

200700723012
Filed for Record in
WINNEBAGO COUNTY IL
KEN STAAF
04-30-2007 At 03:15 PM.
RESTR COWT 37.75
State .00
County .00

**DECLARATION OF CONDITIONS AND RESTRICTIONS FOR
RED OAK ESTATES PLAT NO. 8**

The undersigned, **HERBERT R. McKISKI**, as sole beneficial owner and Trustee of **McKiski Trust No. 94**, being the sole owner of all the lots of **RED OAK ESTATES PLAT NO. 8**, a subdivision, which plat is recorded in Book 48 of Plats on Page 79A as Document No. 200700719554 in the Recorder's Office of Winnebago County, Illinois, declares that **RED OAK ESTATES PLAT NO. 8** consists of 36 residential lots and four commercial lots and it is the intention of the Declarant, **HERBERT R. McKISKI**, as Trustee, that the Subdivision be developed into a protective community of homes and businesses. It is the purpose of Declarant in execution this Declaration to subject the Subdivision to the restrictions and covenants set forth below, which are for the benefit of the current and subsequent owners of any parcel in the subdivision.

Declarant states:

1. **RESTRICTIONS.** Until April 15, 2027, each lot in the Subdivision shall be held, sold and conveyed subject to the following restrictions and conditions, which shall be construed as covenants running with the land, binding on all parties having any right, title or interest in the Subdivision or any part of the Subdivision, and on their heirs, successor and assigns (all of whom are collectively referred to as lot owners) and are for the benefit of each lot owner. After April 15, 2027 the restrictions and conditions shall continue to run with and bind the land until and unless the owners of at least two-thirds of the lots in the Subdivision agree in writing to modify or terminate any one or all of the restrictions and conditions. The modification or termination may be made at any time after April 15, 2027 by written agreement stating the manner and extent of any modification or the date of termination, signed and acknowledged by the owners of at least two-thirds of the lots in the Subdivision and recorded in the Office of the Recorder of Deeds in Winnebago County, Illinois.

Notwithstanding the foregoing paragraph, the requirement for the maintenance of the drainage and detention area located within the Subdivision shall not be subject to modification and shall remain the responsibility of the lots owners at all times.

(a) No building shall be erected, maintained or used on any residential lot for manufacturing, commercial, industrial or business purposes. Lots 189, 190, 191 and 192 fronting on Bell School Road, Rockford, Illinois, shall be designated commercial lots and may be used for business purposes within the C2 zoning classification and limits setup by the City of Rockford only. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done on any lot which may be or become any annoyance or nuisance.

(b) No building shall be erected or maintained on any residential lot unless it is a single family dwelling house with attached garage designed and equipped for occupancy as a private residence by a single family only. No more than one single family dwelling shall be built on any one lot. The restrictions do not apply to temporary facilities used by a contractor during construction on any lot. Any temporary facilities must be removed upon completion of construction. Any residence erected shall comply with the building set back lines and utility easements as indicated on the recorded plat and side lot line requirements of the City of Rockford Zoning Ordinance.

(c) No fence shall be erected between the street and the front building setback line. No chain link fence shall be erected on the premises. Any fence erected shall not exceed five feet in height and shall be approved as to design and location by the Developer prior to its erection.

(d) No above ground swimming pools are permitted on any lot.

(d) No tank for storage of oil, gas or any other material shall be erected or maintained on any residential lot except by the Developer during construction.

(e) No stables, kennels or other quarters shall be erected, maintained or used on any lot for stabling or accommodating horses, dogs, cats, cattle, swine, goats, sheep, bats, bees, fowl or any other animals.

(f) No building shall be erected or altered until the plans and a lot plan showing the location of the building, elevation, grade and drainage on the lot and the building design have been submitted to and approved by the Developer. Approval shall be the exclusive right and in the complete discretion of the Developer to insure that the subdivision is developed in conformity with general harmony, topography and development of the subdivision. The Developer may grant a variance from the conditions and restrictions if in his sole and exclusive discretion the variance is reasonable and will be in conformity with the general plan for the development of the Subdivision. If the Developer fails to approve or disapprove the plans in writing within 30 days after the final plans have been submitted to him, approval shall be waived.

