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FRED BUCHOLZ, RECORDER
DUPAGE COUNTY ILLINOIS
09/03/2019 11:12 AM
RHSP

DOCUMENT # R2019-076341

*THIS INSTRUMENT PREPARED
BY AND SHOULD BE RETURNED
TO:*

*Brian Meltzer
MELTZER, PURTILL & STELLE LLC
1515 East Woodfield Road, Suite 250
Schaumburg, Illinois 60173-5431*

ABOVE SPACE FOR RECORDER'S USE ONLY

**SPECIAL AMENDMENT NO. 1 TO
DECLARATION FOR LEXINGTON TRACE TOWNHOMES**

This Special Amendment to Declaration (“Special Amendment”) is made and entered Lexington Trace LLC, an Illinois limited liability company (“Declarant”).

RECITALS

Declarant Recorded the Declaration for Lexington Trace with the DuPage County Recorder of Deeds on May 21, 2019, as Document No. R2019-039283 (the “Declaration”).

In Section 10.01 of the Declaration, Declarant reserved the right and power to Record a Special Amendment to the Declaration to, among other things, correct errors, omissions, ambiguities and/or inconsistencies in the Declaration, or any Exhibit thereto, and to bring the Declaration into compliance with applicable laws, ordinances and/or governmental regulations.

Declarant desires to exercise the rights and powers reserved in Section 10.01 of the Declaration to (i) correct errors contained in the Declaration and to add provisions which were intended to be included in the Declaration, but which were inadvertently omitted when the Declaration was initially Recorded, and (ii) bring the Declaration into compliance with applicable laws, ordinances and governmental regulations.

NOW, THEREFORE, for the reasons set forth above, Declarant does hereby amend the Declaration as follows:

1. Terms. All terms used herein, if not otherwise defined herein, shall have the meanings set forth in the Declaration.

2. Amendment of Exhibit B. Exhibit B, which was attached to the Declaration when the Declaration was initially Recorded, is hereby amended and restated to be as set forth in “First Amended and Restated Exhibit B” attached hereto.

3. Amendment of Section 1.05. Section 1.05 of the Declaration is hereby amended to remove “the cost of water service to the Homes” from the Common Expenses, as each Home will be separately metered and billed for water service.

4. Amendment of Sections 1.13 and 3.07. References to “roof decks” in Sections 1.13 and 3.07 of the Declaration are hereby deleted.

5. Amendment of Section 2.05(a). Section 2.05(a) of the Declaration is hereby amended and restated to be and read, in its entirety, as follows:

“2.05(a) Each Owner of a Parcel shall have the following non-exclusive, perpetual easements, which easements shall run with the land, be appurtenant to and pass with title to every Parcel for ingress to and egress from his Parcel to public streets and roads over and across the private drives, driveways and walkways located on the Common Area.”

6. Amendment of Section 3.02(a). A new subsection (viii) is hereby added to Section 3.02(a) of the Declaration to be and read as follows:

“3.02(a)(viii) Maintenance, repair and replacement of the five (5) “No Parking in Drive Aisle Fire Lane” signs initially installed by the Declarant at each drive aisle on the Premises, in the same location and of the same design, material and color as originally installed by the Declarant, unless otherwise agreed by the Municipality.”

7. Amendment of Section 8.05(a). Section 8.05(a) of the Declaration is hereby amended and restated to be and read, in its entirety, as follows:

“8.05(a) There shall be no parking in the drive aisles which serve the Homes on Lots 1 through 10, both inclusive, in the Lexington Trace Subdivision. This parking restriction shall be enforced by the Municipality pursuant to the City of Warrenville Ordinance No. O2019-43.”

8. Amendment of Section 8.11. Section 8.11 of the Declaration is hereby amended and restated to be and read, in its entirety, as follows:

“8.11 BALCONIES / GRILLS: Subject to applicable ordinances of the Municipality and rules and regulations adopted by the Managers from time to time, LP gas grills equipped with LP gas containers possessing a water capacity not greater than 2-1/2 pounds (nominal 1 pound LP-gas capacity), furniture and potted plants shall be permitted on balconies and decks. The use of charcoal grills and any other gas grill not specified in this Section 8.11 is prohibited on the Premises.”

9. Addition of Section 8.13. A new Section 8.13 is hereby added to the Declaration to be and read as follows:

“8.16 MAINTENANCE OF INDIVIDUAL RESIDENTIAL SPRINKLER SYSTEMS: The Owner of each Home shall be responsible for (i) inspecting and testing the sprinkler system that provides protection against fire hazards in their Home, and (ii) maintaining said sprinkler system in accordance with applicable ordinances of the Municipality and the manufactures instructions. Sprinklers shall not be painted.”

10. Covenants to Run With Land. The covenants, conditions, restrictions and easements contained in the Declaration, as amended by this Special Amendment, shall run with and bind the Premises.

11. Continuation. As expressly hereby amended, the Declaration shall continue in full force and effect in accordance with its terms.

