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**2012R03529**

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REC FEE: 32.00

RNSP FEE: 10.00

TOTAL: \$42.00

PAGES: 2

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**JOSHUA A. LANGFELDER  
SANGAMON COUNTY RECORDER**

PREPARED BY  
AND RETURN TO:

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Springfield, IL 62705  
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**FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS,  
AND RESTRICTIONS FOR OLD TIPTON ESTATES**

THIS FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR OLD TIPTON ESTATES ("Amendment") is made this 28<sup>th</sup> day of January, 2012, by Luker-Carter Development, LLC, a/k/a Luker-Carter, LLC ("Declarant").

WHEREAS, pursuant to the provisions of Article II of the Declaration of Covenants, Conditions and Restrictions for Old Tipton Estates dated February 13, 2006, that was recorded with the Sangamon County, Illinois, Recorder on February 23, 2006, as Document No. 2006R06527 ("Declaration"), Declarant, as the developer of Old Tipton Estates, may subject additional property to the terms of the Declaration at its discretion;

WHEREAS, Declarant applied the Declaration specifically to the property in the final plat of Old Tipton Estates, First Addition, recorded with the Sangamon County, Illinois, Recorder on February 23, 2006, as Document No. 2006R06526. ("First Addition") in a Statement Regarding Declaration of Covenants, Conditions, and Restrictions for Old Tipton Estates recorded with the Sangamon County, Illinois, Recorder on February 28, 2007, as Document No. 2007R10052 ("Statement");

WHEREAS, the final plat for Old Tipton Estates, Second Addition, was recorded with the Sangamon County, Illinois, Recorder on September 26, 2011, as Document No. 2011R30784 ("Second Addition"); and

WHEREAS, the Developer wishes to specifically subject the property in the Second Addition to the Declaration.

NOW, THEREFORE, the Declarant hereby incorporates the above recitals herein and pursuant to Article II of the Declaration amends the Declaration as follows:

1. The Declarant hereby amends the Declaration (Document No. 2006R06527) by subjecting to the Declaration the property legally described on the final plat of Old Tipton Estates, Second Addition, recorded with the Sangamon County, Illinois, Recorder on September 26, 2011, as Document No. 2011R30784.

2. The property in the Second Addition will be held, sold, transferred, conveyed, occupied, mortgaged, or otherwise encumbered subject to the covenants, easements, conditions, and restrictions, set forth in the Declaration, which shall run with the title to the property, and shall be binding on all persons having any right, title, or interest in any portion of the real property subject hereto, their respective heirs, legal representatives, successors, successors-in-title, and assigns and shall inure to the benefit of each and every owner of any portion thereof.

3. Accordingly, the lots and property in the Second Addition are subject to the same covenants, conditions, restrictions, easements, changes, and liens as the lots and property located in the First Addition, all as set forth in the Declaration which is incorporated herein as if fully restated. The owners of lots in the Second Addition shall automatically be members of the Old Tipton Estates Homeowners Association on the same terms and conditions as owners of lots in the First Addition. The term "Lot" as defined in the Declaration also now includes each of the lots in the Second Addition. The term "Owner" as defined in the Declaration also now includes owners of lots in the Second Addition. The term "Properties" as defined in the Declaration also now includes property in the Second Addition. The term "Areas of Common Responsibility" or "Common Areas" as defined in the Declaration also now includes all real and personal property, facilities, and improvements for the common use and enjoyment of the Owners as set forth in the Second Addition.

IN WITNESS WHEREOF, the undersigned has executed this Amendment on this 28<sup>th</sup> day of January, 2012.

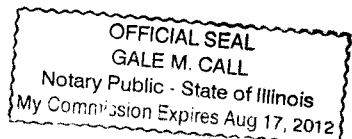
LUKER-CARTER DEVELOPMENT, LLC

By: *Stephen M. Luker*  
Stephen M. Luker, Authorized Agent

STATE OF ILLINOIS                    )  
  )  
COUNTY OF SANGAMON            )        SS.

I, the undersigned, a Notary Public, in and for the County and State aforesaid, DO HEREBY CERTIFY that STEPHEN M. LUKER, Authorized Agent of LUKER-CARTER DEVELOPMENT, LLC, an Illinois limited liability company, personally known to me to be the Authorized Agent of said limited liability company, whose name is subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that as such Authorized Agent, he signed, sealed, and delivered the foregoing instrument as his free and voluntary act, and as the free and voluntary act and deed of said limited liability company, for the uses and purposes therein set forth.

Given under my hand and notarial seal this 30 day of Jan, 2012.



*Gale M Call*  
Notary Public