

MARY ANN STUKEL

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Will County Recorder

Will County

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Page 1 of 11

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Recording Fees:

22.00

THIRD AMENDMENT TO FOUNDERS PLACE
DECLARATION OF COVENANTS, CONDITIONS,
RESTRICTIONS AND EASEMENTS

THIRD AMENDMENT TO FOUNDERS PLACE

DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS

THIS THIRD AMENDMENT TO FOUNDERS PLACE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS is made this _____ day of MAY 20, 2001, by BRUTI ASSOCIATES LTD. (hereinafter referred to as "Declarant").

WHEREAS, the Founders Place Declaration of Covenants, Conditions, Restrictions and Easements was recorded in the office of Recorder of Deeds, Will County, Illinois, on May 27, 1998, as Document No. R98-058019 (hereinafter "Declaration"), which Declaration encumbered the real estate legally described in Exhibit A attached hereto; and

WHEREAS, Section 1.26 of the Declaration provided that, by amendment to the Declaration by the Declarant, all or part of the real estate legally described in Exhibit B attached hereto may be made subject to the terms of the Declaration; and

WHEREAS, the real estate legally described on Exhibit C attached hereto, which consists of a portion of the real estate legally described on Exhibit B, was made subject to the terms of the Declaration by the First Amendment to Founders Place Declaration of Covenants, Conditions, Restrictions and Easements recorded in the Office of Recorder of Deeds, Will County, Illinois, on May 11, 1999, as document number R99-059987; and

WHEREAS, the real estate legally described on Exhibit D attached hereto, which consists of a portion of the real estate legally described on Exhibit B, was made subject to the terms of the Declaration by the Second Amendment to Founders Place Declaration of Covenants, Conditions, Restrictions and Easements

recorded in the Office of Recorder of Deeds, Will County, Illinois, on April 13, 2000, as document number R2000037921; and

WHEREAS, the real estate legally described on Exhibit E attached hereto consists of a portion of the real estate legally described on Exhibit B; and

WHEREAS, Declarant wishes to amend the Declaration to make the real estate legally described on Exhibit E subject to all of the terms of the Declaration and to amend Sections 1.4 and 1.20 of the Declaration as hereinafter provided; and

WHEREAS, Declarant also wishes to amend the Declaration to withdraw and exclude the real estate legally described on Exhibit F attached hereto (which real estate consists of a portion of the real estate described in Exhibit B) from the "Add-On" real estate described in Section 1.26 of the Declaration so that the real estate described on Exhibit F may not hereafter be declared subject to the terms of the Declaration; and

WHEREAS, concurrent with the recording of this Third Amendment to Founders Place Declaration, Declarant will also cause to be recorded a plat of Founders Place Phase 2, which is a plat of the real estate described in Exhibit E.

NOW, THEREFORE, Declarant hereby declares and agrees as follows:

1. The real estate legally described on Exhibit E is hereby declared to be and expressly made subject to all of the terms of the Declaration. Accordingly, the term "Property" as defined in Section 1.20 of the Declaration, is hereby amended to read as follows:

"1.20 'Property' shall mean and refer to the real estate legally described in Exhibit A, Exhibit C, Exhibit D, and Exhibit E hereof."


2. Section 1.4 of the Declaration ("Common Area") is hereby amended to include Lot 107 and Lot 108 in Founders Place Phase 2 as additional Common Areas subject to the Declaration.
3. The real estate legally described on Exhibit F is hereby declared to be withdrawn and excluded from the "Add-On" real estate described and defined in Section 1.26 of the Declaration.

IN WITNESS WHEREOF, BRUTI ASSOCIATES LTD., CHARLES P. BRUTI as its President, and BARBARA BRUTI, as its Secretary, has caused its corporate seal to be affixed hereunto and has caused its name to be signed to this Third Amendment to Founders Place Declaration by its Secretary as of the day and year first above written.