(g) No advertising sign or billboard, other than a single temporary "For Sale" or "For Rent" advertising sign of not greater than three square feet shall be erected or maintained on any of the residential lots. A sign displaying the name of the general contractor and/or architect of the house may be erected during construction of the home provided that the sign does not exceed eight square feet and is removed immediately after the completion of construction.

(h) No automobiles or motor vehicles shall be parked or placed on any portion of the residential lots other than a driveway or within a garage. Notwithstanding the foregoing sentence, boats, commercial vehicles, unlicensed vehicles or other similar vehicles or accessories may not be kept, or stored on any lot (except contractor's vehicle during the period of construction) unless it is fully enclosed within a garage.

(i) Each lot shall be maintained by the owner with weeds to be cut as necessary to meet the requirements of the City of Rockford for vacant lots each summer. No trash or garbage shall be allowed to accumulate on any lot.

2. HOME OWNER'S ASSOCIATION.

(a) A homeowner's association shall be established for the purpose of maintenance and repair of the drainage and water retention areas located on Lot 193 of the subdivision, and to provide for liability insurance for said lot.

(b) The association shall consist of all lot owners of the subdivision, with multiple persons and entities having legal title in fee simple of a particular lot being a single lot owner the this purpose.

(c) The Developer may cause the formation of an Illinois not-for-profit corporation to act as the association.

(d) Each lot of the subdivision shall have one vote with respect to the business of the association and the association shall set up bylaws for the organizational structure of the association and for the election of a board of directors, which shall not be less than 3 persons.

(e) The association shall have the authority to charge and assess each lot an equal amount for the necessary and reasonable cost and expenses for the maintenance, repair, and insurance for Lot 193 of the subdivision, and may do so on a semi-annual basis. The owners of each lot shall be responsible for the payment of said charges and assessments within 30 days of the assessment.

(f) If lot owners are in default in the payment of the charges and assessments, the association may bring suit against the delinquent owners with reasonable attorney's fees and court costs to enforce collection of the unpaid charges and assessments. The association, by resolution, may also charge delinquent lot owners late fees and interest upon delinquency.

(g) If the association fails to correct any deficient condition in the repair or maintenance of the drainage and water retention areas on Lot 193 of the subdivision within six months of being notified of said deficiency by the City of Rockford, Illinois, each lot owner of the subdivision consents to the City of Rockford, Illinois declaring Lot 193 a special service area for maintenance and repair of the drainage and water retention areas, and the lot owners of the subdivision shall be subject to assessment by the City of Rockford for the maintenance and repairs of Lot 193.

3. **COVENANTS RUN WITH THE LAND.** Each grantee of Declarant, by the acceptance of deed, accepts it subject to all the restrictions, conditions, covenants and reservations stated in this Declaration, and to the jurisdiction, rights and powers of Declarant created or reserved by the Declaration. All the obligations imposed under the Declaration run with the land and bind each owner of any interest in each lot and are for the benefit of each owner in like manner. Each owner, the Declarant, HERBERT R. McKISKI, or its successor or assigns, shall be entitled to enforce any provision of the Declaration against any person violating or attempting to violate any of the provisions either to restrain violations, to remove the violations, or to recover damages.

4. **WAIVERS.** No restrictions imposed under the Declaration shall be waived by any failure to enforce any of the provisions.

5. **PARTIAL INVALIDITY.** The invalidity of any restrictions or of any provision of this Declaration, or of any restriction or provision, shall have no effect on the validity, enforceability or effect of the remainder of this Declaration.

Dated this 16th day of February, 2007.


Herbert R. McKiski, Trustee

STATE OF ILLINOIS)
) ss
COUNTY OF WINNEBAGO)

I, the undersigned, a Notary Public in and for said County and State aforesaid, DO HEREBY CERTIFY that HERBERT R. McKISKI, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said

