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STATE OF ILLINOIS

MADISON COUNTY

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DEBRA D. MING-MENDOZA

CLERK & RECORDER

REC FEE: 66.00

CD STAMP FEE:

ST STAMP FEE:

FF FEE:

RHOPS FEE: 9.00

# OF PAGES: 5

**AMENDMENT NO. 5**  
**TO SUBDIVISION RESTRICTIONS INDENTURE**  
**FOR SWISS VALLEY ESTATES-1<sup>st</sup> ADDITION**  
**THIS AMENDMENT NO. 5 APPLIES TO LOTS**  
**24, 25, 26, 27, 28, 29, 30, 41, 42 AND 43**

75<sup>0</sup>  
 CLK  
 39A

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 – 1<sup>st</sup> 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 as amended by Amendment No. 2 (hereinafter collectively referred to as the "Restrictions Indenture"); recorded on October 19, 2017, as Document No. 2017R35433; and as amended by Amendment No. 3 (hereinafter collectively referred to as the "Restrictions Indenture"); recorded on February 8, 2018, as Document No. 2018R04162; and as amended by Amendment No. 4 (hereinafter collectively referred to as the "Restrictions Indenture"); recorded on May 6, 2020, as Document No. 2020R14370; 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 above referenced lots as follows:

1. Section 2 is hereby amended and replaced in its entirety to read as follows:

Yes

**DWELLING SIZE AND SPECIFICATIONS:** Single story dwellings shall have no less than 1,700 square feet of living area exclusive of garages, basements, breezeways, open porches and attics. One and one half (1 ½) to two (2) story and multilevel dwellings shall have no less than 2,400 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 three (3) 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 amended and replaced in its entirety to read as follows:

**CONSTRUCTION MATERIALS FOR DWELLING:** The exposed wall surface of the dwelling shall be of brick, stone, glass, solid redwood, solid cedar, vinyl, Masonite colorlock, Hardie board siding or any combination of such.

The dwelling must contain a minimum of a 3' 0" tall wall height of either stone or brick from the exterior finish grade on the front elevation of any single (1) or one and one half (1 ½) story or two (2) story home. 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.

One and one half (1 ½) story and two (2) story homes must also have one projected wall on the front elevation with a combination of stone or brick with a minimum width of 8' 0" wide and a minimum first floor wall height of 8' 0" tall (or 9' if 9' 0" wall height, or 10' if 10' 0" wall height) from finish grade.

Such stone or brick shall not be painted and shall be installed with its natural color as it comes from the factory or supplier.

The side elevations of single (1) story, one and one half (1 ½) story or two (2) story homes are not required to have any stone or brick unless it is on a corner lot in the subdivision. In that event, the side elevation of a single story, one and one half (1 ½) story or two (2) story home facing the public street shall have a minimum of 3' 0" tall brick or stone wall from the exterior finish grade on the first floor side elevation and is not required to have any brick or stone on the side elevation of the home not exposed to a public street.

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 siding or masonry color package.

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.

Any brick or stone on the home's exterior shall not be painted. The Developer, Owner discourages painting of brick or stone masonry because of potential paint peeling as it ages.

3. Section 7 is amended and replaced in its entirety as follows:

**CONSTRUCTION APPROVAL / ROOF PITCH:** No construction or alteration of any kind or the placement of any structure or materials upon any of said lots shall be permitted until the construction plans and specifications have been approved by the Architectural Control Committee, or its assigns, in writing. A copy of the approved plans and specifications shall be kept on file. The plans and specifications submitted are not required to be prepared by a professional engineer or architect, but must present a professional appearance and be drawn to scale showing all elevations, drainage, footing and foundation drains, floor plans, and exterior appearance of all dwellings, including exterior materials. Same shall be approved in writing by the Architectural Control Committee, or its assigns. If more than thirty (30) days elapse after the submission without approval or disapproval, the plans and specifications shall be deemed approved. No party shall be entitled to any compensation for services rendered in seeking, granting or denying approval.

Any lot preparation or construction started prior to approval by the Architectural Control Committee, or its assigns, shall cause a stop work order until approval is granted.

In approving or disapproving the planned construction, exterior alteration, or landscaping the Architectural Control Committee, or its assigns, shall be guided by the following factors:

- a) Aesthetically pleasing character and harmony of architectural style;
- b) Color harmony and the avoidance of garish colors;
- c) All houses shall have a minimum roof pitch of an 6" rise to a 12" run (6/12 pitch); no flat roofs shall be permitted. Porch roofs and dormer roofs may have not less than an 3/12 pitch.
- d) Compatibility with these restrictions.

- e) Any variations to the foregoing standards will be at the sole discretion of the Architectural Control Committee.

Approval or failure to act upon any submitted plan shall not waive the operation of the restrictions contained in the Indenture, and same shall remain in full force and effect.

Approval or failure to act upon any submitted plan shall not be cause for personal liability on the part of the Architectural Control Committee, or its assigns, for any structural defect, hazard, or nuisances, and the owner of the premises, as well as the person in charge of construction of the premises, shall hold the Architectural Control Committee, or its assigns, and Declarant free and harmless from any and all causes of action for damages or other liability.

- 4. Section 8 is amended and replaced in its entirety to read as follows:

**ARCHITECTURAL CONTROL COMMITTEE:** The Declarant hereby names the managing member, Carolyn Wilke-Wojtal, of Stonemark Developments, L.L.C. or Steve R. Wilke, member of Stonemark Developments, LLC, either of which who has full authority to approve plans, 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. Lot 8 Swiss Valley Estates shall be exempt from the Architectural Control Committee review. The minimum square footage, brick requirements and other restrictions shall still apply for Lot 8 Swiss Valley Estates.

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

- 5. 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: Carolyn Wilke-Wojtal  
Carolyn Wilke-Wojtal, Managing Member

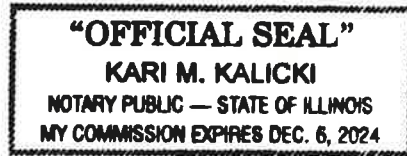
STATE OF ILLINOIS     )  
  ) SS.  
COUNTY OF ST. CLAIR )

I, the undersigned, a Notary Public in and for said County in the State aforesaid, do hereby certify that Carolyn Wilke-Wojtal, 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., she signed, sealed and delivered the said instrument as her 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 2nd day of August, 2022.

Kari M. Kalicki  
Notary Public

My Commission Expires: 12/6/2024



After recording mail to SWW.

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

Prepared by: Stonemark Developments, LLC

**END OF DOCUMENT**