[Signature page follows]

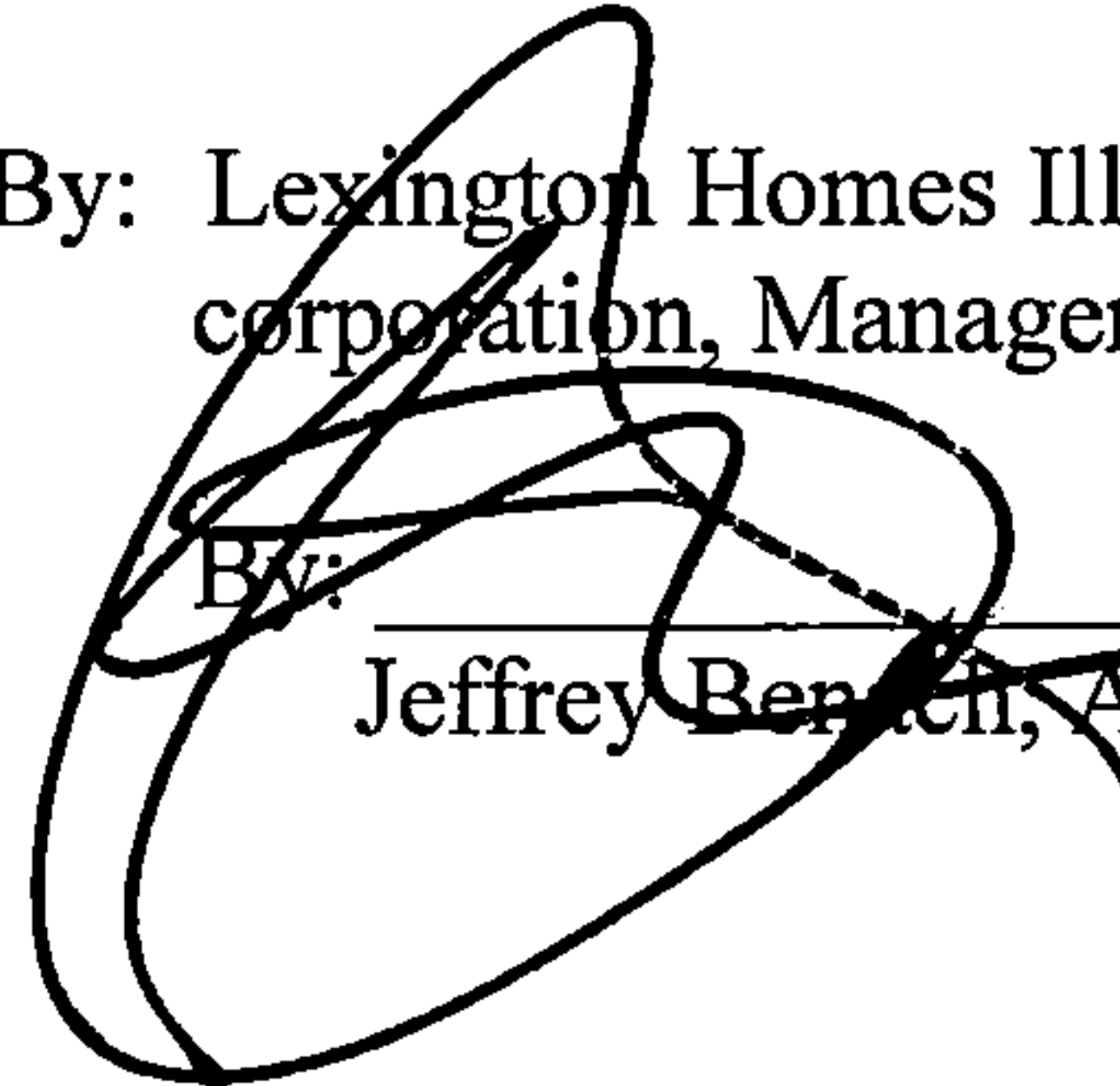
Dated: August 27, 2019

DECLARANT:

