

*Smith Dec 8*

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

Chicago Title and Trust Company, as Trustee and not individually, under trust agreement number 1069203 dated February 4, 1977, hereinafter called declarant, is the owner of certain real property known as Brierwoods, being a subdivision of part of the Southeast 1/4 of Section 7 and part of the Southwest 1/4 of Section 8, Township 43 North, Range 10 East of the Third Principal Meridian, Lake County, Illinois, according to the plat thereof recorded as Document No. 1869977, Lake County, Illinois.

For the purposes of enhancing and protecting the value, attractiveness and desirability of the lots or tracts constituting such subdivision, declarant hereby declares that all the real property described above and each part thereof shall be held, sold, and conveyed subject to the following covenants, conditions and restrictions, which shall constitute covenants running with the land and shall be binding on all parties having the right, title, or interest in the above-described property or any part thereof, their heirs, successors, and assigns, and shall inure to the benefit of each owner thereof.

1. Each lot shall be used as a residence for single family and no other purpose.
2. The construction of "Raised Ranches" or "Bi-levels" in Brierwoods shall be prohibited. This does not include a "Hillside Ranch" that has an open basement at ground level in the rear.
3. The duplication of the exterior of an existing home in Brierwoods shall be prohibited.
4. Any home constructed in Brierwoods must have a minimum of a two car attached garage containing not less than 484 square feet, measured from the exterior.
5. One story homes must contain a minimum of 2,000 square feet, measured from the exterior, plus the required attached garage.
6. Acceptable split level, tri-level, one-one half and two story homes must contain a minimum of 2,500 square feet, measured from the exterior, plus the required attached garage.
7. The marshy areas of lots 7, 8, 15 and 16 are to be used for storm water detention.
8. A school impact fee of \$582.92 shall be paid by the lot owner to the Board of Education, Community Unit District 95, Lake County, Illinois, a receipt of which must be evidenced to the Village of Hawthorn Woods, Illinois, before a building permit will be issued.
9. Declarant or any owner shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions and covenants, now or hereafter imposed by the provisions of this declaration. Failure by the declarant or by any owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

Invalidation of any one of these covenants or restrictions by judgment or court order shall in no way affect any other provisions, which shall remain in full force and effect.

Covenants and restrictions of this declaration may be amended by duly recording an instrument executed and acknowledged by not less than three-quarters of the Brierwoods lot owners.

The covenants and restrictions of this declaration shall run with the land, and shall inure to the benefit of and be enforceable by the declarant and by any owner thereof for a period of ten years from the date hereof. Thereafter, they shall be automatically extended for additional periods of ten years unless otherwise agreed to in writing by the then owners of at least three-quarters of the subdivision lot owners.

Executed at Waukegan, Illinois, November 4, 1977.

CHICAGO TITLE INSURANCE CO.

PROTECTIVE COVENANTS  
BRIERWOODS

1. THE PARKING OF MOBILE HOMES, TRAILERS, BOATS AND TRUCKS ON A LOT SHALL BE PROHIBITED.
2. THE CONSTRUCTION OF RAISED RANCHES SHALL BE PROHIBITED.
3. RANCH STYLE HOMES SHALL CONTAIN A MINIMUM OF 1,850 SQUARE FEET OF LIVING AREA PLUS AT LEAST A 2 CAR ATTACHED GARAGE.
4. SPLIT LEVELS, 1 1/2 STORY AND 2 STORY HOMES SHALL CONTAIN A MINIMUM OF 2,250 SQUARE FEET OF LIVING AREA PLUS AT LEAST A 2 CAR ATTACHED GARAGE.

REVISED RESTRICTIVE COVENANTS  
FOR  
BRIERWOODS SUBDIVISION

1. The duplication of the exterior of an existing home in Brierwoods shall be prohibited.
2. The construction of "Raised Ranches" or "Bi-levels" in Brierwoods shall be prohibited. This does not include a "Hillside Ranch" that has an opening from one side of the basement.
3. All homes constructed in Brierwoods must have a minimum of a two car ATTACHED garage with no less than 484 square feet.
4. One Story or Ranch style homes must have a minimum of 2,000 square feet of living space plus required garage.
5. Split or Tri-level, one and one-half Story and Two Story homes must contain a minimum of 2,500 square feet of living space above ground level plus the required garage.
6. Deed restrictions for the Marshy areas of lots 7,8,15,16, [REDACTED] is to be used for storm water detention.