

3/2/95

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Recorded

3-15-95

R 95-01618

FIRST AMENDMENT TO DECLARATION OF COVENANTS,
RESTRICTIONS, AND EASEMENTS
RIVER BEND UNIT 1 SUBDIVISION

THIS FIRST AMENDMENT TO DECLARATION ("First Amendment") is made this 7th day of March, 1995 by HARRIS BANK NAPERVILLE as Trustee under Trust Agreement dated July 4, 1994 and known as Trust Number 5557 (hereinafter referred to as "Declarant").

WITNESSETH:

WHEREAS, Declarant has heretofore caused that certain Declaration of Covenants, Restrictions, and Easements - River Bend Unit 1 Subdivision to be recorded against the real estate legally described in Exhibit "A" attached hereto and made a part hereof ("Subject Property") on the 2nd day of March, 1995 as Document R95-13594 ("Declaration"); and

WHEREAS, Declarant desires to amend the Declaration by adding Section 8 to Article IV thereof to provide for the subordination of the lien of assessments with respect to certain mortgage interests, all as more fully hereinafter set forth.

NOW, THEREFORE, Declarant hereby declares that the Declaration be and the same hereby is amended as follows:

1. Amendment to Article IV. Article IV of the Declaration is hereby amended by adding Section 8 thereto, as follows:

"SECTION 8. Subordination of the Lien to Certain Encumbrances. Notwithstanding anything contained herein to the contrary, the lien of the assessments provided for herein shall be subordinate to the lien of any first mortgage or trust deed in the nature of a mortgage now or hereafter placed upon the property subject to Association Assessment; provided, however, that such subordination shall apply only to the assessments and liens which have become due and payable prior to a sale or transfer of such property pursuant to a decree of foreclosure, or any other proceeding in lieu of foreclosure. Such sale or transfer shall not relieve such property from liability for any Association assessments thereafter becoming due, nor from the lien of any such subsequent assessment."

2. Continuity of Declaration. The Declaration shall continue and remain in full force and effect in accordance with the terms and provisions therein set forth as originally recorded and as amended by this First Amendment. The provisions of Section 8 of Article IV of the Declaration as established under this First Amendment shall have the same force and effect as if originally set forth and contained in the Declaration. All defined terms set forth in the Declaration shall have the same meaning when utilized

in this First Amendment unless otherwise expressly provided herein.

IN WITNESS WHEREOF, Declarant has caused this First Amendment to be executed, acknowledged and attested by its undersigned, duly authorized officers on the day and date first above written.

HARRIS BANK NAPERVILLE, as Trustee under
Trust Agreement dated July 4, 1994
and known as Trust Number 5557

By: See Trustee's Rider Attached Hereto And Made A Part Hereof
Title: _____

Attest: _____
Title: _____

Prepared by and mail to:
Henry S. Stillwell III
Rathje, Woodward, Dyer & Burt
300 E. Roosevelt Road
P.O. Box 786
Wheaton, Illinois 60189
(708) 668-8500

It is expressly understood and agreed by and between the parties hereto, anything herein to the contrary notwithstanding, that each and all of the warranties, indemnities, representations, covenants, undertakings and agreements herein made on the part of the Trustee while in form purporting to be the warranties, indemnities, representations, covenants, undertakings and agreements of said Trustee are nevertheless each and every one of them, made and intended not as personal warranties, indemnities, representations, covenants, undertakings and agreements by the Trustee or for the purpose or with the intention of binding said Trustee personally but are made and intended for the purpose of binding only that portion of the trust property specifically described herein, and this instrument is executed and delivered by said Trustee not in its own right, but solely in the exercise of the powers conferred upon it as such Trustee: and that no personal liability or personal responsibility is assumed by nor shall at any time be asserted or enforceable against the HARRIS BANK NAPERVILLE, on account of this instrument or on account of any warranty, indemnity, representation, covenant, undertaking or agreement of said trustee in this instrument contained, either expressed or implied, all such personal liability, if any, being expressly waived and released.

HARRIS BANK NAPERVILLE, not personally
but as Trustee under L/T # 5557

By: Mark E. Rice
Mark E. Rice, Vice President

Attest:
By: Mary A. Szczap
Mary A. Szczap, Pro-Secretary

STATE OF ILLINOIS
COUNTY OF WILL

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Mark E. Rice of Harris Bank Naperville, and Mary A. Szczap thereof, are personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such Vice-President and Pro-Secretary, respectively, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their own free and voluntary act, and as the free and voluntary act of Harris Bank Naperville, for the uses and purposes therein set forth, and the said Pro-Secretary did also then and there acknowledge that she as custodian of the corporate seal of said Harris Bank Naperville to said instrument as her own free and voluntary act, and as the free and voluntary act of said Harris Bank Naperville for the uses and purposes therein set forth.