LEXINGTON TRACE LLC, an Illinois limited liability company

By: Lexington Homes L.L.C., an Illinois limited liability company, Manager

By: Lexington Homes Illinois Inc., an Illinois corporation, Manager

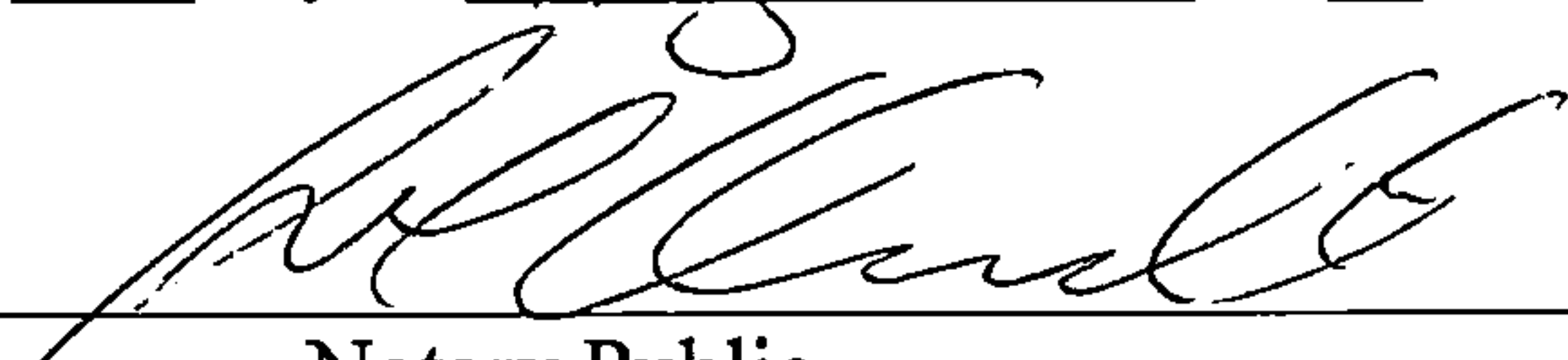
By: 

Jeffrey Benach, Authorized Signatory

STATE OF Illinois)
) SS
COUNTY OF Cook)

I, Anna Maria Kowalik a Notary Public in and for said County and State, do hereby certify that Jeffrey Benach, authorized signatory for Lexington Homes Illinois Inc., which is the manager of Lexington Homes L.L.C., which is the manager of Lexington Trace LLC, an Illinois limited liability company (the "Company"), appeared before me this day in person and acknowledged that he signed, sealed and delivered said instrument as his free and voluntary act, and as the free and voluntary act of the Company for the uses and purposes therein set forth.

GIVEN under my hand and Notarial Seal this 27th day of August, 2019.



Notary Public



**FIRST AMENDED AND RESTATED EXHIBIT B TO
DECLARATION FOR LEXINGTON TRACE TOWNHOMES**

The Premises

I. LOTS:

The following described Lots shall be divided into parcels as described in section 1.22 of the Declaration to which this Exhibit is attached:

Lots 1 through 21, both inclusive, in Lexington Trace, being a subdivision of Lots 42, 43, 44, 45, 56, 57, 58, 59, 61 and 62 in Robert Bartlett's Green Acres, being a subdivision in the East Half of Section 33 and the West Half of Section 34, Township 39 North, Range 9 East of the Third Principal Meridian (according to the plat thereof recorded October 20, 1943, as Document 454884, in DuPage County Illinois), pursuant to the plat thereof recorded on May 21, 2019 as Document R2019-039282 (the Lexington Trace Subdivision").

II. COMMON AREA:

- A. All portions of each Lot described in Section I. above, outside of the Homes on the Lot.
- B. Outlots A, B, C, E and F in the Lexington Trace Subdivision

PINS:

<u>Lot</u>	<u>PIN</u>	<u>Address</u>
1	04-33-408-009	Barkley Ave., Naperville, IL 60540
2	04-33-408-008	Barkley Ave., Naperville, IL 60540
3	04-33-408-002	Brayman Ct., Naperville, IL 60540
4	04-33-408-003	Brayman Ct., Naperville, IL 60540
5	04-33-408-004	Brayman Ct., Naperville, IL 60540
6	04-33-408-005	Brayman Ct., Naperville, IL 60540
7	04-33-408-006	Brayman Ct., Naperville, IL 60540
8	04-33-408-007	Brayman Ct., Naperville, IL 60540
9	04-33-406-003	Brayman Ct., Naperville, IL 60540
10	04-33-406-002	Brayman Ct., Naperville, IL 60540
11	04-33-401-038	Lambe Lane, Naperville, IL 60540
12	04-33-401-039	Lambe Lane, Naperville, IL 60540
13	04-33-401-040	Lambe Lane, Naperville, IL 60540
14	04-33-401-041	Lambe Lane, Naperville, IL 60540

15	04-33-407-004	Lambe Lane, Naperville, IL 60540
16	04-33-407-003	Lambe Lane, Naperville, IL 60540
17	04-33-407-002	Lambe Lane, Naperville, IL 60540
18	04-33-407-001	Lambe Lane, Naperville, IL 60540
19	04-33-407-005	Barkley Ave., Naperville, IL 60540
20	04-33-407-006	Barkley Ave., Naperville, IL 60540
21	04-33-407-007	Barkley Ave., Naperville, IL 60540
Outlot A	04-33-401-037	Barkley Ave., Naperville, IL 60540
Outlot B	04-33-407-008	Barkley Ave., Naperville, IL 60540
Outlot C	04-33-408-001	Brayman Ct., Naperville, IL 60540
Outlot E	04-33-406-001	Barkley Ave., Naperville, IL 60540
Outlot F	04-33-401-036	Barkley Ave., Naperville, IL 60540