not be required and this Article will be deemed fully complied with. At the discretion of the Committee a reasonable filing fee established by the Committee shall accompany the submissions of such plans to defray expenses except that so long as the Committee is under developer's control such fees shall not exceed \$50.00. No additional fee shall be required for resubmission of plans revised in accordance with recommendations made upon disapproval. A copy of each approved set of plans and specifications shall be kept on file with the Committee.

Section 5. **Deviations From Covenants and Restrictions.** The Committee shall have the power to enter into agreements with the Owner of any Lot, without the consent of the Owner of any other Lot, or adjoining or adjacent property, to deviate from the provisions of the covenants and restrictions within the jurisdiction of the Committee for reasons of practical difficulty or particular hardships which otherwise would be suffered by such Owner. Any such deviation, which shall be manifested by written agreement, shall not constitute a waiver of any such covenant as to other Lots in The Properties.

ARTICLE V GENERAL RESTRICTIONS

Section 1. **Land Use - Single Family Residential.** Any portion of The Properties designated by Supplemental Declaration for "Single Family Residential" use shall be used only as Dwelling Lots for single family residences and shall be subject to the restrictions set forth in this Article V or as modified or added to by the provisions of the Supplemental Declaration pertaining thereto. Except as may be otherwise provided in the supplemental Declaration, no building shall be erected on any such Lot except one Dwelling designed for occupancy by a Single Family and one Dwelling Accessory Building designed for use in conjunction with said Dwelling as a private garage or servants' quarters or a combination of both. No structure may be erected or maintained on any such Lot except as shall be approved in writing by the Committee.

Section 2. **Land Use - Multi-Family Residential.** Any portion of The Properties designated by Supplemental Declaration for "Multi-Family Residential" use shall be used only for improvement with Multi-Family Structures and shall be subject to the restrictions set forth in this Article V or as modified or added to by the provisions of the Supplemental Declaration pertaining thereto.

Section 3. **Quality of Structures.** It is the intention and purpose of these covenants to insure that all structures shall be of a quality of design, workmanship and materials which are compatible and harmonious with the natural setting of the area and other structures within the development. All structures shall be constructed in accordance with applicable government building codes and with more restrictive standards that may be required by the Committee.

Section 4. **Location of Structures on Lot.** The developer deems that the establishment of standard inflexible building setback lines for location of structures on individual Lots would be incompatible with the objective of preserving the natural setting of the area and preserving and enhancing existing features of natural beauty and visual continuity of the area. Therefore, the location of each structure, including driveways and culverts, on a Lot shall be subject to approval in writing by the Committee, giving consideration to setback lines, if any, on the recorded plat, provided that each Owner shall be given reasonable opportunity to recommend the suggested construction site.

Section 5. **Nuisances.** No noxious or offensive activity shall be carried on, in or upon any premises, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood. No plants or seeds or other things or conditions, harboring or breeding infectious plant diseases or noxious insects shall be introduced or maintained upon any part of a Lot.

Section 6. **Temporary Structures.** No trailer, mobile home, recreational vehicle, tent, shack or other structure, except as otherwise permitted herein or in the applicable Supplemental Declaration, and no temporary building or structure of any kind shall be used for a residence, either temporary or permanent. Temporary structures used during the construction of a structure shall be on the same Lot as the structure and such temporary structures shall be removed upon completion of construction.

Section 7. **Completion of Construction.** Any construction undertaken on any Lot shall be continued with diligence toward the completion thereof and construction of any Dwelling shall be completed within one year from commencement of construction, except that such period may be extended for a reasonable time by reason of act of God, labor disputes or other matters beyond the Owner's control. No structure shall be deemed completed until installation of approved landscaping.

Section 8. **Maintenance of Lots.** All Lots, including adjacent parkway's, whether occupied or unoccupied, and any improvements placed thereon at all times shall be maintained in such manner as to prevent their becoming unsightly, unsanitary, or a hazard to health. If not so maintained, the Association shall have the right, through its agents and employees to do so, the cost of which shall be added to and become a part of the annual assessment with respect to such Lot. Neither the Association nor any of its agents, employees or contractors shall be liable for trespass or any damage which may result from such work.

Section 9. **Lot Appearance.** No person shall accumulate on his Lot junked vehicles, litter, refuse or other unsightly materials. Garbage shall be placed in receptacles provided therefore and if outside shall be properly screened. Fuel tanks shall be underground or properly shielded.

Section 10. **Other Prohibited Matters.** Except as otherwise permitted by the Supplemental Declaration: No animals other than unoffensive common domestic household pets such as dogs and cats, shall be kept on any Lot. No home occupation or profession shall be conducted on any Lot except as may be authorized by the Committee. Habitual parking of commercial vehicles on any Lot or parking area adjacent is prohibited. No model home or homes shall be permitted on any Lot or Lots except by prior written authorization of Developer. Habitual parking on roadways is prohibited.

Section 11. **Easements Reserved with Respect to Lots.** Developer reserves for itself, its successors and assigns, easements over each Lot, and the right to ingress and egress to the extent reasonably necessary to exercise such easements, as follows:

- (a) Utility easements shown on any recorded Plat of The Properties, except that if any plat fails to establish easements for such purposes than a 10-foot side strip running along side lot lines, front lot line and rear lot line of Dwelling Lots is reserved for the installation and maintenance of utility facilities, and incidental usage related thereto.
- (b) The Owner shall not place any structure on any such easement and shall be responsible for maintaining the easement and any damages caused by user of right to the easement shall be repaired and restored by such user.
- (c) Prior to commencement of construction upon any Lot, the Developer, its successors, assigns and licensees, shall have the right to enter upon any Lot for the purpose of removing offensive underbrush or for pest control purposes. No such entry shall be deemed a trespass.
- (d) No Owner shall have any claim or cause of action, except as herein provided, against Developer, its successor, assigns, or licensees arising out of exercise or nonexercise of any reserved easement except in cases of willful or wanton misconduct.

**ARTICLE VI
THE COMMON PROPERTIES: RIGHTS, OBLIGATIONS
AND RESERVATIONS WITH RESPECT THERETO:**

Section 1. **Members Easements of Enjoyment.** Subject to the provisions of this Article VI, every Member shall have the non-exclusive right and easement of enjoyment in and to the Common Properties, which easement shall be appurtenant to and shall pass with the title to every Lot or Living Unit.

Section 2. **Obligation of the Association with Respect to Common Properties.** The Association, for itself, its successor and assigns, hereby covenants with the Developer as Follows:

- (a) The Association will accept conveyance of the Common Properties which the Developer is obligated to or, may convey to the Association.
- (b) The Association will preserve and maintain for the common benefit of its Members, and other users of right, all of the Common Properties which it shall own, shall pay any taxes assessed thereon, carry insurance with respect thereto as determined by its Board of Directors, and shall keep the same in good and sightly appearance.

Section 3. **Extent of Members Easements.** The rights and easements of enjoyment created hereby for the benefit of Association members and other users of right shall be subject to the following:

- (a) Rights of the Developer, its successors, assigns, licensees and sub-licensees as herein reserved.
- (b) The right of the Association, in accordance with its by-laws, to borrow money for the purpose of improving the Common Properties, and in addition thereto, to mortgage such properties. In the event of a default upon any such mortgage, the lender's rights shall be limited to the right, after taking possession of such properties, to charge admission and other fees as a condition to continued enjoyment by the Members and, if necessary, to open the enjoyment of such properties to a wider public until the mortgage debt is satisfied, whereupon the possession of such properties shall be returned to the Association and all Members' rights fully restored.

- (c) The right of the Association to take such steps as are reasonably necessary to protect the Common Properties against foreclosures.
- (d) The right of the Association, as provided in its Articles and By-Laws, to make reasonable rules and regulations with respect to the use of the Common Properties and to suspend enjoyment rights of any Member for any period during which any assessment against such Member remains unpaid, and for any period not to exceed thirty days, for any infraction of its published rules and regulations.
- (e) Except as otherwise provided herein, the right of the Association to charge reasonable admission and other fees for the use of the Common Properties where such use results in an added expense to the Association and added benefits to the using Members.
- (f) "The right of the Association to dedicate or transfer all or any part of the Common Properties to any public agency, authority or utility, subject to the conditions and limitations as provided in its Articles of Incorporation."

Section 4. **Rights and Easements Reserved by Developer.** The Developer for itself, its successors and assigns, reserves the following rights and easements in and with respect to Common Properties transferred to the Association:

- (a) An easement is reserved with respect to all open areas conveyed to the Association pursuant to this Declaration, to install, lay, construct, renew, operate and maintain utility lines and conduits and underground or overhead poles and equipment, and structures and devices relating to utility services for the purpose of serving the properties with telephone, electricity, water, sewer service and other utility services; and Developer, its successors and assigns, through authorized representatives, may enter upon such areas at all times for any such purposes, and cut down and remove any trees or bushes that interfere or threaten interference with any such right of use.
- (b) An easement is reserved for surface drainage over any open areas.
- (c) The Developer reserves for itself, its successors, assigns, licensees and sublicensees the non-exclusive use, in common with Members, of the open areas (including lakes) for recreation purposes.
- (d) The Developer reserves for itself, its successor and assigns, the right from time to time to construct additional recreational facilities and structures upon any of the open within the properties areas which are Common Properties, and at sites selected by Developer, which additional facilities upon completion will be a part of the Common Properties.
- (e) The Developer reserves for itself, its successor and assigns, the right to use at all times, without rental, any of the open areas which are Common Properties for the purpose of pasturing and grazing animals and growing and harvesting of hay and other feed crops. Such right shall include fencing of areas used for such purposes but use of such right shall not be in a manner so as to interfere with the continuity of any established trail systems in such areas or any trail systems which the Association reasonably may desire to establish them.
- (f) Agents, representatives and licensees of the Developer shall have the right at all times to enter upon the open areas for the purpose of exercising any such reserved rights, and no such entry shall constitute trespass, provided that no such entry shall interfere unreasonably with the use and enjoyment of the Common Properties by the Members, except as restricted herein.
- (g) The Developer, its successors and assigns, by their agents and representatives, reserves the right during the sales period of the development, but not exceeding ten (10) years from the date of recording of this Declaration, at all times to bring prospective customers upon any and all of the Common Properties, except the exercise of such right shall not unreasonably interfere with the use of the Common Properties by Members.

**ARTICLE VII
MEMBERSHIP AND VOTING RIGHTS
IN THE ASSOCIATION:**

Section 1. **Membership.** Every person or entity, except the Developer, who becomes an Owner of any Lot or Living Unit subject to the provisions of this Declaration and which is subject to assessment by the Association automatically shall be a Member of the Association by acceptance of a Deed or Conveyance or by entering into a contract for purchase of such Lot or Living Unit, provided that any such person or entity who holds such interest merely as security for the performance of an obligation shall not be a Member.

Section 2. **Voting Rights.** The Association shall have one class of Members who shall be the persons or entities as provided in Article VII Section 1. Each Member shall be entitled to one vote for each Lot or Living Unit in which he holds the interest required for membership. When more than one person holds such interest, all such persons shall be Members and the vote for such Lot or Living Unit shall be exercised as they among themselves shall determine, but in no event shall more than one vote be cast with respect to any such Lot or Living Unit.

- (a) For purposes of determining votes allowed pursuant to this Article, when Living Units are counted, the Lot or Lots upon which such Living Units are situated shall not be counted.

**ARTICLE VIII
COVENANT FOR
MAINTENANCE ASSESSMENTS**

Section 1. **Creation of the Lien and Personal Obligation with Respect to Assessments.** The Developer, for each Lot and Living Unit within the properties subjected to the provisions of this Declaration, hereby covenants and each Owner of any such Lot or Living Unit, by acceptance of a deed therefore or contract for the purchase thereof (whether or not it shall be so expressed in any such deed or contract), shall be deemed to covenant for himself, his heirs, representatives, successors and assigns to pay to the Association an annual assessment. All such assessments, together with interest thereon and cost of collection thereof, shall be a charge on the land with respect to which such assessments are made and shall be a lien against such land when such lien is perfected as provided in this Article. Each such assessment, together with interest thereon and costs of collections thereof, also shall be the personal obligation of the person who is the Owner of such assessed land at the time when the assessment fell due.

Section 2. **Purpose of Assessments - Annual Assessments.** The annual assessments levied by the Association shall be used exclusively for the purpose of promoting the recreation, health, safety and welfare of, the Members, and for the improvement and maintenance of the Common Properties, and to providing services and facilities related to all or any of the foregoing matters, and of the Members, including, but not limited to, discharge of the obligations of the Association as imposed by this Declaration, payment of taxes, if any, upon the Common Properties, payment of insurance with respect to the Common Properties and repairs, replacement and additions thereto, payment for any services provided to Members with respect to the foregoing matters, and for the cost of labor, equipment, materials, management and supervision thereof.