March 7, 1995

DATE

Beverly J. Sheets
Notary Public

"OFFICIAL SEAL"
Beverly J. Sheets
Notary Public, State of Illinois
My Commission Expires Jan. 21, 1996

SCHEDULE OF EXHIBITS

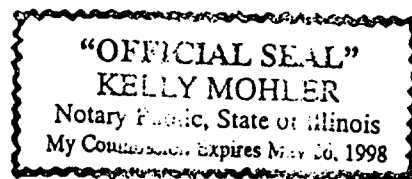
EXHIBIT "A":

Legal Description of Subject Property

STATE OF ILLINOIS)
) SS
COUNTY OF Lake)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Robert C. Bennett, Vice President, and Gary A. Padden, Assistant Vice President, of Harris Bank of Naperville who are personally known to me to be the persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their own free and voluntary act and as the free and voluntary act of said corporation, for the uses and purposes therein set forth; and the said Secretary then and there acknowledged that as custodian of the corporate seal, he did affix the corporate seal of said corporation to said instrument as his own free and voluntary act and as the free and voluntary act of said corporation as trustee aforesaid, for the uses and purposes therein set forth. Given under my hand and notarial seal this 6th day of March, 1995.

Kelly Mohler
Notary Public



LEGAL DESCRIPTION OF PREMISES

LOTS 1 THROUGH 81 IN RIVER BEND SUBDIVISION UNIT 1, BEING A SUBDIVISION OF PART OF THE SOUTH HALF OF SECTION 12 AND THE NORTH HALF OF SECTION 13, TOWNSHIP 37 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 9, 1994 AS DOCUMENT NO. R94-85889 AND AS AMENDED BY CERTIFICATE OF CORRECTION RECORDED NOVEMBER 28, 1994 AS DOCUMENT R94-107100, ALL IN WILL COUNTY, ILLINOIS.

LOT NUMBER	PIN NUMBER
01	01-13-213-028
02	01-13-213-029
03	01-13-213-030
04	01-13-213-031
05	01-13-213-032
06	01-13-213-033
07	01-13-213-034
08	01-13-213-035
09	01-13-213-036
10	01-13-213-037
11	01-13-213-038
12	01-13-213-039
13	01-13-213-040
14	01-13-213-027
15	01-13-213-026
16	01-13-213-025
17	01-13-213-024
18	01-13-213-023
19	01-13-213-022
20	01-13-213-021
21	01-13-213-020
22	01-13-213-019
23	01-13-213-018
24	01-13-213-017
25	01-13-213-016
26	01-13-213-015
27	01-13-213-014
28	01-13-213-013
29	01-13-213-001
30	01-13-213-002
31	01-13-213-003
32	01-13-213-004
33	01-13-213-005
34	01-13-213-006
35	01-13-213-007
36	01-13-213-008
37	01-13-213-009
38	01-13-213-010

39	01-13-213-011
40	01-13-213-012
41	01-12-405-009
42	01-12-405-008
43	01-12-405-007
44	01-12-405-006
45	01-12-405-005
46	01-12-405-004
47	01-12-405-003
48	01-12-405-002
49	01-12-405-001
50	01-12-404-001
51	01-12-403-001
52	01-12-403-002
53	01-12-403-003
54	01-12-403-004
55	01-12-403-005
56	01-12-403-006
57	01-12-403-007
58	01-12-403-008
59	01-12-403-009
60	01-12-403-010
61	01-12-403-011
62	01-12-402-002
63	01-12-402-001
64	01-13-212-001
65	01-13-211-003
66	01-13-211-002
67	01-13-211-001
68	01-13-209-001
69	01-13-208-002
70	01-13-209-001
71	01-13-209-006
72	01-13-210-006
73	01-13-210-005
74	01-13-210-004
75	01-13-210-003
76	01-13-210-002
77	01-13-210-001
78	01-13-209-002
79	01-13-209-003
80	01-13-209-004
81	01-13-209-005

Mary Ann Stukel	03/15/95
Will County Recorder	09:34
JKB Fee:	35.00
R 95016187	Page 8 of 8

MORTGAGEE CONSENT

This First Amendment to Declaration is hereby consented to as of the date first above written by Harris Bank Naperville in its capacity as mortgagee of record against the Subject Property.

HARRIS BANK NAPERVILLE

By: _____

MBM
VP

Title: _____

Attest: _____

George J. Lin
AVP

Title: _____