

AMENDMENT TO THE DECLARATION FOR THE WHEATLANDS

This instrument is recorded for the purpose of amending the Declaration for the Wheatlands (hereinafter referred to as "Declaration"), which was recorded on March 5, 1997 as Document No. R97-031467 in the Office of the Recorder of Deeds, DuPage County, Illinois, on March 3, 1997 as Document No. R97017196 in the Office of the Recorder of Deeds, Will County, Illinois, and on March 24, 1997 as Document No. 9702654 in the Office of the Recorder of Deeds, Kendall County, Illinois.

This Amendment is adopted pursuant to the provisions of Section 1-60(a) of the Common Interest Community Association Act (765 ILCS 160/1-60(a)) in order to permit the Association to come into compliance with Section 20 of the Homeowners' Energy Policy Statement Act (765 ILCS 165/1 et. seq.). This Amendment, the text of which is set forth below, shall become effective upon recordation in the Offices of the Recorder of Deeds, DuPage County, Illinois, Will County, Illinois and Kendall County, Illinois.

PREAMBLE

WHEREAS, the Declaration was recorded on March 5, 1997 as Document No. R97-031467 in the Office of the Recorder of Deeds, DuPage County, Illinois, on March 3, 1997 as Document No. R97017196 in the Office of the Recorder of Deeds, Will County, Illinois, and on March 24, 1997 as Document No. 9702654 in the Office of the Recorder of Deeds, Kendall County, Illinois;

WHEREAS, the Declaration was amended by Supplement No. 1 to Declaration for the Wheatlands, which was recorded with the Recorder of Deeds of DuPage County, Illinois as document number R97-160648, with the Recorder of Deeds of Will County, Illinois as document number R97089995, and with the Recorder of Deeds of Kendall County as document number 9710779;

WHEREAS, the Declaration was further amended by Supplement No. 2 to Declaration for the Wheatlands, which was recorded with the Recorder of Deeds of DuPage County, Illinois as document number R99-075388, with the Recorder of Deeds of Will County, Illinois as document number R99041934, and with the Recorder of Deeds of Kendall County as document number 9905127;

WHEREAS, the Declaration was further amended by Supplement No. 3 to Declaration for the Wheatlands, which was recorded with the Recorder of Deeds of DuPage County, Illinois as document number R99-118237, with the Recorder of Deeds of Will County, Illinois as document number R99065926, and with the Recorder of Deeds of Kendall County as document number 9907982;

WHEREAS, the Declaration was further amended by Supplement No. 4 to Declaration for the Wheatlands, which was recorded with the Recorder of Deeds of DuPage County, Illinois as document number R1999-134657, with the Recorder of Deeds of Will County, Illinois as document number R99074275, and with the Recorder of Deeds of Kendall County as document number 9908849;

WHEREAS, the Declaration was further amended by Supplement No. 5 to Declaration for the Wheatlands, which was recorded with the Recorder of Deeds of DuPage County, Illinois as document number R1999-218201, with the Recorder of Deeds of Will County, Illinois as document number R99125097, and with the Recorder of Deeds of Kendall County as document number 9914840;

WHEREAS, the Declaration was further amended by Supplement No. 6 to Declaration for the Wheatlands, which was recorded with the Recorder of Deeds of DuPage County, Illinois as document number R1999-234000, with the Recorder of Deeds of Will County, Illinois as document number R99137884, and with the Recorder of Deeds of Kendall County as document number 9916307;

WHEREAS, the Declaration was further amended by Supplement No. 7 to Declaration for the Wheatlands, which was recorded with the Recorder of Deeds of DuPage County, Illinois as document number R1999-252802, with the Recorder of Deeds of Will County, Illinois as document number R99149817, and with the Recorder of Deeds of Kendall County as document number 9918030;

WHEREAS, the Declaration was further amended by Supplement No. 8 to Declaration for the Wheatlands, which was recorded with the Recorder of Deeds of DuPage County, Illinois as document number R2000-010123, with the Recorder of Deeds of Will County, Illinois as document number R2000009413, and with the Recorder of Deeds of Kendall County as document number 20000000926;

WHEREAS, the Declaration was further amended by Supplement No. 9 to Declaration for the Wheatlands, which was recorded with the Recorder of Deeds of DuPage County, Illinois as document number R2000-031402, with the Recorder of Deeds of Will County, Illinois as document number R2000020878, and with the Recorder of Deeds of Kendall County as document number 200000002381;

