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SECOND AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

This SECOND Amendment to the Declaration of Covenants, Conditions and Restrictions of WOODCREEK, a subdivision in the City of McHenry and State of Illinois, is made this 18 day of AUGUST, 2018 and hereby amends the original Declaration of Covenants, Conditions and Restrictions (dated October 1, 1978) as Amended last on the 7th day of September, 1997.

The purposes of this Second Amendment are:

- 1) To acknowledge that all responsibilities for administration of these Covenants (as outlined in the Original and First Amendment documents) have now transferred in their entirety to the Woodcreek Property Owners Association (WPOA) as directed. Where appropriate, references to clarify such relationship to the property Owner-Declarant have been made and/or removed.
- 2) The Original document and First Amendment applied in general to the start-up and build-out phases of the subdivision, and have served satisfactorily in guiding the Association's actions. However, nearly forty years have passed since the Original document was conceived and, with the passage of time, it is necessary to clarify, adjust, modify and/or update the Covenants, where appropriate and within the allowance for modification (see ARTICLE XI – SECTION 5: Modification).

ARTICLE I
Declaration and Purposes

SECTION I: General Purposes. The developer and the owner of certain real property located in the City of McHenry, McHenry County, Illinois, desire to create thereon a subdivision. The developer and the owner desire to provide for the preservation of the values and amenities in said subdivision and to this end desire to subject the real property described in Article III, to the covenants, restrictions, easements, charges and liens hereinafter set forth, each and all of which is and are for the benefit of said property and each owner thereof.

SECTION 2: Declaration. To further the general purposes herein expressed, the developer and the owner, for themselves, their successors and assigns, hereby declare that the real property hereinafter described in Article III as "existing properties," at all times is and shall be held, transferred, sold, conveyed and occupied subject to the covenants, restrictions, easements, charges and liens (sometimes referred to as "covenants and restrictions") hereinafter set forth. The provisions of this declaration are intended to create mutual equitable servitudes upon each lot becoming subject to this declaration in favor of each and all other such lots; to create privity of contract and estate between the grantees of such lots, their heirs, successors and assigns; and to operate as covenants running with the land for the benefit of each and all such lots becoming subject to this declaration, and the respective owners of such lots, present and future.

SECTION 3: "Common Area" shall mean all real property from time to time owned by the Association for the common use and enjoyment of all of the Owners. The Common Area is to be owned initially by the Association as set forth and described in the aforesaid Plat of Subdivision as Lot B. No trailer, mobile home, recreational vehicle, boat, tent, shack, or other structure shall be stored, built or used upon said lots without the permission of the Homeowner's Association as may be appropriate. All owners of property in the subdivision shall be individually, or through the property owner's association, responsible for improving and maintaining all ponds, lakes, watercourses, ravines, gullies, drainage tiles, feeders and laterals in the subdivision so that all waterways shall be kept free of weeds, debris, odors and other noxious substances so that all waterways will remain free flowing, fresh and meet environmental standards acceptable for supporting fish and other aquatic life.

ARTICLE II
Definitions

The following words and terms, when used in this Declaration shall have the following meanings:

- a. "Property" shall mean and refer to the existing property subject to this Declaration, described in Article III, Section I hereof.
- b. "Lot" shall mean any plot of land described by a number upon any recorded subdivision map of the property.

