

2001K081874

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Sandy Wagner

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FIFTH ADDITION TO
DECLARATION OF COVENANTS AND RESTRICTIONS
CHESTNUT UNIT II

2111112N

Prepared by and return to:
Ronald O. Roeser
ROESER & VUCHA
920 Davis Road, Suite 100
Elgin, IL 60123
847/888-1820

2001K081874



CHICAGO TITLE INSURANCE CO.
Kane County Office
Geneva, Illinois 60134
Phone 258-8760

19.00
19.00

**FIFTH ADDITION TO
DECLARATION OF COVENANTS AND RESTRICTIONS**

DECLARATION, made this 15th day of July, 2001, by **RONALD O. ROESER**, as Trustee under Trust Number 1998, dated May 20, 1998 (hereinafter referred to as **DECLARANT**).

WITNESSETH:

WHEREAS, Declarant is desirous of further establishing for the mutual benefit of all future owners of any part of the property governed hereby and certain rights, restrictions and obligations with respect to the use, conduct and maintenance thereof, and

WHEREAS, Declarant desires and intends that the several owners, mortgagees, occupants and any other persons hereafter acquiring any interest in said lands shall, at all times, enjoy the benefits of and shall hold their interest subject to rights, easements, privileges and restrictions, all of which are declared to be in furtherance of a plan to promote and protect the cooperative and aesthetic aspects of said lands and is established for the purpose of enhancing and perfecting the value, desirability and attractiveness thereof, and

WHEREAS, a Declaration of Covenants and Restrictions was made by the Trustee on July 19, 1994 and recorded on July 26, 1994 as document **94 K 058701**(the **DECLARATION**) which provides for addition of territory to be subject thereto, and

WHEREAS, the initial Declaration provided for amendment;

WHEREAS, the Third Amendment to the Declaration, recorded July 23, 1999 as document number 1999K72876 extended the period for amendment to July 1, 2004, and

WHEREAS, an Assignment of Power to amend and annex property to the Declaration was recorded July 23, 1999 as document number 1999K72885 vesting authority in these premises to Ronald O. Roeser, as Trustee under Trust No. 1998 dated May 20, 1998.

NOW THEREFORE, the Declarant hereby declares as follows:

1. The foregoing recitals and the Declaration are incorporated herein by reference.

2. All of that property described in Exhibit A, attached hereto and made part hereof is hereby submitted to the aforementioned Declaration and shall be so encumbered and governed, including all amendments thereto heretofore and hereafter made and provided.

3. Except as expressly set forth herein, the Declaration and its amendments shall remain in full force and effect.

**RONALD O. ROESER, as Trustee
and not individually,**

BY: 

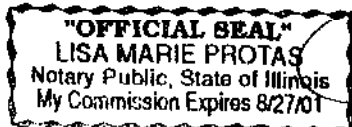
Ronald O. Roeser, Trustee

This instrument is executed by RONALD O. ROESER as Trustee under the provisions of a Trust Agreement dated May 20, 1998 and known as Trust No. 1998, not personally, but solely as Trustee aforesaid, in the exercise of the power and authority conferred upon and vested in him as such Trustee. This instrument is executed and delivered by the Trust solely in the exercise of the powers expressly conferred upon the Trustee under the Trust and upon the written direction of the beneficiaries and/or holders of the power of direction of said Trust and warrants that he possesses full power and authority to execute this instrument. It is expressly understood and agreed by and between the parties hereto, anything herein to the contrary notwithstanding, that each and all of the representations, warranties, covenants, undertakings and agreements herein made on the part of the Trustee in form purporting to be the said representations, warranties, covenants, undertakings and agreements of said Trustee are each and every one of them not made with the intention of binding the Trustee in his individual capacity.

STATE OF ILLINOIS)
COUNTY OF K A N E)

The undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY THAT RONALD O. ROESER, personally known to me to be the above cited Trustee, and 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 severally acknowledged that as such Trustee, he signed 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 2nd day of August, 2001.



