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 IL Rental Housing Fund: \$10.00  
 Lake County IL Recorder  
 Mary Ellen Vanderventer Recorder

File **6111395**

*THIS INSTRUMENT PREPARED  
 BY AND SHOULD BE RETURNED  
 TO:*

*Brian Meltzer  
 MELTZER, PURTILL & STELLE  
 LLC  
 1515 East Woodfield Road  
 Second Floor  
 Schaumburg, Illinois 60173-5431*

**ABOVE SPACE FOR RECORDER'S USE ONLY**

1029078 2/9

11/27/06

**SPECIAL AMENDMENT NO. 1 TO  
 DECLARATION FOR THE MIDLANE CLUB COURTYARD HOMES**

This Special Amendment is made by Concord Homes, Inc., a Delaware corporation, d/b/a Lennar ("Declarant").

RECITALS

Declarant recorded the Declaration for The Midlane Club Courtyard Homes in the Office of the Recorder of Deeds for Lake County, Illinois, on May 23, 2006, as Document No. 5997443. In Article Twelve of the Declaration, Declarant reserved the right and power to add and submit certain real estate to the Declaration by making portions of the Development Area subject to the Declaration as part of the Premises. Declarant exercised the right and power reserved in Article Twelve by recording Supplement No. 1 to Declaration for The Midlane Club Courtyard Homes, recorded with the Lake County Recorder on June 22, 2006, as Document No. 6014852. The Declaration is currently Recorded with respect to the real estate which is legally described in Exhibit A hereto.

In Section 10.01 of the Declaration, Declarant reserved the right and power to record a Special Amendment to, among other things, correct errors, omissions, ambiguities or inconsistencies in the Declaration or any Exhibit thereto. Declarant desires to exercise the right and power reserved in Section 10.01 to correct the definition of a "Lot" and to add provisions concerning "Designated Builders" which were inadvertently omitted from the Declaration when the Declaration was initially Recorded.

NOW, THEREFORE, the Declarant does hereby amend the Declaration as follows:

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 JR

1. A new Section 1.10(A) is hereby added to the Declaration to be and read as follows:

“1.10(A) DESIGNATED BUILDER: Any legal entity which is designated, from time to time, by the Declarant as a “Designated Builder”, as more fully provided in Section 15.07. Unless otherwise provided in an amendment or supplement hereto, Lennar Chicago, Inc., an Illinois corporation, and J. Lawrence Homes, Inc., an Illinois limited liability company, and its affiliates, shall each be a Designated Builder hereunder.

2. Section 1.16 is hereby amended and restated, in its entirety, to be and read as follows:

“1.16 LOT: A subdivided lot which is designated in Exhibit B as a "Lot" and upon which is constructed a Home for which a temporary, conditional or final certificate of occupancy has been issued by the Municipality.”

3. Section 6.07 is hereby amended and restated, in its entirety, to be and read as follows:

“6.07 INITIAL CAPITAL CONTRIBUTION: Upon the closing of the first sale of a Lot by the Declarant or a Designated Builder to a purchaser (other than the Declarant or a Designated Builder) for value, the purchasing Owner shall pay to the Association (i) an amount equal to three (3) monthly installments of the Common Assessment at the rate which shall be effective with respect to the Lot as of the closing, which amount shall be held and used by the Association for its working capital needs; plus (ii) one hundred dollars (\$100.00) to be added to the Capital Reserve.

4. Section 10.02 is hereby amended to provide that the provisions in the Declaration which relate to the rights of a Designated Builder may be amended only upon the written consent of the Designated Builder

5. A new Section 15.07 is hereby added to the Declaration be and read as follows:

“15.07 DESIGNATED BUILDERS:

(a) The Declarant shall have the right and power to designate, in a Supplemental Declaration, Special Amendment or other document, a “Designated Builder” and to grant to the Designated Builder some or all of the rights of the Declarant hereunder, including, without limitation, one or more of the following rights:

(i) The right to construct homes and to temporarily store construction equipment and materials on the Development Area;

(ii) The right to construct and maintain model units, sales or leasing offices, parking areas, advertising signs, lighting and banners, or other promotional facilities at such locations and in such forms as the Designated Builder may deem advisable and to use such model units (including model units which are sold by and leased back to the Designated Builder), sales or leasing offices or other facilities for the purpose of selling or leasing Homes on the

Premises or at other properties in the general vicinity of the Premises which are being offered for sale by the Designated Builder or any its affiliates, without the payment of any fee or charge whatsoever to the Association.

(iii) The right of ingress, egress and parking in and through, and the right to use and enjoy the Common Area, at any and all reasonable times without fee or charge.

(iv) The right and power to lease any Homes owned by it to any person or entity which it deems appropriate in its sole discretion.

(b) Any rights granted by the Declarant to a Designated Builder pursuant to this Section may be subject to such restrictions and limitations as the Declarant deems appropriate. Unless otherwise limited by the Declarant, any rights granted by the Declarant to a Designated Builder pursuant to this Section shall continue until such time as the Designated Builder is no longer vested with, or controls title to, any portion of the Development Area, regardless of whether the rights of the Declarant hereunder has terminated or expired.

6. Covenants to Run with Land. The covenants, conditions, restrictions, and easements contained in the Declaration, as amended by this Special Amendment, shall run with and bind the Premises.

7. Continuation. As expressly hereby supplemented and amended, the Declaration shall continue in full force and effect in accordance with its terms.

Dated: November 28<sup>th</sup>, 2006

**DECLARANT:**

CONCORD HOMES, INC., a Delaware corporation

By: \_\_\_\_\_


  
Dean A. Edmeier, a Vice President



EXHIBIT A TO  
DECLARATION FOR THE MIDLANE COURTYARD HOMES

The Premises

I. Lots

- A. Lots 1 through 20, both inclusive, in the Greens at Midlane North Access Subdivision, being a subdivision of Part of Section 2, Township 45 North, Range 11 East of the Third Principal Meridian, in Lake County, Illinois, pursuant to the plat thereof recorded in Lake County, Illinois, on February 22, 2005, as Document No. 5737715 (the "Greens at Midlane Subdivision").
- B. Lots 84 through 89, both inclusive, and Lots 108 through 119, both inclusive, in the Greens at Midlane Subdivision.

II. Common Area

None at this time