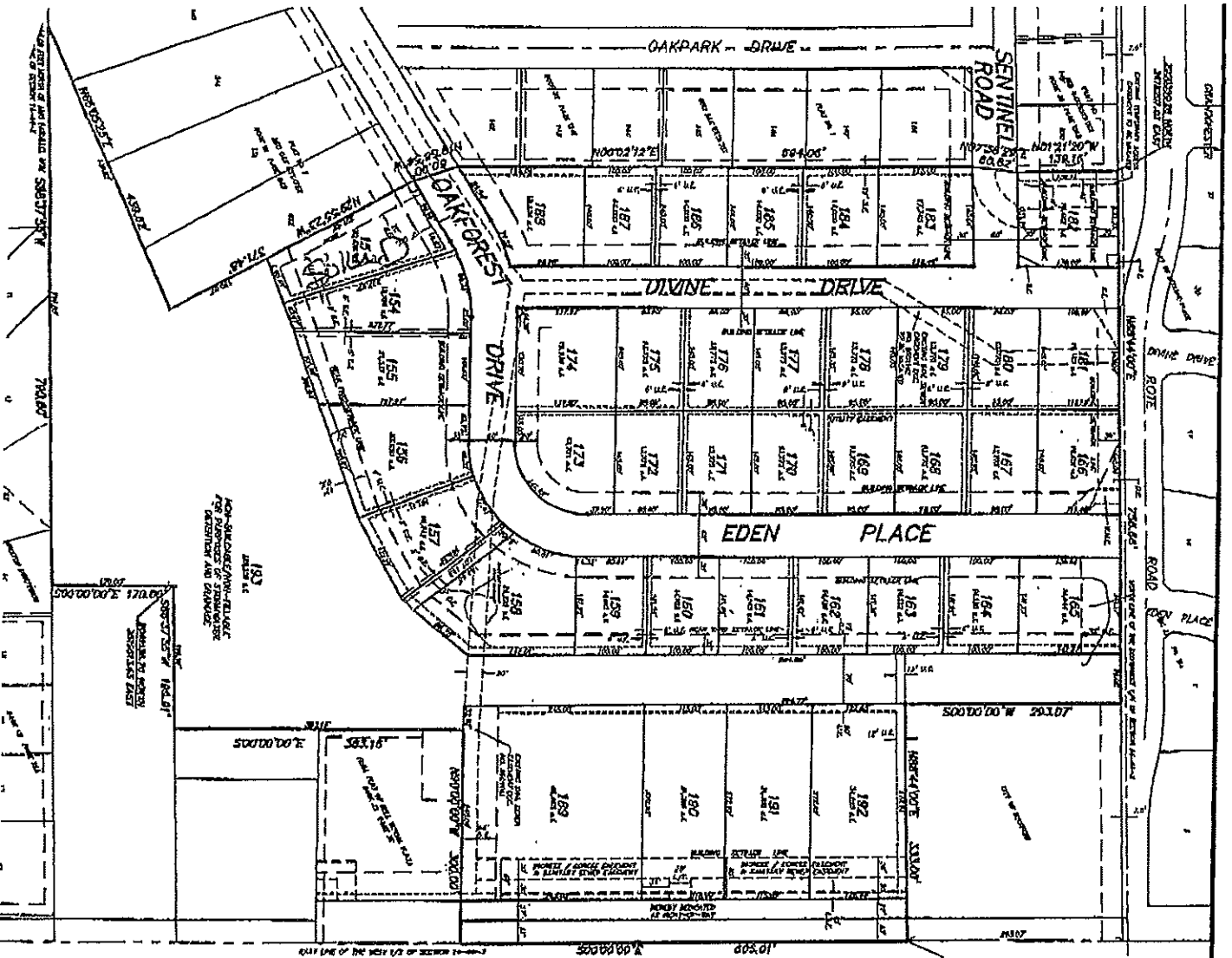
instrument as his free and voluntary act for the uses and purposes therein set forth.
Given under my hand and notarial seal this 13th day of April, 2007.



Joyce Rosella
Notary Public

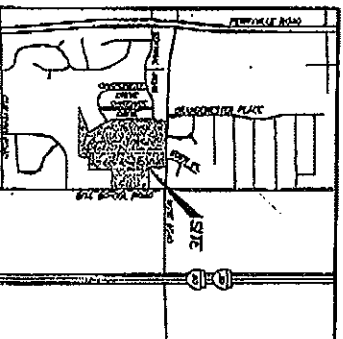
Prepared by and Return to:
Herbert R. McKiski
4337 Perryville Road, Ste. 104
Cherry Valley, IL 61018

