



Adams County Clerk/Recorder  
Book: 707 Page: 13186

Receipt #: 200218019  
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Recording Fee: \$25.00  
Rental Housing Support Program  
State Surcharge Pd 12/21/2007  
\$10.00

Authorized By: *Maria Adams*

Date Recorded: 12/21/2007 3:24:25 PM



STATE OF ILLINOIS        )  
  ) ss  
COUNTY OF ADAMS        )

**Schmiedeskamp, Robertson**

**MODIFICATION OF RESTRICTIVE COVENANTS**

This Modification of Restrictive Covenants (the "Modification") dated as of the 18<sup>th</sup> day of December, 2007, is made by Dale Koontz-Builder, Inc., an Illinois corporation (the "Present Owner"). WITNESSETH:

WHEREAS, the Present Owner previously declared and imposed certain building and use restrictions upon all of the Lots in Tuscany Fields Subdivision (the "Subdivision") pursuant to that certain Owner's Certificate dated November 15, 2007 and recorded on November 16, 2007 in the Office of the Recorder of Deeds for Adams County, Illinois in Book 707 at page 11829 (the "Restrictive Covenants"); and

WHEREAS, Section 23 thereof provides that these restrictions can be amended or changed in whole or in part by an instrument in writing signed by a majority of the then Owners of the Lots; and

WHEREAS, the Present Owner now owns a majority of the Lots; and

WHEREAS, the Present Owner has entered into a Real Estate Purchase Agreement with Randall E. Dooley and Anjali B. Dolley ("Buyers") regarding Lot 12 within the Subdivision which Lot is legally described on Exhibit "A" (the "Property"); and

WHEREAS, the Present Owner in furtherance of its purposes of promoting the orderly development and use of the Subdivision desires to modify and waive a certain requirement of the Restrictive Covenants as hereinafter set forth relating to the Property for the benefit of Buyers, their successors, legal representatives and assigns.

NOW, THEREFORE, in consideration of the premises, Present Owner hereby declares as follows:

1. Modification and Waiver. For purposes of the Property only, Present Owner hereby waives the requirement set out in Section 21 namely that should such Buyer elect not to develop or build a residence upon said Lot but rather decide to resell it, that Buyer must first offer the Lot for sale to the Present Owner at the original purchase price paid by such Buyer when the Lot was purchased from the Present Owner. In light of the above waiver, Buyer shall be under no obligation, and is hereby released from any duty, to first offer the Property for sale to the Present Owner before selling, transferring or conveying the Property to any other person. Buyer may sell the Property free of the restriction imposed by Section 21.

2. Ratification of Restrictive Covenants. As hereby modified and amended for the Property only, the Restrictive Covenants are hereby ratified and confirmed and the same shall continue to be deemed covenants running with the title of the Lots in the Subdivision based upon and enforceable against any and all future Owners of said lands to whom actual or constructive notice of said Restrictive Covenants shall come and this Modification for the Property shall not be deemed a waiver or abandonment of the provisions or any of them of the Restrictive Covenants as they may apply to the remaining Lots in other or future situations or to the same or a similar situation at any other location in the Subdivision or to any other provision within the Restrictive Covenants.

3. Binding Effect. This Modification shall be binding upon and inure to the benefit of the Property, Buyer and Present Owner and their restrictive successors, legal representatives and assigns.

**EXHIBIT "A"**

Lot Twelve (12) in Tuscany Fields Subdivision, a subdivision of part of the Southwest Quarter of the Northwest Quarter of Section Eight (8), Township Two (2) South of the Base Line, Range Eight (8) West of the Fourth Principal Meridian, Adams County, Illinois

PIN: 20-0-0567-000-00 (split)