DECLARANT:
BRUTI ASSOCIATES LTD.

ATTEST:

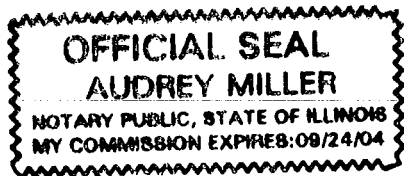
By: Barbara Bruti
Secretary

By: 
CHARLES P. BRUTI
President

STATE OF ILLINOIS)
) SS.
COUNTY OF WILL)

I, Audrey Miller, a Notary Public in and for said County, in the state aforesaid, do hereby certify that CHARLES P. BRUTI, PRESIDENT, and BARBARA BRUTI, SECRETARY of BRUTI ASSOCIATES LTD., 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 acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and notarial seal this 20th day of May, 2001.



Audrey Miller
NOTARY PUBLIC

THIS DOCUMENT WAS PREPARED BY:

JAMES J. JOHNSON, P.C.
Attorney at Law
17400 S. Oak Park Ave.
Tinley Park, IL 60477
708/429-3554

MAIL TO:

Bruti Associates Ltd.
21146 Washington Pkwy
Frankfort, IL 60423

Sub. Plat No R2001066612

EXHIBIT A

A portion of that part of the West 3/4 of the Northwest 1/4 of Section 28, Township 35 North, Range 12 East of the Third Principal Meridian, lying South and East of the centerline of U.S. Highway Route No. 45, lying North of the Northerly right-of-way line of a strip of land deeded to John H. Gulick by a deed recorded as Document No. 369299 in Book 606, page 243 in the Office of the Recorder of Will County and lying South of the South line of Minnesota Street extended Westerly from the Village of Frankfort, excepting therefrom that land conveyed to Edward Kodat and his wife by a deed recorded as Document No. 635151 in Book 1200, page 137 in the Office of the Recorder of Deeds of Will County from George W. Elsner and his wife, and also excepting therefrom the South 630.0 feet thereof, said portion being described as follows:

Beginning at the intersection of a line 630.0 feet North of the Northerly right-of-way line of a strip of land deeded to John H. Gulick by a deed recorded as Document No. 369299 in Book 606, page 243 in the Office of the Recorder of Will County, with the centerline of U.S. Highway Route 45; thence South 89°56'08" East on said line 630.0 feet North of the Northerly right-of-way line of a strip of land deeded to John H. Gulick, a distance of 714.74 feet; thence North 00°03'52" East 101.00 feet; thence North 27°17'12" East 42.73 feet; thence North 00°03'52" East 86.00 feet; thence South 89°56'08" East 191.91 feet; thence North 00°03'52" East 310.00 feet; thence South 89°56'08" East 107.75 feet; thence North 00°03'52" East 327.66 feet; thence North 74°35'57" West 132.34 feet; thence South 89°58'13" West 95.05 feet to the centerline of U.S. Highway Route 45; thence South 42°32'20" West on said centerline 944.85 feet to a point of curvature; thence Southwesterly on said centerline along a curve concave Southeast having a radius of 4583.75 feet an arc distance of 265.10 feet to the Point of Beginning, all in Will County, Illinois.

P.I.N. 09-28-104-011-0000

EXHIBIT B:

That part of the West 3/4 of the Northwest 1/4 of Section 28, Township 35 North, Range 12 East of the Third Principal Meridian, lying South and East of the centerline of U.S. Highway Route No. 45, lying North of the Northerly right-of-way line of a strip of land deeded to John H. Gulick by a deed recorded as Document No. 369299 in Book 606, page 243 in the Office of the Recorder of Will County and lying South of the South line of Minnesota Street extended Westerly from the Village of Frankfort, excepting therefrom that land conveyed to Edward Kodat and his wife by a deed recorded as Document No. 635151 in Book 1200, page 137 in the Office of the Recorder of Deeds of Will County from George W. Elsner and his wife; and also excepting therefrom the South 210.00 feet thereof; and also excepting therefrom the North 420.0 feet of the South 630.0 feet thereof lying West of a line located 663.0 feet West of the East line of the West 3/4 of the Northwest 1/4 of said Section 28; and also excepting therefrom that portion being described as follows: Beginning at the intersection of a line 630.0 feet North of the Northerly right-of-way line of a strip of land deeded to John H. Gulick by a deed recorded as Document No. 369299 in Book 606, page 243 in the Office of the Recorder of Will County, with the centerline of U.S. Highway Route 45, thence South 89°56'08" East on said line 630.0 feet North of the Northerly right-of-way line of a strip of land deeded to John H. Gulick, a distance of 714.74 feet; thence North 00°03'52" East 101.00 feet; thence North 27°17'12" East 42.73 feet; thence North 00°03'52" East 86.00 feet; thence South 89°56'08" East 191.91 feet; thence North 00°03'52" East 310.00 feet; thence South 89°56'08" East 107.75 feet; thence North 00°03'52" East 327.66 feet; thence North 74°35'57" West 132.34 feet; thence South 89°58'13" West 95.05 feet to the centerline of U.S. Highway Route 45; thence South 42°32'20" West on said centerline 944.85 feet to a point of curvature; thence Southwesterly on said centerline along a curve concave Southeast having a radius of 4583.75 feet an arc distance of 265.10 feet to the Point of Beginning, all in Will County, Illinois.

EXHIBIT C

Legal Description (Phase I-B):

A portion of that part of the West 3/4 of the Northwest 1/4 of Section 28, Township 35 North, Range 12 East of the Third Principal Meridian, lying South and East of the centerline of highway U.S. Route 45, lying North of the Northerly right-of-way line of a strip of land deeded to John H. Gulick by a deed recorded as Document No. 369299 in Book 606, page 243 in the Office of the Recorder of Will County and lying South of the South line of Minnesota Street extended Westerly from the Village of Frankfort, excepting therefrom that land conveyed to Edward Kodat and his wife by a deed recorded as Document No. 635151 in Book 1200, page 137 in the Office of the Recorder of Deeds of Will County from George W. Elsner and his wife, and also excepting therefrom the South 630.0 feet thereof, said portion being described as follows

Commencing at the intersection of a line 630.0 feet North of the Northerly right-of-way line of a strip of land deeded to John H. Gulick by a deed recorded as Document No. 369299 in Book 606, page 243 in the Office of the Recorder of Will County, with the centerline of highway U.S. Route 45; thence South 89°56'08" East on said line 630.0 feet North of the Northerly right-of-way line of a strip of land deeded to John H. Gulick a distance of 714.74 feet; thence North 00°03'52" East 101.00 feet; thence North 27°17'12" East 42.73 feet; thence North 00°03'52" East 86.00 feet; thence South 89°56'08" East 191.91 feet to the Point of Beginning at the Southeast Corner of Founders Place Phase I-A, being a Subdivision of part of the West 3/4 of the Northwest 1/4 of Section 28, Township 35 North, Range 12 East of the Third Principal Meridian, recorded May 5, 1998 as Document No. R98-058018 in Will County, Illinois, said point being located on the East line of Cappel Lane; thence along said East line of Cappel Lane North 00°03'52" East 310.00 feet; thence South 89°56'08" East 107.75 feet; thence along the East line of said Founders Place Phase I-A North 00°03'52" East 327.66 feet to the Northeast corner of said Founders Place Phase I-A; thence South 74°35'57" East 250.49 feet; thence South 89°56'08" East 86.01 feet to the East line of the West 3/4 of the Northwest 1/4 of said Section 28; thence South 00°03'51" East on said East line 617.41 feet; thence North 89°56'08" West 179.56 feet to a point on a curve; thence Northerly on said curve to the left concave to the West having a radius of 516.00 feet an arc distance of 46.30 feet; thence North 89°56'08" West 251.99 feet to the Point of Beginning, in Will County, Illinois.

