

**FIRST AMENDMENT TO THE AMENDED AND RESTATED DECLARATION OF RESTRICTIVE COVENANTS FOR THE LAKE WILDWOOD ASSOCIATION, INC.**

This instrument is recorded for the purpose of amending the Amended and Restated Declaration of Restrictive Covenants for the Lake Wildwood Association, Inc. (hereinafter referred to as "Declaration"), which was recorded on March 1, 2013 as document number 201300000400 with the Recorder of Deeds of Marshall County, Illinois.

This Amendment is adopted pursuant to the provisions of Section 1-60(a) of the Common Interest Community Association Act (765 ILCS 160/1-60(a)) in order to permit the Association to come into compliance with Section 20 of the Homeowners' Energy Policy Statement Act (765 ILCS 165/1 et. seq.). The text of this Amendment, which is set forth below, shall become effective upon recordation in the Office of the Recorder of Deeds of Marshall County, Illinois.

**PREAMBLE**

WHEREAS, the Declaration was recorded on March 1, 2013 as document number 201300000400 with the Recorder of Deeds of Marshall County, Illinois;

WHEREAS, the Board of Directors for Lake Wildwood Association, Inc. ("Association"), in compliance with Section 20 of the Homeowners' Energy Policy Statement Act (765 ILCS 165/1 et. seq.) hereby adopts the Association's energy policy statement and includes the same within the terms, covenants and provisions of its Declaration;

WHEREAS, the Amendment has been approved by two-thirds (2/3) of the members of the Board of Directors at a meeting called for that purpose.

NOW THEREFORE, the Declaration is hereby amended in accordance with the text that follows:

## AMENDMENT

1. ARTICLE 3, "Restrictions Concerning Size and Placement of Dwelling Houses, Other Structures and the Maintenance Thereof" of the Declaration shall, following adoption of this Amendment, include a new Section 3.10 "Energy Policy Statement" as follows:

"Section 3.10. ENERGY POLICY STATEMENT:

PURPOSE OF STATEMENT: In compliance with Section 5 of the Homeowner's Energy Policy Statement Act (765 ILCS 165/1 et. seq.) the Board of Directors has adopted this Energy Policy Statement for the purpose of protecting the public health, safety, and welfare of the Owners of the Association in connection with permitting the use of solar energy systems.

- (a) The terms used herein shall have the meanings and definitions prescribed to them in Section 10 of the Homeowner's Energy Policy Statement Act (765 ILCS 165/10).
- (b) Application for the installation of solar collectors, solar storage mechanisms and solar energy systems must be made to the Environmental Control Committee by submission of an architectural review form. A sample or illustrated brochure of the proposed solar collectors, solar storage mechanisms and solar energy systems shall be submitted to the Environmental Control Committee as part of an Owner's application herein and shall clearly depict the system and define the proposed materials to be used. Construction drawings for the specific installation shall also be provided. Drawings shall clearly show all elevations, roof planes, proposed assembly and attachment to the roof structure, proposed installation location on the Owner's Home and Lot and the location of any storage tanks. All applications shall include calculations indicating the number and area of panels required.
- (c) The Environmental Control Committee shall have the sole discretion in approving an Owner's specific modules or product used for its solar collectors, solar storage mechanisms and/or solar energy systems, which shall be submitted with the Owner's application.
- (d) Monocrystalline photovoltaic panels are preferred for their higher efficiency rating, uniform look, and darker black color. New technology, such as solar roofs and more efficient photovoltaic panels, will be considered on a case-by-case basis.
- (e) Owners shall not permit solar collectors, solar storage mechanisms or solar energy systems to fall into disrepair or to become safety hazards.
- (f) Owners shall be responsible for maintenance and repair of solar collectors, solar storage mechanisms and solar energy systems and any damage, maintenance, repairs or replacement to any Common Property or any portion of a Home or Lot

as a result of the installation of solar collectors, solar storage mechanisms and/or solar energy systems.

- (g) Owners shall be responsible for repainting, refinishing, and/or replacement of solar collectors, solar storage mechanisms and solar energy systems.
- (h) Solar collectors, solar storage mechanisms and solar energy systems shall meet applicable standards and requirements imposed by state and local permitting authorities and shall be certified by the Solar Rating Certification Corporation (SRCC) or other nationally recognized certification agency, as applicable. Owners shall be responsible, at his/her own cost, for any and all applications and permits required by the State, County, or Municipality. Permits shall be submitted to the Environmental Control Committee prior to installation.
- (i) Solar collectors shall only be installed on the requesting Owner's roof and shall be, upon installation, completely contained within the vertical plane of the exterior wall lines of the structure. Under no circumstances shall any solar collectors extend beyond the bounds of the Owner's roof. Solar collectors may be installed on the roof of a Home, garage and/or shed on the Owner's Lot.
- (j) Solar collectors, solar storage mechanisms and solar energy systems must be installed on existing plane of roof material.
- (k) Solar collectors, solar storage mechanisms and solar energy systems installed on roofs must be firmly affixed and parallel to roof surface with a maximum height of twelve (12) inches above roof surface.
- (l) All plumbing lines shall be concealed on exterior of the building, if possible. The Environmental Control Committee approved method of installation detailed in the Owner's application described in paragraph (b) herein shall be complied with by Owner and Owner's contractors. All plumbing lines shall be painted the same as the Home or building's exterior color and other materials adjacent to the system.
- (m) Roof solar collectors shall be consistent in color with existing roof shingles and shall be painted and/or anodized when appropriate.
- (n) Any material used in the solar collectors, solar storage mechanisms and solar energy systems, if flammable, shall be self-extinguishing.
- (o) Ground-mounted, free-standing solar collectors, solar storage mechanisms and solar energy systems are prohibited anywhere in the Development.
- (p) The Environmental Control Committee may determine the specific configuration of the elements of a solar energy system on a given roof face; provided, that, the elements of the solar energy system shall not be prohibited from being installed on any roof face and the Environmental Control Committee's determination may

