

Day Brook Estates 44b

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BOOK 1832 PAGE 880

STATE OF ILLINOIS  
MACON COUNTY SS  
RECORDED AT

I HEREBY CERTIFY THAT  
THIS INSTRUMENT WAS  
**FILED**

2005 JAN 24 A 10:03

FEE 82.00 ch

*Mary A. Eaton*  
RECORDER

### SURVEYOR'S CERTIFICATE

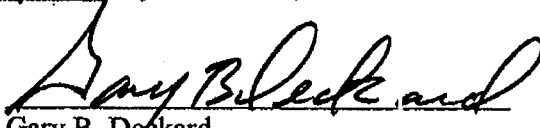
I, Gary B. Deckard, a duly licensed surveyor, Certificate No. 2483, residing in Macon County, Illinois, do hereby certify that at the request of JENNIFER S. LOURASH MAHANNAH and ROSEMARY E. JONES, owners of the property hereinafter described, the same being in Long Creek Township, Macon County, Illinois, have made a true and accurate survey of the following tract of land to-wit:

Beginning at the Northwest Corner of Day Brook Estates Second Addition as per plat recorded in Book 1832, Page 708 of the records in the Recorder's Office of Macon County, Illinois; thence South, along the West line of said Second Addition, having an assumed bearing of S.0°14'52"E., 750.59 feet to the Northeast Corner of Lot 25 in Day Brook Third Addition as per plat recorded in Book 1832, Page 762 of the records in the Recorder's Office of Macon County, Illinois; thence S.89°40'54"W., 270.00 feet, along the North line of said Lot 25 extended West, to the West Right-of-Way line of Day Drive; thence S.0°14'52"E., 52.41 feet, along the West Right-of-Way line of Day Drive, to the Northeast Corner of Lot 22 of said Third Addition; thence S.89°45'06"W., 120.00 feet, along the North line of said Lot 22, to the Northwest Corner of said Lot 22; thence Southwesterly, along a curve to the Left, having a radius of 267.2614 feet and an chord of S.77°11'08"W., 116.2975 feet to a point, said point being on the North line of Lot 21 of said Third Addition; thence N.25°22'51"W., 327.26 feet to a point; thence Easterly, along a curve to the Right, having a radius of 594.523 and a chord of N.66°05'04"E., 30.38 feet, to a point; thence N.0°14'52"W., 517.63 feet, parallel with the West line of said Second Addition, to the North line of the SW 1/4, SE 1/4, Section 27, T16N, R3E, 3<sup>RD</sup> PM, Macon County, Illinois; thence N.89°31'00"E., 614.67 feet, along the North line of the SW 1/4, SE 1/4 of said Section 27, to the Point of Beginning.

And according to law, I have subdivided the same into Lots, which subdivision is to be hereafter known and designated as **DAY BROOK ESTATES FOURTH ADDITION**, as shown on attached plat made by me, which plat, incorporated herein by reference, particularly and correctly described and sets forth the exterior boundaries of the land surveyed and roadway easements and easements for public utilities herein and gives the width, length and number of each Lot and easements, and I have placed iron pins on all corners, angle points and points of curvature as permanent monuments from which future surveys can be made.

I further certify that part of the above described subdivision or that which is shown on the plat is situated within 500 feet of any surface drain or water course serving a tributary area of 640 acres or more.

Signed and dated at Decatur, Illinois this 11<sup>th</sup> day of October, 2004.

  
Gary B. Deckard  
Illinois Land Surveyor No. 2483



*LICENSE EXPIRES  
11/30/2004*

### OWNERS' DECLARATION

BE IT KNOWN that JENNIFER S LOURASH MAHANNAH, and ROSEMARY E JONES, being the owners of the premises described in the preceding Surveyor's Certificate, situated in the County of Macon and the State of Illinois, do hereby subdivide the said tract of land and do hereby make the attached plat of said subdivision for the purpose of the sale of the lots therein by number as designated on said plat and do hereby designate the subdivision as "**DAY BROOK ESTATES FOURTH ADDITION**" and the same shall be so known hereafter. We do hereby dedicate for sewers, water mains, drainage facilities and public utility purposes the various easement strips so designated on the plat as "easement"; and we further dedicate to the County all streets, sidewalks, sewers and surface drains heretofore, or hereafter, constructed in said combined tracts; hereby waiving in such portions so dedicated all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

