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Filed for Record in
TAZEWELL COUNTY, IL
CHRISTIE A WEBB
04-17-2015 At 08:43 am.
AND RESTR 71.75
RHSF Surcharge 9.00

THIS DOCUMENT PREPARED
BY AND AFTER RECORDING
RETURN TO:

Richard M. Joseph
Miller, Hall & Triggs, LLC
416 Main Street, Suite 1125
Peoria, Illinois 61602

Return to Miller, Hall & Triggs

**SECOND AMENDED DECLARATION OF RESTRICTIONS FOR HARBOR POINTE
SUBDIVISION AND AMENDED DECLARATION OF CONDOMINIUM FOR HARBOR
POINTE CONDOMINIUMS**

This SECOND AMENDED DECLARATION OF RESTRICTIONS FOR HARBOR
POINTE SUBDIVISION and AMENDED DECLARATION OF CONDOMINIUM FOR
HARBOR POINTE CONDOMINIUMS ("Amendment") is made this 16th day of
April, 2015, by the BOARD OF DIRECTORS of East Peoria Harbor Pointe
Homeowners' Association, Inc., an Illinois not-for-profit corporation (the "Board");

WITNESSETH:

WHEREAS, Cullinan Properties, LTD ("Developer"), has previously executed and
recorded, in the office of the Tazewell County Recorder of Deeds, as Document No. 96-02753, a
Declaration of Restrictions for the Harbor Pointe Subdivision ("Declaration of Restrictions");
and

WHEREAS, the Developer has previously executed and recorded, in the office of the
Tazewell County Recorder of Deeds, as Document No. 96-25021, a Declaration of
Condominium for Harbor Pointe Condominiums and Amendment to Declaration of Restrictions
for Harbor Pointe Subdivision ("Condominium Declaration"); and

WHEREAS, the Developer has previously executed and recorded, in the office of the
Tazewell County Recorder of Deeds, as Document No. 99-04129, an Amended Declaration of
Restrictions for Harbor Point Subdivision and Amended Declaration of Condominium Harbor
Pointe Condominiums ("Amended Declarations"); and

WHEREAS, the East Peoria Harbor Pointe Homeowners' Association, Inc., an Illinois
not-for-profit corporation (the "Association") has succeeded to the rights of the Developer under
said Declaration of Restrictions and Condominium Declaration; and

WHEREAS, by the terms of the Condominium Declaration, the Harbor Pointe
Condominiums are subject to the Declaration of Restrictions; and

WHEREAS, the Association desires to amend Article VIII of the Declaration of Restrictions to restrict occupancy of Units and Garages within Harbor Pointe Subdivision and Harbor Pointe Condominiums by persons other than the Unit Owner; and

WHEREAS, the property included in the Harbor Pointe Subdivision and the Harbor Pointe Condominiums and subject to this Amendment is legally described on the Exhibit A attached hereto and incorporated herein; and

WHEREAS, the amendments to Article VIII set forth in this Amendment have been approved by a majority of Unit Owners of Harbor Pointe Subdivision and Harbor Pointe Condominiums, as evidenced by the signatures of said majority of Unit Owners attached hereto, and a copy of this Amendment has been mailed by certified mail to all mortgagees having bona fide liens of record against any Unit, as required by Article XI, Paragraph 6; and whereas an Affidavit certifying the same is attached hereto as Exhibit B and incorporated herein;

NOW, THEREFORE, pursuant to Article XI, Paragraph 6 of the Declaration of Restrictions, as amended, with the approval of a majority of Unit Owners, the Declaration of Restrictions is hereby amended as follows:

A. Article VIII is amended by the addition of a new Paragraph 15, as follows:

15. Restriction with Respect to Occupancy of Units and Garages. On and after May 1, 2015, any Owner of any Unit and/or stand alone garage (hereinafter referred to as "Garage" or "Garages") in Harbor Pointe Subdivision and Harbor Pointe Condominiums shall be required to personally and physically occupy his/her/their Unit, and to personally use his/her/their Garage(s) for his/her/their sole benefit, except under any one of the following circumstances:

(a) This prohibition will not apply to any record Owner of any Unit or Garage as of April 30, 2015, until such time as such Owner(s) sells or otherwise transfers ownership of his/her/their Unit and/or Garage on and after May 1, 2015;

(b) A Unit Owner may lease his/her/their detached or stand-alone Garage to any other Unit Owner residing within Harbor Pointe Subdivision or Harbor Pointe Condominiums; and

(c) The Board of Directors of Harbor Pointe Homeowners' Association (HOA), by a majority vote and in the Board's sole discretion, may issue a written approval for a temporary emergency exception to this Rule pursuant to a written request by a Unit Owner and/or garage owner. Such written request shall contain sufficient and detailed explanations so as to apprise the Board of the emergency requiring such a consideration by the Board, provided, however, there shall be only one (1) such request granted by the Board per Unit Owner, and for no longer than twelve (12) consecutive months from the date of the written grant of such request by the Board.

B. Except as herein amended, the Declaration of Restrictions shall remain in full force and effect according to its terms.

C. This Amendment shall apply to all property legally described in Exhibit A attached hereto.

D. To the extent that there are inconsistencies or conflicts between this Amendment and the Declaration of Restrictions, this Amendment shall control in all respects.

E. This Amendment is hereby ordered to be recorded pursuant to the Illinois Condominium Property Act, and shall be in full force and effect upon the date of such recording.

IN WITNESS WHEREOF, the Board of Directors of the East Peoria Harbor Pointe Homeowners' Association, Inc. has caused this Amendment to be executed this 16th day of April, 2015.

East Peoria Harbor Pointe Homeowners' Association, Inc.
An Illinois not-for-profit corporation

BY: James J. Carmany, Jr.
President - Board of Directors

STATE OF ILLINOIS)
)SS
COUNTY OF PEORIA)

The undersigned, a Notary Public in and for the County and State aforementioned, do HEREBY CERTIFY, that James J. Carmany, Jr., personally known to me to be the President of the Board of Directors of the East Peoria Harbor Pointe Homeowners' Association, Inc., and personally known to me to be the same person whose name is subscribed to the foregoing instrument as such President of the Board of Directors of the East Peoria Harbor Pointe Homeowners' Association, Inc., appeared before me this 16th day of April, 2015 and severally acknowledged that he signed, sealed, and delivered the said instrument as his free and voluntary act as such President of the Board of Directors of the East Peoria Harbor Pointe Homeowners' Association, Inc. and as the free and voluntary act of such company for the uses and purposes therein set forth; and on his oath stated that he was duly authorized to execute such instrument.

Given under my hand and Notarial Seal this 16th day of April, 2015.

Pamela R. Olsen
Notary Public

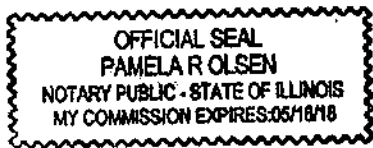


EXHIBIT A

Tract 1

Lot 1 through Lot 41 inclusive of Harbor Pointe Residences at Eastport Marina, East Peoria, Illinois according to the Plat thereof recorded in Plat Book "MM", pages 195-200, as Document No. 9600001 on January 2, 1996 and rerecorded in Plat Book "NN", pages 139-148 as Document No. 96-24448 on December 6, 1996, in Tazewell County, Illinois.

