

DECLARATION OF BUILDING AND USE
RESTRICTIONS
RELATIVE TO SUGAR CREEK FARMS
2008 UPDATE

This Declaration, made by THE SUGAR CREEK HOME OWNERS ASSOCIATION, an Illinois Not For Profit Corporation, formed for the Purpose of promoting the common interest of owners of homes and vacant lots in:

Sugar Creek Farms, a subdivision of parts of Section 7 and 18, Township 11 South, Range 3 East of the Third Principal Meridian in Johnson County, Illinois, according to the plat recorded in Plat Book 2, page 141, Johnson County Recorder's Office;

WITNESSETH:

WHEREAS, under the terms of Paragraph 12 of a Declaration of Restrictions executed by Southern Illinois Power Cooperative dated and recorded July 30, 1970 in Miscellaneous Book 119 at page 1, the owners of 75% of the total area of the premises subject to the said restrictions, (now known as Sugar Creek Farms subdivision), were empowered to revise, amend, or extend any or all of the restrictions contained in said declaration, and that all deeds of conveyance of any portion of the premises were subject to the right, power and interest of said owners, from time to time, to so release, modify, revise, amend or extend such restrictions; and

WHEREAS, after Southern Illinois Power Cooperative conveyed the premises to L.D. LaFluer and Lucille LaFluer by deed recorded August 19, 1970 in Deed Record 118 at page 35, said grantees caused the premises to be platted and subdivided to form "Sugar Creek Farms" subdivision, the plat of which was filed in the Office of the Recorder of Johnson County on May 21, 1975 and placed of record in Plat Book 2 page 141 (now Plat Cabinet Slide A 14); and

WHEREAS, said subdividers caused a set of "Building and Use Restrictions" and "Lake of Egypt Covenants" to be incorporated into each initial deed of conveyance of the subdivided lots, included among which was a provision for modification of such restrictions by written agreement of the owners of record of three-fourths of all lots in the Subdivision, and also a provision requiring membership in a homeowner association, if formed, which would have a power of assessment for maintenance of roads and security lights; and

WHEREAS, "The Sugar Creek Home Owners Association" was thereafter incorporated under the Illinois General Not For Profit Corporation Act by Articles of Incorporation filed in the Office of Secretary of State on July 3, 1973, and such not-for-profit corporation remains in existence and in good standing; and

WHEREAS, pursuant to the terms of the applicable restrictions and covenants, the members of The Sugar Creek Home Owners Association have heretofore made certain amendments to the Building and Use Restrictions by written vote of more than three-fourths of the members/owners, and a Declaration of such Restrictions incorporating those initial modifications was filed for record on February 15, 1991 in Miscellaneous Record 173 at page 192; and

WHEREAS, thereafter Paragraph 1 of the Building and Use Restrictions was further amended to allow temporary placement of a camper trailer during construction of a permanent home, by written vote of the requisite number of lot owners, and an updated Declaration of Building and Use Restrictions, incorporating that amendment was filed for record on November 6, 1997 in Record Book 254 at pages 1-6; and

WHEREAS, at a meeting of the members of the association held November 3, 2002, a proposal was made to further amend the Building and Use Restrictions to prohibit the possession of livestock and poultry within Sugar Creek Farms subdivision, and to limit to two (2) per household the number of dogs and cats allowed within the subdivision, and for the purpose of adopting such amendment, written votes were solicited by mail from each of the owners of lots in the subdivision, and by March 1, 2003, written votes in favor of the livestock and poultry prohibition had been received from 97 percent of those voting, and in favor of the pet limitation from 82 percent of those voting; and

WHEREAS, at a meeting of the members of the association held March 20, 2004, a proposal was made to further amend the Building and Use Restrictions as follows:

- 1) The exterior of a residence must be completed within one year of the start date of the residence or within the start date of the garage.
- 2) Only stick built or log home construction is acceptable.
- 3) Residences shall contain a minimum of 1,200 square feet of living space, with 1,000 square feet of main floor living area for multi-story residences. No difference between lake front and non-lake front lots.
- 4) A lot may be subdivided if both halves of a subdivided lot are absorbed into the adjacent lots, expanding the size of the adjacent lots.

For the purpose of adopting such amendments, written votes were solicited by mail from each of the owners of lots in the subdivision and by February 28, 2005 written votes in favor were as follows:

- 1) 92% 2) 90% 3) 95% 4) 95%

WHEREAS, at a meeting of the members of the association held March 20, 2004, a proposal was made to add By-Laws. For the purpose of adopting such By-Laws, written votes were solicited by mail from each of the owners of lots in the subdivision by and by February 28, 2005 written votes in favor were 95%.

WHEREAS, at a meeting of the members of the association held July 23, 2006, a proposal was made to further amend the Building and Use Restrictions. The Board met on March 15, 2007 and adopted the following changes as follows:

1. No building other than one single family residence shall be maintained on said property except a separate garage building or additional structures to serve such residence may also be erected and maintained. No temporary building, trailers or mobile homes shall be placed upon the lot, except that temporary placement of a camper trailer may be authorized during construction, provided a written agreement on the removal of said trailer after one year from the first day of placement be submitted and approved by the Board & Officers of the Sugar Creek Home Owners Association. Construction of any approved residence must begin within three months of placement of the temporary trailer. The exterior of a residence must be completed within one year of the start date of the residence or within the start date of the garage. Only stick built or log home construction is acceptable.
4. No business that generates walk in customers on a daily, weekly or monthly basis shall be carried on upon said property. Renting of residences is prohibited.
5. No livestock or poultry shall be raised or possessed on said property. The number of domestic dogs and cats shall be limited to two each per household.
6. Prior to commencement of all construction on any property the construction plans shall be submitted for written approval to and approved by the Board & Officers of the Sugar Creek Home Owners Association.

