

2003115133

Fourth

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

MARY ANN STUKEL

9P

Will County Recorder
Will County

R 2003115133

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PC1 Date 05/20/2003

Time 08:42:34

Recording Fees:

23.00

THIS THIRD AMENDMENT
TO FOUNDERS PLACE
DECLARATION OF COVENANTS,
CONDITIONS, RESTRICTIONS
AND EASEMENTS is made this 30th,
day of March, 2003, by BRUTI
ASSOCIATES LTD. (hereinafter
referred to as "Declarant");
WITNESSETH;

WHEREAS, Founders Place Declaration of Covenants, Conditions, Restrictions and Easements dated January 30, 1998 was recorded in the Office of the Will County Recorder, Will County, Illinois, on May 27, 1998 as Document No. R98-058019 (hereinafter "Declaration"), which Declaration encumbered the real estate legally described in Exhibits A and B attached hereto;

WHEREAS, Exhibits C and D legally described additional parcels of land encumbered by this Declaration and, by First Amendment thereto dated May 2, 1999, recorded in the Office of the Will County Recorder, Will County, Illinois, on May 11, 1999 as Document No. R99-059987 and Second Amendment thereto dated February 23, 2000, recorded in the Office of the Will County Recorder, Will County, Illinois, on April 13, 2000 as Document No. R2000037921; and

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WHEREAS, Declarant wishes to further amend certain provisions of the Declaration;

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

1. Section 1.14(a) is hereby added, as follows:

“(a) “Occupant shall mean any Owner (as defined herein) or person who resides in a Unit on a regular basis.”

2. Section 3.6 is hereby deleted and, in lieu thereof, the following is substituted:

“3.6 Automobiles, trucks, boats, recreational vehicles, trailers, or other vehicles (owned, leased, or otherwise maintained on a regular basis within the Development by an Owner and/or Single Family, other than vehicles utilized by Declarant and/or the Association in construction or reconstruction of the Property as a contractor or subcontractor) shall at all times be parked in the garage of the Unit and their repair or maintenance shall not be permitted except within the confines of the garage. All vehicles owned, leased, or otherwise maintained by an Owner or Occupant of an attached Townhome must be parked, overnight, within the garage or on the driveway of the attached Townhome. All automobiles, trucks, and/or other vehicles, with business or work markings and legends, shall always be parked within the confines of the garage. No permanent parking shall be maintained on Frankfort Main. Guest parking spaces, which are provided at the east or west end, as the case may be, of the four (4) groups of Single Family Units shall be utilized only by guests of Single Family Unit Owners.”

3. Section 3.10 is hereby deleted and, in lieu thereof, the following is substituted

therefor:

“3.10. No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any Parcel or part thereof, or in any Unit erected thereon, except dogs, cats, or other customary and usual household pets, limited to a total of one, kept for other than commercial purposes. Except with the consent of the developer or, after the Turnover Date, by the Association, allowed household pets may not be larger than twenty-five pounds. When taken outside, allowed household pets shall be either kept within the confines of an enclosed yard or maintained on leash at all times. Allowed household

pets may not be exercised on the length of the east/west boulevard median strip on Frankfort Main. The Owner or Occupant of a Unit who owns or has custody of any allowed household pet shall be responsible for immediate removal of the excrement dropped by the allowed household pet.”

4. Section 3.13 is hereby deleted and, in lieu thereof, the following is substituted therefor:

“Garage doors must be kept closed at all times except when entering and exiting.”

5. Section 3.16 is hereby deleted and, in lieu thereof, the following is substituted therefor:

“In addition to the foregoing, but not in limitation thereof, no Owner or Occupant shall make any alterations, additions, install coverings to any structure exterior without specific approval of Declarant or of the Association, including, but not necessarily limited to, windows, screens and lattices.”

6. Added to the general restrictions shall be Section 3.17(a) as follows:

“Unless otherwise authorized by Declarant or, after the Turnover Date, by the Association, all Single Family Units and all attached Townhomes shall either display all screens or none at all.”

7. Added to the general restrictions shall be Section 3.17(b) as follows:

“(b) All holiday decorations and American flags must be displayed in good taste. No plastic figurines of any kind, nature, or description are to be displayed on the exterior of any Unit.”

8. Added to the general restrictions shall be Sections 3.19 and 3.20 as follows:


“3.19 The General Restriction set forth in this Article III, including, but not necessarily limited to, Section 3.10 above, may be amplified from time to time by written Rules and Regulations adopted by Developer or, after the Turnover Date, by the Association.

3.20 All Dwelling Unit Owners must submit a certificate of homeowner’s insurance to the Declarant or, after the Turnover Date,


with the Association; the Association shall be named as an additional insured. A certificate of homeowner's insurance must be submitted to the Declarant or, after the Turnover Date, to the Association no less frequently than annually."

IN WITNESS WHEREOF, Declarant has executed this Third Amendment as of the day and year first above written.

BRUTI ASSOCIATES LTD.

By: 
Charles P. Bruti, President

ATTEST:


Barbara Bruti, Secretary

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

I, the undersigned, a notary public in and for the county in the state aforesaid, do hereby certify that CHARLES P. BRUTI, personally known to me to be the President of BRUTI ASSOCIATES LTD., an Illinois corporation, and BARBARA BRUTI, personally known to me to be the 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 President and Secretary, they signed and delivered the said instrument, 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 30th day of March, 2003.



Audrey Miller

Notary Public

THIS DOCUMENT WAS PREPARED BY:

Sheldon L. Lebold
16061 S. 94th Avenue
Orland Hills, IL 60477

MAIL TO:

Sheldon L. Lebold
16061 S. 94th Avenue
Orland Hills, IL 60477

document/foundersdec3rdamnd

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 Kotal 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 $89^{\circ}56'08''$ 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 $00^{\circ}03'52''$ East 101.00 feet; thence North $27^{\circ}17'12''$ East 42.73 feet; thence North $00^{\circ}03'52''$ East 86.00 feet; thence South $89^{\circ}56'08''$ 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 $00^{\circ}03'52''$ East 310.00 feet; thence South $89^{\circ}56'08''$ East 107.75 feet; thence along the East line of said Founders Place Phase I-A North $00^{\circ}03'52''$ East 327.66 feet to the Northeast corner of said Founders Place Phase I-A; thence South $74^{\circ}35'57''$ East 250.49 feet; thence South $89^{\circ}56'08''$ East 86.01 feet to the East line of the West 3/4 of the Northwest 1/4 of said Section 28; thence South $00^{\circ}03'51''$ East on said East line 617.41 feet; thence North $89^{\circ}56'08''$ 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 $89^{\circ}56'08''$ 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; thence North 00°03'52" East 48.01 feet to the Point of Beginning; thence North 00°03'52" East 52.99 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 144.15; thence North 89°56'08" West 123.48 feet; thence South 00°03'51" East 34.85 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 338.02 feet along last said line; thence North 00°03'51" West 15.89 feet to a point of curvature; thence Northerly along said curve concave to the West having a radius of 463.80 feet an arc distance of 32.15 feet; thence North 89°56'08" West 180.85 feet to the Point of Beginning, in Will County, Illinois.

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