

|

**THIRD AMENDMENT TO THE DECLARATION OF COVENANTS AND RESTRICTIONS
FOR KNOLLS OF HUNTINGTON HOMEOWNERS ASSOCIATION**

This instrument, consisting of eight (8) pages, is recorded for the purpose of amending the Declaration of Covenants and Restrictions for Knolls of Huntington Homeowners Association (hereinafter referred to as “Declaration”), which was recorded on February 16, 2000 in the Office of the Recorder of Deeds, DuPage County, Illinois as Document No. R2000-023680.

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, DuPage County, Illinois.

PREAMBLE

WHEREAS, the Board of Directors (“Board”) for Knolls of Huntington Homeowners Association (“Association”) is responsible for managing certain real estate located within the Association which is subject to the Declaration; and

WHEREAS, the Declaration was recorded on February 16, 2000 in the Office of the Recorder of Deeds, DuPage County, Illinois as Document No. R2000-023680; and

WHEREAS, the Declaration was amended by recording an amendment on May 26, 2015 in the Office of the Recorder of Deeds, DuPage County, Illinois as Document No. R2015-055149; and

WHEREAS, the Declaration was amended by recording a second amendment on September 3, 2020 in the Office of the Recorder of Deeds, DuPage County, Illinois as Document No. R2020-098931; and

WHEREAS, the Board is charged with the enforcement of the Declaration and compliance with applicable laws; and

WHEREAS, the Board, 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; and

WHEREAS, the Board desires to amend the Declaration to comply with the Homeowners' Energy Policy Statement Act; and

WHEREAS, the Board adopts this amendment within one hundred twenty days of Association's receipt of an initial request; and

WHEREAS, this Amendment has been approved by two-thirds of the members of the Board of Directors at a meeting called for that purpose; and

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

AMENDMENT

1. Article X, "Architectural Standards/General Restrictions," shall include, following the adoption of this Amendment to the Declaration, a new Section 20 as follows:

20. 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.

(1) The terms used herein shall have the meanings and definitions prescribed to them in Section 10 of the Homeowner's Energy Policy Statement Act.

(2) Application for the installation of solar collectors, solar storage mechanisms and solar energy systems must be made to the Association's Board of Directors as described herein. Notwithstanding Article X Section 1 of the Declaration, the Association shall have 90 days to approve or deny an Owner's application. No installations shall occur until Owner receives Board's written approval. An Owner's application must also include:

(a) construction and installation drawings with accurate dimensions, exact placement (location), number, and orientation of solar collectors on the roof area immediately above or adjacent to the Lot;

(b) an illustrated brochure of the proposed solar energy system;

(c) an illustrated brochure of the proposed solar collector or solar storage mechanisms;

*Note: commercially or professionally produced wireless, thin-film photovoltaic (PV) cells in the form of rooftop shingles are the only permitted solar collectors

(d) copies of all required permits (state, county, city, and/or municipality);

*Note: City of Naperville requires building and electrical permits for installation of solar energy systems

(3) The Board of Directors shall have the sole discretion in approving an Owner's specific modules or products used for its solar collectors, solar storage mechanisms and/or solar energy systems, which shall be submitted with the Owner's application. The Owner's application and installation shall comply with the Association's Declaration and any Rules and Regulations adopted by the Board of Directors for the Association.

- (4) Owners shall not permit solar collectors, solar storage mechanisms or solar energy systems to fall into disrepair or to become safety hazards.
- (5) 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 area as a result of the installation of solar collectors, solar storage mechanisms and/or solar energy systems.
- (6) 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 to the Board.
- (7) 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 permits required by the state, county, village or municipality. Proof of permit(s) shall be submitted to the Board prior to installation.
- (8) Solar collectors shall be installed only on the Owner's roof and shall be, upon installation, completely contained within the vertical plane of the exterior wall lines of the single family structure. Under no circumstances shall any solar collectors extend beyond the bounds of the Owner's roof. Ground-mounted, pole-mounted, or any other free-standing solar collectors, solar storage mechanisms and solar energy systems are prohibited anywhere on the Association's Property.
- (9) Any reinstallation, addition, alteration or modification to the solar energy system requires the Board's written prior approval. The Owner shall submit new application to the Board in compliance with this Section of the Declaration, including applicable permits.
- (10) Solar collectors, solar storage mechanisms and solar energy systems, whenever possible, shall be installed on existing plane of roof material. Solar collectors, solar storage mechanisms and solar energy systems installed on roofs must be firmly affixed and parallel to roof surface.
- (11) Roof solar collectors shall be consistent in color with existing roof shingles and shall be painted and/or anodized when appropriate. As noted above, commercially or professionally produced wireless, thin-film photovoltaic (PV) cells in the form of rooftop shingles are the only permitted solar collectors.
- (12) All plumbing lines shall be concealed on exterior of the Owner's single family structure, if possible. All plumbing lines shall be painted the same as the structure's exterior color and other materials adjacent to the system.
- (13) Any material used in the solar collectors, solar storage mechanisms and solar energy systems, if flammable, shall be self-extinguishing.