Section 3. **Amount of Assessments, Change in Amount and Date of Commencement.**

(a) The annual assessment for each year, commencing with the assessment made with respect to the calendar year 1976, shall be \$100.00. No assessment shall be made with respect to any period prior to 1976. The Board of Directors of the Association, by resolution adopted in the manner provided in its By-Laws may increase the amount of the annual assessment for any future year, except that the amount of the increase for any year shall not exceed 15% of the annual assessment for the preceding annual period unless an annual assessment of a greater amount for such year shall have been approved by vote of Members as provided in the By Laws of the Association. The Board shall provide to each Owner a copy of the proposed annual budget, together with an indication of which portions are intended for reserves, capital expenditures or repairs or payment of real estate taxes, at least thirty (30) days, but not more than sixty (60) days, prior to the adoption of said budget by the Board.

(b) Provided that, if an adopted budget or any separate assessment adopted by the Board would result in the total assessments (annual plus separate) payable in the budgeted fiscal year exceeding one

hundred and fifteen percent (115%) of the total assessments (annual plus separate) payable during the preceding fiscal year, then the Board, upon written petition signed by Members representing at least twenty percent (20%) of the total votes in the Association delivered to the Board within fourteen (14) days of the Board's action, shall call a meeting of the Owners to be held within thirty (30) days of the date of delivery of the petition to consider the budget or separate assessment. At said meeting, unless Members representing a majority of the total votes in the Association cast votes to reject the adopted budget or separate assessment, the same shall be deemed ratified.

(c) Separate assessments for expenditures relating to emergencies or mandated by law may be adopted by the Board without being subject to Owner approval or the provisions of Subsection (b) or (d) of this Section. As used in this Section, "emergency" means a danger to or a compromise of the structural integrity of the Common Properties or any of the common facilities of the Association or a danger to the life, health or safety of the Members.

(d) Provided further, however, that any assessments for additions or alterations to the Common Properties or other Association owned property that are not included in the adopted annual budget, shall be subject to the approval of Members representing a majority of the total Lots.

Section 4. Effect of Nonpayment of Assessment; the Lien; Personal Obligation of the Owner. If any assessment is not paid on the date when due, such assessment thereupon shall become delinquent and from and after the time when the Association shall have filed against the delinquent property with the Recorder of Deeds an appropriate instrument setting forth such delinquency, such assessment, together with interest thereon and cost of collection thereof as hereinafter provided, shall become a continuing lien upon the property against which such assessments are made and shall bind such property in the hands of the then Owner, his heirs, representatives, successor and assigns. The personal obligation of the then Owner to pay such assessment shall remain his personal obligation for the statutory period and shall not pass to his successors in title unless expressly assumed by them.

Section 5. Interest; Remedies of the Association. Delinquent assessments shall bear interest at the rate of 8% per annum from the date of delinquency. The Association may bring either an action at law against the person personally obligated to pay the same, or to foreclose the lien against the property and there shall be added to the amount of such assessment the costs of preparing and filing the complaint in such action, and in the event a judgment is obtained, such judgment shall include interest as provided and reasonable attorney's fees to be fixed by the court, together with the costs of such action.

Section 6. Exempt Property. Notwithstanding the foregoing, no assessments, charges or liens shall be assessed with respect to Lots owned by the Developer(except Lots subject to purchase contracts).

Section 7. Subordination of the Lien to Mortgages. The lien of the assessments provided for herein shall be subordinate to the lien or any mortgage or deed to secure debt now or hereafter placed upon the properties subject to assessment, provided, however, that such subordination shall apply only to the assessments which have become due and payable prior to a sale or transfer of such property pursuant to a decree of foreclosures, or any other proceeding in lieu of foreclosure. Such sale or transfer shall not relieve such property from liability for any assessments thereafter becoming due nor from the lien of any such subsequent assessment.

Section 8. Proof of Payment. The Association upon request and payment of a service fee of not more than \$15.00 at any time shall furnish any Owner liable for any assessment a certificate in writing signed by an officer of the Association setting forth what assessments, if any which have been made with respect to said Owner's property and which are unpaid. Such certificate shall be conclusive evidence with respect to the matters certified therein.

Section 9. Itemized Accounting. The Board shall provide all Members with a reasonably detailed summary of the receipts, common expenses, and reserves for the preceding budget year. Additionally, the Board shall either: (a) make available for review to all Members an itemized accounting of the common expenses for the preceding fiscal year actually incurred or paid, together with an indication of which portions were for reserves, capital expenditures or repairs or payment of real estate taxes and with a tabulation of the amounts collected pursuant to the budget or assessment, and showing the net excess or deficit of income over expenditures plus reserves; or (b) provide a consolidated annual independent audit report of the financial status of all fund accounts within the Association.

Section 10. **Generally Accepted Accounting Principles.** The Association shall use generally accepted accounting principles ("GAAP") in fulfilling any accounting obligations the Association has under the Illinois Common Interest Community Association Act (765 ILCS 160/1-1 et. seq.).

ARTICLE IX SANITARY DISPOSAL:

Section 1. Except as otherwise provided by Supplemental Declaration, sanitary disposal for each Lot shall be by means of a septic system or other approved method designed by a registered professional engineer or registered sanitarian. Before installation, the design plans for the system shall be submitted to and a permit for installation obtained from Jo Daviess County Health Department or any other governmental authority having jurisdiction. Any such system as installed shall be subject to inspection and final approval by the approving authority before backfilling. The cost of installation of the system shall be borne by the Owner. Final approval by the Committee of building plans shall be subject to issuance of the required permit for sanitary disposal.

ARTICLE X WATER SERVICE:

Section 1. Every Owner of, or contract purchaser for, a Lot in The Properties covenants by acceptance of a deed of conveyance to or execution of a contract of purchase for such Lot, for himself, his heirs, representatives, successors and assigns, to pay to the Developer, a building service fee then in effect as established by Developer at the time the owner, or contract purchaser as the case may be builds on his Lot. Said fee includes the fee for review of plans by the Architectural Review Committee as provided in Article IV of the Declaration, as well as partial reimbursement of certain costs expended by Developer for water and electric facilities. Thereafter owner, or contract purchaser as the case may be, shall pay for usage of water and electric service at reasonable rates to be paid to a public utility regulated by Illinois Commerce Commission.

Section 2. Unpaid amounts billed for availability of water, connection charge and water usage rates shall constitute a lien upon and encumber the Lot or Lots with respect to which the charges shall have been made and the utility, its successors and assigns, shall have the same rights and remedies to record and foreclose such liens and collect such charges as are reserved to the Association with regard to its charges as set forth in ARTICLE 8 hereof.

ARTICLE XI GENERAL PROVISIONS:

Section 1. **Duration.** The covenants and restrictions set forth in this Declaration shall run with and bind the land, and shall inure to the benefit of and be enforceable by the Association, or the Owners of any land subject to this Declaration, their respective legal representatives, heirs, successors and assigns, for a term of 20 years from the date this Declaration is recorded, after which time said covenants shall be automatically extended for successive periods of ten years unless an instrument signed by the then Owners of two-thirds of the Lots and Living Units has been recorded agreeing to change said covenants and restrictions in whole or in part; provided, however, that no such agreement or change shall be effective unless made and recorded one year in advance of the effective date of such change, and unless written notice of the proposed agreement is sent to every Owner at least ninety days in advance of any action taken.

Section 2. **Notices.** Any notice sent or required to be sent to any Member or Owner under the provisions of this Declaration shall be deemed to have been properly given when mailed, postage prepaid, to the last known address of the person who appears as a Member or Owner on the records of the Association at the time of mailing.

Section 3. **Enforcement.** Enforcement of these covenants and restrictions shall be by any proceeding at law or in equity against any person or persons violating or attempting to violate any covenant or restriction. Such action may be either to restrain violation or to recover damages, or against the land, to enforce any lien created by these covenants. Failure by the Association or any Owner to enforce any

covenant or restriction herein contained in no event shall be deemed a waiver of the right to do so thereafter.

Section 4. **Modification.** By recorded Supplemental Declaration, the Developer may modify any of the provisions of this Declaration of any Supplemental Declaration for the purpose of clarification or otherwise, provided no such modification shall change the substantive provisions of this Declaration or any Supplemental Declaration or materially alter the rights of any Owner established by such document.

Section 5. **Severability.** Invalidation of any one of these covenants or restrictions by judgment or court order in no way shall affect any other provisions, which shall remain in full force and effect.

Section 6. **Fidelity Insurance.** The Association shall obtain and maintain fidelity insurance covering all persons who control or disburse funds of the Association, for the maximum amount of coverage that is commercially available or reasonably required to protect funds in the custody or control of the Association. All management companies which are responsible for the funds held or administered by the Association shall maintain and furnish to the Association a fidelity bond for the maximum amount of coverage that is commercially available or reasonably required to protect funds in the custody of the management company at any time. The Association shall bear the cost of the fidelity insurance and fidelity bond, unless otherwise provided by contract between the Association and management company.

END OF TEXT OF DECLARATION

STATE OF ILLINOIS)
) SS
COUNTY OF JO DAVIESS)

CERTIFICATE

I, the undersigned, hereby certify that I am the duly elected, qualified and acting President of the Board of Directors of The Galena Territory Association, Inc., and that the attached is a true, correct, and accurate copy of the Amended and Restated General Declaration of Covenants and Restrictions for the Galena Territory Association, Inc., and that said document has been approved by at least two-thirds (2/3) of the directors on the Board of Directors of The Galena Territory Association, Inc. at a Board meeting.

IN WITNESS WHEREOF, I have hereunto set my hand this 4TH day of NOVEMBER, 2017.

THE GALENA TERRITORY ASSOCIATION,
INC.

By: Mark Kloman
As President of the Board of Directors

I, SUEAN R. MILLER, a Notary Public, hereby certify that on the above date, the above President of the Board of Directors of The Galena Territory Association, Inc., which Board member is personally known to me, appeared before me and acknowledged that, as such Board member, he/she signed this instrument as his/her free and voluntary act of said Board for the uses and purposes therein set forth.

BY: Susan R. Miller



Exhibit "A"

Legal Description of Existing Properties and Lot Specific Restrictions

The restrictions set forth in this Exhibit "A" are applicable as to the lots included in the paragraph where each respective restriction is located only.

Paragraph 1. Lots 1 to 132 (both inclusive) in Shenandoah Unit 1 of Branigar's Galena Territory, a Subdivision in Jo Daviess County, Illinois according to Plat of Record recorded with the Recorder of Deeds in Plat Book 14, Page 5, 6, 7 and 8. [*from Original Declaration*].

Paragraph 2. Lots 1 to 117, both inclusive, in Eagle Ridge Unit 1 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 Pages 65-67 as Document No. 141748. [*from Supplemental Declaration recorded July 15, 1977 in Book 10 of Miscellaneous, pages 907 and 908 with recording number 143115*].

Permitted Uses--General. All of the Lots identified in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one (1) dwelling designed for occupancy by a single family, and one (1) 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.

Permitted Uses--Special. Developer reserves the right to designate any of the lots identified in this paragraph 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 of 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 (2) horses, unless the instrument recorded designating these lots for such Special Use provides therein that certain lots may have facilities constructed thereon for the stabling of a greater number of horses.

The lots identified in this paragraph which are designated for such special permitted uses, not to exceed two (2) horses are:

Lots 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 39, 40, 41, 59 and 60 in Eagle Ridge Unit 1 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 Pages 65-67 as Document No. 141748

Living Area. The living area in any dwelling constructed on any of the lots identified in this paragraph shall be not less than 800 square feet.

Paragraph 3. Lots 1 to 79, both inclusive, in Eagle Ridge Unit 2 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 Pages 75-78 as Document No. 145474. *[from Supplemental Declaration recorded March 2, 1978 in Book 11 of Miscellaneous, pages 349 and 350].*

Permitted Uses--General. All of the Lots identified in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one (1) dwelling designed for occupancy by a single family, and one (1) 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.

Permitted Uses--Special. Developer reserves the right to designate any of the lots identified in this paragraph 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 of 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 (2) horses, unless the instrument recorded designating these lots for such Special Use provides therein that certain lots may have facilities constructed thereon for the stabling of a greater number of horses.

