

*THIS INSTRUMENT PREPARED  
BY AND SHOULD BE RETURNED  
TO:*

*Brian Meltzer  
MELTZER, PURTILL & STELLE LLC  
1515 East Woodfield Road, Suite 250  
Schaumburg, Illinois 60173-5431*

FRED BUCHOLZ, RECORDER  
DUPAGE COUNTY ILLINOIS  
09/22/2020 12:27 PM  
RHSP

DOCUMENT # R2020-107214

ABOVE SPACE FOR RECORDER'S USE ONLY

## **SPECIAL AMENDMENT NO. 2 TO DECLARATION FOR LEXINGTON TRACE TOWNHOMES**

This Special Amendment to Declaration ("Special Amendment") is made and entered Lexington Trace LLC, an Illinois limited liability company ("Declarant").

### RECITALS

Declarant Recorded the Declaration for Lexington Trace with the DuPage County Recorder of Deeds on May 21, 2019, as Document No. R2019-039283 (the "Declaration"). The Declaration is currently Recorded with respect to the real estate legally described in Exhibit A hereto.

In Section 10.01 of the Declaration, Declarant reserved the right and power to Record a Special Amendment to the Declaration to, among other things, correct errors, omissions, ambiguities and/or inconsistencies in the Declaration, or any Exhibit thereto, and to bring the Declaration into compliance with applicable laws, ordinances and/or governmental regulations.

Declarant exercised the rights and powers reserved in Section 10.01 of the Declaration by Recording Special Amendment No. 1 to the Declaration on September 3, 2019, as Document R2019-076341 ("Special Amendment No. 1").

Declarant desires, once again, to exercise the rights and powers reserved in Section 10.01 of the Declaration to correct errors, omissions, ambiguities and/or inconsistencies in the Declaration, and to bring the Declaration into compliance with applicable laws, ordinances and/or governmental regulations.

NOW, THEREFORE, for the reasons set forth above, Declarant does hereby amend the Declaration as follows:

1. Terms. All terms used herein, if not otherwise defined herein, shall have the meanings

set forth in the Declaration.

2. Amendment of Article One. A new Section 1.09.A. is hereby added to the Declaration to be and read as follows:

“1.09 EASEMENT AGREEMENT: That certain Easement Agreement Recorded on September 21 , 2020, as Document R2020-106254 .”

3. Amendment of Section 1.05. Section 1.05 of the Declaration is hereby amended to reflect that any and all costs incurred by the Association pursuant to the Easement Agreement shall be part of the Common Expenses.

4. Amendment of Section 3.02(a). A new subsection (ix) is hereby added to Section 3.02(a) of the Declaration to be and read as follows:

“(ix) Any and all maintenance, repairs and replacements required to be furnished by the Association pursuant to the Easement Agreement.”

5. Amendment of Section 8.11. Section 8.11 of the Declaration is hereby amended and restated to be and read, in its entirety, as follows:

“8.11 BALCONIES / GRILLS: The use and placement of grills and other seasonal items on balconies shall be subject to applicable ordinances of the Municipality and rules and regulations adopted by the Managers from time to time. Without limiting the foregoing, the use of charcoal grills on balconies is prohibited.”

6. Correction to Exhibit B. The First Amended and Restated Exhibit B which was attached to Special Amendment No. 1 when Special Amendment No. 1 was initially Recorded, is hereby amended to reflect that the Zip Code for all Lot addresses is 60563 (and not 60540).

7. Covenants to Run With Land. The covenants, conditions, restrictions and easements contained in the Declaration, as amended by this Special Amendment, shall run with and bind the Premises.

8. Continuation. As expressly hereby amended, the Declaration shall continue in full force and effect in accordance with its terms.

*[Signature page follows]*



**EXHIBIT A TO  
DECLARATION FOR LEXINGTON TRACE TOWNHOMES**

The Premises

I. LOTS:

The following described Lots shall be divided into parcels as described in section 1.22 of the Declaration to which this Exhibit is attached:

Lots 1 through 21, both inclusive, in Lexington Trace, being a subdivision of Lots 42, 43, 44, 45, 56, 57, 58, 59, 61 and 62 in Robert Bartlett's Green Acres, being a subdivision in the East Half of Section 33 and the West Half of Section 34, Township 39 North, Range 9 East of the Third Principal Meridian (according to the plat thereof recorded October 20, 1943, as Document 454884, in DuPage County Illinois), pursuant to the plat thereof recorded on May 21, 2019 as Document R2019-039282 (the Lexington Trace Subdivision").

II. COMMON AREA:

A. All portions of each Lot described in Section I. above, outside of the Homes on the Lot.

B. Outlots A, B, C, E and F in the Lexington Trace Subdivision

PINS:

<u>Lot</u>	<u>PIN</u>	<u>Address</u>
1	04-33-408-009	Barkley Ave., Naperville, IL 60563
2	04-33-408-008	Barkley Ave., Naperville, IL 60563
3	04-33-408-002	Brayman Ct., Naperville, IL 60563
4	04-33-408-003	Brayman Ct., Naperville, IL 60563
5	04-33-408-004	Brayman Ct., Naperville, IL 60563
6	04-33-408-005	Brayman Ct., Naperville, IL 60563
7	04-33-408-006	Brayman Ct., Naperville, IL 60563
8	04-33-408-007	Brayman Ct., Naperville, IL 60563
9	04-33-406-003	Brayman Ct., Naperville, IL 60563
10	04-33-406-002	Brayman Ct., Naperville, IL 60563
11	04-33-401-038	Lambe Lane, Naperville, IL 60563
12	04-33-401-039	Lambe Lane, Naperville, IL 60563
13	04-33-401-040	Lambe Lane, Naperville, IL 60563
14	04-33-401-041	Lambe Lane, Naperville, IL 60563
15	04-33-407-004	Lambe Lane, Naperville, IL 60563
16	04-33-407-003	Lambe Lane, Naperville, IL 60563
17	04-33-407-002	Lambe Lane, Naperville, IL 60563
18	04-33-407-001	Lambe Lane, Naperville, IL 60563
19	04-33-407-005	Barkley Ave., Naperville, IL 60563
20	04-33-407-006	Barkley Ave., Naperville, IL 60563
21	04-33-407-007	Barkley Ave., Naperville, IL 60563

Outlot A	04-33-401-037	Barkley Ave., Naperville, IL 60563
Outlot B	04-33-407-008	Barkley Ave., Naperville, IL 60563
Outlot C	04-33-408-001	Brayman Ct., Naperville, IL 60563
Outlot E	04-33-406-001	Barkley Ave., Naperville, IL 60563
Outlot F	04-33-401-036	Barkley Ave., Naperville, IL 60563