



FRED BUCHOLZ

DUPAGE COUNTY RECORDER

DEC. 15, 2005

RHSP 12:25 PM

OTHER

01-33-410-003

009 PAGES

R2005-277549

RESOLUTION No. 3

**Restriction and Fining Resolution
for
WILLOW CREEK SINGLE FAMILY HOMEOWNERS ASSOCIATION**

WHEREAS, WILLOW CREEK SINGLE FAMILY HOMEOWNERS ASSOCIATION ("Association") is either an Illinois Master Association or Common Interest Community Association as defined by Section 18.5(c)(7) of the Illinois Condominium Property Act (the "Act"); and

WHEREAS, the Association has the authority under the Act to levy and collect reasonable fines from members for a violation of the Rules and Regulations of the Association and for any violation of the Declaration and By-Laws of the Association; and

WHEREAS, the Board recognizes that the Illinois Forcible Entry and Detainer Act has been amended to provide that if a Unit Owner fails to pay, when due, his or her proportionate share of the common expenses or any other expenses lawfully agreed upon or the amount of any unpaid fines, the Unit Owner's right to possession can be terminated by a Court.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED AS FOLLOWS:

*Return to Willow Creek SF Assn
PO Box 870
West Chicago, IL 60186*

1. That the President of the Board send notice of meeting to the members not less than ten (10) days, nor more than thirty (30) days, from the date hereof and that the notice of the time, place and purpose of the meeting be set forth in the notice.
2. That the fine to be imposed shall be set by the Board of Directors in an amount reasonable and justified by the violation, not less than TWENTY-FIVE DOLLARS (\$25.00) nor more than FIVE HUNDRED DOLLARS (\$500.00): and in addition, for each day that the violation occurs or exists, an additional fine not to exceed TWENTY-FIVE DOLLARS (\$25.00) per day can be assessed.
3. Prior to the imposition of any sanction for a breach of the Declaration, By-Laws or Rules and Regulations or the imposition of a fine or the infringement upon any other rights of a Unit Owner or other occupant of a Unit, the following procedure is to be followed:
 - A. Written demand is to be sent to the Unit Owner or occupant to cease and desist from the alleged violation. The demand may be served by letter specifying:
 - i. the alleged violation;
 - ii. the action required to abate the violation; and
 - iii. the time period during which the violation may be abated without further fine if the violation is not a continuing one, or a statement that any violation of the same rule may result in the imposition of additional fines or sanction after notice and hearing if the violation is continuing.
 - B. Together with the written demand to cease and desist should be a notification to the alleged violator of any opportunity to request a hearing before the Board of Directors.

The notice shall contain:

 - i. the nature of the alleged violation;

- ii. the time and place of the hearing;
 - iii. an invitation to attend the hearing and produce any statement, evidence and witness on his or her behalf together with the opportunity to be represented by an attorney; and
 - iv. the proposed sanction or fine to be imposed.
- C. At the hearing, the alleged violator or his or her attorney has the right to present evidence and to cross-examine witnesses. The hearing is to be held in executive session. The minutes of the meeting shall contain a written statement of the results of the hearing and the determination of the Board of Directors plus the fine or sanction, if any, imposed.
4. The Covenants, Conditions, and Restrictions specifically state that certain landscaping changes/additions and exterior changes/additions to the home or property of all lots within the Willow Creek Single Family Homeowners Association require the approval of the Architectural Landscaping Committee or the Board of Directors. Effective the date of this Resolution failure to seek and be granted approval prior to changes/additions commencing can result in a fine being levied in the amount of four hundred dollars (\$400.00).
5. It is specifically forbidden that any property owner use water from the East or West ponds within the Willow Creek Single Family Homeowners subdivision for the purpose of watering their yards, bushes, plants, etc. The property owners located at the following addresses are granted exception to this condition, but will not be allowed to use the ponds for watering when the water level of the West pond falls six (6) inches or more below the water flow restrictor (as measured from the restrictor's highest point) on the west end of the West pond.

1001 Lakeside Drive
1027 Woodside Drive

The fine associated for violating this Restriction can result in a fine being levied in the amount of two hundred-fifty dollars (\$250.00) for the first occurrence and two hundred-fifty (\$250.00) for each additional occurrence.

PASSED THIS 12th day of December, 2005

AYES: 5

NAYES: 0

ABSENT: 1

APPROVED THIS 12th day of December, 2005

WILLOW CREEK SINGLE FAMILY
HOMEOWNERS ASSOCIATION

By: 

President

ATTEST:

By: 

Treasurer

STATE OF ILLINOIS)
)
COUNTY OF DUPAGE)

SS

The undersigned, a Notary Public in and for said State and County, does hereby certify that on the 14th day of December, 2005, Tormey Campagna, as the President and duly authorized agent of the Board of Directors of WILLOW CREEK HOMEOWNERS ASSOICATION appeared before me in person, and acknowledged that (s) he signed the foregoing instrument for the use and purpose therein set forth.



Candace Racz
Notary Public

(NOTARY SEAL)

Date: 12-14-05

Mail to: Willow Creek Single Family Homeowners Association
P.O. Box 870
West Chicago, IL 60186