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Tx:4463406

2020R14368
STATE OF ILLINOIS
MADISON COUNTY
05/06/2020 09:33 AM
AMY K. MEYER, RECORDER
REC FEE: 51.00
CD STAMP FEE:
ST STAMP FEE:
PF FEE:
RHSPS FEE: 9.00
OF PAGES: 4

**AMENDMENT NO. 2 TO
"SWISS VALLEY ESTATES"
HIGHLAND, IL
SUBDIVISION RESTRICTIONS INDENTURE**

60.00 Clk # 6606

WHEREAS, Stonemark Developments, LLC (hereinafter referred to as the "Owner") as of the date of this Amendment, is the owner of one or more of the lots in "Swiss Valley Estates", a subdivision of the County of Madison, as per plat thereof recorded on the 8th day of April, 2005, in Plat Cabinet 63 on Page 342 as Document No. 2005R18474 at the Recorder's Office of Madison County, Illinois (hereinafter referred to as the "Subdivision"); and

WHEREAS, Owner has heretofore executed a Subdivision Restrictions Indenture for lots 1, 2, 4, 5, 6, 7, 9, 10, 11, 12 and 13 of the Subdivision dated March 30, 2005, and recorded at the Madison County, Illinois Recorder's Office on April 8, 2005 as Document No. 2005R18475, as amended by Amendment No. 1 dated June 21, 2011, and recorded on June 22, 2011 as Document No. 2011R22404 (hereinafter collectively referred to as the "Restrictions Indenture"); and

WHEREAS, Owner desires to amend the Restrictions Indenture pursuant to its rights under Section 41 thereof.

NOW, THEREFORE, in consideration of the premises and the mutual advantages to accrue to Owner and other owners of lots in the Subdivision, Owner hereby amends the Restrictions Indenture as follows:

1. The following is added to Section 7:

No lot may have a solar energy system as defined in 765 ILCS 165/10 without approval by Stonemark Developments LLC and the Homeowners Association pursuant to Sections 7 and 8 hereof, and subject to the energy policy statement attached hereto as Exhibit A and incorporated herein by reference. Wind energy collection, rainwater collection, and composting systems are not allowed on any lot.

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2. Except as modified herein, the Restrictions Indenture for the Subdivision are confirmed and ratified in every other respect.

“OWNER”

STONEMARK DEVELOPMENTS, LLC

By: Steve R. Wilke
Steve R. Wilke, Its Duly Authorized Member

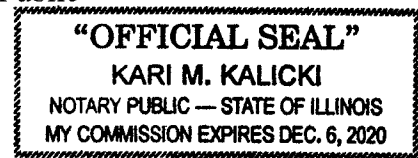
STATE OF ILLINOIS)
) ss:
COUNTY OF ST. CLAIR)

I, the undersigned, a Notary Public in and for said County in the State aforesaid, to hereby certify that Steve R. Wilke, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he signed, sealed and delivered the said instrument as his free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and notarial seal this 27th day of April 2020, 2020.

Kari M. Kalicki
Notary Public

My Commission Expires: 12/6/2020



This instrument prepared by and after recording mail to:
Kurt S. Schroeder
Greensfelder, Hemker & Gale, P.C.
12 Wolf Creek Drive
Suite 100
Belleville, Illinois 62226

ENV → Stonemark Developments, LLC
Atn: STEVE WILKE
3500 Lebanon Avenue
Shiloh, IL 62221

EXHIBIT A
ENERGY POLICY STATEMENT

1. This energy policy statement is made pursuant to 765 ILCS 165/20 and sets forth policy concerning solar energy systems (“Systems”) as defined in 765 ILCS 165/10.
2. Such Systems may only be installed with the advance written approval of Stonemark Developments, LLC (“Stonemark”) and the Homeowners Association (the “Association”), and subject to this policy.
3. Any such System must be installed on land or structures owned by a lot owner. No portion of the System may encroach on adjacent properties or common areas.
4. Such Systems may only be installed on the following locations:
 - a. on the roof of the main residential dwelling; or
 - b. on the roof of any other approved structure; or
 - c. within a fenced yard or patio.
5. For Systems mounted on a roof, the System must:
 - a. have no portion of the System higher than the roof section to which it is attached; and
 - b. have no portion of the System extend beyond the perimeter boundary of the roof section to which it attached; and
 - c. conform to the slope of the roof; and
 - d. be aligned so the top edge of the System is parallel to the roof ridge line for the roof section to which it is attached; and
 - e. have a frame, brackets and visible piping or wiring that is a color to match the roof shingles or a silver, bronze or black tone commonly available in the marketplace; and
 - f. be located in a position on the roof which is least visible from any street or common area and within an orientation to the south or within 45 degrees east or west of due south.
6. For Systems located in a fenced yard or patio, no portion of the System may extend above the top of the fence. If the fence is not a solid fence which blocks

- the view of the System, Stonemark and the Association may require the System be placed in a location behind a structure or otherwise require visual screening. Stonemark and the Association may consider installation of Systems on properties without a fenced yard if there is adequate screening from public view from any street or common area.
7. All Systems must be installed in compliance with manufacturer's instruction and in a manner which does not void material warranties. Licensed craftsmen must be used if required by law. Permits must be obtained if required by law.
 8. Installed Systems may not:
 - a. threaten public health or safety; or
 - b. violate any law; or
 - c. substantially interfere with the use and enjoyment of land by causing unreasonable discomfort or annoyance to any adjoining property owner.
 9. All Systems must be maintained in good repair. Unused or inoperable Systems must be removed.
 10. Wind energy collection, rainwater collection, and composting systems are not allowed.