

✓ (5) A

MCHEMRY COUNTY RECORDER
PHYLLIS K. WALTERS

2007R0023327

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PAGES 5

Lisa M. Waggoner
The Waggoner Law Firm
(MT) 4 N. Walkup Avenue
Crystal Lake, Illinois 60014

RECORDING FEE 27.00
COUNTY STAMP FEE
STATE STAMP FEE
RHSPS HOUSING FEE 10.00

**FIRST SUPPLEMENTARY DECLARATION OF COVENANTS, CONDITIONS, AND
RESTRICTIONS FOR THE GREENS OF BOULDER RIDGE**

This First Supplementary Declaration made and entered into the 5th day of December, 2006 is made for the purpose of amending that certain Declaration of Covenants, Conditions, and Restrictions for The Greens of Boulder Ridge, recorded in the office of the Recorder of Deeds of McHenry County, Illinois as Document Number 95R002853 on January 26, 1995, (hereinafter referred to as "Declaration"). Said Declaration encumbers the property (the "Property") legally described on Exhibit A, which is attached hereto and made part hereof.

WITNESSETH:

WHEREAS, the Boulder Ridge Greens Property Owners' Association (hereinafter referred to as "Association") is the assignee of the Declarant's rights as set forth and described in the Declaration; and

WHEREAS, the Board of Directors and the Owners desire to amend the Declaration in order to provide for the orderly operation of the Property and the preservation of property values; and

WHEREAS, pursuant to Section 11.03, the Declaration may be amended, subject to the approval of the Village of Lake in the Hills, by the Association by an instrument executed by the Owners of not less than two thirds (2/3) of the Lots which are subject to the provisions of this Declaration; and

WHEREAS, at the continuation of the regular annual meeting held on December 5, 2006, which meeting agenda included the consideration of amending the Declaration in certain particulars more fully put forth below, the foregoing amendments to the Declaration were approved by at least two-thirds (2/3) of the Owners; and

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07-015-2431

WHEREAS, a Secretary's Affidavit has been executed by the Association's Secretary indicating that not less than two-thirds (2/3) of the Owners of the Lots which are subject to the provisions of the Declaration, approved said First Supplementary Declaration and said instrument has also been approved by the Village of Lake in the Hills.

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

- I. **Section 9.06** shall be deleted in its entirety and new **Section 9.06** shall be added which shall state as follows:

9.06 Notice of Meeting and Quorum. Written notice of the annual meeting of the Association, as well as any other meeting called for the purpose of taking any action authorized under Sections 9.03 and 9.04 hereof shall be sent to all members not less than fifteen (15) days nor more than forty-five (45) days in advance of such meetings. With respect to annual meetings, the presence of members or proxies entitled to cast over twenty-five percent (25%) of all the votes of the Association shall constitute a quorum. If the required quorum is not present, another meeting may be called subject to the same notice requirement, and the required quorum at the subsequent meeting shall be the presence in person or by proxy of members having at least fifteen percent (15%) of the total votes of the Association. No such subsequent meeting shall be held more than sixty (60) days following the preceding meeting. Notwithstanding such reduced quorum requirement at a subsequent meeting, a minimum vote of fifty-one percent (51%) of all the votes of the Association shall be required to disapprove the Association's budget.

- II. **Section 11.03** shall be deleted in its entirety and a new **Section 11.03** shall be inserted which shall state as follows:

11.03 Amendments by Association. Amendments to this Declaration, other than those authorized by Section 11.02 hereof, shall be proposed and adopted in the following manner:

(a) Notice of the subject matter of the proposed amendment shall be included in the notice of the meeting of the Association at which such proposed amendment is to be considered and shall be delivered to each member of the Association.

(b) At such meeting, a resolution adopting a proposed amendment may be proposed by either the Board of Directors or by members of the Association. Such amendment must be approved by Owners holding at least twenty-five percent (25%) of the total votes in the Association; provided, however, (i) that any amendment which materially and adversely affects the security title and interest of any Mortgagee must be approved by such Mortgagee, and (ii) any period in which Declarant owns a Lot or Dwelling primarily for the purpose of sale, such amendment must be approved by Declarant.

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- III. The first sentence of **Section 12.02** shall be deleted in its entirety and a new first sentence of **Section 12.02** shall be inserted which shall state as follows:

12.02 Architectural Review Committee. The Board of Directors shall establish the Architectural Review Committee which shall consist of at least three (3) members, all of whom shall be Owners and who may or may not be members of the Board of Directors, provided that prior to the termination of Declarant's right to appoint and remove officers and directors of the Association, such members do not have to be Owners.

Except as expressly set forth herein, the Declaration shall remain in full force and effect in accordance with its terms.

AFFIDAVIT OF SECRETARY

[illegible]

I, JEANNE SURSO, state that I am the Secretary of the Board of Directors of Boulder Ridge Green Property Owners' Association, and hereby certify that the foregoing First Supplementary Declaration was approved by the affirmative vote of at least two-thirds (2/3) of the Owners at the Association and the Village of Lake in the Hills.

