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SANGAMON COUNTY
ILLINOIS

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Mary Ann Samuel
RECORDER

**RE-RECORDING OF RESTRICTIONS AND COVENANTS
FOR HAWTHORN WOODS SUBDIVISION**

JUNE 18, 1997

97-07344

This declaration, made as of February 19, 1997, by Fred and Judy Kramer as the owners and developers of Hawthorn Woods, whose address is 6720 East State Route 54, Sherman, Illinois, states the covenants, conditions, easements and restrictions of Hawthorn Woods Subdivision Phase I.

The Kramers being the owners and developers of the land described in Section I of this declaration and being desirous of subjecting said property to the restrictions, covenants, reservations and charges hereinafter set forth, each of which shall inure to benefit of and pass with said property, and each and every parcel thereof, and shall apply to and bind the undersigned, and their successors and assigns.

The final plat of the first phase of Hawthorn Woods has been recorded in the Sangamon County Recorder of Deeds Office. These protective covenants of Hawthorn Woods Subdivision have been prepared by the developers.

SECTION I

The real property which is and shall be held and which shall be transferred and sold and conveyed subject to the conditions, restrictions, covenants, reservations, and charges with respect to the various portions thereof set forth in the several sections and subdivisions of this declaration is more particularly described as follows:

LEGAL DESCRIPTION attached as Exhibit A.

SECTION II

To insure the best use and most appropriate development and improvement of each lot, to protect the owners of each lot against such improper use of surrounding land as will depreciate the value of their property; to preserve, so far as practicable, the natural beauty of said property; to guard against the erection thereon of poorly designed or proportioned structure and structures built of improper or unsuitable materials; to obtain harmonious appearances; to encourage and secure the erection of attractive homes with appropriate locations hereof on each lot; to secure and maintain proper setbacks from streets and adequate free spaces between structures and in general to provide adequately for a high-type and quality of improvement on said property and thereby enhance the values of investments made by

purchasers of the lots therein, the real estate described in Section I hereof is hereby subject to the following conditions, restrictions, covenants, reservations and charges, to-wit:

An Architectural Control Committee, consisting of Fred Kramer, Judy Kramer, Dana Weatherby, Lisa Kramer and Gina Kramer will review all new construction and any remodeling. Any one of, or combination of, the above named can act as the Architectural Control Committee.

Residential Purposes. Each lot shall be used exclusively for single-family residential purposes only, and no structure shall be erected on any such lot other than one single-family residence, and appurtenant buildings. No business, commercial, religious, charitable or other enterprise of any kind shall be maintained upon or in connection with the use of any lot. No building or part thereof on any lot shall be rented separately from the rental of an entire dwelling unit.

Approval of all plans and specifications. In order to insure the development of the property as a community of the highest quality in which all improvements are harmonious in architectural design and aesthetic appearance, the developer reserves the exclusive power and discretion to control and approve all improvements placed on any lot. Detailed plans and specifications will be submitted to the Architectural Control Committee for a review as to the harmony of external design, compliance with the terms of these covenants and location in relation to surrounding structures and topography. The Architectural Control Committee shall have the absolute right to refuse approval of any plans which in their opinion are not suitable or desirable or do not comply with these covenants.

Prior to review of the proposed improvements, the Architectural Control Committee may require submission of all or any of the following documents, as are applicable to the proposed improvements:

Site plan showing all property lines, setbacks, easements, existing trees having a diameter of six (6) inches or more, drives, fences and underground trench locations, and existing and proposed surface contours and elevations of the lot.

Floor plan or plans.

Elevations of all sides of the contemplated structure.

A summary specifications list of proposed materials and samples or photographs, or pictures of exterior materials and colors which cannot be adequately described.

Landscaping plans.

Such additional information and materials which, in the opinion of the Architectural Control Committee may reasonably be required for its review.

Minimum square footage. The ground floor area of the main structure, exclusive of one-story open porches and garages, shall not be less than sixteen hundred (1,600) square feet in the case of a one-story structure, nor less than two thousand (2,000) square feet in the case of a one and one-half or two story structure. Each attached garage must provide a minimum for at least two vehicles.

Set-back lines. All front set-back lines, including attached porches, breezeways and garages, shall be a minimum of twenty-five (25) feet from the front lot line (the lot line adjacent or nearest to the roadway furnishing access to such lot). All sideyard setbacks shall be a minimum of seven and one-half (7 1/2) feet. Each residence shall face a subdivision street. There is a twenty (20) foot easement on either side of the two creeks in the subdivision for a total of forty (40) feet for each creek. No permanent structure shall be placed within this easement, unless authorized by the Architectural Control Committee.

All rooflines must be of at least a 5/12 pitch and be covered with an imitation split-shake type shingle.