### COVENANTS

- 1.) No lot shall be used except for residential purposed and not more than one residence shall be placed on each lot. A residence shall be limited to one single family detached dwelling not to exceed three stories in height with a private garage attached for not more than three cars.
- 2.) No building or structure (not by way of limitation, residential dwelling, garage, outbuildings) shall be erected, placed or altered on any lot until construction plans and specifications and a plan showing the location of the structure have been approved by the Architectural Control Committee, as to the quality of workmanship and materials, harmony, of exterior design with existing structures, and as to location with respect to topography and finish grade elevation. No fence or wall shall be erected, placed or altered on any lot nearer to any street than the minimum building setback line, unless approval in writing shall be received from the Architectural Control Committee hereinafter provided. The Architectural Control Committee members are Jennifer S Lourash Mahannah & Rosemary E Jones.
- 3.) The floor area of each one-story structure, exclusive of porches, basement and garages, shall not be less than 2000 square feet. The floor area of each one and one-half story structure and each two and three story structure shall contain on the ground floor thereof not less than 1000 square feet. All construction shall be of new materials and of good quality suitably adapted for use in the construction of such improvement.

4.) No building shall be erected on any lot nearer to the front lot line or nearer to the side lot line than the minimum building setback requirements of any local ordinance. In any event, no building shall be located nearer than 10 feet to an interior lot line or nearer than 20 feet to an existing structure.

5.) Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat. Except for initial source lines and pre-existing lines, all electric distribution lines, telephone, or other utilities lines, whether within the easements shown on the plat or elsewhere in the Addition, shall be located beneath the surface of the ground. No trees, shrubbery, structures or materials shall be permitted to remain upon and within said utility easement which may damage or interfere with the installation, operation or maintenance of the utilities.

6.) No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become annoyance or nuisance to the neighborhood.

7.) No structure of a temporary character, trailer, snowmobile, boat, camper, mobile home, trucks, vans, or commercial vehicles shall be parked permanently in the driveways of any residence or on the public streets for periods in excess of 96 hours nor otherwise permanently stored on the premises unless contained in garage or other approved structure or stored in such an area as not to be visible. No tent, shack, garage, barn or other outbuilding shall be used on any lot at any time as a residence, either temporarily or permanently, except that a storage shed may be constructed, erected or placed upon a lot but not to exceed 12 feet by 12 feet or 144 square feet in size.

8.) No sign of any kind shall be displayed to the public view on any lot except: one professional sign of not more than one square foot, one sign of not more than 5 square feet advertising the property for sale or rent, or signs used by builder to advertise the property during the construction and sales period, or signs used by the developer for purposes original sale of said lots.

9.) No oil drilling, oil development operations, oil refining, quarrying or mining operations of any kind shall be permitted upon or in any lot, nor shall oil wells, oil tanks, tunnels, mineral excavations or shafts be permitted upon or in any lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained or permitted upon any lot.

10.) No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any lot, except, those dogs, cats, or other household pets may be kept provided that they are not kept, bred, or maintained for any commercial purpose.

11.) All lots that require an aerobic private sewage disposal system will keep a service/maintains agreement/contract with a licensed Maintains Company to keep the treatment of the septic system up to the Macon County Health Department Codes.

12.) No subsequent owner shall interfere with the free flow of surface water across that owner's lot.

- 13.) No lot shall be used or maintained as a dumping ground for rubbish or junk. Trash/garbage shall not be stored on the property for the purpose of burning rubbish or junk or other waste material.
- 14.) No lot owner shall allow weeds, rubbish, brush, or any other debris of any kind to accumulation his said lot or to be place upon any property in the subdivision.
- 15.) All owners shall comply with all state and local laws in affect from time to time.
- 16.) No outside television or radio aerial, antenna, or other aerial or antenna, for the reception or transmission, shall be maintained on the exterior of any lot or residence without pr. or written consent of the Architectural Control Committee.
- 17.) No sod, dirt, rocks or other excavating materials on any lot shall be taken out or moved from the subdivision without written consent from the Architectural Control Committee.
- 18.) Construction of any dwelling or other improvements shall be prosecuted diligently an continuously from the time of commencement until the exterior construction shall be fully completed and the interior construction is substantially completed no later than 12 months after footing excavation. No such dwelling shall be occupied during the course of original exterior construction or until made to comply with the restrictions and conditions set forth in this declaration. No excavation, except as is necessary for the construction of improvements, shall be permitted.
- 19.) All lots and roadway Right-of-way will be planted to permanent vegetation prior to construction.
- 20.) A vegetative buffer strip of at least 20 feet in width and /or silt fence will be maintained around the perimeter of the lots. Denuding of vegetation shall be kept to a minimum during the development of the lot. Other erosion control measures may be required on a site-specific basis.
- 21.) The extension of Day Drive shall be hardened for at least 50 feet (in accordance with code 930 of the Illinois Urban Manual). This will prevent soil from being deposited onto Sherry Court. If soil is carried onto the roadway by equipment and/or trucks, the soil shall be removed as soon as possible, not to exceed an eight-hour period.
- 22.) The initial construction entryway of each individual lot shall be hardened for at least 50 feet (in accordance with code 930 of the Illinois Urban Manual), prior to construction starting on the individual lots. This will prevent soil from being carried onto Day Drive and Brook Drive and eventually into the storm sewers and the pond. If soil is carried onto the roadway by equipment and/or trucks, the soil shall be removed as soon as possible, not to exceed an eight-hour period.
- 23.) All driveways, walkways and parking areas shall be surfaced with concrete or asphalt and plans for the same shall first be presented for approval in the same manner as plans for dwelling.

