

THIS INSTRUMENT PREPARED  
BY AND MAIL TO:

Henry S. Stillwell, III  
Rathje, Woodward, Dyer & Burt  
300 E. Roosevelt Road  
P.O. Box 786  
Wheaton, IL 60189

Mary Ann Stukel  
Will County Recorder  
R 97022214

FC2 Fee:  
Page 1 of 6

03/18/97  
10:59  
17.00

(this space for Recorders use only)

**THIRD AMENDMENT TO DECLARATION OF COVENANTS,  
RESTRICTIONS, AND EASEMENTS  
RIVERBEND UNITS 1 AND 2 SUBDIVISION**

THIS THIRD AMENDMENT TO DECLARATION ("Third Amendment"), is made and entered this \_\_\_\_ day of January, 1997, by HARRIS BANK NAPERVILLE, as Trustee under Trust Agreement dated July 4, 1994 and known as Trust Number 5557 ("Declarant").

**WITNESSETH:**

WHEREAS, Declarant has heretofore caused that certain Declaration of Covenants, Restrictions, and Easements, Riverbend Unit 1 Subdivision, to be recorded in Will County, Illinois on March 2, 1995, as Document Number R95-013594 ("Declaration"); and

WHEREAS, Declarant amended the Declaration pursuant to that certain First Amendment to Declaration of Covenants, Restrictions, and Easements, Riverbend Unit 1 Subdivision, dated March 7, 1995, recorded in Will County, Illinois on March 15, 1995, as Document Number R95-016187 ("First Amendment"); and

WHEREAS, Declarant further amended the Declaration, as amended, pursuant to that certain Second Amendment to Declaration of Covenants, Restrictions, and Easements, Riverbend Unit 2 Subdivision, dated June 10, 1996 recorded in Will County, Illinois on June 26, 1996, as Document Number R96-056972 ("Second Amendment") (the Declaration, First Amendment and Second Amendment are collectively referred to herein as the "Amended Declaration"); and

WHEREAS, Declarant is desirous of amending the Amended Declaration by this Third Amendment to reduce the percentage of voting members required to establish a quorum at meetings of the members of the Association, and to address changing technology by permitting the use of satellite dish antennas not exceeding twenty-four (24) inches in diameter, so as to apply said amended provisions to all Lots contained in the Subject Property as defined

in the Amended Declaration and in Exhibit "A" attached hereto, and as said term is from time to time hereafter amended; and

WHEREAS, Declarant, pursuant to the provisions of Section 2 of Article X and Sections 5 and 6 of Article IX of the Declaration, possesses the power and authority to amend the Amended Declaration in the manner herein provided.

NOW, THEREFORE, Declarant hereby amends the Amended Declaration, as follows:

1. Section 6(a) of Article III of the Declaration, as applied to all of the Subject Property, is hereby amended by deleting the second sentence thereof in its entirety and substituting in its place the following sentence:

"The presence in person or by written proxy at any meeting of the voting members having at least twenty-five percent (25%) of the total votes shall constitute a quorum."

2. Section 5 of Article IV of the Declaration, as applied to all of the Subject Property, is hereby amended by deleting the words and numbers "fifty-ont percent (51%)" in lines 6 and 7 thereof, and substituting in their place the words and numbers "twenty-five percent (25%)". In accordance therewith, the initial quorum requirement for meetings of voting members called pursuant to Sections 3 and 4 of said Article IV shall be the presence in person or by written proxy of voting members entitled to cast twenty-five percent (25%) of all votes of the Association.

3. Section 2 of Article VI of the Declaration, as applied to all of the Subject Property, is hereby amended by deleting said Section in its entirety and substituting in its place the following:

"SECTION 2. Antennas and Solar Heating Systems. Except as hereinafter provided, no solar heating system, dish type antenna or tracking device utilized to receive or intercept satellite transmissions, or any other form of antenna, shall be located or used on any Lot within the Subject Property, unless fully enclosed within the principal structure on the Lot. No television or radio tower, antenna or dish of any type used for transmitting signals shall be located or utilized on any Lot. Anything contained herein to the contrary notwithstanding, satellite dish antennas not exceeding twenty-four (24) inches in diameter utilized to receive television and/or radio signals shall be permitted to be located and utilized (i) at any open location attached to the rear or a side elevation of the principal structure on a Lot, or (ii) at any other location on a Lot if first approved in writing by Declarant or the Association, as the case may be, pursuant to Article VI of the Declaration, entitled "Architectural Controls."

4. The Amended Declaration, as amended by this Third Amendment, shall remain in full force and effect. All defined terms contained in the Amended Declaration shall have the same meaning when utilized in this Third Amendment, unless otherwise expressly provided herein. The recitals set forth at the beginning of this Third Amendment are hereby incorporated into and made a part of the substance of this Third Amendment.

IN WITNESS WHEREOF, Declarant has caused this instrument 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: \_\_\_\_\_

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: Sharon L. Gunneson  
Sharon L. Gunneson, Trust Officer

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 Sharon L. Gunneson thereof, are personally known to me to be the same persons whose names are subscribed to the foregoing instrument as such Vice President and Trust Officer 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 Trust Officer 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.

February 21, 1997  
DATE

Beverly J. Sheets  
Notary Public

OFFICIAL SEAL  
Beverly J. Sheets  
Notary Public, State of Illinois

SCHEDULE OF EXHIBITS

Exhibit "A": Legal Description of Riverbend Units 1 and 2

WILL COUNTY  
RECORDER

EXHIBIT "A"LEGAL DESCRIPTION OF RIVERBEND UNITS 1 AND 2

LOTS 1 THROUGH 81 IN RIVERBEND 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.

LOTS 82 THROUGH 182, INCLUSIVE, IN RIVERBEND UNIT 2, 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 ON OCTOBER 11, 1995 AS DOCUMENT NUMBER R95-077346, IN WILL COUNTY, ILLINOIS.

## P.I.N. #'S:

UNIT 1            01-12-402-001, 002  
                   01-12-403-001 through 011  
                   01-12-404-001  
                   01-12-405-001 through 009  
                   01-13-208-001, 002  
                   01-13-209-001 through 006  
                   01-13-210-001 through 006  
                   01-13-211-001 through 003  
                   01-13-212-001  
                   01-13-213-001 through 040

UNIT 2            01-12-402-003 through 011  
                   01-12-403-013 through 024  
                   01-12-404-023 through 031  
                   01-12-408-001 through 018  
                   01-12-409-001 through 011  
                   01-12-410-001 through 016  
                   01-12-411-001 through 010  
                   01-13-208-003 through 008  
                   01-13-209-007 through 009  
                   01-13-211-004  
                   01-13-221-001 through 006