The lots identified in this paragraph which are designated for such special permitted uses, not to exceed two (2) horses are:

Lots 1, 2, 3, 6 to 16 (both inclusive), 19, 20, 27, 28, 29, 33, 34, 50 to 56 (both inclusive), 61, 62, 75, 76 and 77 in Eagle Ridge Unit 2 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 Pages 75-78 as Document No. 145474, except for Lots 12, 13, 14, 15, 50 and 56, upon which a maximum of four (4) horses may be stabled.

Living Area. The living area in any dwelling constructed on any of the lots identified in this paragraph shall be not less than 800 square feet.

Paragraph 4. 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. *[from Supplemental Declaration recorded March 2, 1978 in Book 11 of Miscellaneous, pages 353 and 354].*

Permitted Uses--General. All of the Lots identified in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one (1) dwelling designed for occupancy by a single family, and one (1) 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.

Permitted Uses--Special. Developer reserves the right to designate any of the lots identified in this paragraph 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 of 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 (2) horses, unless the instrument recorded designating these lots for such Special Use provides therein that certain lots may have facilities constructed thereon for the stabling of a greater number of horses.

There are no lots identified in this paragraph which are designated for such special permitted uses to allow stabling of horses.

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.

Living Area. The living area in any dwelling constructed on any of the lots identified in this paragraph shall be not less than 1,000 square feet.

Roof Pitch. The minimum roof pitch for any dwelling constructed on any of the lots identified in this paragraph shall be 4 in 12.

Building Setbacks. No structures of fencing may be erected within rear building set back areas designated on the plat of subdivision identified in this paragraph.

Paragraph 5. Lots 1 to 35, both inclusive, in Eagle Ridge Unit 4 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 Pages 85 and 86 as Document No. 152066. *[from Supplemental Declaration recorded September 26, 1979 in Book 13 of Miscellaneous, page 431 with recording number 153362].*

Permitted Uses--General. All of the Lots identified in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one (1) dwelling designed for occupancy by a single family, and one (1) dwelling accessory building designed for use as a private garage, except as otherwise permitted herein.

Living Area. The living area in any dwelling constructed on any of the lots identified in this paragraph shall be not less than 800 square feet.

Paragraph 6. Lots 1 to 7, both inclusive, in Eagle Ridge Unit 6 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 111 as Document No. 157357. *[from Supplemental Declaration recorded May 28, 1981 in Book 15 of Miscellaneous, pages 742 and 743 with recording number 159409].*

Permitted Uses--General. All of the Lots identified in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one (1) dwelling designed for occupancy by a single family, and one (1) 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.

Architectural Criteria: By reason of the unique character and golf course proximity of Eagle Ridge Unit 6, 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 unreasonably withheld.

Living Area. The living area in any dwelling constructed on any of the lots identified in this paragraph shall be not less than 1,000 square feet.

Roof Pitch. The minimum roof pitch for any dwelling constructed on any of the lots identified in this paragraph shall be 4 in 12.

Building Setbacks. No structures or fencing may be erected within rear building set back areas designated on the plat of subdivision identified in this paragraph.

Paragraph 7. Lots 1 to 30, both inclusive, in Eagle Ridge Unit 7 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 Pages 112 and 113 as Document No. 157419. [*from Supplemental Declaration recorded May 28, 1981 in Book 15 of Miscellaneous, pages 744 and 745 with recording number 159410*].

Permitted Uses--General. All of the Lots identified in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one (1) dwelling designed for occupancy by a single family, and one (1) 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.

Architectural Criteria: By reason of the unique character and golf course proximity of Eagle Ridge Unit 7, 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 unreasonably withheld.

Living Area. The living area in any dwelling constructed on any of the lots identified in this paragraph shall be not less than 1,000 square feet.

Roof Pitch. The minimum roof pitch for any dwelling constructed on any of the lots identified in this paragraph shall be 4 in 12.

Building Setbacks. No structures of fencing may be erected within rear building set back areas designated on the plat of subdivision identified in this paragraph.

Paragraph 8. Lots 1 to 30, both inclusive, in Eagle Ridge Unit 7 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 Pages 112 and 113 as Document No. 157419. [*from Supplemental Declaration recorded May 28, 1981 in Book 15 of Miscellaneous, pages 744 and 745 with recording number 159410*].

Permitted Uses--General. All of the Lots identified in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one (1) dwelling designed for occupancy by a single family, and one (1) 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.

Architectural Criteria: By reason of the unique character and golf course proximity of Eagle Ridge Unit 7, 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 unreasonably withheld.

Living Area. The living area in any dwelling constructed on any of the lots identified in this paragraph shall be not less than 1,000 square feet.

Roof Pitch. The minimum roof pitch for any dwelling constructed on any of the lots identified in this paragraph shall be 4 in 12.

Building Setbacks. No structures of fencing may be erected within rear building set back areas designated on the plat of subdivision identified in this paragraph.

Paragraph 9. Lots 1 to 27, both inclusive, in Eagle Ridge Unit 10 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 Plan Hold A, Nos. 57 and 58 as Document No. 166732. [*from Supplemental Declaration recorded July 13, 1983 in Book 18 of Miscellaneous, pages 348 and 349 with recording number 167399*].

Permitted Uses--General. All of the Lots identified in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one (1) dwelling designed for occupancy by a single family, and one (1) 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.

Architectural Criteria: By reason of the unique character and golf course proximity of Eagle Ridge Unit 10, 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.

Living Area. The living area in any dwelling constructed on any of the lots identified in this paragraph shall be not less than 1,000 square feet.

Roof Pitch. The minimum roof pitch for any dwelling constructed on any of the lots identified in this paragraph shall be 4 in 12.

Building Setbacks. No structures of fencing may be erected within 50' of the rear lot lines of Lots 6-13.

Paragraph 10. Lots 1 to 17, both inclusive, in Eagle Ridge Unit 11 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 123 as Document No. 160496. *[from Supplemental Declaration recorded June 11, 1982 in Book 17 of Miscellaneous, pages 4 and 5 with recording number 163125].*

Permitted Uses--General. All of the Lots identified in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one (1) dwelling designed for occupancy by a single family, and one (1) 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.

Architectural Criteria: By reason of the unique character and golf course proximity of Eagle Ridge Unit 11, 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 unreasonably withheld.

Living Area. The living area in any dwelling constructed on any of the lots identified in this paragraph shall be not less than 1,000 square feet.

Roof Pitch. The minimum roof pitch for any dwelling constructed on any of the lots identified in this paragraph shall be 4 in 12.

Building Setbacks. No structures of fencing may be erected within rear building set back areas designated on the plat of subdivision identified in this paragraph.

Paragraph 11. Lots 1 to 27, both inclusive, in Eagle Ridge Unit 12 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 Pages 133 and 134 as Document No. 162911. *[from Supplemental Declaration recorded March 4, 1983 in Book 17 of Miscellaneous, pages 1020 and 1021 with recording number 165812].*

Permitted Uses--General. All of the Lots identified in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one (1) dwelling designed for occupancy by a single family, and one (1) 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.

Architectural Criteria: By reason of the unique character and golf course proximity of Eagle Ridge Unit 12, 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 unreasonably withheld.

Living Area. The living area in any dwelling constructed on any of the lots identified in this paragraph shall be not less than 1,000 square feet or more than 2,500 square feet.

Sanitary Disposal. All lots identified in this paragraph will be served by central water and a central sewage disposal system. No individual wells or septic tanks will be permitted. The owner by accepting conveyance of title to property subject to the Declaration agrees to pay the established sewer tap on fee set by the utility.

Design Criteria. To preserve the unique characteristics of Eagle Ridge Unit 12, the following special provisions with respect to the residential units constructed thereon shall apply:

- a. The minimum pitch of the dominant roof line of any dwelling shall be 6 in 12.
- b. Exterior siding material shall consist of individual wood boards. Plywood sheet siding is specifically excluded.
- c. Roofing material shall consist of wood shakes or shingles or, if asphalt or fiberglass roofing is utilized, roofing materials shall be a 330# grade as a minimum.
- d. Suitability of design shall be judged in relation to compatibility with nearby units either existing or approved for construction. Designs that conflict sharply in architectural style or exterior treatment with existing or approved units will not be approved.
- e. A detailed site plan including proposed landscaping elements shall be required prior to approval.

Paragraph 12. Lots 1 to 6, both inclusive, in Eagle Ridge Unit 14 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 Plan Hold A of Plats, No. 54 as Document No. 166733. [*from Supplemental Declaration recorded November 28, 1983 with recording number 169366*].

Permitted Uses--General. All of the Lots identified in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one (1) dwelling designed for occupancy by a single family, and one (1) dwelling accessory building, except as otherwise permitted herein. No dwelling accessory structure shall be erected prior to construction of a dwelling.

Architectural Criteria: By reason of the unique character and golf course proximity of Eagle Ridge Unit 14, 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. 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 unreasonably withheld.

Living Area. The living area in any dwelling constructed on any of the lots identified in this paragraph shall be not less than 1,000 square feet.

Roof Pitch. The minimum roof pitch for any dwelling constructed on any of the lots identified in this paragraph shall be 4 in 12.

Building Setbacks. No structures of fencing may be erected within rear building set back areas designated on the plat of subdivision identified in this paragraph.

Landscaping. Due to the unique setting of Eagle Ridge Unit 14 and the Developer's desire to provide for the preservation of the property values and for the benefit of the property within the unit and for each owner thereof, the Developer declares that the individual owners by accepting a deed to a lot in this unit shall be deemed to have agreed to enter into a joint contract providing for the landscape maintenance of the six (6) lots in the unit.

The provisions of this Declaration are intended to create mutual equitable servitudes on each lot in the unit in favor of each other lot; to create privity of contract and estate between grantees of each lot in the unit, their heirs, successors and assigns, and to operate as a covenant running with the land for the benefit of each lot in the unit, and the respective owners of such lots in the unit, present and future.

Each owner shall join with the other owners in executing a joint contract to procure landscaping service from one (1) contractor for an initial five (5) year period in order to provide overall quality and uniformity. The initial contract shall be executed by each owner at the time they purchase and the contract shall be binding upon their heirs, successors and assigns. At the expiration of the original contract, the owners shall execute an agreement for landscaping services by March 1 of each year. The execution of the joint contract by four (4) of the six (6) property owners shall suffice to obligate the remaining owners.

If a property owner fails to pay his portion of any obligation stated in the contract, the unpaid amount shall become a lien on the property pursuant to and enforceable in accordance with the Illinois Mechanics Lien Act (770 ILCS 60/1 et. seq.), as amended from time to time.

The landscape contract shall require that the property be maintained to meet standards promulgated from time to time by The Galena Territory Architectural Review Committee, except, however, any four (4) of the six (6) property owners by written agreement may override the standards of The Galena Territory Architectural Review Committee if they deem such requirements to be unreasonable or impractical.

Owners shall require performance by the contractor in accordance with the contract which may be modified only as provided in this paragraph. Failure of the owners to undertake such enforcement shall entitle the Architectural Review Committee to enforce the contract for the benefit of other owners and the preservation of property values, for the benefit of the property within the unit and for each owner thereof.

Paragraph 13. Lots 1-38, both inclusive, in Eagle Ridge Unit 15 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

Plan Hold A of Plats, Nos. 121 and 122, as Document No. 170729. [from Supplemental Declaration recorded on June 18, 1984 as Document Number 171911.]

Permitted Uses-General. All of the lots included in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one (1) dwelling designed for occupancy by a single family, and one (1) 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.

Architectural Criteria. By reason of the unique character and golf course proximity of Eagle Ridge Unit 15, 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 unreasonably withheld.

Living Area. The living area in any dwelling constructed on any lot included in this paragraph shall not be less than 1,000 square feet or more than 2,500 square feet.

Sanitary Disposal. All lots included in this paragraph will be served by central water and a central sewage disposal system. No individual wells or septic tanks will be permitted. The owner by accepting conveyance of title to property subject to this Declaration agrees to pay the established sewer tap on fee set by the utility.

Design Criteria. To preserve the unique characteristics of Eagle Ridge Unit 15, the following special provisions with respect to the residential units constructed thereon shall apply:

- (a) The minimum pitch of the dominant roof line of any dwelling shall be 6 in 12.
- (b) Exterior siding material shall consist of individual cedar boards. Plywood sheet siding is specifically excluded.
- (c) Roofing material shall consist of wood shakes or shingles or, if asphalt or fiberglass roofing is utilized, roof material shall be a 330# grade as a minimum.
- (d) Native limestone shall be used in all exterior masonry work.
- (e) Suitability of design shall be judged in relation to compatibility with other units either existing or approved for construction within Eagle Ridge Unit 15. Designs that conflict sharply in architectural style or exterior treatment with existing or approved units will not be approved.
- (f) A detailed site plan including proposed landscaping elements shall be required prior to approval.