Paragraphs #6 changed to #7 and #7 changed to #8.

9. # changed from paragraph #8 and reworded:

The foregoing restrictions shall continue in effect until 20 years from date of approval at which time they shall be automatically renewed for an additional 20 year period unless the owners of 2/3 of the lots in the above subdivision shall agree in writing to modify them. The owners of record of ¾ of all lots in the subdivision by written agreement shall have the power to modify the foregoing restrictions.

For the purpose of adopting such amendments, written votes were solicited by mail from each of the owners of lots in the subdivision and by August 31, 2006 written votes in favor were as follows:

1) 89% 4) 85% 5) 82% 6) 90% 9) 87%

NOW THEREFORE The Sugar Creek Home Owners Association does hereby declare and affirm that the following Building and Use Restrictions and Lake of Egypt Covenants, as further amended, are applicable to all lots and parcels of land contained in the original plat of Sugar Creek Farms, to wit:

BUILDING AND USE RESTRICTIONS:

1. No building other than one single family residence shall be maintained on said property except a separate garage building or additional structures to serve such residence may also be erected and maintained. No temporary building, trailers or mobile homes shall be placed upon the lot, except that temporary placement of a camper trailer may be authorized during construction, provided a written agreement on the removal of said trailer after one year from the first day of placement be submitted and approved by the Board & Officers of the Sugar Creek Home Owners Association. Construction of any approved residence must begin within three months of placement of the temporary trailer. The exterior of a residence must be completed within one year of the start date of the residence or within the start date of the garage. Only stick built or log home construction is acceptable.
2. Residences shall contain a minimum of 1,200 square feet of living space, with 1,000 square feet of main floor living area for multi-story residences. No difference between lake front and non-lake front lots.
3. All residences and related facilities shall be constructed to fulfill the requirements of the Franklin-Williamson Bi-County Health Codes.
4. No business that generates walk in customers on a daily, weekly or monthly basis shall be carried on upon said property. Renting of residences is prohibited.
5. No livestock or poultry shall be raised or possessed on said property. The number of domestic dogs and cats shall be limited to two each per household.
6. Prior to commencement of all construction on any property the construction plans shall be submitted for written approval to and approved by the Board & Officers of the Sugar Creek Home Owners Association.

7. A lot maybe subdivided if both halves of a subdivided lot are absorbed into the adjacent lots, expanding the size of the adjacent lots.
8. No commercial timbering shall be allowed on said property.
9. The foregoing restrictions shall continue in effect until 20 years from date of approval at which time they shall be automatically renewed for an additional 20 year period unless the owners of 2/3 of the lots in the above subdivision shall agree in writing to modify them. The owners of record of 3/4 of all lots in the subdivision by written agreement shall have the power to modify the foregoing restrictions.

LAKE OF EGYPT COVENANTS:

The following covenants running with the land shall bind property owner, his Heirs and assigns:

- 1.) Use of water from the Lake of Egypt shall be by special agreement with Southern Illinois Power Cooperative and property owner shall abide by its rules and regulations relative thereto.
- 2.) Property owner shall have access to the Lake of Egypt with all of the privileges for recreation according to the official rules and regulations governing Lake of Egypt.
- 3.) Trees, bushes and other plants shall not be removed nor shall the natural contour of the land be disturbed within 100 feet of the lake shore line, nor shall property owner otherwise alter the shoreline property in such a way as to cause erosion and water pollution. Property owner agrees to rip-rap the shoreline and build walkways, if necessary to prevent soil erosion.
- 4.) Property owner agrees to execute the standard official Lake of Egypt shoreline agreement.
- 5.) Property owner agrees to join said homeowners association which shall be a not-For-profit corporation with power to assess its embers for the cost of maintaining roads and security lights throughout the entire subdivision. Said association shall have the right to assess each lot in the subdivision \$25.00 per year for the foregoing purpose, plus such further amounts as may be voted by its members. Owners of record of lots in the subdivision shall have one vote for each lot owned by them.

This updated Declaration does not vacate or void the restrictions heretofore in force, but rather incorporates the most recent amendment.

In Witness whereof The Sugar Creek Home Owner's Association has caused this updated Declaration to be signed by its President and attested by its Secretary pursuant to the by-laws of said corporation, this _____ day of _____, 2008.

Tom Sosnowski, President

Attest:

Judy Raetz, Secretary

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ACKNOWLEDGMENT

STATE OF ILLINOIS)
) SS.
COUNTY OF JOHNSON)

I, the undersigned, a Notary Public in and for the said County, in the State aforesaid, do hereby certify that JUDY RAETZ, 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 she signed, sealed and delivered the said instrument as her free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and notarial seal this _____ day of _____, 2008

Notary Public

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ACKNOWLEDGMENT

STATE OF ILLINOIS)
) SS.
COUNTY OF JOHNSON)

I, the undersigned, a Notary Public in and for the said County, in the State aforesaid, do hereby certify that TOM SOSNOWSKI, 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 she signed, sealed and delivered the said instrument as her free and voluntary act, for the uses and purposes therein set forth.