

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR
SOUTHWINDS SUBDIVISION PLAT III**

This Declaration of Covenants, Conditions and Restrictions for SOUTHWINDS SUBDIVISION is made this 25th day of SEPTEMBER, 1990, by FIRST OF AMERICA TRUST COMPANY, Trustee of Trust No. 894-6319-002 by virtue of a Trust Agreement dated February 28, 1989, of Springfield, Illinois, hereinafter referred to as "Declarant".

WITNESS:

WHEREAS, Declarant is the Owner of the following described real property located in the Village of Chatham, Sangamon County, Illinois:

SOUTHWINDS SUBDIVISION PLAT III

and desires to create thereon a subdivision with permanent common areas for the benefit of said subdivision; and

WHEREAS, Declarant desires to provide for the preservation of the values and amenities in said Subdivision and for the maintenance of common areas and to this end, desires to subject the real property herein described 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 the subsequent owners thereof; and

WHEREAS, Declarant has deemed it desirable for this efficient preservation of the values and amenities in said community, to create an agency to which should be delegated and assigned the powers of maintaining and administering and enforcing the covenants and restrictions and collecting and disbursing the assessments and charges hereinafter created; and

WHEREAS, Declarant has incorporated under the laws of the State of Illinois, as a not-for-profit corporation, the Southwinds Homeowners Association for the purpose of exercising the function aforesaid;

NOW, THEREFORE, Declarant hereby declares that the real property described herein is and shall be held, sold, conveyed, hypothecated, encumbered, leased, rented, used, occupied and improved subject to the covenants, restrictions, easements, charges and liens (sometimes referred to as "covenants and restrictions') hereinafter set forth.

ARTICLE I

DEFINITIONS

(a) "Association" shall mean and refer to Southwinds Homeowners Association, Inc., an Illinois not-for-profit corporation, its successors and assigns.

(b) "Properties" shall mean and refer to the real property described in Article II.

(c) "Common Areas" shall mean and refer to all real and personal property, facilities and improvements now or hereafter owned by the Association for the common use and enjoyment of the Owners. A storm water retention or storage pond is not a common area even though the Association may own the easement therefore and may be obligated to maintain same.

(d) "Lot" shall mean and refer to a portion of the property intended for independent ownership and use as may be set out in this Declaration and as shall be shown on the Plat of Subdivision recorded as Document Number _____.

(e) "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of a fee simple title to any lot which is a part of the properties, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation unless and until such person acquired title pursuant to foreclosure or any proceeding or conveyance in lieu of foreclosure.

(f) "Member" shall mean and refer to every Owner who therefore is a member of the Association.

(g) "Developer" shall mean and refer to the Declarant and its assigns if such assigns should acquire a portion of the land described in Article II from the Declarant for the purposes of resale to an Owner or for the purpose of constructing improvements thereon for resale to an Owner.

(h) "Area of Common Responsibility" shall mean and refer to the Common Areas together with those areas, if any, upon a Lot the maintenance, repair or replacement of which is made the responsibility of the Association by this Declaration.

(i) "Board" shall mean and refer to the Board of Directors of the Association.

(j) "Easements" shall mean the easements shown on the plats of Southwinds Subdivision; the Grant of Easement and Agreement from Gordon J. Fifer and Mary C. Fifer, Kenneth E. Newton and Neta M. Newton, and Nicholas L. Miller and Mary J. Miller, to the First of America, Trustee of Trust No. 894-6319-002, dated September 8, 1989, and filed in the Office of the Recorder of Deeds, Sangamon County, Illinois, on September 28, 1989, and such other easements as may be granted to or by Developer and/or the Association.

ARTICLE II

PROPERTY SUBJECT TO THIS DECLARATION AND ADDITIONS THERETO

Section 1. Property Subject to Declaration. The real property which is and shall be held, sold, conveyed, hypothecated, encumbered, leased, rented, used, occupied and improved subject to this Declaration is located in the Village of Chatham, Sangamon County, Illinois, and is more particularly described in the Plat of Subdivision of Southwinds Subdivision Plat III recorded as Document Number _____ in the Sangamon County, Illinois