Paragraph 14. Lots 1-25, both inclusive, in Eagle Ridge Unit 16 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 Plan Hold A of Plats, Nos. 176, 177 and 178, as Document No. 172010. *[from Supplemental Declaration recorded on January 22, 1985 as Document Number 174428.]*

Permitted Uses-General. All of the lots included in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one (1) dwelling designed for occupancy by a single family, and one (1) 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.

Architectural Criteria. By reason of the unique character and golf course proximity of Eagle Ridge Unit 16, 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.

Living Area. The living area in any dwelling constructed on any lot included in this paragraph shall not be less than 1,000 square feet.

Roof Pitch. The minimum roof pitch for any dwelling shall be 4 in 12.

Building Setbacks. No structures or fencing may be erected within 50' of the rear lot lines of Lots 1-5.

Paragraph 15. Lots 1-16, both inclusive, in Eagle Ridge Unit 17 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 Plan Hold A of Plats, Nos. 267 and 268, as Document No. 176010. *[from Supplemental Declaration recorded on July 24, 1985 as Document Number 176471.]*

Permitted Uses-General. All of the lots included in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one (1) dwelling designed for occupancy by a single family, and

one (1) 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.

Architectural Criteria. By reason of the unique character and golf course proximity of Eagle Ridge Unit 17, 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 unreasonably withheld.

Living Area. The living area in any dwelling constructed on any lot included in this paragraph shall not be less than 1,000 square feet.

Design Criteria. To preserve the unique characteristics of Eagle Ridge Unit 17, the following special provisions with respect to the residential units constructed thereon shall apply:

- (a) The minimum pitch of the dominant roof line of any dwelling shall be 6 in 12.
- (b) Exterior siding material shall consist of individual cedar boards. Plywood sheet siding is specifically excluded.
- (c) Roofing material shall consist of wood shakes or shingles or, if asphalt or fiberglass roofing is utilized, roof material shall be a 330# grade as a minimum.
- (d) Suitability of design shall be judged in relation to compatibility with other units either existing or approved for construction within Eagle Ridge Unit 17. Designs that conflict sharply in architectural style or exterior treatment with existing or approved units will not be approved.
- (e) A detailed site plan including proposed landscaping elements shall be required prior to approval.

Paragraph 16. Lots 1-44, both inclusive, in Eagle Ridge Unit 18 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 Plan Hold A of Plats, Nos. 287 and 288, as Document No. 177261. *[from Supplemental Declaration recorded on October 1, 1985 as Document Number 177304.]*

Permitted Uses-General. All of the lots included in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one (1) dwelling designed for occupancy by a single family, and one (1) 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.

Architectural Criteria. By reason of the unique character and golf course proximity of Eagle Ridge Unit 18, 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 unreasonably withheld.

Living Area. The living area in any dwelling constructed on any lot included in this paragraph shall not be less than 1,000 square feet or more than 2,500 square feet.

Sanitary Disposal. All lots included in this paragraph will be served by central water and a central sewage disposal system. No individual wells or septic tanks will be permitted. The owner by accepting conveyance of title to property subject to this Declaration agrees to pay the established sewer tap on fee set by the utility.

Design Criteria. To preserve the unique characteristics of Eagle Ridge Unit 18, the following special provisions with respect to the residential units constructed thereon shall apply:

- (a) The minimum pitch of the dominant roof line of any dwelling shall be 6 in 12.
- (b) Exterior siding material shall consist of individual cedar boards. Plywood sheet siding is specifically excluded.
- (c) Roofing material shall consist of wood shakes or shingles or, if asphalt or fiberglass roofing is utilized, roof material shall be a 330# grade as a minimum.
- (d) Suitability of design shall be judged in relation to compatibility with other units either existing or approved for construction within Eagle Ridge Unit 18. Designs that conflict sharply in architectural style or exterior treatment with existing or approved units will not be approved.
- (e) A detailed site plan including proposed landscaping elements shall be required prior to approval.

Paragraph 17. Lots 1-29, both inclusive, in Eagle Ridge Unit 19 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 Plan Hold B of Plats, Nos. 107-B, 108-A and 108-B, on March 23, 1987.

Lots 1-49, both inclusive, in Eagle Ridge Unit 20 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 Plan Hold

B of Plats, Nos. 109-A, 109-B, 110-A and 110-B, on March 23, 1987. [from Supplemental Declaration recorded on March 26, 1987 as Document Number 184780.]

Permitted Uses-General. All of the lots included in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one (1) dwelling designed for occupancy by a single family, and one (1) 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.

Architectural Criteria. By reason of the unique character and golf course proximity of Eagle Ridge Units 19 and 20, 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 unreasonably withheld.

Living Area. The living area in any dwelling constructed on any lot included in this paragraph shall not be less than 1,000 square feet.

Design Criteria. To preserve the unique characteristics of Eagle Ridge Units 19 and 20, the following special provisions with respect to the residential units constructed thereon shall apply:

- (a) The minimum pitch of the dominant roof line of any dwelling shall be 6 in 12.
- (b) Exterior siding material shall consist of individual cedar boards. Plywood sheet siding is specifically excluded.
- (c) Roofing material shall consist of wood shakes or shingles or, if asphalt or fiberglass roofing is utilized, roof material shall be a 330# grade as a minimum.
- (d) Suitability of design shall be judged in relation to compatibility with other units either existing or approved for construction within Eagle Ridge Units 19 and 20. Designs that conflict sharply in architectural style or exterior treatment with existing or approved units will not be approved.
- (e) A detailed site plan including proposed landscaping elements shall be required prior to approval.
- (f) Satellite television dishes and free-standing antenna towers are prohibited on lots in Eagle Ridge Units 19 and 20.

Paragraph 18. Lots 1-18, both inclusive, in Eagle Ridge Unit 21 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

Plan Hold B of Plats, Nos. 115-B, 116-A and 116-B, as Document No. 185681. *[from Supplemental Declaration recorded on November 23, 1987 as Document Number 188937.]*

Permitted Uses-General. All of the lots included in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one (1) dwelling designed for occupancy by a single family, and one (1) 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.

Architectural Criteria. By reason of the unique character and golf course proximity of Eagle Ridge Unit 21, 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. Lot size limitations and building setbacks from lot lines may preclude approval of additions and garages on some lots. 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 unreasonably withheld.

Living Area. The living area in any dwelling constructed on any lot included in this paragraph shall not be less than 1,000 square feet.

Roof Pitch. The minimum roof pitch for any dwelling shall be 6 in 12.

Building Setbacks. No structures or fencing may be erected within rear building setback areas. 50' rear building setbacks from golf course lands affect lots 1, 2, 3, 9, 10, 11, 12, 13 and 14.

Satellite Television Dishes and Antennas. Satellite television dishes and free-standing antenna towers are prohibited on lots in Eagle Ridge Unit 21.

Paragraph 19. Lots 1-2, both inclusive, in Eagle Ridge Unit 22 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 Plan Hold B of Plats, No. 179-B, as Document No. 195914. *[from Supplemental Declaration recorded on February 6, 1989 as Document Number 195923.]*

Permitted Uses-General. All of the lots included in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one (1) dwelling designed for occupancy by a single family, and one (1) 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.

Architectural Criteria. By reason of the unique character and golf course proximity of Eagle Ridge Unit 22, 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 unreasonably withheld.

Living Area. The living area in any dwelling constructed on any lot included in this paragraph shall not be less than 1,000 square feet, nor more than 2,800 square feet.

Design Criteria. To preserve the unique characteristics of Eagle Ridge Unit 22, the following special provisions with respect to the residential units constructed thereon shall apply:

- (a) The minimum pitch of the dominant roof line of any dwelling shall be 6 in 12.
- (b) Exterior siding material shall consist of individual cedar boards. Plywood sheet siding is specifically excluded.
- (c) 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.
- (d) Suitability of design shall be judged in relation to compatibility with other units either existing or approved for construction within Eagle Ridge Unit 22. Designs that conflict sharply in architectural style or exterior treatment with existing or approved units will not be approved.
- (e) A detailed site plan including proposed landscaping elements shall be required prior to approval.
- (f) Satellite television dishes and free-standing antenna towers are prohibited on lots in Eagle Ridge Unit 22.

Paragraph 20. Lots 1-10, both inclusive, in Eagle Ridge Unit 23 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 Plan Hold B of Plats, No. 146-B, on March 18, 1988. *[from Supplemental Declaration recorded on March 28, 1988 as Document Number 190723.]*

Permitted Uses-General. All of the lots included in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one (1) dwelling designed for occupancy by a single family, and

one (1) 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.

Architectural Criteria. By reason of the unique character and golf course proximity of Eagle Ridge Unit 23, 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 unreasonably withheld.

Living Area. The living area in any dwelling constructed on any lot included in this paragraph shall not be less than 1,000 square feet, nor more than 2,800 square feet.

Design Criteria. To preserve the unique characteristics of Eagle Ridge Unit 23, the following special provisions with respect to the residential units constructed thereon shall apply:

- (a) The minimum pitch of the dominant roof line of any dwelling shall be 6 in 12.
- (b) Exterior siding material shall consist of individual cedar boards. Plywood sheet siding is specifically excluded.
- (c) 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.
- (d) Suitability of design shall be judged in relation to compatibility with other units either existing or approved for construction within Eagle Ridge Unit 23. Designs that conflict sharply in architectural style or exterior treatment with existing or approved units will not be approved.
- (e) A detailed site plan including proposed landscaping elements shall be required prior to approval.
- (f) Satellite television dishes and free-standing antenna towers are prohibited on lots in Eagle Ridge Unit 23.

Paragraph 21. Lots 1-14, both inclusive, in Eagle Ridge Unit 24 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 Plan Hold B of Plats, No. 147-B, on March 18, 1988. *[from Supplemental Declaration recorded on March 28, 1988 as Document Number 190722.]*

Permitted Uses-General. All of the lots included in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained

on any lot except for one (1) dwelling designed for occupancy by a single family, and one (1) 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.

Architectural Criteria. By reason of the unique character and golf course proximity of Eagle Ridge Unit 24, 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 unreasonably withheld.

Living Area. The living area in any dwelling constructed on any lot included in this paragraph shall not be less than 1,000 square feet, nor more than 2,800 square feet.

Design Criteria. To preserve the unique characteristics of Eagle Ridge Unit 24, the following special provisions with respect to the residential units constructed thereon shall apply:

- (a) The minimum pitch of the dominant roof line of any dwelling shall be 6 in 12.
- (b) Exterior siding material shall consist of individual cedar boards. Plywood sheet siding is specifically excluded.
- (c) 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.
- (d) Suitability of design shall be judged in relation to compatibility with other units either existing or approved for construction within Eagle Ridge Unit 24. Designs that conflict sharply in architectural style or exterior treatment with existing or approved units will not be approved.
- (e) A detailed site plan including proposed landscaping elements shall be required prior to approval.
- (f) Satellite television dishes and free-standing antenna towers are prohibited on lots in Eagle Ridge Unit 24.

Paragraph 22. Lots 1-7, both inclusive, in Eagle Ridge Unit 25 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 Plan Hold B of Plats, No. 147-A, on March 18, 1988. *[from Supplemental Declaration recorded on March 28, 1988 as Document Number 190721.]*

Permitted Uses-General. All of the lots included in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one (1) dwelling designed for occupancy by a single family, and one (1) 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.

Architectural Criteria. The Architectural Review Committee will apply 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 unreasonably withheld.

Living Area. The living area in any dwelling constructed on any lot included in this paragraph shall not be less than 1,000 square feet.

Design Criteria. To preserve the unique characteristics of Eagle Ridge Unit 25, the following special provisions with respect to the residential units constructed thereon shall apply:

- (a) The minimum pitch of the dominant roof line of any dwelling shall be 6 in 12.
- (b) Suitability of design shall be judged in relation to compatibility with other units either existing or approved for construction within Eagle Ridge Unit 25. Designs that conflict sharply in architectural style or exterior treatment with existing or approved units will not be approved.
- (c) A detailed site plan including proposed landscaping elements shall be required prior to approval.

Paragraph 23. Lots 1-21, both inclusive, in Eagle Ridge Unit 26 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 Plan Hold B of Plats, No. 160-B, as Document No. 192595. *[from Supplemental Declaration recorded on July 25, 1988 as Document Number 192713.]*

Permitted Uses-General. All of the lots included in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one (1) dwelling designed for occupancy by a single family, and one (1) 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.

Architectural Criteria. By reason of the unique character and golf course proximity of Eagle Ridge Unit 26, 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 unreasonably withheld.

