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Robert A. Lutz - Tazewell County Recorder

Prepared by:

Dean R. Essig
135 Washington Square
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Return to:

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DECLARATION OF RESTRICTIVE COVENANTS

The undersigned, BERRY DEVELOPMENT GROUP, INC., an Illinois corporation, being the owner and proprietor of DEER RIDGE ESTATES, SECTION ONE of the City of Washington, Tazewell County, Illinois, does hereby set forth, publish and declare the following as a Declaration of Restrictions to apply to the said subdivision and to each lot, piece and parcel thereof and does hereby declare that said restrictions shall bind our successors and assigns.

1. **LAND USE AND BUILDING TYPE:** All lots shall be used for residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than one detached single family dwelling.
2. **QUALITY AND SIZE:** The floor area of the structure, exclusive of one-story open porches and garages, shall not be less than 1,125 square feet. All designs must have written approval of the Architectural Control Representative. Each dwelling shall have an attach garage with not less than two (2) nor more than three (3) stalls.
3. **ARCHITECTURAL CONTROL:** No building shall be erected, placed, or altered on any lot until the construction plans, specifications, front, side and back elevations, and site plans showing location of said building on the lot have been submitted and approved by the Architectural Control Representative, who shall be appointed by the undersigned or its designated representative.
4. **SUBDIVISION OF LOTS:** No lot shall be subdivided without the express written approval of the Architectural Control Representative.
5. **ARCHITECTURAL CONTROL REPRESENTATIVE:** Upon relinquishment by BERRY DEVELOPMENT PROPERTIES, INC. of 100% of its fee simple title to the lots located in said subdivision, or at such earlier time as it may deem appropriate by written amendment to these restrictive covenants, then the

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holders of fee simple title to a majority of lots may, by written instrument duly recorded, elect the Architectural Control Representative.

6. **BUILDING LOCATION:** No building on any interior lot shall be located nearer than the building setback line as noted on the subdivision plat or farther than 35 feet from the front property line except where approved by the Architectural Control Representative.

7. **EASEMENTS:** Easements for installation and maintenance of utilities, water and/or sewer lines and drainage and water retention areas are reserved as shown on the recorded plat. Easements for utilities, water and/or sewer lines and drainage and water retention areas shall be maintained by the owners on whose lots those easements for utilities, water and/or sewer lines and drainage and water retention areas are located. A Home Owners Association will be formed for the purpose of administrating and maintaining the Home Owners Park and Detention areas. The owner of each lot shall be a member of said Association.

8. **NOISANCES:** No noxious or offensive activity shall be conducted upon any lot nor shall anything be done thereon which may become an annoyance or nuisance to the neighborhood.

9. **FENCES:** No fence or wall shall be constructed on any lot or lots without first obtaining the written consent of the Architectural Control Committee. All fences shall be restricted to the rear yard only, shall be in keeping with the architectural character of the house.

10. **APPEARANCE OF PROPERTY:** No tents, shacks, trailers, mobile homes, temporary buildings, storage buildings, basement or garage homes may be moved to or built on any of said lots nor occupied as living quarters and no trash, refuse, garbage or building materials shall be dumped, stored, or abandoned within the subdivision. No wrecked or unused automobiles, trucks, boats, trailers, ashes, or lumber, or any junk or unsightly property shall be permitted in said subdivision. Garbage or trash cans must be completely recessed in the ground or hidden from view by appropriate screening. No competition type vehicles, recreational vehicles, boats, trailers, trucks of larger than 1 ton or similar vehicles shall be parked in said subdivision except inside an attached garage. L-P or other fuel tanks must be screened from view and located at rear of dwelling. No tanks or other receptacle for storage of liquid or gas fuel shall be permitted or erected or maintained above the ground except L-P or propane tanks used for heating purposes. There shall be no permanent clothes lines or posts or other permanent appliances for hanging clothes in front or side yards. Mail boxes and posts to be approved by the Architectural Control Representative.

11. **SIGNS:** No advertising or display signs shall be permitted on any lot in said subdivision except temporary "For Sale" or "Sold" signs

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advertising the lot in question, and those of BERRY DEVELOPMENT GROUP, INC., its subsidiaries or assigns. Such signs shall not exceed 4 square feet in size without written approval of the Architectural Control Representative. "Sold" signs shall not be permitted to exist on the property in excess of 30 days from the date of the sale of the property.