(Tax I.D. Numbers: 01-01-22-400-024, 01-01-22-400-029, 01-01-22-401-001, 01-01-22-401-002, 01-01-22-401-003, 01-01-22-401-004, 01-01-22-401-005, 01-01-22-401-006, 01-01-22-401-007, 01-01-22-401-008, 01-01-22-401-009, 01-01-22-401-010, 01-01-22-401-011, 01-01-22-401-012, 01-01-22-402-001, 01-01-22-402-002, 01-01-22-402-003, 01-01-22-402-004, 01-01-22-402-005, 01-01-22-402-006, 01-01-22-402-007, 01-01-22-402-008, 01-01-22-402-009, 01-01-22-402-010, 01-01-22-402-011, 01-01-22-402-014, 01-01-22-403-001, 01-01-22-403-002, 01-01-22-403-003, 01-01-22-403-004, 01-01-22-403-005, 01-01-22-403-006, 01-01-22-403-007, 01-01-22-403-008, 01-01-22-403-009, 01-01-22-403-010, 01-01-22-403-011, 01-01-22-403-012, 01-01-22-403-013, 01-01-22-403-014, 01-01-22-403-015, 01-01-22-403-016)

Tract 2

Lots 57, 58, 59, and 60, and all private right of way of SECOND ADDITION HARBOR POINTE RESIDENCES AT EASTPORT MARINA, East Peoria, Illinois, according to the plat thereof recorded May 19, 1998, as Document No. 98-12391 in Plat Book "OO", Pages 232 and 233; situated in the County of Tazewell, in the State of Illinois.

(Tax I.D. Numbers: 01-01-22-406-002, 01-01-22-406-003, 01-01-22-406-004, 01-01-22-406-005, and 01-01-22-406-006)

Tract 3

Lots 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71 and 72 of the Third Addition to Harbor Pointe Residences at Eastport Marina, East Peoria, Illinois according to the Plat thereof recorded in Plat Book "QQ", pages 121-124, as Document No. 99-26932 on October 26, 1999 in Tazewell County, Illinois.

(Tax I.D. Numbers: 01-01-22-406-007, 01-01-22-406-008, 01-01-22-406-009, 01-01-22-406-010, 01-01-22-406-011, 01-01-22-406-012, 01-01-22-405-002, 01-01-22-405-003, 01-01-22-405-004, 01-01-22-405-005, 01-01-22-405-006, and 01-01-22-405-007)

Tract 4

Lots 73, 74 and 75 of Harbor Pointe Residences at Eastport Marina Fourth Addition, East Peoria, Illinois, according to the Plat thereof recorded in Plat Book "RR", page 21 as Document No. 926 on January 17, 2000 in Tazewell County, Illinois.

(Tax I.D. Numbers: 01-01-22-407-003, 01-01-22-407-004, and 01-01-22-407-005)

Tract 5

Units 41D, Garage Unit 41D, Unit 41E, Garage Unit 41E, Unit 42D, Garage Unit 42D, Unit 42E, Garage Unit 42E, Unit 43D, Garage Unit 43D, Unit 43E, Garage Unit 43E, Unit 44D, Garage Unit 44D, Unit 44E, Garage Unit 44E, Unit 45D, Garage Unit 45D, Unit 45E, Garage Unit 45E, Unit 46D, Garage Unit 46D, Unit 46E, Garage Unit 46E, Unit 47D, Garage Unit 47D, Unit 47E, Garage Unit 47E, Unit 48D, Garage Unit 48D, Unit 48E and Garage Unit 48E, and all common areas according to the Plat of Harbor Pointe Condominiums at Eastport Marina, East Peoria, Illinois recorded in Plat Book "NN", pages 149-156, as Document No. 96-24449 on December 6, 1996, in Tazewell County, Illinois.

(Tax I.D. Numbers: 01-01-22-404-001, 01-01-22-404-002, 01-01-22-404-003, 01-01-22-404-004, 01-01-22-404-005, 01-01-22-404-006, 01-01-22-404-007, 01-01-22-404-008, 01-01-22-404-009, 01-01-22-404-010, 01-01-22-404-011, 01-01-22-404-012, 01-01-22-404-013, 01-01-22-404-014, 01-01-22-404-015, 01-01-22-404-016, 01-01-22-404-017)

Tract 6

Outlots 42, 44, 45 and all of the Private Right of Way adjoining Outlots 42 and 44 of Harbor Pointe Residences at Eastport Marina, East Peoria, Illinois according to the plat thereof recorded in Plat Book "MM", pages 195-200, as Document No. 96-00001 on January 2, 1996 and rerecorded in Plat Book "NN" pages 139-148 as Document No. 96-24448 on December 6, 1996, in Tazewell County, Illinois.