Living Area. The living area in any dwelling constructed on any lot included in this paragraph shall not be less than 1,000 square feet.

Design Criteria. To preserve the unique characteristics of Eagle Ridge Unit 26, the following special provisions with respect to the residential units constructed thereon shall apply:

- (a) The minimum pitch of the dominant roof line of any dwelling shall be 6 in 12.
- (b) Exterior siding material shall consist of individual cedar boards. Plywood sheet siding is specifically excluded.
- (c) 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.
- (d) Suitability of design shall be judged in relation to compatibility with other units either existing or approved for construction within Eagle Ridge Unit 26. Designs that conflict sharply in architectural style or exterior treatment with existing or approved units will not be approved.
- (e) A detailed site plan including proposed landscaping elements shall be required prior to approval.
- (f) Satellite television dishes and free-standing antenna towers are prohibited on lots in Eagle Ridge Unit 26.

Paragraph 24. Lots 1-24, both inclusive, in Eagle Ridge Unit 27 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 Plan Hold B of Plats, No. 178-B, as Document No. 195898. *[from Supplemental Declaration recorded on February 6, 1989 as Document Number 195924.]*

Permitted Uses-General. All of the lots included in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one (1) dwelling designed for occupancy by a single family, and one (1) 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.

Architectural Criteria. By reason of the unique character and golf course proximity of Eagle Ridge Unit 27, 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 unreasonably withheld.

Living Area. The living area in any dwelling constructed on any lot included in this paragraph shall not be less than 1,000 square feet.

Design Criteria. To preserve the unique characteristics of Eagle Ridge Unit 27, the following special provisions with respect to the residential units constructed thereon shall apply:

- (a) The minimum pitch of the dominant roof line of any dwelling shall be 6 in 12.
- (b) Exterior siding material shall consist of individual cedar boards. Plywood sheet siding is specifically excluded.
- (c) 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.
- (d) Suitability of design shall be judged in relation to compatibility with other units either existing or approved for construction within Eagle Ridge Unit 27. Designs that conflict sharply in architectural style or exterior treatment with existing or approved units will not be approved.
- (e) A detailed site plan including proposed landscaping elements shall be required prior to approval.
- (f) Satellite television dishes and free-standing antenna towers are prohibited on lots in Eagle Ridge Unit 27.

Paragraph 25. Lots 1-21, both inclusive, in Eagle Ridge Unit 28 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 Plan Hold B of Plats, No. 179-A, as Document No. 195900. *[from Supplemental Declaration recorded on February 6, 1989 as Document Number 195925.]*

Permitted Uses-General. All of the lots included in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one (1) dwelling designed for occupancy by a single family, and one (1) 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.

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 reason deemed by it to be appropriate, including aesthetic reasons, except that approval will not be unreasonably withheld.

Living Area. The living area in any dwelling constructed on any lot included in this paragraph shall not be less than 1,000 square feet.

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:

- (a) The minimum pitch of the dominant roof line of any dwelling shall be 6 in 12.
- (b) Exterior siding material shall consist of individual wood boards. Plywood sheet siding is specifically excluded.
- (c) 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.
- (d) 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.
- (e) A detailed site plan including proposed landscaping elements shall be required prior to approval.
- (f) Satellite television dishes and free-standing antenna towers are prohibited on lots in Eagle Ridge Unit 28.

Paragraph 26. Lots 1-25, both inclusive, in Eagle Ridge Unit 29 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 Plan Hold C of Plats, No. 21, as Document No. 201955. *[from Supplemental Declaration recorded on March 16, 1990 as Document Number 202474.]*

Permitted Uses-General. All of the lots included in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one (1) dwelling designed for occupancy by a single family, and one (1) 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.

Architectural Criteria. By reason of the unique character and golf course proximity of Eagle Ridge Unit 29, 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 unreasonably withheld.

Living Area. The living area in any dwelling constructed on any lot included in this paragraph shall not be less than 1,000 square feet.

Design Criteria. To preserve the unique characteristics of Eagle Ridge Unit 29, the following special provisions with respect to the residential units constructed thereon shall apply:

- (a) The minimum pitch of the dominant roof line of any dwelling shall be 6 in 12.
- (b) Exterior siding material shall consist of individual wood boards. Plywood sheet siding is specifically excluded.
- (c) 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.
- (d) Suitability of design shall be judged in relation to compatibility with other units either existing or approved for construction within Eagle Ridge Unit 29. Designs that conflict sharply in architectural style or exterior treatment with existing or approved units will not be approved.
- (e) A detailed site plan including proposed landscaping elements shall be required prior to approval.
- (f) Satellite television dishes and free-standing antenna towers are prohibited on lots in Eagle Ridge Unit 29.

Paragraph 27. Lots 1-8, both inclusive, in Eagle Ridge Unit 30 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 Plan Hold C of Plats, No. 51, as Document No. 204198. *[from Supplemental Declaration recorded on June 28, 1990 as Document Number 204229.]*

Permitted Uses-General. All of the lots included in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one (1) dwelling designed for occupancy by a single family, and one (1) 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.

Architectural Criteria. By reason of the unique character of Eagle Ridge Unit 30, 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 unreasonably withheld.

Living Area. The living area in any dwelling constructed on any lot included in this paragraph shall not be less than 1,000 square feet.

Design Criteria. To preserve the unique characteristics of Eagle Ridge Unit 30, the following special provisions with respect to the residential units constructed thereon shall apply:

- (a) The minimum pitch of the dominant roof line of any dwelling shall be 6 in 12.
- (b) Exterior siding material shall consist of individual wood boards. Plywood sheet siding is specifically excluded.
- (c) 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.
- (d) Suitability of design shall be judged in relation to compatibility with other units either existing or approved for construction within Eagle Ridge Unit 30. Designs that conflict sharply in architectural style or exterior treatment with existing or approved units will not be approved.
- (e) A detailed site plan including proposed landscaping elements shall be required prior to approval.
- (f) Satellite television dishes and free-standing antenna towers are prohibited on lots in Eagle Ridge Unit 30.

Paragraph 28. Lots 1-12, both inclusive, in Eagle Ridge Unit 31 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 Plan Hold C of Plats, No. 57, as Document No. 204471. *[from Supplemental Declaration recorded on July 12, 1990 as Document Number 204495.]*

Permitted Uses-General. All of the lots included in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one (1) dwelling designed for occupancy by a single family, and one (1) 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.

Architectural Criteria. By reason of the unique character and golf course proximity of Eagle Ridge Unit 31, 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 unreasonably withheld.

Living Area. The living area in any dwelling constructed on any lot included in this paragraph shall not be less than 1,000 square feet.

Design Criteria. To preserve the unique characteristics of Eagle Ridge Unit 31, the following special provisions with respect to the residential units constructed thereon shall apply:

- (a) The minimum pitch of the dominant roof line of any dwelling shall be 6 in 12.
- (b) Exterior siding material shall consist of individual wood boards. Plywood sheet siding is specifically excluded.
- (c) 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.
- (d) Suitability of design shall be judged in relation to compatibility with other units either existing or approved for construction within Eagle Ridge Unit 31. Designs that conflict sharply in architectural style or exterior treatment with existing or approved units will not be approved.
- (e) A detailed site plan including proposed landscaping elements shall be required prior to approval.
- (f) Satellite television dishes and free-standing antenna towers are prohibited on lots in Eagle Ridge Unit 31.

Paragraph 29. Lots 1-24, both inclusive, in Eagle Ridge Unit 32 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 Plan Hold C of Plats, No. 92, as Document No. 208248. *[from Supplemental Declaration recorded on March 22, 1991 as Document Number 208326.]*

Permitted Uses-General. All of the lots included in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one (1) dwelling designed for occupancy by a single family, and one (1) 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.

Architectural Criteria. By reason of the unique character and golf course proximity of Eagle Ridge Unit 32, 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 unreasonably withheld.

Living Area. The living area in any dwelling constructed on any lot included in this paragraph shall not be less than 1,000 square feet.

Design Criteria. To preserve the unique characteristics of Eagle Ridge Unit 32, the following special provisions with respect to the residential units constructed thereon shall apply:

- (a) The minimum pitch of the dominant roof line of any dwelling shall be 6 in 12.
- (b) Exterior siding material shall consist of individual wood boards. Plywood sheet siding is specifically excluded.
- (c) 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.
- (d) Suitability of design shall be judged in relation to compatibility with other units either existing or approved for construction within Eagle Ridge Unit 32. Designs that conflict sharply in architectural style or exterior treatment with existing or approved units will not be approved.
- (e) A detailed site plan including proposed landscaping elements shall be required prior to approval.
- (f) Satellite television dishes and free-standing antenna towers are prohibited on lots in Eagle Ridge Unit 32.

Paragraph 30. Lots 1-8, both inclusive, in Eagle Ridge Unit 33 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 Plan Hold C of Plats, No. 121, as Document No. 210438. *[from Supplemental Declaration recorded on August 16, 1991 as Document Number 210957.]*

Permitted Uses-General. All of the lots included in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one (1) dwelling designed for occupancy by a single family, and one (1) 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.

Architectural Criteria. By reason of the unique character and golf course proximity of Eagle Ridge Unit 33, 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 unreasonably withheld.

Living Area. The living area in any dwelling constructed on any lot included in this paragraph shall not be less than 1,000 square feet.

Design Criteria. To preserve the unique characteristics of Eagle Ridge Unit 33, the following special provisions with respect to the residential units constructed thereon shall apply:

- (a) The minimum pitch of the dominant roof line of any dwelling shall be 6 in 12.
- (b) Exterior siding material shall consist of individual wood boards. Plywood sheet siding is specifically excluded.
- (c) 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.
- (d) Suitability of design shall be judged in relation to compatibility with other units either existing or approved for construction within Eagle Ridge Unit 33. Designs that conflict sharply in architectural style or exterior treatment with existing or approved units will not be approved.
- (e) A detailed site plan including proposed landscaping elements shall be required prior to approval.
- (f) Satellite television dishes and free-standing antenna towers are prohibited on lots in Eagle Ridge Unit 33.

Paragraph 31. Lots 1-3, both inclusive, in Eagle Ridge Unit 34 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 Plan Hold C of Plats, No. 122, as Document No. 210439. *[from Supplemental Declaration recorded on August 16, 1991 as Document Number 210958.]*

Permitted Uses-General. All of the lots included in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one (1) 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.

Architectural Criteria. By reason of the unique character and golf course proximity of Eagle Ridge Unit 34, 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 unreasonably withheld.

Living Area. The living area in any dwelling constructed on any lot included in this paragraph shall not be less than 1,000 square feet.

Design Criteria. To preserve the unique characteristics of Eagle Ridge Unit 34, the following special provisions with respect to the residential units constructed thereon shall apply:

- (a) The minimum pitch of the dominant roof line of any dwelling shall be 6 in 12.
- (b) Exterior siding material shall consist of individual wood boards. Plywood sheet siding is specifically excluded.
- (c) 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.
- (d) Suitability of design shall be judged in relation to compatibility with other units either existing or approved for construction within Eagle Ridge Unit 34. Designs that conflict sharply in architectural style or exterior treatment with existing or approved units will not be approved.
- (e) A detailed site plan including proposed landscaping elements shall be required prior to approval.
- (f) Satellite television dishes and free-standing antenna towers are prohibited on lots in Eagle Ridge Unit 34.

Paragraph 32. Lots 1 to 132, both inclusive, in Shenandoah Unit 1 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 Pages 5, 6, 7 and 8. *[from Supplemental Declaration recorded on July 25, 1973 as Document No. 129438, the Second Supplemental Declaration recorded on October 3, 1973 as Document No. 129988, and the Amendment to Second Supplemental Declaration recorded on January 2, 1974 as Document No. 130643].*

Permitted Uses--General. All of the Lots identified in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one (1) dwelling designed for occupancy by a single family, and one (1) 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.

Permitted Uses--Special. Developer reserves the right to designate any of the lots identified in this paragraph as lots which may be improved, in addition to the General Permitted Uses, with an additional dwelling accessory structure to be used for stabling not to exceed two (2) horses, 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 of any lot so designated may maintain thereon in the facilities provided therefor not to exceed two (2) horses for the use by him and members of his family and guests.

The lots identified in this paragraph which are designated for such special permitted uses, not to exceed two (2) horses are:

Lots 85-117, both inclusive, and Lots 122-132, both inclusive, in Shenandoah Unit 1 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 Pages 5, 6, 7 and 8.

Living Area. The living area in any dwelling constructed on any of the lots identified in this paragraph shall be not less than 800 square feet.