(14) The Board of Directors shall determine the specific location where solar energy systems may be installed on the roof. The solar energy system shall not be installed on the front roofline of a home unless it is impossible to be placed on the rear roofline with an orientation to the south or within 45 degrees east or west of due south, provided that the determination does not impair the effective operation of the solar energy system.

(15) If, as a result of an Owner's installation, maintenance or repair of a solar energy system, solar collection, solar storage mechanism or any of their component parts, damage is caused to Association Property, Common Area, and/or a neighboring Lot, the Owner shall be liable for any such damage, maintenance and repairs as may be necessary and as determined by the Board of Directors, within its discretion.

(16) Upon non-use or abandonment of a solar energy system, the Owner shall remove such system within ninety (90) days from initial date of non-use. If solar energy system is damaged or destroyed, the Owner shall cause repairs to such system or removal of such system within ninety (90) days of initial damage or destruction.

(17) 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 Lot or Owners.

(18) Upon sale of Owner's single family structure, and buyer's written rejection of the installed solar energy system, including disagreement to maintain and assume responsibility of such system, Owner must uninstall and remove system at Owner's cost.

(19) The Association does hereby prohibit the installation, placement or construction of wind energy collection systems, rain water collection systems, and composting systems anywhere on the Association's Property.

(20) General Information.

(a) If a violation is reported and confirmed of this Section 20 of the Declaration, the Board shall notify the defaulting Owner in writing to correct violation in a timely manner. If not corrected in timely manner, the Board may levy fines in accordance with the Association's rules and regulations.

(b) Owner's failure to properly maintain his/her solar energy system, and/or failure to undertake repairs, may result in the Association undertaking legal action, within the Board's discretion.

(c) The Board may take legal action against the defaulting Owner at any point after a violation has been confirmed.

(d) If any portion of this Section 20 of the Declaration is determined to be legally unenforceable, it shall not negate the enforceability of the remaining portions.

(e) The Owner hereby indemnifies and holds harmless the Board of Directors, the Knolls of Huntington Homeowners Association, its agents and members from any and all claims, controversies, or causes of action resulting from the installation or use of a solar energy system, including the payment of any and all costs of litigation and attorney's fees.

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

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

KNOLLS OF HUNTINGTON

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, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, and 82, in KNOLLS OF HUNTINGTON, BEING PART OF THE EAST HALF OF SECTION 20, TOWNSHIP 38 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 27, 1985 AS DOCUMENT R85-14087 IN DUPAGE COUNTY, ILLINOIS.

All lots herein shall be referred to as KNOLLS OF HUNTINGTON."