WHEREAS, the Declaration was further amended by Supplement No. 10 to Declaration for the Wheatlands, which was recorded with the Recorder of Deeds of DuPage County, Illinois as document number R20000-035864, with the Recorder of Deeds of Will County, Illinois as document number R2000025517, and with the Recorder of Deeds of Kendall County as document number 200000002640;

WHEREAS, the Declaration was further amended by Supplement No. 11 to Declaration for the Wheatlands, which was recorded with the Recorder of Deeds of DuPage County, Illinois as document number R2000-076796, with the Recorder of Deeds of Will County, Illinois as document number R2000058320, and with the Recorder of Deeds of Kendall County as document number 200000006695;

WHEREAS, the Declaration was further amended by Supplement No. 12 to Declaration for the Wheatlands, which was recorded with the Recorder of Deeds of DuPage County, Illinois as document number R2000-122966, with the Recorder of Deeds of Will County, Illinois as document number R2000084549, and with the Recorder of Deeds of Kendall County as document number 200000010576;

WHEREAS, the Declaration was further amended by Supplement No. 13 to Declaration for the Wheatlands, which was recorded with the Recorder of Deeds of DuPage County, Illinois as document number R2000-157449, with the Recorder of Deeds of Will County, Illinois as document number R2000109306, and with the Recorder of Deeds of Kendall County as document number 200000013289;

WHEREAS, the Declaration was further amended by Supplement No. 14 to Declaration for the Wheatlands, which was recorded with the Recorder of Deeds of DuPage County, Illinois as document number R2000-185710, with the Recorder of Deeds of Will County, Illinois as document number R2000126739, and with the Recorder of Deeds of Kendall County as document number 2000000016273;

WHEREAS, the Declaration was further amended by Supplement No. 15 to Declaration for the Wheatlands, which was recorded with the Recorder of Deeds of DuPage County, Illinois as document number R2001-021803, with the Recorder of Deeds of Will County, Illinois as document number R2001014972, and with the Recorder of Deeds of Kendall County as document number 200100002112;

WHEREAS, the Declaration was further amended by Supplement No. 16 to Declaration for the Wheatlands, which was recorded with the Recorder of Deeds of DuPage County, Illinois as document number R2001-054001, with the Recorder of Deeds of Will County, Illinois as document number R2001040627, and with the Recorder of Deeds of Kendall County as document number 200100005431;

WHEREAS, the Declaration was further amended by Supplement No. 17 to Declaration for the Wheatlands, which was recorded with the Recorder of Deeds of DuPage County, Illinois as document number R2001-081705, with the Recorder of Deeds of Will County, Illinois as document number R2001050900, and with the Recorder of Deeds of Kendall County as document number 200100007381;

WHEREAS, the Declaration was further amended by Supplement No. 18 to Declaration for the Wheatlands, which was recorded with the Recorder of Deeds of DuPage County, Illinois as document number R2001-103198, with the Recorder of Deeds of Will County, Illinois as document number R2001066809, and with the Recorder of Deeds of Kendall County as document number 200100009220;

WHEREAS, the Declaration was further amended by Supplement No. 19 to Declaration for the Wheatlands, which was recorded with the Recorder of Deeds of DuPage County, Illinois as document number R2001-133163, with the Recorder of Deeds of Will County, Illinois as document number R2001084229, and with the Recorder of Deeds of Kendall County as document number 200100012113;

WHEREAS, the Declaration was further amended by Supplement No. 20 to Declaration for the Wheatlands, which was recorded with the Recorder of Deeds of DuPage County, Illinois as document number R2001-164736, with the Recorder of Deeds of Will County, Illinois as document number R2001105597, and with the Recorder of Deeds of Kendall County as document number 200100016494;

WHEREAS, the Declaration was further amended by Supplement No. 21 to Declaration for the Wheatlands, which was recorded with the Recorder of Deeds of DuPage County, Illinois as document number R2001-167561, with the Recorder of Deeds of Will County, Illinois as document number R2001105598, and with the Recorder of Deeds of Kendall County as document number 200100016495;

WHEREAS, the Declaration was further amended by Supplement No. 22 to Declaration for the Wheatlands, which was recorded with the Recorder of Deeds of DuPage County, Illinois as document number R2001-199835, with the Recorder of Deeds of Will County, Illinois as document number R2001124790, and with the Recorder of Deeds of Kendall County as document number 200100017952;

