



J.P. "RICK" CARNEY

DUPAGE COUNTY RECORDER

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R2002-335189

**AMENDMENT TO THE
DECLARATION OF
COVENANTS,
CONDITIONS
AND RESTRICTIONS
FOR THE HUNTER
TRAILS COMMUNITY
ASSOCIATION**

For use by Recorder's Office only

This document is recorded for the purpose of amending the Declaration of Covenants, Conditions and Restrictions (hereafter the "Declaration") for the Hunter Trails Community Association (hereafter the "Association"), which Declaration was recorded as Document Number R75-32185 in the Office of the Recorder of Deeds of DuPage County, Illinois, and covers the property (hereafter the "Property") legally described in Exhibit "A," which is attached hereto and made a part hereof.

This Amendment is adopted pursuant to the unanimous approval of the Owners at Hunter Trails, as evidenced by an order entered on January 17, 2002 in the Circuit Court of DuPage County, Illinois, as Case Number 97MR667.

RECITALS

WHEREAS, by the Declaration recorded in the Office of the Recorder of Deeds of DuPage County, Illinois, the Property has been subjected to the covenants contained therein; and

WHEREAS, the Board of Directors desire to amend the Declaration in order to provide for the orderly operation of the Property; and

WHEREAS, the following Amendment has been approved by all Owners at the Property.

NOW, THEREFORE, the Declaration of the Hunter Trails Community Association is hereby amended in accordance with the text which follows (Additions in text are indicated by a double underline; deletions by ~~strike-outs~~):

This document prepared by and after recording to be returned to:

ROBERT P. NESBIT
Kovitz Shifrin Nesbit
750 Lake Cook Road, Suite 350
Buffalo Grove, IL 60089 — (847) 537-0500

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1. Article V, Section 5(a) of the Declaration is hereby amended as follows:

5. Method of Providing General Funds

(a) For the purpose of providing a general fund to enable the Association to exercise the powers, ~~make and maintain the~~ to maintain the Community Grounds, Private Streets and improvements and to render the services and facilities herein provided for, the Board of Governors of the Association shall determine each year the total amount required of such funds for such year and may levy an annual assessment, payable ~~monthly~~ annually or at any other regular interval as may be fixed by the Board of Governors, uniformly against each lot in Hunter Trails, ~~in any amount not to exceed \$1,500 per year for each lot; and provided that the annual rate of assessment may be increased by an amount not exceeding:~~

~~(1) \$250 when approved by the affirmative vote of the majority of the members, or~~

~~(2) \$500 when approved by an affirmative vote of two-thirds (2/3) of the members;~~

~~present at a meeting thereof called and held in accordance with the bylaws of the Association. No annual assessment or increase in the amount thereof may be made for more than one year at a time and the maximum rate of assessment which may be levied for any one year shall be \$2,000. The general fund may include a reasonable reserve for items of expense which do not recur annually.~~

(b) Expenditures for additions or improvements to the Common Areas which exceed \$5,000 in any given year shall require the approval of a majority of those Owners present and voting at a special meeting called for the purpose of discussing and voting on said addition or improvement.

(c) In the event said annual assessment shall prove insufficient for any reason, the Board of Governors may levy an additional assessment against each Owner of a lot in Hunter Trails, however, such additional assessment shall be subject to the approval of a majority of those Owners present and voting at a special meeting called for the purpose of discussing and voting on said additional assessment.

2. Article V, Section 9 of the Declaration shall be deleted in its entirety, as follows:

~~9. Procedure for Amendments~~

~~This Article V may be amended at any time with the prior written consent of Oak Brook Development Company (even though it may not be an owner of record or beneficial owner) by the written consent of the members of the Association who own, legally or beneficially, two thirds (2/3) of the lots in Hunter Trails. The agreement or agreements to amend shall be duly executed and acknowledged by such members and Oak Brook Development Company and recorded in the office of the recorder of deeds, Du Page County, Wheaton, Illinois, except that no amendment shall be valid the effect of which would be to (a) increase the maximum annual rate of assessment herein provided; (b) prevent the Declarant from subjecting additional real estate to the Covenants; (c) reduce or restrict the rights of the Village of Oak Brook, under paragraph 7 of this Article V; (d) permit dwellings to be erected and maintained on Community Grounds; or (e) relieve the Association of its responsibility to maintain the Community Grounds and Private Streets in Hunter Trails.~~