| Address | PIN | Lot# |
|------------------------------------|---------------|------------------|
| 900 Rockbridge Road | 08-20-410-039 | 1 |
| 904 Rockbridge Road | 08-20-410-040 | 2 |
| 908 Rockbridge Road | 08-20-410-041 | 3 |
| 912 Rockbridge Road | 08-20-410-042 | 4 |
| 916 Rockbridge Road | 08-20-410-043 | 5 |
| 920 Rockbridge Road | 08-20-410-044 | 6 |
| 924 Rockbridge Road | 08-20-410-045 | 7 |
| 928 Rockbridge Road | 08-20-410-046 | 8 |
| 932 Rockbridge Road | 08-20-410-047 | 9 |
| 936 Rockbridge Road | 08-20-410-048 | 10 |
| 940 Rockbridge Road | 08-20-410-049 | 11 |
| 944 Rockbridge Road | 08-20-410-050 | 12 |
| 917 Turnbridge Circle | 08-20-417-009 | 13 |
| 913 Turnbridge Circle | 08-20-417-008 | 14 |
| 909 Turnbridge Circle | 08-20-417-007 | 15 |
| 905 Turnbridge Circle | 08-20-417-006 | 16 |
| 901 Turnbridge Circle | 08-20-417-005 | 17 |
| 897 Turnbridge Circle | 08-20-417-004 | 18 |
| 893 Turnbridge Circle | 08-20-417-003 | 19 |
| 889 Turnbridge Circle | 08-20-417-002 | 20 |
| 885 Turnbridge Circle | 08-20-417-001 | 21 |
| 881 Turnbridge Circle | 08-20-213-011 | 22 |
| 877 Turnbridge Circle | 08-20-213-010 | 23 |
| 873 Turnbridge Circle | 08-20-213-013 | 24 |
| 869 Turnbridge Circle | 08-20-213-012 | 25 |
| 865 Turnbridge Circle | 08-20-213-007 | 26 |
| 861 Turnbridge Circle | 08-20-213-006 | 27 |
| 857 Turnbridge Circle | 08-20-213-005 | 28 |
| 853 Turnbridge Circle | 08-20-213-004 | 29 |
| 849 Turnbridge Circle | 08-20-213-003 | 30 |
| 845 Ashfield Road | 08-20-213-002 | 31 |
| Common Area near Ashfield Road | 08-20-213-001 | 32 (vacant land) |
| 841 Turnbridge Circle | 08-20-212-001 | 33 |
| 837 Turnbridge Circle | 08-20-415-001 | 34 |
| 833 Turnbridge Circle | 08-20-415-002 | 35 |
| 829 Turnbridge Circle | 08-20-415-003 | 36 |
| 825 Turnbridge Circle | 08-20-415-004 | 37 |
| 821 Turnbridge Circle | 08-20-415-005 | 38 |
| 817 Turnbridge Circle | 08-20-415-006 | 39 |
| Common Area near Turnbridge Circle | 08-20-415-007 | 40 (vacant land) |
| 909 Rockbridge Road | 08-20-416-015 | 41 |
| 804 Turnbridge Circle | 08-20-416-014 | 42 |
| 808 Turnbridge Circle | 08-20-416-013 | 43 |
| 812 Turnbridge Circle | 08-20-416-012 | 44 |
| 816 Turnbridge Circle | 08-20-416-011 | 45 |

| Address | PIN | Lot# |
|-----------------------|---------------|-------------|
| 820 Turnbridge Circle | 08-20-416-010 | 46 |
| 824 Turnbridge Circle | 08-20-416-009 | 47 |
| 1300 Margate Court | 08-20-416-008 | 48 |
| 1304 Margate Court | 08-20-416-007 | 49 |
| 1308 Margate Court | 08-20-416-006 | 50 |
| 1312 Margate Court | 08-20-416-005 | 51 |
| 1315 Margate Court | 08-20-416-004 | 52 |
| 1309 Margate Court | 08-20-416-003 | 53 |
| 1305 Margate Court | 08-20-416-002 | 54 |
| 1301 Margate Court | 08-20-416-001 | 55 |
| 844 Turnbridge Circle | 08-20-214-001 | 56 |
| 852 Turnbridge Circle | 08-20-214-002 | 57 |
| 856 Turnbridge Circle | 08-20-214-003 | 58 |
| 860 Turnbridge Circle | 08-20-214-004 | 59 |
| 864 Turnbridge Circle | 08-20-214-005 | 60 |
| 880 Turnbridge Circle | 08-20-416-037 | 61 |
| 884 Turnbridge Circle | 08-20-416-036 | 62 |
| 888 Turnbridge Circle | 08-20-416-035 | 63 |
| 892 Turnbridge Circle | 08-20-416-034 | 64 |
| 896 Turnbridge Circle | 08-20-416-033 | 65 |
| 900 Turnbridge Circle | 08-20-416-032 | 66 |
| 904 Turnbridge Circle | 08-20-416-031 | 67 |
| 908 Turnbridge Circle | 08-20-416-030 | 68 |
| 912 Turnbridge Circle | 08-20-416-029 | 69 |
| 916 Turnbridge Circle | 08-20-416-028 | 70 |
| 925 Rockbridge Road | 08-20-416-027 | 71 |
| 817 Ramsgate Court | 08-20-416-026 | 72 |
| 813 Ramsgate Court | 08-20-416-025 | 73 |
| 809 Ramsgate Court | 08-20-416-024 | 74 |
| 805 Ramsgate Court | 08-20-416-023 | 75 |
| 801 Ramsgate Court | 08-20-416-022 | 76 |
| 800 Ramsgate Court | 08-20-416-021 | 77 |
| 804 Ramsgate Court | 08-20-416-020 | 78 |
| 808 Ramsgate Court | 08-20-416-019 | 79 |
| 812 Ramsgate Court | 08-20-416-018 | 80 |
| 816 Ramsgate Court | 08-20-416-017 | 81 |
| 919 Rockbridge Road | 08-20-416-016 | 82 |

All addresses in Naperville, IL 60540