

Prepared By: Platinum Development  
2001 Butterfield, St 1400  
Downer's Grove, IL  
60515

FIRST SUPPLEMENTAL DECLARATION

FIRST SUPPLEMENTAL DECLARATION dated April 6, 1993

made by CHICAGO TITLE AND TRUST COMPANY ("Declarant"), an Illinois corporation having an address at 111 West Washington Street, Chicago, Illinois 60602, not in its own capacity but solely as trustee under the provisions of that certain trust agreement dated March 8, 1990, known as Trust Number 1093500 (the "Trust").

FILED FOR RECORD  
KANE COUNTY, ILL.

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WHEREAS Declarant has made a certain DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF THE BURR HILL CLUB dated July 24, 1991 and recorded in the office of the Recorder of Deeds, Kane County, Illinois on October 4, 1991 in Book 424 at page 459 as document Number 91K54362 as amended by Certificate of Correction dated October 29, 1991 and recorded in the aforesaid Recorder's office on November 8, 1991 in Book 444 at page 735 as Document Number 91K61237 (collectively, the "Declaration"); and

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WHEREAS Declarant does now desire to further amend the Declaration.

NOW, THEREFORE, in consideration of the premises and of the enhancement and preservation of the Burr Hill Club, the Declaration shall be amended as follows:

93K22746 BURR HILL CLUB

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(8)



CHICAGO TITLE INSURANCE CO.  
Kane County Of  
Phoe.  
Invs. IL 60184  
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- 1. **Article 4.23 Easements Reserved with Respect to Lots.** Paragraph (E) is hereby deleted and the following is substituted in lieu thereof:

"(E) No Owner shall have any claim or cause of action, except as herein provided, against the Association or its officers, the Board (as hereinafter defined), Declarant, the Developer or their respective successors, assigns and/or any professional consultant retained by any of the foregoing parties, arising out of exercise or non-exercise of any reserved-easement, except in cases of willful or wanton misconduct."

- 2. **Article 6.4 Rights and Easements Reserved by Declarant.** Paragraphs (C) and (D) are hereby deleted and the following is substituted in lieu thereof:

"(C) Authorized agents, representatives and licensees of Declarant shall have the right at all times to enter upon the open areas for the purpose of exercising any such reserved rights, and no such entry shall constitute trespass, provided that no such entry shall interfere unreasonably with the use and enjoyment of the Community Areas by the Members, except as restricted herein."

(D) Declarant, on behalf of itself and the Developer and their respective agents and representatives, reserves the right, during the

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period during which the Lots and the Golf Facility are being offered for sale by Declarant or the Developer to gain access to any and all of the Community Areas and all Lots and reserves the right to perform such acts thereon and with respect thereto as Declarant or the Developer may determine in the exercise of their sole discretion, except that the exercise of such right shall not unreasonably interfere with the use of the Community Areas by Members. Notwithstanding anything herein to the contrary, Declarant on behalf of itself and the Developer and their respective agents and representatives, reserves the right to use the Burr Hill Club clubhouse, as shown on Lot 89 of the Plat, exclusively as an on-site sales office for the Lots and the Golf Facility until all of the Lots have been sold."

3. **Article 7.3 Powers of the Association.** After Paragraph (I) insert:

"(J) To perform all of the functions contemplated for the Association in this Declaration or the By-laws."

4. **Article 7.4 Method of Providing General Funds.** Paragraph (A) is hereby deleted and the following is substituted in lieu thereof:

"(A) The Association shall have the power to levy a reasonable annual assessment uniformly against each Dwelling Lot to pay the costs and expenses incurred by the Association, which annual assessment per Dwelling Lot shall not exceed the annual costs and expenses incurred by the Association multiplied by a fraction the numerator of which shall be one and the denominator of which shall be the number of Dwelling Lots associated with the Burr Hill Club. In addition to an annual assessment, the Association may levy in any assessment year a special assessment applicable to that year for the purpose of defraying, in whole or in part, the cost of any construction or improvement or reconstruction, repair or replacement of any Structure or other capital improvement including, but not limited to, those located upon the Community Areas and any easements in favor of the Association. If the Association incurs any costs or expenses which relate to or benefit less than substantially all of the Dwelling Lots, the Association may levy special assessments uniformly against the Owners of those Dwelling Lots benefitted by such expenditures. The Board's decision as to the amount of the annual assessment and special assessments, the Dwelling Lot Owners

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against whom such assessments are to be levied, and the manner of collection shall be dispositive."