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The fronts of all houses must be at least 1/2 bricked unless otherwise approved by the Architectural Control Committee.

All utilities, including telephone, electric and television cables other than for temporary service during construction shall be underground. No satellite dishes shall be erected in public view from the front of the residence.

Installation of Septic Systems must be in accordance with City, County, State and Federal laws, rules and regulations. An Aeration System may be used only if successful perk tests cannot be obtained.

Mailboxes with attached newspaper receptacle will be provided for each lot by the developer.

Each lot owner shall provide and maintain a proper size culvert, where required and determined by the Architectural Control Committee, at the driveway entrance into his lot.

None of the following buildings, structures or objects shall be placed on any lot unless obscured from view from any roadway; above ground swimming pools, pens, yards and houses for pets, above ground storage of construction materials, wood, coal, oil and other fuels, clothes racks and clothes lines, clothes washing and drying equipment, laundry and trash cans and receptacles, above ground exterior air conditioning, heating and other mechanical equipment and any other structures or objects of any unsightly nature or appearance, as determined by the Architectural Control Committee.

No private driveway shall be regularly used or maintained on any lot or within any street right-of-way unless the same is constructed and improved with a concrete, asphalt black-top, or oil and chip surface over its entire length and width from the edge of the street pavement within the public street to the point of termination of such driveway.

Other than temporary construction sheds and sanitary toilet facilities used during actual construction of the permitted permanent improvements, no shed, shack, trailer, tent or other temporary or movable building or structure of any kind shall be erected or permitted to remain on any lot.

All garbage and trash must be stored in closed containers and in such location so as to be hidden from view from any adjacent dwelling or lot. During home construction a dumpster should be provided by the builder and the lot maintained in a neat and orderly fashion.

All buildings erected on any building site shall be constructed of material of good quality suitably adapted for use in the construction of residences, and no old building or buildings shall be placed on or moved to said premises. Accessory buildings shall not be erected, constructed or maintained prior to erection or construction of the dwelling. The provisions herein shall not apply to temporary buildings and structures erected by builders in connection with the construction of any dwelling or accessory building (subject to the approval of the Architectural Control Committee) and which are promptly removed upon completion of such dwelling or accessory building.

All new construction or any type of remodeling or restoration (to be reviewed by the Architectural Control Committee) must be diligently pursued to completion within a reasonable period but in no case to exceed one (1) year. No building shall be occupied for living purposes which is not functionally complete in detail as to the exterior, nor shall any building materials, paint or building equipment be exposed to the public view if occupied as a dwelling.

No lot or any other portion of the property shall be graded, and no changes in elevation of any portion of the property shall be made which would adversely affect any adjacent property, without the consent of the Architectural Control Committee. The topography and finished grade elevation of each home site must be consistent and complimentary with the grade line and elevation of the other homesites in the subdivision.

All existing drainage swales, ditches, and creeks must be maintained in a good manner so as to not cause any erosion thereof. They must be kept open and free as to allow for the natural flow of water, and be kept in compliance with any City, County, State or Federal laws, rules and regulations.

No fence, wall, hedge, or shrub planting which obstructs sight lines at elevations between two and six feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street right-of-way lines extended. Further, none of the above described obstructions shall be placed or permitted to remain in the triangular area formed by a street right-of-way line, either edge of any driveway, and a line connecting a point thirty (30) feet outward from either side of a driveway and a point on the edge of the driveway toward the building fifteen (15) feet from the street right-of-way line. Nothing can be maintained in this area which would be an obstruction to either pedestrian or motor vehicle traffic.

The owners and developers and the Architectural Control Committee of Hawthorn Woods shall not be in any way responsible or liable for any loss or damage caused by any act of man or nature, for any error or defect which may or may not be shown on any plans and specifications or on any plot or grading plan, or planting or other plan, or any building or structure or work done in accordance with any other matter, whether or not the same has been approved by the same developer.

No living tree larger than six inches across may be removed without approval of the Architectural Control Committee.

No person, firm, or corporation shall strip, excavate or otherwise remove soil for sale or for use other than on the premises from which the same shall be taken, except in connection with the construction or alteration of a building on such premises and excavation or grading incidental thereto.

No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

No machinery, appliance or structure of any kind shall be permitted upon, maintained or operated in or on the premises of any lot for the facilitation and carrying on of any trade, business or industry.

No lot owner or occupant shall permit any commercial vehicle, trailer including without limitation, cargo trailer, camper, boat trailers, house trailers, mobile homes, or carryalls to be parked or stored in the lot, in the driveway, or in the street in front of or along side of the lot without the consent of the Architectural Control Committee. This shall not prevent the lot owner or the occupant from storing a commercial vehicle owned by such owner or occupant or used by him in his business in the garage on the premises.

