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KANE COUNTY, ILL

2002K054853

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Eric Schmalz  
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Palatine, Illinois 60067

**SECOND SUPPLEMENTAL DECLARATION  
OF THE DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS OF THE  
BURR HILL CLUB, dated July 24, 1991.**

*494192 - KA*

APR 19 2002

SECOND SUPPLEMENTAL DECLARATION dated \_\_\_\_\_, 2002

made by THE CHICAGO TITLE LAND TRUST COMPANY ("Declarant"), an Illinois corporation having an address at 171 North Clark Street, Chicago, Illinois 60601, 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").

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), as amended by the First Supplemental Declaration dated April 6, 1993 and recorded in the aforementioned Recorder's office April 17, 1993 as Document Number 93K22746 (known

BURR HILL CLUB

*97*

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CHICAGO TITLE LAND TRUST COMPANY  
Kane County Office  
Geneva, Illinois 60134  
Phone 224-2750  
*[Signature]*

as "The First Supplemental Declaration") (collectively, the "Declaration"); and

WHEREAS, Declarant does now desire to further amend the Declaration by making Lots 41 through 52, inclusive, and the name of the new subdivision being recorded, "Burr Hill Club Unit A" subject to the Declaration which were erroneously excluded therefrom by the metes and bounds legal description attached thereto.

WHEREAS, pursuant to the authority vested in the Declarant contained in ARTICLE VIII, "ADDITIONS TO THE PROPERTY" of the DECLARATION, the Declarant wishes to correct and expand the real property subject to the various rights and obligations of the Association and its Members contained in the documents collectively known as the Declaration, by adding the 12 lots, known as Lots 41 through 52, inclusive, which, while mentioned as included in the legal description rider to the Declaration as "Non Community Area: Lots 1-88...", were erroneously excluded in the metes and bounds legal descriptions by the language that follows:

"EXCEPT THAT PART OF SECTION 13 COMMENCING AT A POINT NORTH 0 DEGREES, 11 MINUTES, 6 SECONDS WEST A DISTANCE OF 167.11 FEET FROM THE AFOREMENTIONED POINT OF BEGINNING; THENCE SOUTH 53 DEGREES, 6 MINUTES, 47 SECONDS WEST A DISTANCE OF 112.32 FEET, THENCE NORTH 52 DEGREES, 1 MINUTE, 41 SECONDS WEST A DISTANCE OF 1657.14 FEET, THENCE NORTH 52 DEGREES, 41 MINUTES, 19 SECONDS EAST, A DISTANCE OF 599.28 FEET; THENCE SOUTH 51 DEGREES, 54 MINUTES, 41 SECONDS EAST A DISTANCE OF 1165.23 FEET, THENCE SOUTH 0 DEGREES, 11 MINUTES, 6 SECONDS EAST A DISTANCE OF 305.14 FEET; THENCE NORTHEASTERLY ALONG A CURVE TO THE LEFT WITH A RADIUS OF 267.00 FEET AND AN ARC LENGTH OF 137.61 FEET, THENCE SOUTH 5 DEGREES, 50 MINUTES, 44 SECONDS EAST A DISTANCE OF 65 FEET, THENCE SOUTH 34 DEGREES, 27 MINUTES, 42 SECONDS WEST, A DISTANCE OF 247.82 FEET TO THE POINT OF BEGINNING OF THE 19.91 ACRE PARCEL NOT INCLUDED"

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:

1. THE DECLARATION, as corrected and supplemented from time to time, and each and all its Articles and Amendments, shall henceforth apply to and include all the lands contained in the premises legally described as set out in Exhibit A.

2. The congruous area (Lots 41-52, inclusive) to which this SECOND SUPPLEMENTAL DECLARATION extend the rights and obligations of the Declaration has been renamed "BURR HILL CLUB UNIT A," which once the final plat is recorded in the Recorder of Deeds Office of Kane County, Illinois, shall have a legal description as set out in EXHIBIT B.

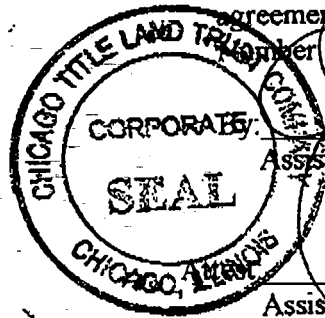
3. Declarant has appointed Dearborn Financial, Inc. ("Agent") to serve as Declarant's agent and representative to control the Architectural Review Committee established by Article V of the Declaration. Agent shall not be allowed to assign any of its rights connected with the ability to control the Design Review Committee to any lot owner(s) of the Burr Hill Club Subdivision (including Burr Hill Club Unit A), or their affiliates, until every lot in Burr Hill Club Subdivision (including Burr Hill Club Unit A) is improved with a home.

4. 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 of 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 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 Land 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 LAND 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 1097500



*[Signature]*  
 Assistant Vice-President

**Attestation not required  
 pursuant to corporate by-laws.**

*[Signature]*  
 Assistant Secretary

STATE OF ILLINOIS)

COOK) SS:

COUNTY OF ~~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 Land 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 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 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.