not reduce the production of the solar energy system by more than ten percent (10%). For purposes of this paragraph, "production" means the estimated annual electrical production of the solar energy system. The Environmental Control Committee's preferred location for solar energy systems on a given roof face is a location that is not visible from the front of the Home.

- (q) A solar energy system shall only be installed by a professional contractor, licensed or accredited by the North American Board of Certified Energy Practitioners (NABCEP), Interstate Renewable Energy Council (IREC) or other similar nationally recognized accrediting/licensing authority. The appropriate credentials, including contractor's insurance information, of the professional contractor shall be submitted along with the Owner's application described in paragraph (b) herein.
- (r) Installation of a solar energy system shall not cause or result in an unreasonable disturbance to or otherwise interfere with the use and enjoyment of neighboring Lots and Homes (i.e. the installation of a solar energy system shall not result in unreasonable glare reflecting therefrom nor shall it unreasonably limit or disrupt surrounding Homes' sight lines).
- (s) The Association does hereby prohibit the installation, placement or construction of wind energy collection systems anywhere in the Development.
- (t) The Environmental Control Committee may consult with a third-party engineer, architect and/or other professional to assist the Environmental Control Committee in the review and processing of an application from an Owner pursuant to this Section and/or the review of any system installed following the approval by the Environmental Control Committee of an application submitted by an Owner pursuant to this Section. Any and all costs and fees charged to the Association by any such third-party or otherwise incurred by the Association with respect to such processing and review shall be charged back to the Owner, and if not paid promptly by such Owner shall become a lien on such owner's Lot in the same manner as unpaid assessments and the Association shall have all of the same rights and remedies available to it for collection of same as are provided in this Declaration, the By-Laws, at law or in equity for the collection of unpaid assessments.
- (u) Rainwater collection systems are permitted, provided that all of the following requirements are met:
  - (i) Any rain barrel used must be no greater than a fifty-five (55) gallon drum and must have a closed, sealed top;
  - (ii) No more than six (6) rain barrels are allowed per Lot; and

- (iii) Alternatively, an underground cistern may be used for purposes of a rainwater collection system.
- (v) Composting systems are permitted, provided that all of the following requirements are met:
  - (i) Composting bins must be either a composting drum that is no larger than fifty-five (55) gallons in volume or a compost garden that is no greater in size than eight feet (8') wide x eight feet (8') long x two feet (2') high (128 cubic feet);
  - (ii) No more than one (1) composting drum or one (1) composting garden (but not both) is allowed per Lot;
  - (iii) Composting systems must be maintained in a manner so that they do not attract rodents or pests or cause an unreasonable nuisance or disturbance, including but not limited to in their appearance or smell, to residents of surrounding Homes; and
  - (iv) Upon two (2) reports that a composting system causes or creates an unreasonable nuisance or disturbance, the Association shall have the authority to require the removal of the composting system. Any Owner who has been ordered by the Association to remove a composting system will be required to obtain the prior written approval of the Environmental Control Committee before installing any subsequent composting system."

2. The terms used herein, if not otherwise defined, shall have the same meaning described to them in the Declaration and By-Laws.

3. The language of this Amendment shall govern any conflicts between this document and the Declaration and its prior amendments.

4. Except as to the extent expressly set forth herein above, and as amended, the Declaration, By-Laws and Rules and Regulations shall continue in full force and effect without change.


**END OF TEXT OF AMENDMENT**

Prepared by and upon recording return to:  
Keith R. Jones  
Costello Sury & Rooney, P.C.  
One Lincoln Centre, Suite 1670  
Oakbrook Terrace, Illinois 60181

STATE OF ILLINOIS            )  
                                                  )ss  
COUNTY OF MARSHALL    )

The undersigned is the President of the Board of Directors of Lake Wildwood Association, Inc., and by my signature below, do hereby execute the foregoing Amendment to the Declaration on behalf of the Association and certify that this Amendment was approved by a two-thirds (2/3) vote of the members of the Board of Directors at a meeting called for such purpose.

EXECUTED this 11 day of JUNE, 2022.



Being the President of the Board of Directors of  
Lake Wildwood Association, Inc.

I, ADRIENNE A. HOUK, a Notary Public, hereby certify that on the above date, the above President of the Board of Directors of Lake Wildwood Association, Inc., which individual is personally known to me, appeared before me and acknowledged that, as such Board member, he/she signed this instrument as his/her free and voluntary act of said Board for the uses and purposes therein set forth.



BY: Adrienne A Houk