



Image# 051361780010 Type: RES
 Recorded: 07/11/2014 at 03:26:00 PM
 Receipt#: 2014-00036254
 Page 1 of 10
 Fees: \$85.00
 IL Rental Housing Fund: \$0.00
 Lake County IL Recorder
 Mary Ellen Vanderverter Recorder
 File **7114159**

DTC 17431
 2A5

RESOLUTION NO. 06-16-14-7

A RESOLUTION ACCEPTING A FIFTH AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS, RESTRICTIONS, RESERVATIONS, AND GRANTS OF COUNTRYSIDE MEADOWS SUBDIVISION, AS PRESENTED BY THE COUNTRYSIDE MEADOWS HOMEOWNERS ASSOCIATION

BE IT RESOLVED by the Mayor and Board of Trustees of the Village of Hawthorn Woods, Illinois, that the Fifth Amendment to Declaration of Protective Covenants, Conditions, Restrictions, Reservations, and Grants of the Countryside Meadows Subdivision is hereby accepted in substantially the form attached hereto as Exhibit "A", and , by this reference made a part hereof, with such changes as are approved by the Mayor and Village Attorney.

The foregoing Resolution was adopted on June 16, 2014 by a roll call vote as follows:

AYES: Paiza, Russo, Mangan, Corrigan, DiMaggio

NAYS: 0

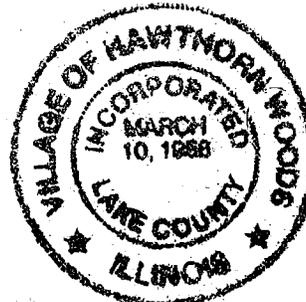
ABSENT AND NOT VOTING: David

APPROVED:
 Joseph Mancino, Mayor

ATTEST:
 Donna Lobaito, Village Clerk

ADOPTED: June 16, 2014

APPROVED: June 16, 2014



PRECISION TITLE

+50
 10

**RECORDING DOCUMENT
TITLE PAGE**

The undersigned does hereby request that the following documents be recorded with the Recorder of Deeds, Lake County, Illinois:

**FIFTH AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS,
CONDITIONS, RESTRICTIONS, RESERVATIONS, AND GRANTS OF
THE COUNTRYSIDE MEADOWS SUBDIVISION**

The original of said document is attached to this Recording Document Title Page.

Witness my hand this 14TH day of MAY, 2014.



Michael M. Starykowicz, President
Starzwood Development, Inc.

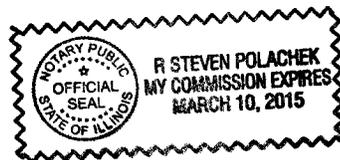
Subscribed and sworn to before me this
14TH day of MAY, 2014.



Notary Public

RECORD AND RETURN TO:

Meltzer, Purtill & Stelle LLC
300 S. Wacker Drive, Suite 3500
Chicago, Illinois 60606
Attention: Victoria C. Bresnahan



FIFTH AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS,
CONDITIONS, RESTRICTIONS, RESERVATIONS, AND GRANTS OF THE
COUNTRYSIDE MEADOWS SUBDIVISION

The Declarant (also referred to herein as Developer) is the owner of certain property, as legally described on Exhibit 1 attached hereto, located in Hawthorn Woods, Lake County, Illinois, and has heretofore created thereon a planned community development and has heretofore caused to be recorded with the Recorder of Deeds of Lake County, Illinois, under recording number 6011098 on June 16, 2006, a document entitled "Declaration of Protective Covenants, Conditions, Restrictions, Reservations, and Grants of the Countryside Meadows Subdivision."

The Declarant has heretofore caused to be recorded with the Recorder of Deeds of Lake County, Illinois, under Document Number 6052540 on September 1, 2006, a document entitled "First Amendment to Declaration of Protective Covenants, Conditions, Restrictions, Reservations, and Grants of the Countryside Meadows Subdivision."