P.I.N. 09-28-104-011-0000

EXHIBIT D

Legal Description (Phase 1-C):

A portion of that part of the West 3/4 of the Northwest 1/4 of Section 28, Township 35 North, Range 12 East of the Third Principal Meridian, lying South and East of the centerline of highway U.S. Route 45, lying North of the Northerly right-of-way line of a strip of land deeded to John H. Gulick by a deed recorded as Document No. 369299 in Book 606, page 243 in the Office of the Recorder of Will County and lying South of the South line of Minnesota Street extended Westerly from the Village of Frankfort, excepting therefrom that land conveyed to Edward Kodat and his wife by a deed recorded as Document No. 635151 in Book 1200, page 137 in the Office of the Recorder of Deeds of Will County from George W. Elsner and his wife, and also excepting therefrom the South 630.0 feet thereof; said portion being described as follows:

Commencing at the intersection of a line 630.0 feet North of the Northerly right-of-way line of a strip of land deeded to John H. Gulick by a deed recorded as Document No. 369299 in Book 606, page 243 in the Office of the Recorder of Will County, with the centerline of highway U.S. Route 45; thence South 89°56'08" East on said line 630.0 feet North of the Northerly right-of-way line of a strip of land deeded to John H. Gulick, a distance of 714.74 feet to the Point of Beginning; thence North 00°03'52" East 101.00 feet; thence North 27°17'12" East 42.73 feet; thence North 00°03'52" East 86.00 feet; thence South 89°56'08" East 443.90 feet to the West line of Cappel Lane; thence Southerly along said West line of Cappel Lane on a curve concave to the West having a radius of 516.00 feet an arc distance of 46.30 feet; thence South 89°56'08" East 179.56 feet to the East line of the West 3/4 of the Northwest 1/4 of said Section 28; thence South 00°03'51" East on said East line 179.00 feet to a line 630.0 feet North of the said Northerly right-of-way of a strip of land deeded to John H. Gulick; thence North 89°56'08" West 648.57 feet along last said line to the Point of Beginning, in Will County, Illinois.

P.I.N. 09-28-104-011-0000

EXHIBIT E

The North 420 feet of the East 600 feet of the South 630 feet of that part of the West 3/4 of the Northwest 1/4 of Section 28, Township 35 North, Range 12 East of the Third Principal Meridian, lying South and East of the centerline of Highway U.S. 45 and North of the Northerly right-of-way line of a strip of land deeded to John H. Gulick by deed document 369299 in Book 606, page 243 in the Office of the Recorder, in Will County, Illinois;

AND

That part of the West 3/4 of the Northwest 1/4 of Section 28, Township 35 North, Range 12 East of the Third Principal Meridian, Will County, Illinois, being described as follows: Beginning at the Southeastern-most corner of Lot 73 in Founders Place Phase I-C, being a Subdivision of part of the West 3/4 of the Northwest 1/4 of Section 28, Township 35 North, Range 12 East of the Third Principal Meridian, according to the plat thereof recorded April 13, 2000 as Document R2000-037920 in Will County, Illinois, on the East line of said West 3/4 of the Northwest 1/4 of Section 28; thence South 00°03'50" East 34.85 feet to a line 630.00 feet North of the Northerly right-of-way line of land deeded to John H. Gulick per Document No. 369299; thence North 89°56'08" West 128.48 feet along said line to the East line of Cappel Lane as dedicated; thence North 00°03'51" West 34.85 feet along said East line to the South line of said Founders Place Phase I-C; thence South 89°56'08" East 128.48 feet along said South line to the Point of Beginning;