Paragraph 33. Shenandoah Unit 2 of Branigar's Galena Territory, located in NE1/4-NE1/4, NW1/4-NE1/4, and SE1/4-NE1/4, Section 32, Township 28 North, Range 2 East, Town of Guilford, according to the plat thereof recorded with the Recorder of Deeds of Jo Daviess County, Illinois in Plat Book 14, at Page 29 as Document No. 130347.

Shenandoah Unit 3 of Branigar's Galena Territory, located in SE1/4-NW1/4, SW1/4-NE1/4, NW1/4-SE1/4, SE1/4-SW1/4, SW1/4-SE1/4, Section 29, NE1/4-NW1/4, NW1/4-NE1/4, SE1/4-NW1/4, SW1/4-NE1/4, SE1/4-NE1/4, NE1/4-SW1/4, Section 32, Township 28 North, Range 2 East, Town of Guilford, according to the plat thereof recorded with the Recorder of Deeds of Jo Daviess County, Illinois in Plat Book 14, at Page 30 as Document No. 130349.

Shenandoah Unit 4 of Branigar's Galena Territory, located in SE1/4-SW1/4, SW1/4-SW1/4, NW1/4-SW1/4, SW1/4-NW1/4, NE1/4-SW1/4, SE1/4-NW1/4, SW1/4-NE1/4, SE1/4-NE1/4, NW1/4-SE1/4, Section 28, Township 28 North, Range 2 East, of the Fourth Principal Meridian, Town of Guilford, according to the plat thereof recorded with the Recorder of Deeds of Jo Daviess County, Illinois in Plat Book 14, at Page 30 as Document No. 130351.

Shenandoah Unit 5 of Branigar's Galena Territory, located in SE1/4-NE1/4, NE1/4-SE1/4, and SE1/4-SE1/4, Section 28, and in SW1/4-NW1/4, NW1/4-SW1/4, and SW1/4-SW1/4, Section 27, Township 28 North, Range 2 East, of the Fourth Principal Meridian, according to the plat thereof recorded with the Recorder of Deeds of Jo

Daviess County, Illinois in Plat Book 14, at Page 31 as Document No. 130353. [from Supplemental Declaration recorded on December 7, 1973 as Document No. 130519, and the Second Supplemental Declaration recorded on June 17, 1974 as Document No. 131885].

Permitted Uses--General. All of the Lots identified in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one (1) dwelling designed for occupancy by a single family, and one (1) 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.

Permitted Uses--Special. Developer reserves the right to designate any of the lots identified in this paragraph as lots which may be improved, in addition to the General Permitted Uses, with an additional dwelling accessory structure to be used for stabling not to exceed two (2) horses, 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 of any lot so designated may maintain thereon in the facilities provided therefor not to exceed two (2) horses for the use by him and members of his family and guests.

The lots identified in this paragraph which are designated for such special permitted uses, not to exceed two (2) horses are:

Lots 1-19, both inclusive, Lot 25, Lots 33-41, both inclusive, Lots 47-49, both inclusive, and Lots 51-64, both inclusive, in Shenandoah 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 30 as Document No. 130349.

Lot 10, Lot 49, Lots 74-77, both inclusive, Lot 81, Lot 82, Lots 85-96, both inclusive, and Lots 100-103, both inclusive, in Shenandoah Unit 4 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 30 as Document No. 130351.

Lot 6 and Lot 42, in Shenandoah Unit 5 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 31 as Document No. 130353

Living Area. The living area in any dwelling constructed on any of the lots identified in this paragraph shall be not less than 800 square feet.

Paragraph 34. Lots 1-9, both inclusive, in Shenandoah Unit 6 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 36, as Document No. 132123. *[from Supplemental Declaration recorded on August 15, 1974 as Document Number 132366.]*

1. General Restrictions

1.1 Non-Applicability of Certain Portions of Section 5 of the Declaration to Properties included in this Paragraph. Article V, Sections 1, 2, 3 and 4 of the Declaration shall not be applicable to the Lots included in this paragraph.

1.2 Land Use-Single Family Residential. All of the lots included in this paragraph are designated "Single Family Residential" use. No building shall be erected on any such lot except for one (1) dwelling designed for occupancy by a single family, and one (1) dwelling accessory building designed for use in conjunction with said dwelling as a private garage or servants quarters or a combination of both.

1.3 Living Area. The living area in any dwelling constructed on any lot included in this paragraph shall not be less than 800 square feet.

2. Common Properties—Shenandoah Unit 6

2.1 Private Roads. The roadways designated on the plat of subdivision of Shenandoah Unit 6 as "Private Road" are declared to be Common Properties, except that the use thereof shall be restricted as set forth in this Paragraph.

2.2 Use of Private Roadway. Use of the private roadways declared herein to be Common Properties shall be limited to non-exclusive use thereof by owners and their guests and licensees whose lots now or hereafter abut upon or are served for purposes of ingress and egress by such private roadways, subject, however, to the limitation on extent of members easements in the Common Properties as set forth herein and as set forth in Section 6 of the Declaration.

3. Maintenance of Private Roadway

3.1 Use Responsibility for Maintenance. By acceptance of a contract of purpose or deed for any lot included in this paragraph served by private road which is declared to be a common property, the Owner agrees, in common with other Owners who are users of right with respect to such common property, to provide the Association with his proportionate share of the funds necessary to enable the Association to discharge its obligation of maintenance of such Common Properties. The responsibility of each Owner in such regard shall be that fraction of the cost thereof in which the number of lots served by such private road at any point in time is the numerator and the cost of such maintenance is the denominator.

3.2 Special Assessments for Private Road Maintenance. In addition to any other assessment authorized by the Declaration, the Association may levy in any assessment year for which it is responsible for maintaining any private road which is a common property a special assessment for the purpose of defraying the estimated cost of such maintenance for such year. Any such special assessment shall be made only with respect to owners who are users of right with respect to such private road and shall be limited in amount to the proportionate share of such maintenance for which such Owner is responsible as set forth herein. Any special assessment in such regard shall reflect any amounts by which the preceding assessment was over or under the estimated cost reflected by any preceding assessment in such regard.

3.3 Liens, Personal Obligations and Enforcement of Assessments. The provisions of Article VIII of the Declaration shall apply with respect to the creation of liens and the personal obligation of Owners with respect to such special assessments and the enforcement thereof in the same manner and to the same extent as provided in the Declaration with respect to annual assessments.

Paragraph 35. Lots 1 to 101, both inclusive, in Shenandoah Unit 7 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 41 as Document No. 132938.

Lots 1 to 90, both inclusive, in Shenandoah Unit 9 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 Pages 43 and 44 as Document No. 133226. [*from Supplemental Declaration recorded on February 3, 1975 as Document No. 133631*].

Permitted Uses--General. All of the Lots identified in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one (1) dwelling designed for occupancy by a single family, and one (1) 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.

Permitted Uses--Special. Developer reserves the right to designate any of the lots identified in this paragraph 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 of any lot so designated may maintain such a permitted facility on his lot for the use of the members of his family and guests. Such permitted facility shall not be used for the stabling of more than two (2) 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.

The lots identified in this paragraph which are designated for such special permitted uses, not to exceed two (2) horses are:

Lots 1, 17 to 19, both inclusive, 33 to 39, both inclusive, 46 to 51, both inclusive, 65 to 72, both inclusive, 74 to 89, both inclusive, and 93 to 101, both inclusive, in Shenandoah Unit 7 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 41 as Document No. 132938, except for Lots 65, 73, 82, 83, 98 and 101, upon which a maximum of four (4) horses may be stabled.

Living Area. The living area in any dwelling constructed on any of the lots identified in this paragraph shall be not less than 800 square feet.

Paragraph 36. Lots 1 to 88, both inclusive, in Shenandoah Unit 8 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 Pages 55-58 as Document No. 137990. [*from Supplemental Declaration recorded on June 30, 1976 as Document No. 138574, and the Amendment to Supplemental Declaration recorded on October 14, 1977 as Document No. 144615*].

Permitted Uses--General. All of the Lots identified in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one (1) dwelling designed for occupancy by a single family, and one (1) 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.

Permitted Uses--Special. Developer reserves the right to designate any of the lots identified in this paragraph 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 of any lot so designated may maintain such a permitted facility on his lot for the use of the members of his family and guests. Such permitted facility shall not be used for the stabling of more than two (2) 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.

The lots identified in this paragraph which are designated for such special permitted uses, not to exceed two (2) horses are:

Lots 62, 63 and 82 to 88, both inclusive, in Shenandoah Unit 8 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 Pages 55-58 as Document No. 137990, except for Lot 82, upon which a maximum of four (4) horses may be stabled. However, Developer reserves the right, in conjunction with the operation of the Shenandoah Riding Center, to stable more than four (4) horses on the property as long as it retains title to Lot 82.

Living Area. The living area in any dwelling constructed on any of the lots identified in this paragraph shall be not less than 800 square feet.

Paragraph 37. Lots 1 to 59, both inclusive, in Shenandoah Unit 10 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 Pages 90, 91 and 92 as Document No. 153059. *[from Supplemental Declaration recorded on September 26, 1979 as Document No. 153361].*

Permitted Uses--General. All of the Lots identified in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one (1) dwelling designed for occupancy by a single family, and one (1) 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.

Permitted Uses--Special. Developer reserves the right to designate any of the lots identified in this paragraph 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 of any lot so designated may maintain such a permitted facility on his lot for the use of the members of his family and guests. Such permitted facility shall not be used for the stabling of more than two (2) 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.

The lots identified in this paragraph which are designated for such special permitted uses, not to exceed two (2) horses are:

Lots 22, 23 and 25 in Shenandoah Unit 10 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 Pages 90, 91 and 92 as Document No. 153059.

Living Area. The living area in any dwelling constructed on any of the lots identified in this paragraph shall be not less than 800 square feet.

Paragraph 38. Lots 1-9, both inclusive, in Shenandoah Unit 11 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 72, as Document No. 147856. *[from Supplemental Declaration recorded on November 1, 1978 as Document Number 149309.]*

Permitted Uses-General. All of the lots included in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one (1) dwelling designed for occupancy by a single family, and one (1) dwelling accessory building designed for use as a private garage, except as otherwise permitted herein.

Living Area. The living area in any dwelling constructed on any lot included in this paragraph shall not be less than 800 square feet.

Paragraph 39. Lots 1-25, both inclusive, in Shenandoah Unit 12 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 82, as Document No. 149680. *[from Supplemental Declaration recorded on April 27, 1979 as Document Number 151282.]*

Permitted Uses-General. All of the lots included in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one (1) dwelling designed for occupancy by a single family, and one (1) dwelling accessory building designed for use as a private garage, except as otherwise permitted herein.

Living Area. The living area in any dwelling constructed on any lot included in this paragraph shall not be less than 800 square feet.

Paragraph 40. Lots 1 to 47, both inclusive, in Shenandoah Unit 13 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 Pages 101 and 102 as Document No. 155093. *[from Supplemental Declaration recorded on May 2, 1980 as Document No. 155704].*

Permitted Uses--General. All of the Lots identified in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or

maintained on any lot except for one (1) dwelling designed for occupancy by a single family, and one (1) 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.

Permitted Uses--Special. Developer reserves the right to designate any of the lots identified in this paragraph 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 of any lot so designated may maintain such a permitted facility on his lot for the use of the members of his family and guests. Such permitted facility shall not be used for the stabling of more than two (2) 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.

The lots identified in this paragraph which are designated for such special permitted uses, not to exceed two (2) horses are:

Lots 21, 22, 29, 30, 31, 38 and 39 in Shenandoah Unit 13 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 Pages 101 and 102 as Document No. 155093.

Living Area. The living area in any dwelling constructed on any of the lots identified in this paragraph shall be not less than 800 square feet.

Paragraph 41. Lots 1 to 77, both inclusive, in Shenandoah Unit 14 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 Pages 97, 98 and 99 as Document No. 154534. [*from Supplemental Declaration recorded on May 2, 1980 as Document No. 155705*].

Permitted Uses--General. All of the Lots identified in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one (1) dwelling designed for occupancy by a single family, and one (1) 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.

Permitted Uses--Special. Developer reserves the right to designate any of the lots identified in this paragraph 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 of any lot so designated may maintain such a permitted facility on his lot for the use of the members of his family and guests. Such permitted facility shall not be used for the stabling of more than two (2) 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.

The lots identified in this paragraph which are designated for such special permitted uses, not to exceed two (2) horses are:

Lots 18, 35, 37, 42 and 45 in Shenandoah Unit 14 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 Pages 97, 98 and 99 as Document No. 154534.