- 5. **Article 7.7 Exempt Property.** The text of this Article is hereby deleted and the following is substituted in lieu thereof:

"The following property which is subject to this Declaration shall be exempt from the assessments, charges and liens created herein: all property to the extent of any easement or interest therein dedicated and accepted by a local public authority and devoted to public use; all property exempted from taxation by the laws of the State of Illinois, upon the terms and to the extent of such legal exemption; and the Community Areas."

- 6. Notwithstanding anything to the contrary in this Declaration, the Declarant shall have the express power and authority to enter into license agreements with up to twelve (12) lot owners in that certain subdivision known as "The Burr Ridge Subdivision" whereby such lot owners shall be granted access to and use of the recreational amenities located in the Community Areas at such reasonable charge as may be decided by Declarant, which charge annually shall in no event exceed the sum of (i) annual assessment(s) and (ii) special

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assessments, if any, levied against Dwelling Lot Owners in the corresponding year, but subject to the rules and regulations of the Burr Hill Club with respect thereto.

7. The Declarant hereby ratifies the Certificate of Correction dated October 15, 1991 and recorded in the office of the Recorder of Deeds, Kane County, Illinois on October 23, 1991 in Book 434 at Page 669 as document No. 91K57784 and the Certificate of Correction dated October 29, 1991 and recorded in the aforesaid Recorder's office on November 8, 1991 in Book 444 at Page 735 as Document No. 91K61237.
8. Anything herein to the contrary notwithstanding, that each and all of the covenants, conditions, undertakings and agreements herein made on the part of Declarant while in form purporting to be covenants, conditions, undertakings and agreements of Declarant are nevertheless each and every one of them, made and intended not as personal covenants, conditions, undertakings and agreements by Declarant or for the purpose or with the intention of binding Declarant 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

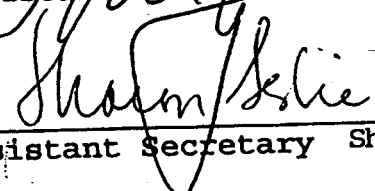
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and delivered by Declarant not in its own right, but solely in the exercise of the powers conferred upon it as such trustee under the Trust; and that no personal liability or personal responsibility is assumed by nor shall at any time be asserted or enforceable against Chicago Title and Trust Company, on account of this Declaration or on account of any condition, covenant, undertaking or agreement of Declarant in this instrument contained, either expressed or implied, all such personal liability, if any, being expressly waived and released.

IN WITNESS WHEREOF, Declarant has caused this instrument to be executed on the day and the year first above written.

CHICAGO TITLE AND TRUST COMPANY  
 AS DECLARANT, not in its own capacity but solely as trustee under the provisions of that certain trust agreement dated March 8, 1990, known as Trust Number 1093500

By:   
 Assistant Vice President Tom Paige

Attest:   
 Assistant Secretary Sharon Leslie

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This instrument is not valid unless it is signed by the declarant or its authorized representative. The undersigned hereby certifies that the foregoing is a true and correct copy of the original instrument as the same appears on the records of the Chicago Title and Trust Company. Witness my hand and seal this 7th day of [Month] 199[Year].

STATE OF ILLINOIS)

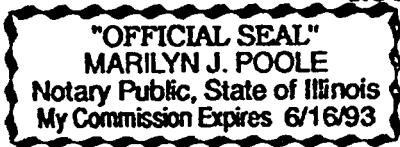
) SS.:

COUNTY OF ~~DECATUR~~ )  
KANE

I, the undersigned, a notary public in and for said county, in the State aforesaid, do hereby certify that the above-named Assistant Vice President and Assistant Secretary of Chicago Title and Trust Company, personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such Assistant Vice President and assistant Secretary, respectively, appeared before me this day in persona 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 said Company, for the uses and purposes therein set forth; and the said Assistant Secretary also then and there acknowledged that said Assistant Secretary, as custodian of the corporate seal of said company did affix the said corporate seal of said Company to said instrument as said Assistant Secretary's own 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 6th day of April, 1993.

*Marilyn J. Poole*  
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Notary Public



[SEAL]

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