Hawthorn Woods is teeming with wildlife. There is a large herd of deer and many coyotes. There are numerous smaller animals and birds. So as to encourage and preserve this wildlife for the appreciation and enjoyment of everyone, all hunting and trapping is absolutely forbidden.

No spirituous, vinous or malt liquors shall be sold or kept for sale on said premises.

No sign of any kind shall be displayed to the public view on any building site except one professional sign of not more than one square foot, one sign of not more than five square feet advertising the property for sale or rent, or signs used by a builder to advertise the property during the construction and sales period.

Each owner shall maintain his parcel, whether improved or unimproved, in good condition at all times. All other lots whether sold or unsold shall remain free from trespass.

No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept provided that they are not bred, kept or maintained for any

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commercial purposes. No dogs shall be kept on any lot until such lot is improved with a habitable dwelling.

Easements for installation and maintenance of utilities, storm sewers and drainage facilities are reserved as shown on the recorded plat. Within these easements, no structure shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities, or easements. The easement area of each lot and all improvements in it shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility by virtue of the plat of said subdivision has assumed that responsibility. An easement is hereby reserved for telephone and electric lines to extend underground which shall be located on the utility easement or on the public highway across any property in the subdivision to serve improvements on other properties in the subdivision.

The failure of the Architectural Control Committee, any building site owner or the present owner of said subdivision to enforce any of the restrictions, conditions, covenants, reservations, liens, or charges to which said property, or any part thereof, is subject, shall in no event be deemed a waiver of the right to do so thereafter or to enforce any other restriction, condition, covenant, reservation lien or charge.

The enforcement of these provisions can be made by the Architectural Control Committee or any of the owners of property in the subdivision; and that the relief sought is the enforcement and if appropriate, monetary damages.

Reasonable attorney's fees can be charged to an offender in the event that the Architectural Control Committee or an owner within the subdivision, must prevail in the enforcement of these covenants.

These covenants shall be binding upon all parties and all persons claiming through or under them for a period of twenty-five (25) years from the date these covenants are filed for record, after which time such covenants shall automatically be extended for successive periods of ten (10) years, unless an instrument signed by owners representing a majority of the Lots has been filed for record agreeing to change such covenants in whole or in part.

If it is determined that any provision of the Covenants is improper or declared invalid, the remaining Covenants will still be enforceable.

Return to: Fred L. Kramer
6720 East State Route 54
Sherman, Illinois, 62684

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EXHIBIT A

FINAL PLAT

HAWTHORN WOODS

FIRST ADDITION

LEGAL DESCRIPTION

Part of the Northeast Quarter of the Section 3, Township 16 North, Range 4 West of the Third Principal Meridian; described more particularly as follows:

Commencing at an axle marking the Northwest Corner of the Northeast Quarter of the aforementioned Section 3, thence North 90 Degrees 00 Minutes 00 Seconds East along the Section Line a distance of 263.77 feet to an iron pipe marking the true point of beginning, thence continuing North 90 Degrees 00 Minutes 00 Seconds East a distance of 1387.80 feet to an iron pipe, thence South 00 Degrees 06 Minutes 36 Seconds West a distance of 633.40 feet to an iron pipe, thence South 64 Degrees 10 Minutes 36 Seconds West a distance of 238.90 feet to an iron pipe, thence North 19 Degrees 15 Minutes 26 Seconds East a distance of 103.38 feet to an iron pipe, thence North 40 Degrees 50 Minutes 04 Seconds East a distance of 87.96 feet, thence North 40 Degrees 53 Minutes 23 Seconds West a distance of 66.13 feet to an iron pipe, thence North 32 Degrees 21 Minutes 43 Seconds East a distance of 78.19 feet to an iron pipe, thence North 25 Degrees 38 Minutes 13 Seconds West a distance of 39.24 feet to an iron pipe, thence South 90 Degrees 00 Minutes 00 Seconds West a distance of 481.18 feet to an iron pipe, Thence South 70 Degrees 50 Minutes 21 Seconds West a distance of 489.49 feet to an iron pipe, Thence North 45 Degrees 50 Minutes 51 Seconds West a distance of 42.09 feet to an iron pipe, thence North 15 Degrees 54 Minutes 57 Seconds West a distance of 212.73 feet to an iron pipe, Thence North 22 Degrees 38 Minutes 40 Seconds West a distance of 185.18 feet to an iron pipe, thence North 42 Degrees 46 Minutes 44 Seconds West a distance of 208.13 feet to an iron pipe. thence North 00 Degrees 00 Minutes 00 Seconds East a distance of 25.00 feet to the point of beginning. Said tract contains 14.047 acres, more or less, all in the County of Sangamon, State of Illinois.

Basis of bearing is North 90 degrees 00 minutes 00 seconds East along the Section Line.



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