- 24.) Concurrently with the construction of a single family dwelling each lot owner shall install septic tank and lateral system.
- 25.) Following completion of construction of a residence on a lot in the Addition, the owner shall be responsible for the landscaping thereof.
- 26.) The Architectural Control Committee may designate a representative to act for them. In the event of the death or resignation of any member of the Committee the remaining members shall have full authority to designate a successor. Neither the members of the Committee, nor its designated representative, shall be entitled to any compensation for services performed pursuant to this covenant. At any time the then recorded owners of a majority of the lots shall have the power through a duly recorded written instrument to change the membership of the Committee or to withdraw from the Committee or restore it any or all of its powers and duties.
- 27.) The Committee's approval or disapproval as required in these covenants shall be in writing. In the event the Committee or its designated representative fail to approve specifications have been submitted to it, or in any event if no suits to enjoin the construction have been commenced prior to the completion thereof, approval will not be required and the related covenants shall be deemed to have been fully complied with.
- 28.) These covenants are to run with the land and shall be binding on all properties and all persons claiming under them for a period of twenty years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of ten years unless an instrument signed by the majority of the owners of the lots has been recorded, agreeing to change these covenants in whole or part. A majority of owners shall be determined by counting one vote for the owner or the representative of the owner of each lot, and no fractional vote shall be allowed for adjoining footage representing a fraction of the adjoining lot.
- 29.) Enforcement shall be by proceeding at law or in equity against any person or persons violating or attempting to violate any covenant either to restrain violation or recover damages.
- 30.) Invalidation of any of these covenants by judgment or Court Order, Municipal, state, or federal law, shall in no wise affect any of the other provisions which shall remain in full force and effect.
- 31.) All 4 inch and 8 inch schedule 40 PVC pipe that is installed in the right-of-way area shall be used only for basement sump pump discharge lines. No roof drains shall be connected to these lines.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal this  
17 day of October, 2004.

By: Jennifer S. Lourash Mahannah  
 JENNIFER S LOURASH MAHANNAH

By: Rosemary E. Jones  
 ROSEMARY E JONES

## TAX CERTIFICATE

STATE OF ILLINOIS )  
                               ) SS  
 COUNTY OF MACON)

I, STEPHEN M. BEAN, County Clerk in and for the County and State of aforesaid, do hereby certify that I find not redeemable tax, tax sale, or unpaid forfeited taxes against any of the real estate known as part of the SW 1/4, SE 1/4, Section 27, T16N, R3E, 3rd PM, Macon County, Illinois and is more particularly described as follows: Beginning at the Northwest Corner of the Day Brook Estates Second Addition as per plat recorded in Book 1832, Page 708 of the records in the Recorder's Office of Macon County, Illinois; thence South, along the West line of said Second Addition, having an assumed bearing of S.0°14'52"E., 750.59 feet; thence S.89°40'54"W., 270.00 feet; thence S.0°14'52"E., 52.41 feet; thence S.89°45'06"W., 120.00 feet; thence Southwesterly, along a curve to the Left, having a radius of 267.261 feet and a chord of S.77°11'08"W., 116.298 feet; thence N.25°22'51"W., 327.26 feet; thence Easterly, along a curve to the Right, having a radius of 594.523 feet and a chord of N.66°05'04"E., 30.38 feet; thence N.0°14'52"W., 517.63 feet; thence N.89°31'00"E., 614.67 feet to the Point of Beginning, known as part of Parcel I.D. No. 09-13-27-451-003, to be known as "**DAY BROOK ESTATES FOURTH ADDITION**" and included therein.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this  
19th day of October, 2004.

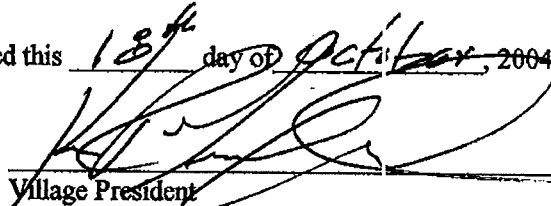
*Stephen M Bean*

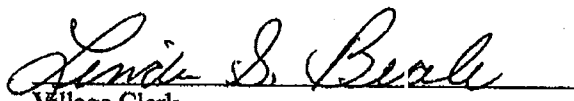
**APPROVAL**

STATE OF ILLINOIS )  
                                  ) SS.  
COUNTY OF MACON)

This is to certify that the attached plat of **DAY BROOK ESTATES FOURTH ADDITION** and accompanying certificates were submitted to the Village of Long Creek Plan Committee and duly approved.