3. Article VI, Section 3 of the Declaration shall be amended as follows:

3. The record owners in fee simple of the residential lots in of Hunter Trails may revoke, modify, amend or supplement in whole or in part any or all of the covenants and conditions contained in this Declaration ~~and may release from any part or all of said Covenants all or any part of the real property subject thereto, but with the written consent of Oak Brook Development Company (even though it may not be an owner of record) and only at the following times and in the following manner:~~

~~(a) Any such change or changes may be made effective at any time within ten years from the date of recording of this Declaration if the record owners in fee simple of at least three fourths (3/4) of said lots consent thereto;~~

~~(b) Any such change or changes may be made effective at the end of said initial ten (10) year period or any such successive ten (10) year period if the record owners in fee simple of at least two-thirds (2/3) of said lots consent thereto at least three (3) years prior to the end of any such period;~~

~~(c) Any such consents shall be effective only if expressed in a written instrument or instruments executed and acknowledged by each of the consenting owners and Oak Brook Development Company and recorded in the office of the recorder of deeds of Du Page County, Illinois; provided, however, that Article V hereof may also be amended at any time in the manner therein set forth, and provided further, however, that no upon the approval, in writing, of an amendment to the Declaration, approved by the record owners in fee simple of at least two-thirds (2/3rds) of the Lot Owners. Any such approval shall be effective only upon~~

recordation in the Office of the Recorder of Deeds of DuPage County, Illinois. No amendment shall be valid, the effect of which would be to permit dwellings to be erected and maintained on Community Grounds or relieve the Association of its responsibility to maintain the Community Grounds and Private Streets in Hunter Trails, or reduce or restrict the rights of the Village of Oak Brook under paragraph 7 of Article V hereof. ~~A recordable certificate by an accredited abstractor or title guaranty company doing business in DuPage County, Illinois, as to the record ownership of said property shall be deemed conclusive evidence thereof with regard to compliance with the provisions of this paragraph 3. Upon and after the effective date of any such change or changes, it or they shall be binding upon all persons, firms and corporations then owning property in Hunter Trails and shall run with the land and bind all persons claiming by, through or under any one or more of them.~~

4. Except to the extent expressly set forth hereinabove, the remaining provisions of the Declaration shall continue in effect without change.

Executed this 17th day of OCTOBER, 2002.

Hunter Trails Community Association

By: Donald L. Leme
Its President

ATTEST:

By: N. Attila Naichu
Its Secretary

EXHIBIT A

LEGAL DESCRIPTION

Lot 1 through Lot 99 in Hunter Trails, a subdivision in the North half of Section 35, Township 39 North, Range 11, East of the Third Principal Meridian, according to the plat thereof recorded July 1, 1975, as Document No. R75-32184 in DuPage County, Illinois.

All located in the Village of Oak Brook, County of DuPage, State of Illinois and more commonly known as follows:

<u>Address</u>	<u>Permanent Index Number</u>
202 Indian Trail Road	06-35-102-002
204 Indian Trail Road	06-35-102-003
206 Indian Trail Road	06-35-102-004
208 Indian Trail Road	06-35-102-005
210 Indian Trail Road	06-35-102-006
212 Indian Trail Road	06-35-102-007
214 Indian Trail Road	06-35-102-008
216 Indian Trail Road	06-35-102-009
218 Indian Trail Road	06-35-102-010
220 Indian Trail Road	06-35-102-011
222 Indian Trail Road	06-35-102-012
224 Indian Trail Road	06-35-102-013
226 Indian Trail Road	06-35-102-014
217 Indian Trail Road	06-35-102-015
215 Indian Trail Road	06-35-102-016
213 Indian Trail Road	06-35-102-017
211 Indian Trail Road	06-35-102-018
209 Indian Trail Road	06-35-102-019
207 Indian Trail Road	06-35-102-020
205 Indian Trail Road	06-35-102-021
203 Indian Trail Road	06-35-102-022
201 Indian Trail Road	06-35-102-023
100 Indian Trail Road	06-35-102-024
102 Indian Trail Road	06-35-102-025
104 Indian Trail Road	06-35-102-026
106 Indian Trail Road	06-35-102-027
500 Sauk Path	06-35-102-028
502 Sauk Path	06-35-102-029
504 Sauk Path	06-35-102-030
506 Sauk Path	06-35-102-031
508 Sauk Path	06-35-102-032
511 Sauk Path	06-35-102-033
509 Sauk Path	06-35-102-034

<u>Address</u>	<u>Permanent Index Number</u>
507 Sauk Path	06-35-102-035
505 Sauk Path	06-35-102-036
503 Sauk Path	06-35-102-037
110 Indian Trail Road	06-35-102-038
600 Mallard Lane	06-35-102-039
602 Mallard Lane	06-35-102-040
604 Mallard Lane	06-35-102-041
606 Mallard Lane	06-35-102-042
608 Mallard Lane	06-35-102-043
300 Ottawa Lane	06-35-103-002
607 Mallard Lane	06-35-104-001
605 Mallard Lane	06-35-104-002
603 Mallard Lane	06-35-104-003
601 Mallard Lane	06-35-104-004
806 Deer Trail Lane	06-35-104-005
804 Deer Trail Lane	06-35-104-006
802 Deer Trail Lane	06-35-104-007
116 Indian Trail Road	06-35-104-008
113 Indian Trail Road	06-35-105-001
115 Indian Trail Road	06-35-105-002
117 Indian Trail Road	06-35-105-003
121 Indian Trail Road	06-35-105-004
702 Deer Trail Lane	06-35-105-006
704 Deer Trail Lane	06-35-105-007
706 Deer Trail Lane	06-35-105-008
119 Indian Trail Road	06-35-105-009
807 Deer Trail Lane	06-35-106-001
803 Deer Trail Lane	06-35-106-003
801 Deer Trail Lane	06-35-106-004
701 Deer Trail Lane	06-35-107-001
703 Deer Trail Lane	06-35-107-002
705 Deer Trail Lane	06-35-107-003
707 Deer Trail Lane	06-35-107-004
302 Ottawa Lane	06-35-205-001
304 Ottawa Lane	06-35-205-002
306 Ottawa Lane	06-35-205-003
308 Ottawa Lane	06-35-205-004
310 Ottawa Lane	06-35-205-005
312 Ottawa Lane	06-35-205-006
314 Ottawa Lane	06-35-205-007
309 Ottawa Lane	06-35-205-008
307 Ottawa Lane	06-35-205-009
305 Ottawa Lane	06-35-205-010
303 Ottawa Lane	06-35-205-011
103 Indian Trail Road	06-35-205-012

<u>Address</u>	<u>Permanent Index Number</u>
105 Indian Trail Road	06-35-205-013
107 Indian Trail Road	06-35-205-014
109 Indian Trail Road	06-35-205-015
402 Fox Trail Lane	06-35-205-016
404 Fox Trail Lane	06-35-205-017
406 Fox Trail Lane	06-35-205-018
408 Fox Trail Lane	06-35-205-019
410 Fox Trail Lane	06-35-205-020
412 Fox Trail Lane	06-35-205-021
401 Fox Trail Lane	06-35-206-001
403 Fox Trail Lane	06-35-206-002
405 Fox Trail Lane	06-35-206-003
407 Fox Trail Lane	06-35-206-004
409 Fox Trail Lane	06-35-206-005
411 Fox Trail Lane	06-35-206-006
708 Deer Trail Lane	06-35-206-007
709 Deer Trail Lane	06-35-206-008