

2022R-03167

RYAN A. NIEKAMP
ADAMS COUNTY CLERK/RECORDER
ADAMS COUNTY, ILLINOIS

RECORDED ON

04/29/2022 09:00 AM

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COUNTY GIS 29.00

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Amendment to Restrictive Covenants of Heather Hill Subdivision

26th This Amendment to Restrictive Covenants of Heather Hill Subdivision is made as of this day of April, 2022 by the undersigned, being a majority of the current record title Owners of the Lots of Heather Hill Subdivision.

RECITALS:

WHEREAS, the Subdivision Plat of Heather Hill recorded on May 16, 1961 in Book 10 of Plats at Page 8 depicts Lots 1 through 19, and the Subdivision Plat of Heather Hill recorded on July 1, 1964 in Book 11 of Plats at Page 79 depicts Lots 20 through 29 (collectively known as "Heather Hill Subdivision"); and

WHEREAS, Leslie I McEwen and Lucille K. McEwen were the developers of Heather Hill Subdivision and the declarants under the "Restrictions Covering Heather Hill" recorded April 30, 1962 in Book 69 of Miscellaneous Records at Page 6 (the "Restrictive Covenants"); and

WHEREAS, the Restrictive Covenants were subsequently amended by the "Agreement Modifying Restrictions" recorded on January 4, 1966 in Book 75 of Miscellaneous Records at Page 666, which amendment struck Paragraph 18 of the Restrictive Covenants about septic tanks and about extending city sewer line; and

WHEREAS, the undersigned, being a majority of the current record title Owners of the Lots of Heather Hill Subdivision, desire to further amend the Restrictive Covenants to the extent as set forth below.

AMENDMENT:

NOW, THEREFORE, the undersigned, being a majority of the current record title Owners of the Lots of Heather Hill Subdivision, pursuant to and in accordance with Paragraph 20 of the Restrictive Covenants, hereby amend the Restrictive Covenants, as follows:

1. The foregoing Recitals are incorporated herein by reference and made a part hereof.

2. Paragraph 11 of the Restrictive Covenants, which currently reads:

“11. Fences may be erected but only of a decorative nature between the front of dwelling and the front property line. Swimming pools exceeding 2 feet depth must be fully enclosed by a substantial and protective fence and gate.”

is hereby deleted in its entirety and in lieu thereof, replaced with the following:

“11. All fences are prohibited, except for fences required for in-ground swimming pools as hereinafter provided. Above-ground swimming pools are prohibited. In-ground swimming pools are allowed but must be at least 200 square feet in size and enclosed by a fence as required by law. Pool fencing must be a decorative metal black fence, except for chain link fence which is prohibited.”

3. The following Paragraph 21 shall be added to the Restrictive Covenants:

“21. Any lot owner shall have the right to enforce, by any proceeding at law or in equity, any covenant, condition or restriction (“restrictive covenant”) now or hereafter imposed by this Declaration of Restrictions. Failure of any owner to enforce any restrictive covenant shall in no event be deemed a waiver of the right to do so thereafter. If any lot owner commences any such action against another lot owner with respect to the enforcement or interpretation of any restrictive covenant, then the prevailing party in such action shall be entitled to an award of all the prevailing party’s legal expenses, including but not limited to court costs and reasonable attorney fees, incurred in connection therewith.”

4. Except as amended hereby, all other provisions of the Restrictive Covenants shall remain in full force and effect.

[THE BALANCE OF THIS PAGE 2 OF 8 IS INTENTIONALLY LEFT BLANK AND THE SIGNATURE PAGES FOLLOW.]

Lot 1 (PIN: 20-0-0960-000-00):

By: _____
Gregory T. Grawe

Lot 2 (PIN: 20-0-0961-000-00):

By: James E. Shelton Sr
James E. Shelton, Sr.

By: Deloris J. Shelton
Deloris J. Shelton

Lot 3 (PIN: 20-0-0962-000-00):

By: Robert W. Meyer
Robert W. Meyer

By: Anna M. Meyer
Anna M. Meyer

Lot 4 (PIN: 20-0-0963-000-00):

By: Natalie M. Keirn
Natalie M. Keirn

Lot 5 (PIN: 20-0-0964-000-00):

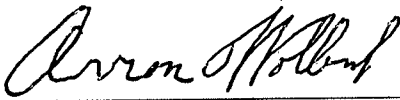
By: _____
Michael L. Atteberry

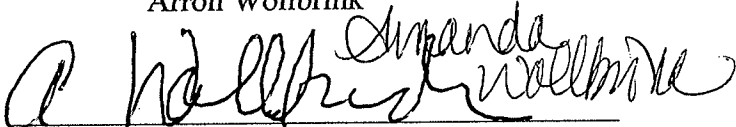
By: _____
Stacy A. Atteberry

Lot 6 (PIN: 20-0-0965-000-00):