APR 19 2002

GIVEN UNDER my hand and notarial seal this \_\_\_\_\_ day of \_\_\_\_\_, 2002.



*Lidia Marinca*  
\_\_\_\_\_  
Notary Public

**EXHIBIT A**

THAT PART OF SECTION 18, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND THAT PART OF SECTION 13, TOWNSHIP 40 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 18; THENCE NORTH 0 DEGREES, 11 MINUTES, 06 SECONDS WEST ALONG THE WEST LINE OF SAID SECTION 18, A DISTANCE OF 1359.82 FEET TO A POINT 27.00 FEET NORTH OF A STONE MONUMENT AT THE SOUTHWEST CORNER OF THE NORTH HALF OF THE SOUTHWEST FRACTIONAL QUARTER OF SAID SECTION 18, SAID POINT BEING THE SOUTHEAST CORNER OF LOT 40 IN BURR HILL CLUB SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 4, 1991, AS DOCUMENT 91K54361; THENCE NORTH 0 DEGREES 11 MINUTES 06 SECONDS WEST, ALONG THE WEST LINE OF SAID SECTION 18 AND ALONG THE EAST LINE OF SAID SECTION 13, AND ALONG THE WEST LINE OF SAID LOT 40, A DISTANCE OF 167.11 FEET, TO AN ANGLE POINT IN THE WEST LINE OF SAID LOT 40, AND TO THE POINT OF BEGINNING; THENCE SOUTH 53 DEGREES 06 MINUTES 47 SECONDS WEST, A DISTANCE OF 112.32 FEET; THENCE NORTH 52 DEGREES 01 MINUTES 41 SECONDS WEST, A DISTANCE OF 1657.14 FEET; THENCE NORTH 52 DEGREES 41 MINUTES 19 SECONDS EAST, A DISTANCE OF 599.28 FEET; THENCE SOUTH 51 DEGREES 54 MINUTES 41 SECONDS EAST, A DISTANCE OF 1165.88 FEET, TO THE EAST LINE OF SAID SECTION 13, AND TO THE WEST LINE OF LOTS 55 IN SAID BURR HILL CLUB SUBDIVISION, THENCE SOUTH 0 DEGREES, 11 MINUTES, 06 SECONDS EAST, ALONG THE EAST LINE OF SAID SECTION 13 AND ALONG THE WEST LINE OF LOTS 54 AND 55 IN SAID BURR HILL CLUB SUBDIVISION A DISTANCE OF 305.14 FEET, TO THE SOUTHWEST CORNER OF SAID LOT 54; THENCE SOUTHEASTERLY, ALONG THE ARC OF A CIRCLE, WHOSE CENTER LIES NORTHEASTERLY, HAVING A RADIUS OF 267.00 FEET, AND ALONG THE SOUTH LINE OF SAID LOT 54, AN ARC DISTANCE OF 144.16 FEET, TO THE WEST LINE OF LOOKOUT LANE; THENCE SOUTH 0 DEGREES 11 MINUTES 06 SECONDS EAST, ALONG THE WEST LINE OF SAID LOOKOUT LANE, HERETOFORE DEDICATED BY SAID BURR HILL CLUB SUBDIVISION, A DISTANCE OF 66.4 FEET, TO THE NORTHWEST CORNER OF SAID LOT 40; THENCE SOUTH 34 DEGREES 27 MINUTES 42 SECONDS WEST, ALONG THE NORTHWESTERLY LINE OF SAID LOT 40, A DISTANCE OF 247.82 FEET, TO THE POINT OF BEGINNING, IN TOWNSHIP OF CAMPTON AND ST. CHARLES, ALL IN KANE COUNTY, ILLINOIS.

**EXHIBIT B**  
**BURR HILL CLUB UNIT A**  
**FINAL PLAT OF SUBDIVISION**

PART OF SECTION 18, TOWNSHIP 40 NORTH, RANGE 8 EAST OF THE THIRD  
PRINCIPAL MERIDIAN AND PART OF SECTION 13, TOWNSHIP 40 NORTH, RANGE 7  
EAST OF THE THIRD PRINCIPAL MERIDIAN IN THE TOWNSHIPS OF ST. CHARLES  
AND CAMPTON, KANE COUNTY, ILLINOIS.

2-PIN: 08-13-400-010; 09-18-300-011

DEARBORN FINANCIAL INC.  
5N762 Burr Road  
St. Charles, Illinois 60175  
(630) 443-4650 Telephone  
(630) 443-4654 FAX

TELECOPIER TRANSMISSION REQUEST

DATE: 2/13/03  
TO: Michelle  
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FROM: Kain  
NUMBER OF PAGES (INCLUDING COVER SHEET): 8

*I found the document 2002K054853  
that you needed for your closing.  
It follows. 7 pages*

*Kain*

PLEASE CONTACT OUR OFFICE IF ALL PAGES ARE NOT RECEIVED.. THANK YOU.