The Declarant has heretofore caused to be recorded with the Recorder of Deeds of Lake County, Illinois, under Document Number 6307318 on February 19, 2008, a document entitled "Second Amendment to Declaration of Protective Covenants, Conditions, Restrictions, Reservations, and Grants of the Countryside Meadows Subdivision."

The Declarant has heretofore caused to be recorded with the Recorder of Deeds of Lake County, Illinois, under Document Number 6637501 on August 27, 2010, a document entitled "Third Amendment to Declaration of Protective Covenants, Conditions, Restrictions, Reservations, and Grants of the Countryside Meadows Subdivision."

The Declarant has heretofore caused to be recorded with the Recorder of Deeds of Lake County, Illinois, under Document Number 6983310 on April 11, 2013, a document entitled "Fourth Amendment to Declaration of Protective Covenants, Conditions, Restrictions, Reservations, and Grants of the Countryside Meadows Subdivision."

The Declarant intends to sell to Orleans RHIL, LP, an Illinois partnership ("Orleans"), a portion of the Premises in two phases (described in Exhibit 2 hereto ("Orleans Property")). Pursuant to Article VI, Section 7, Declarant may deviate from any and all covenants set forth in the Declaration; provided, however, that such agreement shall not constitute a waiver of the particular covenants involved or other covenants as to the remaining portions of the Premises.

Pursuant to Article V Section 10 of the Declaration, this Fifth Amendment to Declaration has been approved and is signed by the Members of the Homeowners Association who own, legally or beneficially, a two-thirds majority of both Class A and Class B members, if any, of the Lots constituting the Premises and by the President and the Secretary of the Board of Directors on behalf of the Association. Further, this Fifth Amendment to Declaration has been presented to and consented to by the Village of Hawthorn Woods which has affixed its consent hereto.

In conjunction with the above, the Declarant hereby amends said Declaration of Protective Covenants, Conditions, Restrictions, Reservations, and Grants of the Countryside Meadows Subdivision and the First, Second, Third and Fourth Amendments to Declaration of Protective Covenants, Conditions, Restrictions, Reservations, and Grants of the Countryside Meadows Subdivision as follows:

1. Article II – USE OF LOTS – The first two (2) sentences of Section 1 (F), as further amended by the First Amendment, shall be amended and restated in its entirety to be and read:

(F) No two (2)-story house shall be constructed on the Premises with less than 3,200 square feet of living area. No one (1) story house shall be constructed with less than 2,900 square feet of living area. The area included in so-called “walk out” basements and porches and garages shall not be used to satisfy the minimum square footage requirements.

2. Article II – USE OF LOTS – Section 1 (I) is hereby amended and restated in its entirety to be and read:

(I) Roofing material shall be architectural roof shingles and aluminum soffits and fascia may be utilized in accordance with the Plans (defined below).

3. Article II – USE OF LOTS – Section 1 is hereby amended to add the following:

(J) Natural materials shall include, without limitation, LP Siding, provided, in all cases, that no construction shall be in violation of the standards required by the municipal code of the Village.

4. Article II – USE OF LOTS – is amended to add the following:

Section 2. The Declarant has approved the plans of Orleans and houses are authorized to be constructed on the Premises which substantially conform to those plans submitted to the Declarant and approved on MAY 14, 2014 (the “Plans”).

5. Article III – Review Process – is hereby amended to add the following:

Section 6. The Plans submitted by Orleans are deemed approved by the Declarant, and need not be re-submitted for the review process.

6. Article IV – GENERAL RESTRICTIONS – Revisions to Section 18, added to the Declaration by the Third Amendment, shall not apply to houses constructed by Orleans.

7. Article V – HOMEOWNERS ASSOCIATION – Section 3 (CLASS B) is hereby amended to provide that the Class B membership shall convert to a Class A membership once Orleans no longer owns or controls any portion of the Premises.

8. Article VI – GENERAL PROVISIONS – is hereby amended to add the following:

A. Section 9 IN GENERAL: The Declarant under the provisions of this Declaration or its Bylaws shall have the rights and powers set forth herein. Except to the extent relating to the rights of the Village, anything in this Declaration or the Bylaws to the contrary notwithstanding, the provisions set forth in this Article shall govern. Except as otherwise provided in the Declaration, the rights of Declarant under this Article shall terminate at such time as the Declarant no longer holds or controls title to any portion of the Premises.