Dated this 18<sup>th</sup> day of October, 2004

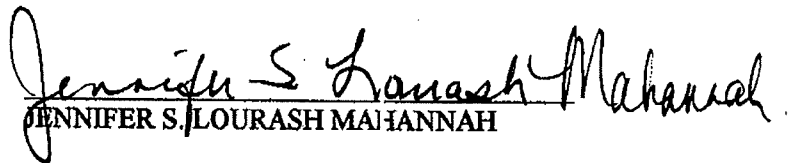
  
Village President

  
Village Clerk

**SCHOOL DISTRICT CERTIFICATE**

STATE OF ILLINOIS )  
                                  ) SS  
COUNTY OF MACON)

This is to Certify that We, JENNIFER S. LOURASH MAHANNAH and ROSEMARY E. JONES as owners of the property herein described in the surveyor's certificate, which will be known as **DAY BROOK ESTATES FOURTH ADDITION**, to the best of our knowledge, is located within the boundaries of Mt. Zion Community Unit School District #3, in Macon County, Illinois.

  
JENNIFER S. LOURASH MAHANNAH

  
ROSEMARY E. JONES

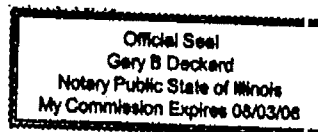
OWNERS' AFFIDAVIT

STATE OF ILLINOIS )  
                          )SS  
COUNTY OF MACON)

I, THE UNDERSIGNED, a Notary Public in and for the County and State aforesaid, DO  
HEREBY CERTIFY that JENNIFER S. LOURASH MAHANNAH and ROSEMARY E.  
JONES, personally known to me to be the same persons whose names is subscribed to the  
foregoing instrument, appeared before me this day in person and acknowledged that they signed,  
sealed and delivered this instrument as their free and voluntary act for the uses and purposes  
therein set forth.

Given under my hand and notary seal this 17<sup>th</sup> day of October, 2004.

Gary B. Deckard  
Notary public

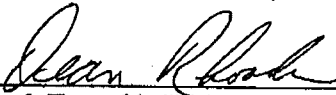


**CERTIFICATION BY LONG CREEK TOWNSHIP  
HIGHWAY COMMISSIONER**

STATE OF ILLINOIS )  
                              ) SS.  
COUNTY OF MACON)

In my capacity as the Long Creek Township Highway Commissioner, I hereby certify that the attached plat of **DAY BROOK ESTATES FOURTH ADDITION** has been examined by me and that I approve the subdivider's plans and specifications comply with respect to roadways and roadway access.

Dated this 27th day of October, 2004.

  
\_\_\_\_\_  
Long Creek Township Highway Commissioner

CERTIFICATION BY MACON COUNTY  
SOIL & WATER CONSERVATION DISTRICT

STATE OF ILLINOIS )  
                                  ) SS.  
COUNTY OF MACON)

In my capacity as the Macon County SWCD Staff, I hereby certify that the attached plat  
of the Day Brook 4<sup>th</sup> Addition has been examined by me and that I approve the sub divider's plans  
and specifications comply with respect to erosion control.

Dated this 13<sup>th</sup> day of October, 2004.



Certified Professional in Erosion & Sediment Control

CERTIFICATION BY MACON COUNTY  
SOIL & WATER CONSERVATION DISTRICT

STATE OF ILLINOIS )  
                                  ) SS.  
COUNTY OF MACON)

In my capacity as the Macon County SWCD Staff, I hereby certify that the attached plat  
of the Day Brook 4<sup>th</sup> Addition has been examined by me and that I approve the sub divider's plans  
and specifications comply with respect to erosion control.

Dated this 13<sup>th</sup> day of October, 2004.



Certified Professional in Erosion & Sediment Control

**CERTIFICATION BY MACON COUNTY  
HEALTH DEPARTMENT**

STATE OF ILLINOIS )  
                          ) SS.  
COUNTY OF MACON)

In my capacity as Administrator of the Macon County Health Department, I hereby certify that the attached plat of **DAY BROOK ESTATES FOURTH ADDITION** has been examined by me and that the subdivider's plans and specifications comply with the rules and regulations governing subdivisions for Macon County with respect to sanitary sewage disposal systems.

Dated this 5th day of January, 2004. 2005

Charles L. L. L.  
Administrator, Macon County Health Department