Living Area. The living area in any dwelling constructed on any of the lots identified in this paragraph shall be not less than 800 square feet.

Paragraph 42. Lots 1 to 60, both inclusive, in Shenandoah Unit 15 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 Pages 103 and 104 as Document No. 155094. [*from Supplemental Declaration recorded on May 2, 1980 as Document No. 155706*].

Permitted Uses--General. All of the Lots identified in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one (1) dwelling designed for occupancy by a single family, and one (1) 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.

Permitted Uses--Special. Developer reserves the right to designate any of the lots identified in this paragraph 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 of any lot so designated may

maintain such a permitted facility on his lot for the use of the members of his family and guests. Such permitted facility shall not be used for the stabling of more than two (2) 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.

The lots identified in this paragraph which are designated for such special permitted uses, not to exceed two (2) horses are:

Lots 12 and 25 in Shenandoah Unit 15 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 Pages 103 and 104 as Document No. 155094.

Living Area. The living area in any dwelling constructed on any of the lots identified in this paragraph shall be not less than 800 square feet.

Paragraph 43. Lots 1 to 33, both inclusive, in Shenandoah Unit 16 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 Pages 108 and 109 as Document No. 157355.

Lots 1 to 16, both inclusive, in Shenandoah Unit 17 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 110 as Document No. 157356. [*from Supplemental Declaration recorded on May 28, 1981 as Document No. 159411*].

Permitted Uses--General. All of the Lots identified in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one (1) dwelling designed for occupancy by a single family, and one (1) 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.

Permitted Uses--Special. Developer reserves the right to designate any of the lots identified in this paragraph 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 of any lot so designated may maintain such a permitted facility on his lot for the use of the members of his family and guests. Such permitted facility shall not be used for the stabling of more than two (2) 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.

Living Area. The living area in any dwelling constructed on any of the lots identified in this paragraph shall be not less than 800 square feet.

Paragraph 44. Lots 1 to 20, both inclusive, in Shenandoah Unit 18 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 Plan Hold A of Plats, Nos. 59, 60 and 61 as Document No. 166734. [*from Supplemental Declaration recorded on July 13, 1983 as Document No. 167400*].

Permitted Uses--General. All of the Lots identified in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one (1) dwelling designed for occupancy by a single family, and one (1) 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.

Permitted Uses--Special. Developer reserves the right to designate any of the lots identified in this paragraph 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 of any lot so designated may maintain such a permitted facility on his lot for the use of the members of his family and guests.

The lots identified in this paragraph which are designated for such special permitted uses are:

Lots 1 to 20, both inclusive, in Shenandoah Unit 18 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 Plan Hold A of Plats, Nos. 59, 60 and 61 as Document No. 166734.

Living Area. The living area in any dwelling constructed on any of the lots identified in this paragraph shall be not less than 800 square feet.

Water Service. All lots identified in this paragraph will be served by individual wells, the cost of such wells to be borne by the individual lot owners. No central water system will be provided by the Developer. The owner by accepting conveyance of title to property subject to the Declaration agrees to install a well at his cost in order to provide water service to his lot.

Paragraph 45. Lots 1-16, both inclusive, in Shenandoah Unit 19 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 Plan Hold B of Plats, No. 148-A, on March 18, 1988. *[from Supplemental Declaration recorded on March 28, 1988 as Document Number 190724.]*

Permitted Uses-General. All of the lots included in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one (1) dwelling designed for occupancy by a single family, and one (1) 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.

Architectural Criteria. The Architectural Review Committee will apply 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 unreasonably withheld.

Living Area. The living area in any dwelling constructed on any lot included in this paragraph shall not be less than 1,000 square feet.

Design Criteria. To preserve the unique characteristics of Shenandoah Unit 19, the following special provisions with respect to the residential units constructed thereon shall apply:

- (a) The minimum pitch of the dominant roof line of any dwelling shall be 6 in 12.
- (b) Suitability of design shall be judged in relation to compatibility with other units either existing or approved for construction within Shenandoah Unit 19. Designs that conflict sharply in architectural style or exterior treatment with existing or approved units will not be approved.
- (c) A detailed site plan including proposed landscaping elements shall be required prior to approval.

Paragraph 46. Lots 1-23, both inclusive, in Shenandoah Unit 20 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 Plan Hold B of Plats, No. 187-B, as Document No. 197220. *[from Supplemental Declaration recorded on May 5, 1989 as Document Number 197273 and Second Supplemental Declaration recorded on October 6, 1989 as Document Number 199837.]*

Permitted Uses-General. All of the lots included in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one (1) dwelling designed for occupancy by a single family, and one (1) 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.

Architectural Criteria. The Architectural Review Committee will apply 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 unreasonably withheld.

Living Area. The living area in any dwelling constructed on any lot included in this paragraph shall not be less than 1,000 square feet.

Design Criteria. To preserve the unique characteristics of Shenandoah Unit 20, the following special provisions with respect to the residential units constructed thereon shall apply:

- (a) The minimum pitch of the dominant roof line of any dwelling shall be 6 in 12.
- (b) Exterior siding material shall consist of individual wood boards. Plywood sheet siding is specifically excluded.
- (c) 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.
- (d) Suitability of design shall be judged in relation to compatibility with other units either existing or approved for construction within Shenandoah Unit 20. Designs that conflict sharply in architectural style or exterior treatment with existing or approved units will not be approved.
- (e) A detailed site plan including proposed landscaping elements shall be required prior to approval.

Height Limitation. The overall height of any house in Shenandoah Unit 20 shall not exceed forty-two feet. Overall height is defined as the vertical distance from the lowest floor in the house (whether finished or not) to the highest point on the roof. Chimneys may extend up to four feet above the highest point on the roof.

Paragraph 47. Lots 1-47, both inclusive, in Shenandoah Unit 21 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

Plan Hold B of Plats, No. 187-A, as Document No. 197219. *[from Supplemental Declaration recorded on May 5, 1989 as Document Number 197274.]*

Permitted Uses-General. All of the lots included in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one (1) dwelling designed for occupancy by a single family, and one (1) 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.

Architectural Criteria. By reason of the unique character of Shenandoah Unit 21, 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 unreasonably withheld.

Living Area. The living area in any dwelling constructed on any lot included in this paragraph shall not be less than 1,000 square feet.

Design Criteria. To preserve the unique characteristics of Shenandoah Unit 21, the following special provisions with respect to the residential units constructed thereon shall apply:

- (a) The minimum pitch of the dominant roof line of any dwelling shall be 6 in 12.
- (b) Exterior siding material shall consist of individual wood boards. Plywood sheet siding is specifically excluded.
- (c) 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.
- (d) Suitability of design shall be judged in relation to compatibility with other units either existing or approved for construction within Shenandoah Unit 21. Designs that conflict sharply in architectural style or exterior treatment with existing or approved units will not be approved.
- (e) A detailed site plan including proposed landscaping elements shall be required prior to approval.

Paragraph 48. Lots 1-28, both inclusive, in Shenandoah Unit 22 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 Plan Hold C of Plats, No. 50, as Document No. 204195. *[from Supplemental Declaration recorded on June 28, 1990 as Document Number 204230.]*

Permitted Uses-General. All of the lots included in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one (1) dwelling designed for occupancy by a single family, and one (1) 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.

Architectural Criteria. By reason of the unique character of Shenandoah Unit 22, 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 unreasonably withheld.

Living Area. The living area in any dwelling constructed on any lot included in this paragraph shall not be less than 1,000 square feet.

Design Criteria. To preserve the unique characteristics of Shenandoah Unit 22, the following special provisions with respect to the residential units constructed thereon shall apply:

- (a) The minimum pitch of the dominant roof line of any dwelling shall be 6 in 12.
- (b) Exterior siding material shall consist of individual wood boards. Plywood sheet siding is specifically excluded.
- (c) 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.
- (d) Suitability of design shall be judged in relation to compatibility with other units either existing or approved for construction within Shenandoah Unit 22. Designs that conflict sharply in architectural style or exterior treatment with existing or approved units will not be approved.
- (e) A detailed site plan including proposed landscaping elements shall be required prior to approval.

Paragraph 49. Lots 1-4, both inclusive, in Shenandoah Unit 23 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 Plan Hold C of Plats, No. 77, as Document No. 206651. *[from Supplemental Declaration recorded on December 13, 1990 as Document Number 206905.]*

Permitted Uses-General. All of the lots included in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one (1) dwelling designed for occupancy by a single family, and one (1) 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.

Architectural Criteria. By reason of the unique character of Shenandoah Unit 23, 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 unreasonably withheld.

Living Area. The living area in any dwelling constructed on any lot included in this paragraph shall not be less than 1,000 square feet.

Design Criteria. To preserve the unique characteristics of Shenandoah Unit 23, the following special provisions with respect to the residential units constructed thereon shall apply:

- (a) The minimum pitch of the dominant roof line of any dwelling shall be 6 in 12.
- (b) Exterior siding material shall consist of individual wood boards. Plywood sheet siding is specifically excluded.
- (c) 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.
- (d) Suitability of design shall be judged in relation to compatibility with other units either existing or approved for construction within Shenandoah Unit 23. Designs that conflict sharply in architectural style or exterior treatment with existing or approved units will not be approved.
- (e) A detailed site plan including proposed landscaping elements shall be required prior to approval.

Paragraph 50. Lots 1 to 3, both inclusive, in Shenandoah Unit 24 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 Plan Hold C of Plats, No. 126 as Document No. 211059.

Lots 1 to 4, both inclusive, in Shenandoah Unit 25 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 Plan Hold C of

Plats, No. 127 as Document No. 211060. [from Supplemental Declaration recorded on August 27, 1991 as Document No. 211149].

Permitted Uses--General. All of the Lots identified in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one (1) dwelling designed for occupancy by a single family, and one (1) 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.

Permitted Uses--Special. Developer reserves the right to designate any of the lots identified in this paragraph 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 of any lot so designated may maintain such a permitted facility on his lot for the use of the members of his family and guests. Such permitted facility shall not be used for the stabling of more than two (2) 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.

The lots identified in this paragraph which are designated for such special permitted uses, not to exceed two (2) horses, are:

Lots 1 to 3, both inclusive, in Shenandoah Unit 24 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 Plan Hold C of Plats, No. 126 as Document No. 211059.

Lots 1 to 4, both inclusive, in Shenandoah Unit 25 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 Plan Hold C of Plats, No. 127 as Document No. 211060.

Living Area. The living area in any dwelling constructed on any of the lots identified in this paragraph shall be not less than 1,000 square feet.

Paragraph 51. Lots 1-21, both inclusive, in Eagle Ridge Inn and Resort Shenandoah, Unit 26 of the Galena Territory, according to the plat thereof recorded with the Recorder of Deeds of Jo Daviess County, Illinois, Commonly known as Shenandoah Unit 26, Galena Territory.

Lots 1-7, both inclusive, in Eagle Ridge Inn and Resort Shenandoah, Unit 27 of the Galena Territory, according to the plat thereof recorded with the Recorder of Deeds of Jo Daviess County, Illinois, Commonly known as Shenandoah Unit 27, Galena Territory.

Lots 1-10, both inclusive, in Eagle Ridge Inn and Resort Shenandoah, Unit 28 of the Galena Territory, according to the plat thereof recorded with the Recorder of Deeds of Jo Daviess County, Illinois, Commonly known as Shenandoah Unit 28, Galena Territory. *[from Supplemental Declaration recorded on July 20, 1994 as Document Number 232789.]*

Permitted Uses-General. All of the lots included in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one (1) dwelling designed for occupancy by a single family, and one (1) dwelling accessory building designed for use as a private garage. No dwelling accessory structure shall be erected prior to construction of a dwelling.

Architectural Criteria. By reason of the unique character and golf course proximity of the lots included in this paragraph, 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 unreasonably withheld.

Living Area. The living area in any dwelling constructed on any lot included in this paragraph shall not be less than 1,000 square feet.

Design Criteria. To preserve the unique characteristics of the lots included in this paragraph, the following special provisions with respect to the residential units constructed thereon shall apply:

(a) The minimum pitch of the dominant roof line of any dwelling shall be 6 inches in 12 inches.

(b) Exterior siding material shall consist of individual wood boards. Plywood sheet siding is specifically excluded.

(c) 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.

(d) Suitability of design shall be judged in relation to compatibility with other units either existing or approved for construction within each of the subdivisions described in this paragraph each as a separate subdivision. Designs that conflict sharply in architectural style or exterior treatment with existing or approved units will not be approved.

(e) A detailed site plan including proposed landscaping elements shall be required prior to approval.

(f) Satellite television dishes and free-standing antenna towers are prohibited on lots included in this paragraph.