Dated: 3/12/07

By: Abel S. S. S.
Secretary

STATE OF ILLINOIS)
) SS
COUNTY OF MCHENRY)

We, the undersigned are all the members of the Board of Directors of Boulder Ridge Green Property Owners' Association, an Illinois not for profit corporation, and by our signatures below we hereby execute and acknowledge the foregoing First Supplementary Declaration.

Dated this 12th day of March, 2007.

BOULDER RIDGE GREEN PROPERTY OWNERS'
ASSOCIATION, an Illinois not-for-profit corporation

By: *Donald L. Brown*

By: *Brian R. Collins*

By: *Brian Downey*

By: *Jeanne M. Surda*

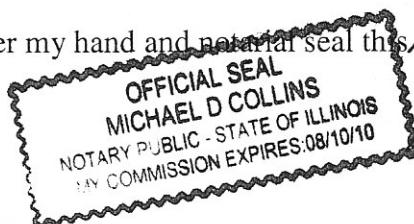
By: *Diane LaCalamita*

STATE OF ILLINOIS)
) SS
COUNTY OF MCHENRY)

The undersigned, a Notary Public in and for said County, in the State aforesaid, does hereby certify that *Donald L. Brown, Brian R. Collins, Brian Downey,*
Jeanne M. Surda and Diane LaCalamita

as all of the Members of the Board of Directors of Boulder Ridge Green Property Owners' Association, an Illinois not-for-profit corporation, who are personally known to me to be the same 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 free and voluntary act and as the free and voluntary act of said Corporation, for the purposes therein set forth.

Given under my hand and notarial seal this 12th day of March, 2007.



Michael D. Collins
Notary Public

07-015-2434

EXHIBIT A
Legal Description

PARCEL 1:

That part of the southeast quarter of section 24, Township 43 North, Range 7 East of the Third Principal Meridian, and part of the southwest quarter of Section 19, Township 43 North, Range 8 East of the Third Principal Meridian, described as follows:

Beginning at a point on the east line of said southeast quarter of Section 24, which is 40.00 feet south of the northeast corner thereof; thence south 00 degrees 07 minutes 50 seconds west along said east line, a distance of 1309.43 feet to the southwest corner of the north half of Government Lot 2 of the southwest quarter of Section 19; thence north 89 degrees 18 minutes 14 seconds east along the south line of said north half of Government Lot 2 a distance of 1291.07 feet to the west line of Government Lot 1 of said southwest quarter of Section 19; thence south 00 degrees 25 minutes 14 seconds west along said west line of Government Lot 1, a distance of 328.01 feet; thence south 89 degrees 12 minutes 44 seconds west 1549.48 feet; thence north 45 degrees 19 minutes 43 seconds west 98.21 feet; thence north 00 degrees 07 minutes 50 seconds east 1334.77 feet; thence north 39 degrees 35 minutes 01 seconds west 87.69 feet to the easterly line of Mason Lane in Boulder Ridge Country Club Estates - Unit 1, according to the plat thereof recorded October 26, 1989 as document number 89R036196 and corrected by Certificate of Correction recorded November 27, 1989 as document number 89R040418; thence northeasterly along said easterly line, said line being a curve concave to the northwest, having a radius of 180.00 feet, an arc distance of 155.70 feet to a point of tangency, the chord of said arc having a length of 150.89 feet and a bearing of north 25 degrees 38 minutes 08 seconds east; thence north 00 degrees 51 minutes 16 seconds east along said easterly line, a distance of 38.99 feet to the south line of Miller Road, dedicated per said plat of Boulder Ridge Country Club Estates - Unit 1; thence south 89 degrees 23 minutes 44 seconds east along said south line, a distance of 320.57 feet to the place of beginning, all in McHenry County, Illinois.

PIN's: 19-19-300-006-0030
 18-24-426-002-0020

PARCEL 2:

That part of the north ½ of Lot 2 in the southwest quarter of Section 19, Township 43 North, Range 8 East of the Third Principal Meridian, in McHenry County, Illinois described as follows:

Commencing at the northeast corner of said Lot 2; thence south 00 degrees 11 minutes 02 seconds west, 20.26 feet on the east line of said Lot 2 to the point of beginning; thence south 89 degrees 12 minutes 55 seconds west, 678.29 feet to a point of being 15.38 feet south of (as measured at right angles) the north line of aforesaid Lot 2; thence south 00 degrees 29 minutes 48 seconds west, 237.71 feet; thence south 54 degrees 58 minutes 10 seconds east, 326.17 feet; thence north 88 degrees 59 minutes 45 seconds east, 411.89 feet to a point on the east line of said Lot 2; thence north 00 degrees 11 minutes 02 seconds east, 427.00 feet on the east line of Lot 2, to the point of beginning.

PIN: 19-19-300-004

07-015-2435