WHEREAS, the Declaration was further amended by Supplement No. 23 to Declaration for the Wheatlands, which was recorded with the Recorder of Deeds of DuPage County, Illinois as document number R2001-225482, with the Recorder of Deeds of Will County, Illinois as document number R2001142880, and with the Recorder of Deeds of Kendall County as document number 200100020016;

WHEREAS, the Declaration was further amended by Supplement No. 24 to Declaration for the Wheatlands, which was recorded with the Recorder of Deeds of DuPage County, Illinois as document number R2001-260665, with the Recorder of Deeds of Will County, Illinois as document number R2001161097, and with the Recorder of Deeds of Kendall County as document number 200100022358;

WHEREAS, the Declaration was further amended by Supplement No. 25 and Special Amendment No. 1 to Declaration for the Wheatlands, which was recorded with the Recorder of Deeds of DuPage County, Illinois as document number R2002-219233, with the Recorder of Deeds of Will County, Illinois as document number R2002140275, and with the Recorder of Deeds of Kendall County as document number 200200019279;

WHEREAS, the Declaration was further amended by Supplement No. 26 to Declaration for the Wheatlands, which was recorded with the Recorder of Deeds of DuPage County, Illinois as document number R2002-345212, with the Recorder of Deeds of Will County, Illinois as document number R2002179858, and with the Recorder of Deeds of Kendall County as document number 200200031463;

WHEREAS, the Declaration was further amended by Supplement No. 27 to Declaration for the Wheatlands, which was recorded with the Recorder of Deeds of DuPage County, Illinois as document number R2002-345213, with the Recorder of Deeds of Will County, Illinois as document number R2002220737, and with the Recorder of Deeds of Kendall County as document number 200200031464;

WHEREAS, the Declaration was further amended by Supplement No. 28 to Declaration for the Wheatlands, which was recorded with the Recorder of Deeds of DuPage County, Illinois as document number R2003-018755, with the Recorder of Deeds of Will County, Illinois as document number R2003010400, and with the Recorder of Deeds of Kendall County as document number 200300002088;

WHEREAS, the Declaration was further amended by Supplement No. 29 to Declaration for the Wheatlands, which was recorded with the Recorder of Deeds of DuPage County, Illinois as document number R2003-160981, with the Recorder of Deeds of Will County, Illinois as document number R2003094451, and with the Recorder of Deeds of Kendall County as document number 200300014047;

WHEREAS, the Declaration was further amended by Supplement No. 30 to Declaration for the Wheatlands, which was recorded with the Recorder of Deeds of DuPage County, Illinois as document number R2003-182527, with the Recorder of Deeds of Will County, Illinois as document number R2003111514, and with the Recorder of Deeds of Kendall County as document number 200300015908;

WHEREAS, the Declaration was further amended by Supplement No. 31 to Declaration for the Wheatlands, which was recorded with the Recorder of Deeds of DuPage County, Illinois as document number R2003-205514, with the Recorder of Deeds of Will County, Illinois as document number R2003123881, and with the Recorder of Deeds of Kendall County as document number 200300019722;

WHEREAS, the Declaration was further amended by Supplement No. 32 to Declaration for the Wheatlands, which was recorded with the Recorder of Deeds of DuPage County, Illinois as document number R2003-257198, with the Recorder of Deeds of Will County, Illinois as document number R2003163912, and with the Recorder of Deeds of Kendall County as document number 200300023706;

WHEREAS, the Declaration was further amended by Supplement No. 33 to Declaration for the Wheatlands, which was recorded with the Recorder of Deeds of DuPage County, Illinois as document number R2003-296065, with the Recorder of Deeds of Will County, Illinois as document number R2003194715, and with the Recorder of Deeds of Kendall County as document number 200300026795;

WHEREAS, the Declaration was further amended by Supplement No. 34 to Declaration for the Wheatlands, which was recorded with the Recorder of Deeds of DuPage County, Illinois as document number R2003-325341, with the Recorder of Deeds of Will County, Illinois as document number R2003220739, and with the Recorder of Deeds of Kendall County as document number 200300030159;