Paragraph 52. Lots 1 to 141, both inclusive, in Thunder Bay Unit 1 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 37 as Document No. 132125. *[from Supplemental Declaration recorded in Book 8 of Miscellaneous, at pages 447 and 448].*

Permitted Uses--General. All of the Lots identified in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one (1) dwelling designed for occupancy by a single family, and one (1) 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.

Permitted Uses--Special. Developer reserves the right to designate any of the lots identified in this paragraph as lots which may be improved, in addition to the General Permitted Uses, with an additional dwelling accessory structure to be used for stabling not to exceed two (2) horses, 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 of any lot so designated may maintain thereon in the facilities provided therefore not to exceed two (2) horses for the use by him and members of his family and guests.

The lots identified in this paragraph which are designated for such special permitted uses, not to exceed two (2) horses, are:

Lots 116 to 141, both inclusive, in Thunder Bay Unit 1 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 37 as Document No. 132125.

Living Area. The living area in any dwelling constructed on any of the lots identified in this paragraph shall be not less than 800 square feet.

Paragraph 53. Lots 1 to 171, both inclusive, in Thunder Bay Unit 2 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. *[from Supplemental Declaration recorded January 8, 1976 as Document No. 136945].*

Permitted Uses--General. All of the Lots identified in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one (1) dwelling designed for occupancy by a single family, and one (1) 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.

Permitted Uses--Special. None of the lots included in this paragraph have been designated for special permitted uses.

Living Area. The living area in any dwelling constructed on any of the lots identified in this paragraph shall be not less than 800 square feet.

Paragraph 54. A parcel of land located in the SE1/4-NW1/4 Section 19, Township 28 North, Range 2 East of the Fourth Principal Meridian, Guilford Township, Jo Daviess County, Illinois, which is bounded by a line described as follows:

Beginning at the Southeast corner of Lot 85 in the recorded Plat of Thunder Bay 2 of The Galena Territory; thence S45°35'48"W 110.68; thence N73°30'W 98.0' to the Southwest corner of said Lot 85; thence N 74°E 180' along the South line of said Lot 85 to the Point of Beginning. Said parcel contains .10 acres, more or less. [*from Supplemental Declaration recorded on August 27, 1976 as Document No. 139276*].

Permitted Uses--General. The parcel identified in this paragraph is restricted to single-family residential use in conjunction with ownership, use and enjoyment of Lot 85 in Thunder Bay Unit 2 as such restrictions are set forth in the Declaration, as amended. This parcel may only be conveyed in conjunction with the conveyance of Lot 85 in Thunder Bay Unit 2 of which it shall be considered an integral part.

Paragraph 55. Lots 1 to 198, both inclusive, in Thunder Bay 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 Pages 60-62 as Document No. 140263. [*from Supplemental Declaration recorded on January 4, 1977 as Document No. 140828*].

Permitted Uses--General. All of the Lots identified in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one (1) dwelling designed for occupancy by a single family, and one (1) 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.

Permitted Uses--Special. Developer reserves the right to designate any of the lots identified in this paragraph 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 of any lot so designated may

maintain such a permitted facility on his lot for the use of the members of his family and guests. Such permitted facility shall not be used for the stabling of more than two (2) 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.

The lots identified in this paragraph which are designated for such special permitted uses, not to exceed two (2) horses, are:

Lots 1, 2, 91, 92, 144, 156, 158, 167, 192, 196, 197 and 198 in Thunder Bay 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 Pages 60-62 as Document No. 140263.

Living Area. The living area in any dwelling constructed on any of the lots identified in this paragraph shall be not less than 800 square feet.

Paragraph 56. Lots 1 to 151, both inclusive, in Thunder Bay Unit 4 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 Pages 78-80 as Document No. 146096. *[from Supplemental Declaration recorded on March 2, 1978 in Book 11 of Miscellaneous at Pages 351 and 352].*

Permitted Uses--General. All of the Lots identified in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one (1) dwelling designed for occupancy by a single family, and one (1) 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.

Permitted Uses--Special. Developer reserves the right to designate any of the lots identified in this paragraph 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 of any lot so designated may maintain such a permitted facility on his lot for the use of the members of his family and guests. Such permitted facility shall not be used for the stabling of more than two (2) 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.

Living Area. The living area in any dwelling constructed on any of the lots identified in this paragraph shall be not less than 800 square feet.

Paragraph 57. Lots 1 to 35, both inclusive, in Thunder Bay Unit 5 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 Pages 99 and 100 as Document No. 155092. *[from Supplemental Declaration recorded on May 2, 1980 as Document No. 155707].*

Permitted Uses--General. All of the Lots identified in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one (1) dwelling designed for occupancy by a single family, and one (1) 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.

Permitted Uses--Special. Developer reserves the right to designate any of the lots identified in this paragraph 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 of any lot so designated may maintain such a permitted facility on his lot for the use of the members of his family and guests. Such permitted facility shall not be used for the stabling of more than two (2) 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.

The lots identified in this paragraph which are designated for such special permitted uses, not to exceed two (2) horses, are:

Lot 13 in Thunder Bay Unit 5 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 Pages 99 and 100 as Document No. 155092.

Living Area. The living area in any dwelling constructed on any of the lots identified in this paragraph shall be not less than 800 square feet.

Paragraph 58. Lots 1-36, both inclusive, in Thunder Bay Unit 6 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 Plan Hold B of Plats, No. 161-A, as Document No. 192596. *[from Supplemental Declaration recorded on July 25, 1988 as Document Number 192712.]*

Permitted Uses-General. All of the lots included in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one (1) dwelling designed for occupancy by a single family, and one (1) 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.

Architectural Criteria. By reason of the unique character of Thunder Bay Unit 6, 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 unreasonably withheld.

Living Area. The living area in any dwelling constructed on any lot included in this paragraph shall not be less than 1,000 square feet.

Paragraph 59. Lots 1-11, both inclusive, in Thunder Bay Unit 7 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 Plan Hold B of Plats, No. 189-A, as Document No. 197352. *[from Supplemental Declaration recorded on May 12, 1989 as Document Number 197373.]*

Permitted Uses-General. All of the lots included in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one (1) dwelling designed for occupancy by a single family, and one (1) 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.

Architectural Criteria. By reason of the unique character of Thunder Bay Unit 7, 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 unreasonably withheld.

Living Area. The living area in any dwelling constructed on any lot included in this paragraph shall not be less than 1,000 square feet.

Paragraph 60. Lots 1-18, both inclusive, in Thunder Bay Unit 8 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 Plan Hold C of Plats, No. 49, as Document No. 204194. *[from Supplemental Declaration recorded on June 28, 1990 as Document Number 204228.]*

Permitted Uses-General. All of the lots included in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one (1) dwelling designed for occupancy by a single family, and one (1) 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.

Architectural Criteria. By reason of the unique character of Thunder Bay Unit 8, 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 unreasonably withheld.

Living Area. The living area in any dwelling constructed on any lot included in this paragraph shall not be less than 1,000 square feet.

Paragraph 61. Lots 1-14, both inclusive, in Thunder Bay Unit 9 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 Plan Hold C of Plats, No. 91, as Document No. 208247. *[from Supplemental Declaration recorded on March 22, 1991 as Document Number 208325]*

Permitted Uses-General. All of the lots included in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one (1) dwelling designed for occupancy by a single family, and one (1) 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.

Permitted Uses--Special. Developer reserves the right to designate any of the lots identified in this paragraph 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 of any lot so designated may maintain such a permitted facility on his lot for the use of the members of his family and guests. Such permitted facility shall not be used for the stabling of more than two (2) 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.

The lots identified in this paragraph which are designated for such special permitted uses are:

Lots 1-6, both inclusive, in Thunder Bay Unit 9 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 Plan Hold C of Plats, No. 91, as Document No. 208247, upon which not more than four (4) horses may be stabled.

Lots 7-10, both inclusive, in Thunder Bay Unit 9 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 Plan Hold C of Plats, No. 91, as Document No. 208247, upon which not more than two (2) horses may be stabled.

Architectural Criteria. By reason of the unique character of Thunder Bay Unit 9, 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 unreasonably withheld.

Living Area. The living area in any dwelling constructed on any lot included in this paragraph shall not be less than 1,000 square feet.

Paragraph 62. Lot 1 in Thunder Bay Unit 10 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 Plan Hold C of Plats, No. 128, as Document No. 211075. *[from Supplemental Declaration recorded on August 27, 1991 as Document Number 211148.]*

Permitted Uses-General. All of the lots included in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one (1) dwelling designed for occupancy by a single family, and

one (1) 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.

Permitted Uses--Special. Developer reserves the right to designate any of the lots identified in this paragraph 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 of any lot so designated may maintain such a permitted facility on his lot for the use of the members of his family and guests. Such permitted facility shall not be used for the stabling of more than two (2) 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.

The lots identified in this paragraph which are designated for such special permitted uses, not to exceed four (4) horses, are:

Lot 1 in Thunder Bay Unit 10 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 Plan Hold C of Plats, No. 128, as Document No. 211075.

Architectural Criteria. By reason of the unique character of Thunder Bay Unit 10, 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 unreasonably withheld.

Living Area. The living area in any dwelling constructed on any lot included in this paragraph shall not be less than 1,000 square feet.

Paragraph 63. Lots 1-3, both inclusive, in Thunder Bay Unit A 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, on May 27, 1992 as Document No. 216433. *[from Supplemental Declaration recorded on May 27, 1992 as Document Number 216435.]*

Permitted Uses-General. All of the lots included in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained

on any lot except for one (1) dwelling designed for occupancy by a single family, and one (1) 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.

Permitted Uses--Special. Developer reserves the right to designate any of the lots identified in this paragraph as lots which may be improved, in addition to the General Permitted Uses, with an additional dwelling accessory structure to be used as a horse stable, together with an appropriate corral in connection therewith as approved by the Architectural Review Committee provided for under the Declaration. The exercise of such right by the Developer shall be by appropriate instrument recorded with the Recorder of Deeds designating the parcels or lots with respect to which such Special Uses are designated as being permitted. The owner of any parcel or lot so designated may maintain such a permitted facility on his or her parcel or lot for the use of the members of his or her family and guests. Such permitted facility shall not be used for the stabling of more than two (2) horses, unless the instrument recorded designating these lots for such Special Uses provides therein that certain parcels or lots may have facilities constructed thereon for the stabling of a greater number of horses.

The lots identified in this paragraph which are designated for such special permitted uses, not to exceed four (4) horses, are:

Lots 1-3, both inclusive, in Thunder Bay Unit A 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, on May 27, 1992 as Document No. 216433.

Living Area. The living area in any dwelling constructed on any parcel or lot included in this paragraph shall not be less than 1,000 square feet.

Water Service. All parcels or lots identified in this paragraph will be served by individual wells, the cost of such wells to be borne by the individual parcel or lot owners. No central water system will be provided by the Developer. Each owner by accepting conveyance of title to parcel or lot subject to the Declaration agrees to install a well at its cost in order to provide water service to its lot.

Paragraph 64. Lot 1 in Thunder Bay Unit B 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 Plan Hold C of Plats, No. 184 as Document No. 217322. *[from Supplemental Declaration recorded on July 15, 1992 as Document Number 217473.]*

Permitted Uses-General. All of the lots included in this paragraph are restricted to single family residential use. No structure shall be erected, re-erected or maintained on any lot except for one (1) dwelling designed for occupancy by a single family, and one (1) 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.

Permitted Uses--Special. The lot identified in this paragraph 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 owner of this lot may maintain such a permitted facility on his lot for the use of the members of his family and guests. Such permitted facility shall not be used for the stabling of more than four (4) horses.

Architectural Criteria. The Architectural Review Committee will apply 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 unreasonably withheld.

Satellite Television Dishes and Free-Standing Antenna Towers. While not specifically prohibited in Thunder Bay Unit B any satellite dish or antenna tower must be submitted to and approved by the Architectural Review Committee prior to purchase and/or installation.

Living Area. The living area in any dwelling constructed on any parcel or lot included in this paragraph shall not be less than 1,000 square feet.

Height Limitation. The overall height of any house in Thunder Bay Unit B shall not exceed forty-two feet. Overall height is defined as the vertical distance from the lowest floor in the house (whether finished or not) to the highest point on the roof. Chimneys may extend up to four feet above the highest point on the roof.

Water Service. All lots identified in this paragraph will be served by individual wells, the cost of such wells to be borne by the individual lot owners. No central water system will be provided by the Developer. The owner by accepting conveyance of title to property subject to the Declaration agrees to install a well at his cost in order to provide water service to his lot.