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TASHA SIMS

RECORDER - DEKALB COUNTY, IL

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**FIRST AMENDMENT TO
THE AMENDED AND
RESTATED FAIRWINDS
DECLARATION OF
COVENANTS,
CONDITIONS,
RESTRICTIONS AND
EASEMENTS**

For Use By Recorder's Office Only

This document (the "Amendment") is recorded for the purpose of amending the Amended and Restated Fairwinds Declaration of Covenants, Conditions, Restrictions and Easements (hereafter the "Declaration"), which Declaration was recorded on July 31, 2024 as Document Number 2024005367 in the Office of the Recorder of Deeds of DeKalb County, Illinois, and covers the property (hereafter the "Property") legally described in Exhibit "A", which is attached hereto and made a part hereof.

WITNESSETH:

WHEREAS, the Property is subject to the provisions of the Illinois Common Interest Community Association Act (hereafter the "Act"), 765 ILCS 160; and

WHEREAS, the affairs of the Property are administered by the Fairwinds Homeowners Association (hereafter the "Association") and its duly elected Board of Directors (hereafter the "Board") pursuant to the Declaration; and

WHEREAS, the Board and the Members of the Association desire to amend the Declaration with respect to sheds, garbage enclosures, above ground pools, basketball structures, and political signage; and

WHEREAS, Article X, Section 10.03 of the Declaration provides that the covenants and restrictions of the Declaration may be amended by an instrument signed by those Members entitled to cast seventy-five percent (75%) of the total votes and then properly recorded, provided that any such amendment shall be filed for record in the Office of Recorder of DeKalb County, Illinois; and

This document prepared by and after recording to be returned to:

JOSHUA A. WEINSTEIN, ESQ.
Kovitz Shifrin Nesbit
One Overlook Point, Suite 590
Lincolnshire, IL 60069 — (847) 537-0500

WHEREAS, Sections 1-20(a) and

(b) of the Act provide that amendments to the Declaration must be set forth in an amendment thereto that is duly recorded, and that amendments to the Declaration are effective upon recordation, and requires amendments to the Declaration to be executed by the President of the Association; and

WHEREAS, this Amendment to the Declaration has been approved and signed by those Members entitled to cast seventy-five percent (75%) of the total votes, as evidenced by the attached signature pages of said Members; and

WHEREAS, an affidavit executed by the Secretary of the Association is attached hereto as Exhibit "B" certifying to the approval of this Amendment by those Members entitled to cast seventy-five percent (75%) of the total votes; and

WHEREAS, this Amendment has been executed by the President of the Association, as evidenced by the signature page attached hereto.

NOW, THEREFORE, the Association declares that Article VIII, Section 8.03 of the Declaration be and is hereby amended as follows (additions in text are denoted by double underline, deletions in text are denoted by ~~strikethrough~~):

Section 8.03 No Structures (except as otherwise permitted by the By-laws) other than a detached residence for a single family occupancy shall be constructed on each Lot. No tool or storage sheds (except as otherwise specifically permitted by the Board as provided hereinbelow), satellite dishes (except as allowed under applicable law), animal houses or dog runs (unless approved by the Board) or other structures (except ~~the~~ the single family residence referred to in the preceding sentence) shall be constructed on any Lot. Any storage facilities or accessory buildings must be attached to the Dwelling Unit and match the style and siding of the Dwelling Unit, and meet all applicable codes and obtain the approval of the Architectural Review Committee. Notwithstanding anything in the foregoing to the contrary:

(a) An Owner may erect a tool or storage shed on their Lot, but only upon the prior written approval of the Board, following submission of a written application to the Board by the Owner. Any such shed must be constructed and maintained in full compliance with all rules, regulations, and guidelines adopted by the Board and/or the Architectural Review Committee.

(b) No permanent basketball structures shall be permitted, except that an Owner may erect a permanent basketball structure on their Lot, but only upon the prior written approval of the Board, following submission of a written application to the Board by the Owner. Any such basketball structure must be constructed and maintained in full compliance with all rules, regulations, and guidelines adopted by the Board and/or the Architectural Review Committee.

There shall be no construction on any Lot which results in a building, or structure inconsistent with the general architectural design and aesthetic flavor of either (a) the Dwelling Unit on such Lot or (b) the remainder of the Dwelling Units on the Property. In addition, any construction undertaken upon any Lot must be completed within nine (9) months of the date of commencement of said construction.

This Amendment shall be effective upon recordation in the Office of the Recorder of Deeds of DeKalb County, Illinois.

Except to the extent expressly set forth hereinabove, the remaining provisions of the Declaration shall continue in effect without change.

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SIGNATURE PAGES FOLLOW