WHEREAS, the Declaration was further amended by Supplement No. 35 and Special Amendment No. 2 to Declaration for the Wheatlands, which was recorded with the Recorder of Deeds of DuPage County, Illinois as document number R2003-393772, with the Recorder of Deeds of Will County, Illinois as document number R2003256984, and with the Recorder of Deeds of Kendall County as document number 200300037198;

WHEREAS, the Declaration was further amended by Supplement No. 36 to Declaration for the Wheatlands, which was recorded with the Recorder of Deeds of DuPage County, Illinois as document number R2003-441844, with the Recorder of Deeds of Will County, Illinois as document number R2003289793, and with the Recorder of Deeds of Kendall County as document number 200300041122;

WHEREAS, the Declaration was further amended by Supplement No. 37 to Declaration for the Wheatlands, which was recorded with the Recorder of Deeds of DuPage County, Illinois as document number R2003-473678, and with the Recorder of Deeds of Kendall County as document number 200400000456;

WHEREAS, the Board of Directors for The Wheatlands Homeowners Association (“Association”), in compliance with Section 20 of the Homeowners’ Energy Policy Statement Act (765 ILCS 165/1 et. seq.) hereby adopts the Association’s energy policy statement and includes the same within the terms, covenants and provisions of its Declaration;

WHEREAS, the Board of Directors for the Association desires to amend the Declaration to comply with current law; and

WHEREAS, this Amendment has been approved by two-thirds (2/3) of the members of the Board of Directors for the Association at a meeting called for that purpose.

NOW THEREFORE, the Declaration is hereby amended in accordance with the text that follows:

AMENDMENT

1. Article Eight, “Restrictions” of the Declaration shall include, following the adoption of this Amendment to the Declaration, a new Section 8.09 “Energy Policy Statement” as follows:

“Section 8.09. Energy Policy Statement:

PURPOSE OF STATEMENT: In compliance with Section 5 of the Homeowner’s Energy Policy Statement Act (765 ILCS 165/1 et. seq.) the Board of Directors has adopted this Energy Policy Statement for the purpose of protecting the public health,

safety, and welfare of the Owners of the Association in connection with permitting the use of solar energy systems.

- (a) The terms used herein shall have the meanings and definitions prescribed to them in Section 10 of the Homeowner's Energy Policy Statement Act.
- (b) Application for the installation of solar collectors, solar storage mechanisms and solar energy systems must be made to the Board of Directors by submission of an Architectural Review Form. A sample or illustrated brochure of the proposed solar collectors, solar storage mechanisms and solar energy systems shall be submitted to the Board as part of an Owner's application herein and shall clearly depict the system and define the proposed materials to be used. Construction drawings for the specific installation shall also be provided. Drawings shall clearly show all elevations, roof planes, proposed assembly and attachment to the roof structure, proposed installation location on the Owner's Dwelling Unit and the location of any storage tanks. All applications shall include calculations indicating the number and area of panels required.
- (c) The Board of Directors shall have the sole discretion in approving an Owner's specific modules or product used for its solar collectors, solar storage mechanisms and/or solar energy systems, which shall be submitted with the Owner's application.
- (d) Owners shall not permit solar collectors, solar storage mechanisms or solar energy systems to fall into disrepair or to become safety hazards.
- (e) Owners shall be responsible for maintenance and repair of solar collectors, solar storage mechanisms and solar energy systems and any damage, maintenance, repairs or replacement to any Community Area as a result of the installation of solar collectors, solar storage mechanisms and/or solar energy systems.
- (f) Owners shall be responsible for repainting, refinishing, and/or replacement of solar collectors, solar storage mechanisms and solar energy systems.
- (g) Solar collectors, solar storage mechanisms and solar energy systems shall meet applicable standards and requirements imposed by state and local permitting authorities and shall be certified by the Solar Rating Certification Corporation (SRCC) or other nationally recognized certification agency, as applicable. Owners shall be responsible, at his/her own cost, for any and all applications and permits required by the State, County, or Municipality.
- (h) Solar collectors shall be installed only on the requesting Owner's roof and shall be, upon installation, completely contained within the vertical plane of the exterior wall lines of the structure. Under no circumstances shall any solar collectors extend beyond the bounds of the Owner's roof.
- (i) Solar collectors, solar storage mechanisms and solar energy systems, whenever possible, should be installed on existing plane of roof material.

