

R92-12612

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AMENDMENT NO. 1 TO THE DECLARATION OF COVENANTS AND RESTRICTIONS FOR RIVERMIST HOME OWNERS ASSOCIATION

This Amendment to the Declaration of Covenants and Restrictions for Rivermist Home Owners Association is made this 10th day of January, 1992 by Harris Bank Naperville, not personally, but as Trustee under a Trust Agreement dated October 6, 1986 and known as Trust No. 4853 (hereinafter referred to as "Covenantor").

WITNESSETH:

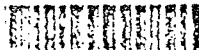
WHEREAS, the Covenantor is or was the owner of the real property commonly known as Rivermist and legally described in Exhibit A of this Declaration, which exhibit is attached hereto and incorporated herein by reference, (hereinafter referred to as "Rivermist"); and

WHEREAS, the Covenantor caused to be recorded by the Will County Recorder's Office on September 10, 1987 as Document No. R87-50293 the Declaration of Covenants and Restrictions for Rivermist Home Owners Association dated September 4, 1987; and

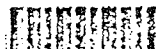
WHEREAS, the aforesaid Declaration of Covenants and Restrictions set forth land use restrictions for lots within the Rivermist Subdivision; and

WHEREAS, in order to fulfill the purpose of the Declaration of Covenants and Restrictions to ensure a residential community of the highest quality and character, the Covenantor has determined that it is necessary to amend the aforesaid land use restrictions contained in the Declaration of Covenants and Restrictions; and

SHIRLEY R. KUSTA
WILL COUNTY RECORDER



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FEE: 19.00

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WHEREAS, said amendment will benefit the property owners in Rivermist, fulfill the purpose of the Home Owners Association, and further the objectives of the Covenantor;

WHEREAS, Article VI of the Declaration of Covenants and Restrictions states that until the election of the initial Board of Directors, the Covenantor shall have the right to amend the Declaration without notice to and a meeting of the owners of lots within the Rivermist Subdivision;

WHEREAS, the initial Board of Directors has not been elected;

NOW, THEREFORE, Harris Bank Naperville, not personally, but as Trustee under a Trust Agreement dated October 6, 1986 and known as Trust No. 4853 declares that the Declaration of Covenants and Restrictions for Rivermist Home Owners Association dated September 4, 1987 and recorded by the Recorder of Deeds of Will County, Illinois, on September 10, 1987 as Document No. R87-50293 shall be amended as hereinafter set forth.

Section 1. The provisions of Article I, Section 1, of the Declaration of Covenants and Restrictions for Rivermist Home Owners Association shall be revised to add the following provision as the last paragraph of said Section:

If subsequent to the recording of this Declaration, Lot 26 is developed as a street, then said Lot shall thereafter be excluded from the provisions, responsibilities and obligations of this Declaration.

Section 2. The provisions of Article III, Section 5, of the Declaration of Covenants and Restrictions for Rivermist Home Owners

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Association shall be revised by adding the following provision to the end of said Section:

If subsequent to the recording of this Declaration, Lot 26 is developed as a street, then the Home Owners Association shall be responsible for its operation, maintenance, and repair.

Section 3. The provisions of Article IV, Section 11, of the Declaration of Covenants and Restrictions for Rivermist Home Owners Association shall be revised by adding the following subparagraphs to said Section:

- c. Outlot 2;
- d. Lot 26 (if it is developed as a street).

Section 4. Provisions of Article VI, Section 1, of the Declaration of Covenants and Restrictions for Rivermist Home Owners Association shall be revised by adding the following provision as the last paragraph of said Section:

If subsequent to the recording of the Declaration, Lot 26 is developed as a street, then there shall be an easement for ingress/egress, public utilities and drainage over said Lot 26. Said easement shall have the same force and effect as those easements granted on the Final Plat of Subdivision of Rivermist as noted in Article I, Section 1 of this Declaration.

Section 5. The provisions of Article VII, Section 1, of the Declaration of Covenants and Restrictions for Rivermist Home Owners Association shall be revised by deleting said Section in its entirety and inserting the following provisions in lieu thereof:

Except as provided herein, all lots in Rivermist shall be used for single-family residential purposes and no trade, business, or commercial enterprise of any type whatsoever shall be permitted or maintained on any of said single-family residential lots. At the Covenantor's sole discretion, Lot 26 may be developed as a street for access to the property adjacent to the south of the Rivermist Subdivision. Outlot 2 shall be used for

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ingress, egress, and recreation as provided in Section 14 herein, and may be developed with a sidewalk and appropriate landscaping.

Section 6. All other provisions of the above-referenced articles shall remain in full force and effect as to the property specified in Exhibit A.