B. Section 10 OTHER RIGHTS: The Declarant shall have the right and power to execute all documents and do all other acts and things affecting the Premises which, in Declarant's opinion, are necessary or desirable in connection with the rights of Declarant under this Declaration.

C. Section 11 ASSIGNMENT BY DECLARANT: All rights which are specified in this Declaration to be rights of the Declarant are mortgageable, pledgeable, assignable or transferable in whole or in part. Any successor to, or assignee of, the rights of the Declarant hereunder (whether as the result of voluntary assignment, foreclosure, assignment in lieu of foreclosure, or otherwise) shall hold or be entitled to exercise the rights of Declarant hereunder as fully as if named as such party herein. No such successor assignee of the rights of Declarant hereunder shall have or incur any liability for the acts of any other party which previously exercised or subsequently shall exercise such rights.

9. All other terms, conditions and declarations contained in the Declaration of Protective Covenants, Conditions, Restrictions, Reservations, and Grants of the Countryside Meadows Subdivision and the First, Second, Third, and Fourth Amendments to Declaration of Protective Covenants, Conditions, Restrictions, Reservations, and Grants of the Countryside Meadows Subdivision shall remain in full force and effect.

Dated this 14TH day of MAY, 2014

SIGNATURE PAGES FOLLOW

CERTIFICATION

The President and Secretary of the COUNTRYSIDE MEADOWS HOMEOWNERS ASSOCIATION, INC., on behalf of the Association, hereby certify as follows;

1. that the notice of a meeting was sent to the Class A and Class B Members on April 8, 2014;
2. that a meeting to discuss and approve this Fifth Amendment to Declaration was held on April 17, 2014; and
3. that by a vote of 104 yeas and __ nays (83.2% of the total member votes available) this Fifth Amendment to Declaration was approved.

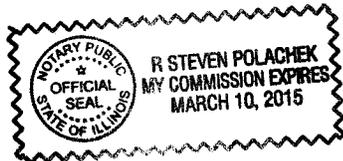
This 14TH day of MAY, 2014.

COUNTRYSIDE MEADOWS HOMEOWNERS ASSOCIATION, INC.

By: [Signature]
President

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

Subscribed to and sworn before me this 14TH day of MAY, 2014.



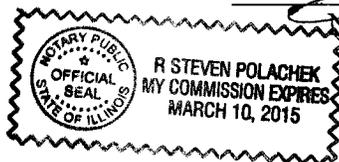
[Signature]
Notary Public

COUNTRYSIDE MEADOWS HOMEOWNERS ASSOCIATION, INC.

By: [Signature]
Secretary

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

Subscribed to and sworn before me this 14TH day of MAY, 2014.



[Signature]
Notary Public

EXHIBIT 1

LEGAL DESCRIPTION

The South ½ of the Southwest ¼ of Section 34, Township 44 North, Range 10, East of the Third Principal Meridian (except that part falling in A. G. Schwerman's First Sylvan Lake Subdivision, being a Subdivision of Part of Section 34, Township 44 North, Range 10, and Part of Section 3 Township 43 North, Range 10, East of the Third Principal Meridian according to the plat thereof recorded January 22, 1925 as Document 251651, in Book "N" of Plats, Page 70), in Lake County, Illinois

Also described as:

Lots 1 through 47 and Outlots A, B, C, and D in Countryside Meadows, being a subdivision of the South ½ of the Southwest ¼ of Section 34, Township 44 North, Range 10, East of the Third Principal Meridian, according to the plat thereof recorded April 7, 2006, as Document Number 5974869, in Lake County, Illinois

Addresses and Property Index Numbers of properties:

Lot #	Street No.	Street Name	PIN	Lot #	Street No.	Street Name	PIN
1	151	Cardinal Drive	10-34-307-010	27	18	W Peter Lane	10-34-304-011
2	153	Cardinal Drive	10-34-307-009	28	20	E Peter Lane	10-34-302-016
3	155	Cardinal Drive	10-34-307-008	29	22	E Peter Lane	10-34-302-017
4	157	Cardinal Drive	10-34-307-007	30	24	E Peter Lane	10-34-302-018
5	159	Cardinal Drive	10-34-307-006	31	26	E Peter Lane	10-34-302-019
6	161	Cardinal Drive	10-34-307-005	32	28	E Peter Lane	10-34-302-020
7	163	Cardinal Drive	10-34-307-004	33	30	E Peter Lane	10-34-302-021
8	165	Cardinal Drive	10-34-307-003	34	32	E Peter Lane	10-34-302-022
9	167	Cardinal Drive	10-34-307-002	35	23	E Peter Lane	10-34-302-027
10	169	Cardinal Drive	10-34-307-001	36	21	E Peter Lane	10-34-302-026
11	173	Cardinal Drive	10-34-304-021	37	19	E Peter Lane	10-34-302-025
12	15	W Peter Lane	10-34-304-019	38	17	E Peter Lane	10-34-302-023
13	13	W Peter Lane	10-34-304-018	39	174	Cardinal Drive	10-34-302-024
14	11	W Peter Lane	10-34-304-017	40	172	Cardinal Drive	10-34-302-029
15	9	W Peter Lane	10-34-304-016	41	170	Cardinal Drive	10-34-302-030
16	7	W Peter Lane	10-34-304-020	42	168	Cardinal Drive	10-34-302-031
17	5	W Peter Lane	10-34-304-022	43	166	Cardinal Drive	10-34-302-032
18	3	W Peter Lane	10-34-304-023	44	164	Cardinal Drive	10-34-302-033
19	1	W Peter Lane	10-34-304-015	45	162	Cardinal Drive	10-34-302-034
20	2	W Peter Lane	10-34-304-014	46	160	Cardinal Drive	10-34-302-035
21	4	W Peter Lane	10-34-304-013	47	158	Cardinal Drive	10-34-302-036
22	8	W Peter Lane	10-34-304-008	Outlot A	0	Glimmer Rd.	10-34-308-003
23	10	W Peter Lane	10-34-304-007	Outlot B	25	W Peter Lane	10-34-302-028
24	12	W Peter Lane	10-34-304-006	Outlot C	171	Cardinal Drive	10-34-304-024
25	14	W Peter Lane	10-34-304-009	Outlot D	6	E Peter Lane	10-34-304-012
26	16	W Peter Lane	10-34-304-010				

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EXHIBIT 2

ORLEANS PROPERTY

INITIAL LOTS

LOTS 3, 4, 7, 10, 19, 20, 21, 32, 33, 35, 36, 41 AND 46 IN COUNTRYSIDE MEADOWS SUBDIVISION BEING THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 44 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPT THAT PART FALLING IN A.G. SCHWERMAN'S SYLVAN LAKE SUBDIVISION, BEING A SUBDIVISION OF PART OF SECTION 34, TOWNSHIP 44 NORTH, RANGE 10, AND PART OF SECTION 3, TOWNSHIP 43 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 22, 1925 AS DOCUMENT 251851, IN BOOK "N" OF PLATS, PAGE 70), IN LAKE COUNTY, ILLINOIS.

REMAINDER LOTS

LOTS 9, 11, 12, 14, 15, 16, 25, 26, 28, 30, 37, 39 AND 40 IN COUNTRYSIDE MEADOWS SUBDIVISION BEING THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 44 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN (EXCEPT THAT PART FALLING IN A.G. SCHWERMAN'S SYLVAN LAKE SUBDIVISION, BEING A SUBDIVISION OF PART OF SECTION 34, TOWNSHIP 44 NORTH, RANGE 10, AND PART OF SECTION 3, TOWNSHIP 43 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 22, 1925 AS DOCUMENT 251851, IN BOOK "N" OF PLATS, PAGE 70), IN LAKE COUNTY, ILLINOIS.

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