AND

That part of the West 3/4 of the Northwest 1/4 of Section 28, Township 35 North, Range 12 East of the Third Principal Meridian, Will County, Illinois, being described as follows: Beginning at the Southeastern-most corner of Lot 75 in Founders Place Phase I-A, being a Subdivision of part of the West 3/4 of the Northwest 1/4 of Section 28, Township 35 North, Range 12 East of the Third Principal Meridian, according to the plat thereof recorded May 27, 1998 as Document R98-58018 in Will County, Illinois, on the line 630.00 feet North of the Northerly right-of-way line of land deeded to John H. Gulick per Document No. 369299; thence North 00°03'52" East 48.01 feet along the East line of said Founders Place Phase I-A; thence South 89°56'08" East 180.85 feet along the South line of Founders Place Phase I-C being a Subdivision of part of the West 3/4 of the Northwest 1/4 of Section 28, Township 35 North Range 12 East of the Third Principal Meridian, according to the plat thereof recorded April 13, 2000 as Document R2000-037920 in Will County, Illinois, to the West line of Higley Lane as dedicated; thence Southerly along a curve convex to the East having a radius of 463.80 feet, an arc distance of 32.15 feet along the West line of said Higley Lane; thence South 00°03'51" East 15.89 feet along said East line of Higley Lane to the line 630.00 feet North of the Northerly right-of-way line of land deeded to John H. Gulick per Document No. 369299; thence North 89°56'06" West 182.07 feet along said line to the Point of Beginning.

PIN: 09-28-104-008-0000

EXHIBIT F

A PORTION OF THAT PART OF THE WEST 3/4 OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 35 NORTH, RANGE 12 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH AND EAST OF THE CENTER LINE OF HIGHWAY U.S. ROUTE NO. 45, LYING NORTH OF THE NORTHERLY RIGHT OF WAY LINE OF A STRIP OF LAND DEEDED TO JOHN H. GULICK BY A DEED RECORDED AS DOCUMENT NUMBER 369299 IN BOOK 606, PAGE 243 IN THE OFFICE OF THE RECORDER OF WILL COUNTY AND LYING SOUTH OF THE SOUTH LINE OF MINNESOTA STREET EXTENDED WESTERLY FROM THE VILLAGE OF FRANKFORT, EXCEPTING THEREFROM THAT LAND CONVEYED TO EDWARD KODAT AND HIS WIFE BY A DEED RECORDED AS DOCUMENT NUMBER 635151 IN BOOK 1200, PAGE 137 IN THE OFFICE OF THE RECORDER OF DEEDS OF WILL COUNTY FROM GEORGE W. ELSNER AND HIS WIFE, AND ALSO EXCEPTING THEREFROM THE SOUTH 630.00 FEET THEREOF;

SAID PORTION BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF THE LAND CONVEYED TO EDWARD KODAT AND HIS WIFE BY A DEED RECORDED AS DOCUMENT NUMBER 635151, WITH THE EAST LINE OF THE WEST 3/4 OF THE NORTHWEST 1/4 OF SAID SECTION 28; THENCE ALONG LAST SAID EAST LINE SOUTH 00 DEGREES 03 MINUTES 51 SECONDS EAST 128.14 FEET; THENCE NORTH 89 DEGREES 56 MINUTES 08 SECONDS WEST 86.01 FEET; THENCE NORTH 74 DEGREES 35 MINUTES 57 SECONDS WEST 382.83 FEET; THENCE SOUTH 89 DEGREES 58 MINUTES 13 SECONDS WEST 95.05 FEET TO THE CENTER LINE OF HIGHWAY U.S. ROUTE 45; THENCE NORTH 42 DEGREES 32 MINUTES 20 SECONDS EAST ON SAID CENTER LINE 35.50 FEET TO THE SAID SOUTH LINE OF THE SAID LAND CONVEYED TO EDWARD KODAT AND HIS WIFE; THENCE NORTH 89 DEGREES 58 MINUTES 13 SECONDS EAST 525.99 FEET ALONG LAST SAID SOUTH LINE TO THE POINT OF BEGINNING.

PIN: 09-28-104-030-0000