IN WITNESS WHEREOF, Harris Bank Naperville, not personally, but as Trustee under a Trust Agreement dated October 6, 1986 and known as Trust No. 4853 has caused this Amendment No. 1 to the Declaration of Covenants and Restrictions for Rivermist Home Owners Association to be executed by its legally authorized officers, whose signatures are hereunto subscribed, and to affix its corporate seal on the day first above written.

HARRIS BANK NAPERVILLE, not personally, but as Trustee under a Trust Agreement dated October 6, 1986 and known as Trust No. 4853

See Trustee's Rider Attached Hereto And Made A Part Hereof

By: _____

ATTEST: _____

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EXHIBIT A

RIVERMIST

Lots 1-33 and Outlot 2 of RiverMist, being a subdivision of part of Section 6, Township 37 North, Range 10 East of the Third Principal Meridian according to the plat thereof recorded as Document No. R87-28853 on May 29, 1987, in Will County, Illinois.

Outlot 1 of RiverMist is specifically excluded from the provisions, responsibilities and obligations of this Declaration.

Permanent Index Numbers: 02-06-206-001 through 012
02-06-402-001
02-06-403-001 through 021

Property Location: East of Knoch Knoll Road, South of Ring Road, Naperville

Prepared By and Mailed To:

Kathleen C. West
Dommermuth, Brestal, Cobine & West, Ltd.
123 Water Street, Post Office Box 565
Naperville, Illinois 60566-0565
(708) 355-5800
04-07-36
01/09/92

Mail to Don Hart Court.
P.O. Box 4226 Naperville, Ill
60567

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It is expressly understood and agreed by and between the parties hereto, anything herein to the contrary notwithstanding, that each and all of the warranties, indemnities, representations, covenants, undertakings and agreements herein made on the part of the Trustee while in form purporting to be the warranties, indemnities, representations, covenants, undertakings and agreements of said Trustee are nevertheless each and every one of them, made and intended not as personal warranties, indemnities, representations, covenants, undertakings and agreements by the Trustee or for the purpose or with the intention of binding said Trustee personally but are made and intended for the purpose of binding only that portion of the trust property specifically described herein, and this instrument is executed and delivered by said Trustee not in its own right, but solely in the exercise of the powers conferred upon it as such Trustee: and that no personal liability or personal responsibility is assumed by nor shall at any time be asserted or enforceable against the HARRIS BANK NAPERVILLE, on account of this instrument or on account of any warranty, indemnity, representation, covenant, undertaking or agreement of said Trustee in this instrument contained, either expressed or implied, all such personal liability, if any, being expressly waived and released.

HARRIS BANK NAPERVILLE, not personally but as Trustee under L/T # 4853

By: Mark E. Rice
Mark E. Rice, Vice President

Attest:

By: Jane Jordan
Jane Jordan, Pro-Secretary

STATE OF ILLINOIS
COUNTY OF WILL

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Mark E. Rice of Harris Bank Naperville, and Jane Jordan thereof, are personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such Vice President and Pro-Secretary, respectively, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their own free and voluntary act, and as the free and voluntary act of Harris Bank Naperville, for the uses and purposes therein set forth, and the said Pro-Secretary did also then and there acknowledge that she as custodian of the corporate seal of said Harris Bank Naperville did affix the said corporate seal of said Harris Bank Naperville to said instrument as her own free and voluntary act, and as the free and voluntary act of said Harris Bank Naperville for the uses and purposes therein set forth.

February 25, 1992
Date

Beverly J. Sheets
Notary Public

"OFFICIAL SEAL"
Beverly J. Sheets
Notary Public, State of Illinois
My Commission Expires Jan. 21, 1996

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LOT	BLOCK	PERMANENT NUMBER
7		02-06-206-001
6		02-06-206-002
5		02-06-206-003
4		02-06-206-004
3		02-06-206-005
2		02-06-206-006
8		02-06-206-007
9		02-06-206-008
10		02-06-206-009
11		02-06-206-010
12		02-06-206-011
13		02-06-206-012
1		02-06-402-001
33		02-06-403-001
32		02-06-403-002
31		02-06-403-003
30		02-06-403-004
29		02-06-403-005
28		02-06-403-006
27		02-06-403-007
26		02-06-403-008
25		02-06-403-009
14		02-06-403-010
15		02-06-403-011
16		02-06-403-012
Outlot 2		02-06-403-013
17		02-06-403-014
18		02-06-403-015
19		02-06-403-016
20		02-06-403-017
21		02-06-403-018
22		02-06-403-019
23		02-06-403-020
24		02-06-403-021

Handwritten mark