12. OIL AND MINING OPERATIONS: No oil drilling, oil development operations, oil refining or mining operations of any kind shall be permitted upon or in any lot, nor shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted upon any lot. No derricks or other structures designed for use in boring oil shall be erected, maintained or permitted on any lot.

13. LIVESTOCK AND POULTRY: No animals, livestock or poultry of any kind shall be raised, bred, or kept on any lot or in any dwelling, except household pets, provided that are not kept, bred, or maintained for commercial purposes.

14. REMOVAL OF DIRT: No dirt from any excavation shall be permitted to be removed from said subdivision without the approval of the Architectural Control Representative.

15. QUALITY OF MATERIALS: No dirt from any excavation shall be permitted to be removed from said subdivision without the approval of the Architectural Control Representative, but shall be used within the subdivision as directed by the Architectural Control Representative.

16. YARD LIGHT: An outside yard light with automatic switch and post shall be installed and connected to electrical service by each lot owner prior to occupancy of any dwelling erected thereon; said light shall be located five feet behind the sidewalk.

17. GARBAGE AND REFUSE DISPOSAL: Garbage or trash cans must be completely recessed in the ground or hidden from view by appropriate screening. Garbage cans shall be removed from the curb on the days(s) so designated as collection days. Garbage containers shall be of a type that prevents the materials or odors from becoming airborne or in any way offensive to owners of other lots.

18. ANTENNAS: No television, radio antenna or satellite dishes shall be permitted on any lot. In no event shall any free standing television or radio reception or communication device be permitted on any lot.

19. SOLAR HEATING EQUIPMENT: Solar heating panels, collectors or other devices shall not be permitted to be visible from the front or side

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yards, or from any street within the subdivision and shall be permitted only upon written approval of the Architectural Control Representative.

20. DRIVEWAYS AND SIDEWALKS: Each lot owner shall construct a driveway and sidewalks built to the specifications and standards of the Subdivision Code of the City of Washington, Illinois. Barrier curb removal to be by saw cutting only. No curb removal permitted without the consent of the Architectural Control Representative. No private driveway shall be constructed allowing ingress and egress from Englewood or North Cummings Lane.

21. QUALITY OF CONSTRUCTION: Workmanship on the exterior of any building or any improvement on any lot shall be of a quality comparable to the workmanship of craftsmen skilled in the installation of the particular item or material used on the exterior.

22. MAINTENANCE OF LOT: Lot owners must mow their lot regularly and maintain it free of debris and trash. No owner shall move or remove any trees from the landscaping buffer without written approval of the Architectural Control Representative.

23. ENFORCEMENT: Any person owning any lot in said subdivision may enforce these covenants, conditions and restrictions by proceeding at law or in equity against any person or persons violating or attempting to violate any such covenants, either to restrain such violation or to recover damages for such violation.

24. CONSTRUCTION AS SEVERABLES: Invalidation of any one of these covenants by judgment or court order shall in no way effect any of the other provisions herein which shall remain in full force and effect.

25. TERM: These covenants shall run with the land and shall be binding on all parties and all persons claiming under them for a period of 25 years from the date these covenants are recorded. After the initial 25 year period said covenants shall be automatically extended for successive periods of 10 years unless an instrument signed by a majority of the then owners of the lots has been recorded agreeing to change said covenants in whole or in part.

26. EXCULPATORY CLAUSE: This instrument is executed by the persons set forth below as officers of BERRY DEVELOPMENT GROUP, INC. and not personally. All the covenants and conditions to be performed hereunder by BERRY DEVELOPMENT GROUP, INC. are undertaken by said corporation and no officer shall incur personal liability for the enforcement or failure to enforce any these covenants and restrictions nor shall personal liability be asserted or enforced against said officers by reason of any of the covenants, statements, representations or warranties contained in this instrument.

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EXHIBIT "A"

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16,
17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31,
and 32 in DEER RIDGE ESTATES, SECTION ONE, a Subdivision of
part of Lot 7 of Englewood, a Subdivision of part of the
Southeast Quarter of Section 9, Township 26 North, Range 3
West, of the Third Principal Meridian, in the City of
Washington, County of Tazewell, State of Illinois

Part of Tax I.D. No. 02-02-09-402-001