[Handwritten Signature]
Notary Public

EXHIBIT A

THAT PART OF THE NORTHWEST QUARTER OF SECTION 16, AND PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 17, ALL IN TOWNSHIP 42 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 16; THENCE AZIMUTH 180 DEGREES 14 MINUTES 46 SECONDS (assumed) ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, 1321.24 FEET TO THE SOUTHWEST CORNER OF THE NORTH HALF OF SAID NORTHWEST QUARTER, BEING ALSO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 17; THENCE AZIMUTH 00 DEGREES 14 MINUTES 46 SECONDS, ALONG SAID WEST LINE, 40.79 FEET FOR THE POINT OF BEGINNING; THENCE AZIMUTH 00 DEGREES 14 MINUTES 46 SECONDS, ALONG SAID WEST LINE, 707.50 FEET TO A POINT OF CURVATURE; THENCE NORTHERLY, ALONG A CURVE TO THE LEFT WITH RADIUS OF 2040 FEET AND CHORD AZIMUTH 356 DEGREES 49 MINUTES 22 SECONDS, AN ARC DISTANCE OF 243.78 FEET; THENCE AZIMUTH 83 DEGREES 23 MINUTES 57 SECONDS, 40.00 FEET; THENCE AZIMUTH 89 DEGREES 19 MINUTES 35 SECONDS, 154.80 FEET; THENCE NORTHERLY ALONG A CURVE TO THE LEFT WITH RADIUS OF 390.00 FEET AND CHORD AZIMUTH 1 DEGREE 38 MINUTES 32 SECONDS, AN ARC DISTANCE OF 66.13 FEET; THENCE AZIMUTH 89 DEGREES 19 MINUTES 35 SECONDS, 156.27 FEET; THENCE AZIMUTH 179 DEGREES 19 MINUTES 35 SECONDS, 66.00 FEET; THENCE AZIMUTH 157 DEGREES 41 MINUTES 09 SECONDS, 194.71 FEET; THENCE AZIMUTH 121 DEGREES 11 MINUTES 44 SECONDS, 427.55 FEET; THENCE AZIMUTH 142 DEGREES 10 MINUTES 02 SECONDS, 206.69 FEET TO A POINT 123.31 FEET NORTHWESTERLY OF (as measured along the extension of the last described course) THE EAST LINE OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 16; THENCE AZIMUTH 241 DEGREES 08 MINUTES 44 SECONDS, 227.17 FEET; THENCE SOUTHEASTERLY ALONG A CURVE TO THE RIGHT WITH RADIUS OF 460.00 FEET AND CHORD AZIMUTH 153 DEGREES 01 MINUTE 35 SECONDS, AN ARC DISTANCE OF 30.20 FEET; THENCE AZIMUTH 244 DEGREES 54 MINUTES 25 SECONDS, 158.92 FEET; THENCE AZIMUTH 147 DEGREES 37 MINUTES 54 SECONDS, 70.46 FEET; THENCE AZIMUTH 180 DEGREES 18 MINUTES 59 SECONDS, 218.86 FEET; THENCE AZIMUTH 235 DEGREES 16 MINUTES 57 SECONDS, 128.45 FEET; THENCE AZIMUTH 268 DEGREES 16 MINUTES 25 SECONDS, 86.56 FEET; THENCE AZIMUTH 298 DEGREES 12 MINUTES 32 SECONDS, 173.78 FEET; THENCE AZIMUTH 289 DEGREES 24 MINUTES 08 SECONDS, 245.42 FEET; THENCE AZIMUTH 270 DEGREES 14 MINUTES 46 SECONDS, 40.00 FEET TO THE POINT OF BEGINNING, IN KANE COUNTY, ILLINOIS.

Proposed LOTS 110 through 142

WP60: SAH-US:ROH
3/23/01; 7/25/01
7/26/01