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2017R35433

STATE OF ILLINOIS

MADISON COUNTY

10/19/2017 10:15 AM

AMY M. MEYER, RECORDER

REC FEE: 28.00

CO STAMP FEE:

STAMP FEE:

FF FEE:

RHSPS FEE: 9.00

OF PAGES: 4

AMENDMENT NO. 2
TO SUBDIVISION RESTRICTIONS INDENTURE
FOR SWISS VALLEY ESTATES-1ST ADDITION

3700ck 5224

THIS AMENDMENT NO. 2 APPLIES TO LOTS 41, 42 AND 43 ONLY

WHEREAS, there has been recorded in the Recorder's Office of Madison County, Illinois, on August 26, 2005 as Document No. 2005R48332 a plat of "Swiss Valley Estates-1st Addition", being a subdivision of the premises shown thereon, said premises being hereinafter referred to as the "Subdivision"); and

WHEREAS, there has been imposed on the Subdivision a Subdivision Restrictions Indenture recorded in the Recorder's Office of Madison County, Illinois on November 22, 2005 as Document No. 2005R66292, as amended by Amendment No. 1 (hereinafter collectively referred to as the "Restrictions Indenture"); recorded on June 22, 2011, as Document No. 2011R22403; and

WHEREAS, Stonemark Developments, L.L.C. (hereinafter referred to as the "Declarant") is the owner of one or more lots in the Subdivision; and

WHEREAS, Declarant 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 the Declarant and other owners of lots in the Subdivision, Declarant hereby amends the Restrictions Indenture specifically for Lots 41, 42 and 43 as follows. This Amendment No. 2 does not apply to any other lots in the Subdivision:

1. Section 2 is hereby amended to read as follows:

DWELLING SIZE AND SPECIFICATIONS: Single story dwellings shall have no less than 1,650 square feet of living area exclusive of garages, basements, breezeways, open porches and attics. One and one half (1 1/2) to two (2) story and multilevel dwellings shall have no less than 2400 square feet of living area exclusive of garages, basements, breezeways, open porches and

attics. The basement square footage, whether finished or not, shall not be included in the calculations of square footage of living area. All dwellings must have at least a two (2) car attached garage. All garages shall be side entry garages unless specifically approved by the Architectural Control Committee. No multi-family dwellings shall be constructed on any lot.

2. Section 4 is revised to read as follows:

CONSTRUCTION MATERIALS FOR DWELLING: The exposed wall surface of the dwelling shall be of brick, stone, glass, solid redwood siding, solid cedar siding, vinyl siding, hardy board siding, or any combination of such. The dwelling must contain a minimum of fifty percent (50%) brick or stone to be used on the front elevation of any two (2) story or one and one half (1 ½) story home and one hundred percent (100%) brick or stone on the front elevation of any single story home, excluding gables and/or dormers. The front elevation is further described and included to mean all inset, outset, porch and return walls that are located between the two front corners of the home.

Both side elevations of single story, one and one half (1 ½) story and two (2) story homes may have siding only or brick or stone only, or a combination of the two.

On Lot 41 (a corner lot), the north side of a single story, one and a half (1 ½) story or two (2) story home facing the street shall have a minimum of 4' tall brick or stone wall on the first floor side elevation. The side elevation not facing the street may have siding only or brick or stone only, or a combination of the two on the first floor elevation (including all inset, outset, porch and return walls from corner to corner).

Brick or stone on the rear elevation of the home is optional. Any variations to the foregoing standards will be at the sole discretion of the Architectural Control Committee.

Concrete that is exposed for more than six (6) inches above ground must be painted to match the siding/brick or stone color package or covered with an approved siding listed above.

No outside exterior walls shall be covered with exposed asbestos, asphalt, fiber or gypsum materials, concrete blocks, metal siding, or composite manufactured such as plywood. Aluminum materials may be used for fascia, soffit, gutters, and down-spout with color approval.

No log houses will be permitted.

3. Section 8 is amended to read as follows:

ARCHITECTURAL CONTROL COMMITTEE: The Declarant hereby names the managing member of Stonemark Developments, L.L.C. or their assigns, as the Architectural Control Committee for the duration of this Indenture or until such time the Homeowners Association provided for in Section 11 assumes such function. The Architectural Control Committee, at their sole discretion, must approve of the proposed general contractor who will construct the home before any construction can begin on any lot. If the general contractor is not approved by the Architectural Control Committee, the lot owner has the option to submit another general contractor for approval.

The managing member of developer Stonemark Developments, L.L.C. is designated as the contact person for the Architectural Control Committee's consideration, approval or rejection of construction plans and specifications. Developer's managing member may be contacted by telephone at (618) 558-7102, or in writing addressed to: Stonemark Developments, L.L.C., Attn: Managing Member, 3500 Lebanon Avenue, Shiloh, Illinois, 62221 or by email at steve@wilkewindow.com.

4. Section 24 is amended to read as follows:

DETACHED GARAGES & STORAGE BUILDINGS: All garage and/or detached buildings must follow color and architectural scheme of home and may be of pole barn construction with corrugated metal siding, brick, stone or approved siding as specified in Paragraph 2, Section 4 of this Amendment. The maximum size of any detached building shall not exceed 2,000 square foot.

The locations for the detached garage and storage building will need to be approved by the Architectural Control Committee. On Lot 41, any detached garage or storage building will need to be located on the southeast corner of Lot 41. The Architectural Control Committee will consider a different location of the detached garage or storage building for Lot 41 if the elevation facing either Bavarian Way or Rinderer Road has a minimum of 3' 6" tall brick or stone wainscot from the finish ground elevation (excluding dormers and gable ends).

Roof pitch on detached garage or storage building shall be a minimum of 3/12 roof pitch. Overall height of detached garage or storage building shall not exceed more than 24' 0" from finish grade to gable peak at tallest point of building (excluding any cupolas).

5. **CONSTRUCTION APPROVAL / ROOF PITCH:** All houses constructed on Lots 41, 42 and 43 shall have a minimum roof pitch of a 6" rise to a 12" run (6/12 pitch); no flat roofs shall be permitted. Porch roofs and dormer roofs

may have less than a 6/12 pitch if approved by the Architectural Control Committee.

- 6. Except as modified herein, the Restrictions Indenture for the Subdivision is confirmed and ratified in every other respect.

“DECLARANT”

STONEMARK DEVELOPMENTS, L.L.C.

By: Steve R. Wilke
Steve Wilke, Managing Member

STATE OF ILLINOIS)
) SS.
COUNTY OF ST. CLAIR)

I, the undersigned, a Notary Public in and for said County in the State aforesaid, do 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 as the Managing Member of Stonemark Developments, L.L.C., he signed, sealed and delivered the said instrument as his free and voluntary act and as the free and voluntary act of said company, for the uses and purposes therein set forth.

Given under my hand and notarial seal this 13th day of October, 2017.



Kari M. Kalicki
Notary Public

My Commission Expires:

This instrument prepared by:

After recording mail to: env.

Steve R. Wilke, Managing Member
Stonemark Developments, L.L.C.
3500 Lebanon Avenue
Shiloh, IL 62221

END OF DOCUMENT