Lots One Hundred Fifty-Three (153), One Hundred Fifty-Four (154), One Hundred Fifty-Five (155), One Hundred Fifty-Six (156), One Hundred Fifty-Seven (157), One Hundred Fifty-Eight (158), One Hundred Fifty-Nine (159), One Hundred Sixty (160), One Hundred Sixty-One (161), One Hundred Sixty-Two (162), One Hundred Sixty-Three (163), One Hundred Sixty-Four (164), One Hundred Sixty-Five (165), One Hundred Sixty-Six (166), One Hundred Sixty-Seven (167), One Hundred Sixty-Eight (168), One Hundred Sixty-Nine (169), One Hundred Seventy (170), One Hundred Seventy-One (171), One Hundred Seventy-Two (172), One Hundred Seventy-Three (173), One Hundred Seventy-Four (174), One Hundred Seventy-Five (175), One Hundred Seventy-Six (176), One Hundred Seventy-Seven (177), One Hundred Seventy-Eight (178), One Hundred Seventy-Nine (179), One Hundred Eighty (180), One Hundred Eighty-One (181), One Hundred Eighty-Two (182), One Hundred Eighty-Three (183), One Hundred Eighty-Four (184), One Hundred Eighty-Five (185), One Hundred Eighty-Six (186), One Hundred Eighty-Seven (187), One Hundred Eighty-Eight (188), One Hundred Eighty-Nine (189), One Hundred Ninety (190), One Hundred Ninety-One (191), One Hundred Ninety-Two (192), and One Hundred Ninety-Three (193) as designated upon the Final Plat of Red Oak Estates No. 8 being a subdivision of the Southwest $\frac{1}{4}$ of Section 14, Township 44 North, Range 2 East of the Third Principal Meridian; the Plat of which is recorded in Book 48 on Page 79A in the Recorder's Office of Winnebago County, Illinois; situated in the County of Winnebago and State of Illinois.



CHERRY VALLEY, ILLINOIS 61016
 LEWIS TRUST S4
 4377 PERRYVALE ROAD
 CHERRY VALLEY, ILLINOIS 61016

- LEGEND**
- SET BACK FENCE
 - FOUND IRON PIN
 - PUBLIC UTILITY EASEMENT
 - PRIVATE UTILITY EASEMENT
 - SANITARY SEWER EASEMENT
 - GASLINE EASEMENT
 - CROWN PIPE
 - DRAINAGE EASEMENT



NORTH BELL SCHOOL ROAD

BEARING BASIS TAKEN FROM THE FINAL PLAT OF BELL SCHOOL PLAZA



FINAL PLAT OF
PLAT NO. 8
 OF
RED OAK ESTATES
 BEING A SUBDIVISION IN PART OF THE
 SOUTHWEST 1/4 OF SECTION 14, TOWNSHIP
 44 NORTH, RANGE 2 EAST OF THE THIRD
 PRINCIPAL MERIDIAN
 CITY OF ROCKFORD
 WINNEBAGO COUNTY, ILLINOIS
 FEBRUARY 2007
 GRAPHIC SCALE

1. THE ENTIRE TRACT OF LAND SHOWN ON THIS PLAT IS SUBJECT TO THE EASEMENTS AND RESTRICTIONS SET FORTH IN THE INSTRUMENTS REFERRED TO IN PARAGRAPH 2.

2. THE EASEMENTS AND RESTRICTIONS SET FORTH IN THE INSTRUMENTS REFERRED TO IN PARAGRAPH 2 ARE HEREBY REAFFIRMED AND CONFIRMED.

3. THE EASEMENTS AND RESTRICTIONS SET FORTH IN THE INSTRUMENTS REFERRED TO IN PARAGRAPH 2 SHALL BE ENFORCED BY THE CITY OF ROCKFORD.

4. THE EASEMENTS AND RESTRICTIONS SET FORTH IN THE INSTRUMENTS REFERRED TO IN PARAGRAPH 2 SHALL BE ENFORCED BY THE CITY OF ROCKFORD.

5. THE EASEMENTS AND RESTRICTIONS SET FORTH IN THE INSTRUMENTS REFERRED TO IN PARAGRAPH 2 SHALL BE ENFORCED BY THE CITY OF ROCKFORD.

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10. THE EASEMENTS AND RESTRICTIONS SET FORTH IN THE INSTRUMENTS REFERRED TO IN PARAGRAPH 2 SHALL BE ENFORCED BY THE CITY OF ROCKFORD.

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