Excepting therefrom:

A part of Outlot 45 in Harbor Pointe Residences at Eastport Marina in the City of East Peoria, Tazewell County, Illinois, per the amended final plat of same, more particularly described as follows: Beginning at the intersection of the Southerly Line of Lot 2 in the First Addition of Stoney Creek Subdivision in the City of East Peoria, Illinois, with the Westerly Line of Lot 47 in the First Addition to Harbor Pointe Residences at Eastport Marina in the City of East Peoria, Illinois. From said Point of Beginning, thence southwest 304.34 feet along said Westerly Line; thence southwest 102.87 feet along said Westerly Line which forms an angle to the left of 194°-23'-13" with the last described course to the South line of said Outlot 45; thence west 59.10 feet along said South Line which forms an angle to the left of 103°-23'-00" with the last described course to a point lying 25 feet normally distant east of the East Line of the Private Right-of-Way per the Amended Final Plat of said Harbor Pointe Residences at Eastport Marina; thence northeast 159.63 feet along a line which is parallel with the East Line of said Private Right-of-Way and which forms an angle to the left of 67°-02'-52" with the last described course to a point of curve; thence northeast and north 41.08 feet along the arc of a curve concave to the northwest with a radius of 127.00 feet, said curve being concentric with the curve of said Private Right-of-Way, and the chord of said arc forms an angle to the left of 189°-15'-57" with the last described

course to a point of compound curve; thence northerly 48.00 feet along the arc of a curve concave to the west with a radius of 1,525.00 feet, said curve being concentric with the curve of Private Right-of-Way, and the chord of said arc forms an angle to the left of $190^{\circ}-10'-00''$ with the last described chord to the Southwesterly extension of the West Line of said Lot 2; thence northeast 185.31 feet along said Southwesterly extension which forms an angle to the left of $158^{\circ}-37'-01''$ with the last described course to the Southerly Line of said Lot 2; thence southeast 79.18 feet along said Southerly Line which forms an angle to the left of $90^{\circ}-00'-00''$ with the last described course to the Point of Beginning. Said Property contains 0.571 acre, more or less.

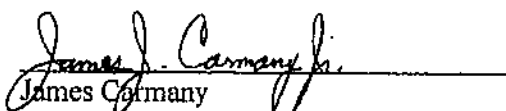
(Tax I.D. Numbers: 01-01-22-406-001, 01-01-22-405-001, and 01-01-22-407-008)

EXHIBIT B

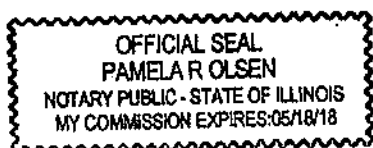
**AFFIDAVIT OF THE PRESIDENT OF THE EAST PEORIA HARBOR POINTE
HOMEOWNERS' ASSOCIATION, INC.**

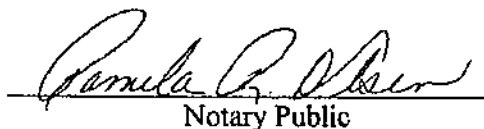
James Carmany, President of East Peoria Harbor Pointe Homeowners' Association, Inc., being first duly sworn on oath, deposes and states as follows:

1. The foregoing Second Amendment to Declaration of Restrictions for Harbor Pointe Subdivision and Amended Declaration of Condominium for Harbor Pointe Condominiums ("Second Amendment") has been approved by a majority of Unit Owners, as evidenced by the signatures of those approving, attached hereto.
2. A copy of the Second Amendment has been mailed by certified mail to all mortgagees having bona fide liens of record against any Unit, not less than 10 days prior to the date of this Affidavit.


James Carmany

Subscribed and sworn before me on this 16th day of April, 2015.




Notary Public