

Mulberry Grove



2006K022533

FIRST CORRECTIVE
AMENDMENT TO THE
DECLARATION FOR THE
MULBERRY GROVE
SINGLE FAMILY HOMES
HOMEOWNERS
ASSOCIATION

2006K022533

SANDY WEGMAN
RECORDER - KANE COUNTY, IL

RECORDED: 03/02/2006 10:41AM
REC FEE: 26.00 RHSPS FEE: 10.00
PAGES: 5

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This document is recorded for the purpose of amending the Declaration (hereafter the "Declaration") for the Mulberry Grove Single Family Homes Homeowners Association (hereafter the "Association"), which Declaration was recorded on July 10, 2002 as Document Number 2002K084906 in the Office of the Recorder of Deeds of Kane County, Illinois, and covers the property (hereafter the "Property") legally described in Exhibit "A," which is attached hereto and made a part hereof.

This Corrective Amendment is adopted pursuant to Section 18.5(h) of the Illinois Condominium Property Act [765 ILCS 605/27] whereby the Board of Directors by a two thirds (2/3) majority vote can amend the Declaration in order to correct an omission or error. Any amendment must be recorded.

RECITALS

WHEREAS, by the Declaration recorded in the Office of the Recorder of Deeds of Kane County, Illinois, the Property has been subjected to the easements, restrictions and covenants contained therein; and

WHEREAS, at least 2/3rds of the Board of Directors have approved this Corrective Amendment; and

This document prepared by and after recording to be returned to:

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WHEREAS, on October 5, 2005 an amendment was recorded to the Declaration (the "October 5 Amendment"); and

WHEREAS, the version of the October 5 Amendment which was recorded was not the version approved by the Owners of the Association, but was, inadvertently, a prior draft

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version; and

WHEREAS, the Board of Directors has elected to record this Corrective Amendment to amend the Declaration as approved by the Owners; and

WHEREAS, the October 5 Amendment previously recorded is hereby considered invalid and the following is the Amendment as approved by the Owners.

NOW, THEREFORE, the Declaration for the Mulberry Grove Single Family Homes Homeowners Association is hereby amended in accordance with the text which follows (additions in text are indicated by a double underline; deletions by ~~strike-outs~~):

1. **Section 8.02 of Article Eight of the Declaration shall be amended as follows:**

8.02. **OUTBUILDINGS:** No outbuilding, shed, storage shed, animal house, above ground swimming pool or other temporary or permanent structure shall be constructed on any Lot, except, that, a structure may be constructed in the rear of a Lot if ~~a fence as permitted under Section 8.13 is constructed around the entire rear of the Lot~~ (other than a Landscape Buffer). There shall be no construction on any Lot which results in a building or structure inconsistent with the general architectural design and aesthetic flavor of either (a) the Home on the Lot or (b) the remainder of the Homes on the Premises.

2. **Section 8.13 of Article Eight of the Declaration shall be amended as follows:**

8.13. **FENCES:** A Lot may be improved with a fence ~~on that portion of the Lot which is between the rear lot line and the back of the Home~~ provided that the fence at all times conforms to all City of Elgin codes and ordinances and the following specifications:

(a) All fences must be made of Western Red Cedar, ~~board on board (shadow box) fence;~~

(b) ~~Height to comply with municipal codes;~~

(c) ~~1 x 6 boards, spaces edge-to-edge and back-to-back to comply with percent open and closed per municipal ordinance;~~

(d) ~~4 x 4 posts with wood (cedar) cap, set 42" into ground and 8 feet +/- on center, with concrete footings;~~

(e) ~~Two 2 x 4 back rails (1 1/2" wide); one at the top of the boards and one 12" up from bottom of the boards; and~~