By: Lenore R. Hicks
Lenore R. Hicks

Lot 7 (PIN: 20-0-0966-000-00):

By: 
Arron Wollbrink

By: 
Amanda Wollbrink

Lot 8 (PIN: 20-0-0967-000-00):

By: 
Caroline Ripper

Lot 9 (PIN: 20-0-0968-000-00):

By: _____
Brian G. Heinze

By: _____
Elizabeth R. Heinze

Lot 10 (PIN: 20-0-0969-000-00):

By: _____
Jason M. Bettis

By: _____
Stephanie Bettis

Lot 11 (PIN: 20-0-0970-000-00):

By: _____
Debora D. Brose

Lot 12 (PIN: 20-0-0971-000-00):

By: Victor Kerr
Victor Kerr

By: Rita Kerr
Rita Kerr

Lot 13 (PIN: 20-0-0972-000-00):

By: _____
Rebecca J. Brewer

Lot 14 (PIN: 20-0-0973-000-00):

By: _____
Nathaniel R. Frericks

Lot 15 (PIN: 20-0-0974-000-00):

By: _____
Steven W. Venvertloh

By: _____
Wendy L. Venvertloh

Lot 16 (PIN: 20-0-0975-000-00):

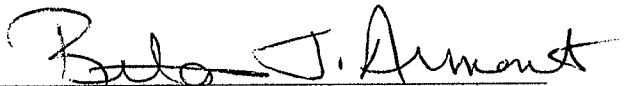
By: Keith W. Holzgrafe
Keith W. Holzgrafe

By: Shelley A. Holzgrafe
Shelley A. Holzgrafe

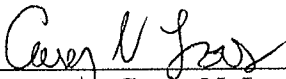
Lot 17 (PIN: 20-0-0976-000-00):

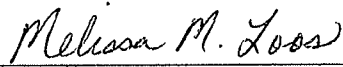
By: Sandra Y. Fluent
Sandra Y. Fluent

Lot 18 (PIN: 20-0-0977-000-00):

By: 
Rita J. Arment

Lot 19 (PIN: 20-0-0978-000-00):

By: 
Casey N. Loos

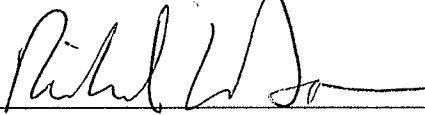
By: 
Melissa M. Loos

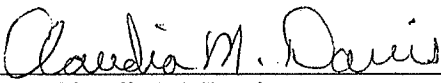
Lot 20 (PIN: 20-0-0979-000-00):

By: _____
William C. Kammerer

By: _____
Laura J. Kammerer

Lot 21 (PIN: 20-0-0980-000-00):

By: 
Richard L. Davis

By: 
Claudia M. Davis

Lot 22 (PIN: 20-0-0981-000-00):

By: _____
Timothy W. Jacobs

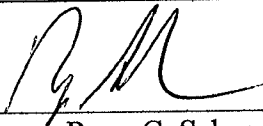
By: _____
Jane A. Jacobs

Lot 23 (PIN: 20-0-0982-000-00):

By: _____
Garry L. Gambill

By: _____
Deborah S. Gambill

Lot 24 (PIN: 20-0-0983-000-00):

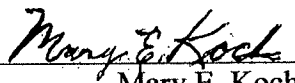
By: _____

Ryan C. Schnack

By: _____
Michelle L. Schnack
Michelle L. Schnack

Lot 25 (PIN: 20-0-0984-000-00):

By: _____
Heidi J. Schlipman

Lot 26 (PIN: 20-0-0985-000-00):

By: _____

Mary E. Koch

Lot 27 (PIN: 20-0-0986-000-00):

By: _____
Mark A. McGlauchlen

By: _____
Kiley S. McGlauchlen

Lot 28 (PIN: 20-0-0987-000-00):

By: Gary L. Wittler
Gary L. Wittler

By: Kathleen Wittler
Kathleen Wittler

Lot 29 (PIN: 20-0-0988-000-00):

By: James E. Shelton Sr.
James E. Shelton, Sr.

By: Deloris J. Shelton
Deloris J. Shelton

Prepared by and return to:

Andrew W. Staff
STAFF & STAFF
Attorneys At Law
The Blackstone Building
237 North 6th Street, Suite 100
Quincy, IL 62301
217-228-8470