

#176061

SUPPLEMENTAL DECLARATION

SUPPLEMENTAL DECLARATION made this \_\_\_\_\_ 18th \_\_\_\_\_ day of \_\_\_\_\_ June \_\_\_\_\_, 1985, by THE BRANIGAR ORGANIZATION, INC., an Illinois corporation, herein called "Developer".

WITNESSETH:

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

WHEREAS, Developer has designated a certain portion of said real estate for single-family residences and has subjected said portion to Declaration of Covenants and Restrictions for Settlement Homes ("Settlement Declaration") dated November 29, 1982 and recorded November 29, 1982 in Book 17 of Miscellaneous Records, Pages 668-680; and

WHEREAS, Developer desires to extend the provisions of the General Declaration and the Settlement Declaration to the real estate hereinafter described which is subject to this Supplemental Declaration and which is owned by the Developer, except to the extent, if any, that the provisions of the General Declaration herein are modified with respect to the property subject to this Supplemental Declaration.

NOW, THEREFORE, the Developer for itself, its successors and assigns hereby declares that the provisions of the General Declaration of Covenants and Restrictions recorded in Book 7 of Miscellaneous Records, Pages 780-798, as amended by documents recorded in Book 7 of Miscellaneous Records, Pages 864-866 and Book 12 of Miscellaneous Records, Pages 145 and 146, Jo Daviess County, Illinois, and the Settlement Home Declaration of Covenants, Conditions and Restrictions recorded in Book 17 of Miscellaneous Records, Pages 668-680, Jo Daviess County, Illinois, except to the extent as herein changed and modified with respect to the property subject hereto, hereby are extended and shall apply to that certain real estate owned by the Developer in Jo Daviess County, Illinois, described as follows:

Branigar's Plat of Eagle Ridge Unit "L" of The Galena Territory located in the SE $\frac{1}{4}$ -NW $\frac{1}{4}$  Section 25, T28N, R1E of the Fourth Principal Meridian, East Galena Township, Jo Daviess County, Illinois, said Plat recorded June 13, 1985, as Document Number 176009 in Plan Hold A of Plats, No. 265 in the Recorder's Office of Jo Daviess County, Illinois.

1. GENERAL RESTRICTIONS

1.1 Land Use - Single Family Residential

The properties which are subject to this Supplemental Declaration are designated "Single Family Residential" use. No building shall be erected on any such lot except a "Single Family Structure".

1.2 Lot Division

Notwithstanding any provision in the General Declaration of Covenants and Restrictions for The Galena Territory to the contrary, due to the nature of these structures, a unit, not a lot will be conveyed to purchasers, a number of units being on each lot; lot being defined in Paragraph 2.5 of the General Declaration of Covenants and Restrictions for The Galena Territory.

2. COMMON PROPERTIES

2.1 Private Roads

The roadways designated on the plat of subdivision of Eagle Ridge Unit L as "Private Road" are declared to be Common Properties, except that the use thereof shall be restricted as set forth in this Supplemental Declaration.

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 General Declaration.

3. MAINTENANCE OF PRIVATE ROADWAY

3.1 User Responsibility for Maintenance

By acceptance of a contract of purchase or deed for any lot 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 portion of the cost thereof in which the number of units served by such private road at any point in time is the denominator and the cost of such maintenance is the numerator

3.2 Special Assessments for Private Road Maintenance

In addition to any other assessment authorized by the General 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 Assesemnts

The provisions of Section 8 of the General 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 General Declaration with respect to annual assessments.

IN WITNESS WHEREOF, this instrument has been executed by Developer and its corporate seal affixed on the date and year first above written.



THE BRANIGAR ORGANIZATION, INC.

BY: [Signature]  
Vice President

[Signature]  
Assistant Secretary

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

Given under my hand and official seal, this 18th day of June, 1985.

Commission expires April 22, 1986.



[Signature]  
Notary Public

STATE OF ILLINOIS as Instrument Number 176061  
JO DAVIESS COUNTY  
Filed for Record on the 18 day of June  
19 85 at 10:28 o'clock A M.  
Recorder of Deeds [Signature]  
By [Signature] Deputy Recorder