- (j) Solar collectors, solar storage mechanisms and solar energy systems installed on roofs must be firmly affixed and parallel to roof surface.
- (k) All plumbing and electrical lines shall be concealed on the exterior of the building, if possible. The Board approved method of installation detailed in the Owner's application described in paragraph (b) herein shall be complied with by Owner and Owner's contractors. All plumbing lines shall be painted the same as the residence or building's exterior color and other materials adjacent to the system and must not be visible from the street.
- (l) Roof solar collectors shall be consistent in color with existing roof shingles and shall be painted and/or anodized when appropriate.
- (m) Any material used in the solar collectors, solar storage mechanisms and solar energy systems, if flammable, shall be self-extinguishing.
- (n) Ground-mounted, free-standing solar collectors, solar storage mechanisms and solar energy systems are prohibited anywhere on the Premises.
- (o) The Board may determine the specific configuration of the elements of a solar energy system on a given roof face; provided, that, the elements of the solar energy system shall not be prohibited from being installed on any roof face and the Board's determination may not reduce the production of the solar energy system by more than ten percent (10%). For purposes of this paragraph, "production" means the estimated annual electrical production of the solar energy system. The Board's preferred location for solar energy systems on a given roof face is a location that is not on the front of the Dwelling Unit.
- (p) A solar energy system shall only be installed by a professional contractor, licensed or accredited by the North American Board of Certified Energy Practitioners (NABCEP), Interstate Renewable Energy Council (IREC) or other similar nationally recognized accrediting/licensing authority. The appropriate credentials, including contractor's insurance information, of the professional contractor shall be submitted along with the Owner's application described in paragraph (b) herein.
- (q) If, as a result of an Owner's installation, use maintenance, repair or removal of a solar energy system, solar collection, solar storage mechanism or any of their component parts, damage is caused to the Community Area, or any lots and/or Dwelling Units, the Owner shall pay for any such damage, maintenance and repairs as may be necessary and as determined by the Board.
- (r) Any party that installs, maintains, repairs or replaces a solar energy system, solar collection or solar storage mechanism must first provide the Association with adequate proof of insurance, providing coverage for the type of work described in this subparagraph. No installation, maintenance, repairs or replacements may

commence until proof of the insurance required by this subparagraph is provided to the Association.

- (s) The Association does hereby prohibit the installation, placement or construction of wind energy collection systems anywhere throughout the Premises.
- (t) Rain water collection systems are permitted on the lots or Dwelling Units, subject to the restrictions contained in this paragraph as well as any rules and regulations adopted by the Board. No more than two (2) rain water collection barrels are permitted per lot/Dwelling Unit. Rain water collection barrels may not exceed a maximum capacity of fifty-five (55) gallons per barrel. Each rain water collection barrel shall be concealed from public view so that it is not visible from the street in the front of the Dwelling Unit. Flex elbows are permitted to assist with proper placement of barrels. All rain water collection barrels must: (i) be made of high density polyethylene plastic, (ii) be designed for residential/home use only, (iii) be properly installed and functionally maintained, and (iv) not have previously been used in commercial application or setting.
- (u) Composting systems are permitted on the lots or Dwelling Units, subject to the restriction contained in this paragraph as well as any rules and regulations adopted by the Board. Each lot or Dwelling Unit shall be limited to one composting bin. Said composting bin must be covered and concealed at all times, and shall be hidden from public view. The composting bin shall not exceed four feet (4') by four feet (4') by four feet (4') in size/dimension.
- (v) The Board may consult with a third-party engineer, architect and/or other professional to assist the Board in the review and processing of an application from an Owner pursuant to this Section and/or the review of any system installed following the approval by the Board of an application submitted by an Owner pursuant to this Section. Any and all costs and fees charged to the Association by any such third-party or otherwise incurred by the Association with respect to such processing and review shall be charged back to the Owner, and if not paid promptly by such Owner shall become a lien on such owner's Dwelling Unit and lot in the same manner as unpaid assessments and the Association shall have all of the same rights and remedies available to it for collection of same as are provided in this Declaration, the By-Laws, at law or in equity for the collection of unpaid assessments."

2. The terms used herein, if not otherwise defined, shall have the same meaning described to them in the Declaration and By-Laws.

3. The language of this Amendment shall govern any conflicts between this document and the Declaration and its prior amendments.

4. Except as to the extent expressly set forth herein above, and as amended, the Declaration, Declaration and Rules and Regulations shall continue in full force and effect without change.

END OF TEXT OF AMENDMENT

Prepared by and upon recording return to:
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