

# ESTATES OF MILLBROOK HOMEOWNERS ASSOCIATION

---

## **Policy Manual**

The Board of Directors shall approve a Policy Manual consisting of a series of policy statements for the Estates of Millbrook Home Owners' Association, which will provide the mechanism whereby the Association shall conduct business while at the same time fully protecting the collective and individual rights of the members.

The policies contained herein shall at all times apply to the Board of Directors. All Association officers, committee members, and agents are obligated to be aware of, understand, and conduct themselves consistent with the policies contained herein.

The policies recorded herein are developed under the authority of the Association By-Laws Article VIII, Section 1. Any changes to the policies herein shall be accomplished under and comply with the same section.

## Table of Contents

		<b>Effective Date</b>	
1	Collection of the yearly Association Assessment	8-Jun	2010
2	Delinquent payments / Members in good standing	15-Dec	2009
3	Outstanding balances / Delinquent accounts	7-Oct	2013
4	Insufficient funds	11-Dec	2013
5	Reporting /violations/notifications/fines/ penalties	7-Oct	2015
6	Real Estate closing Documents	5-Apr	2023
7	Seller/ Purchaser info sheet	2-Dec	2016
	a. Disclosure statement for new buyers	2-Dec	2016
8	Change of address	5-Jun	2012
9	Rental/ Lease	2-Dec	2016
10	Architectural Review Committee controls	7-Oct	2015
11	Fences	1-Oct	2014
12	Lot maintenance standards	5-Apr	2023
13	Common Properties including stone path	4-Feb	2012
14	Planting of trees / Common properties / Lots	7-Oct	2015
15	Commercial vehicle definition	16-Apr	2009
16	Habitual overnight parking	13-Jan	2009
17	Nuisances	7-Oct	2016
18	Capital improvements	2-Aug	2008
19	Request for records	16-Dec	2010
20	Expunge records	5-Oct	2016
21	Signage		TBD
22	Energy Policy Statement	5-Apr	2023

# Estates of Millbrook HOMEOWNERS ASSOCIATION

---

## POLICY STATEMENT

**Effective Date: June 8, 2010**

### **Reference: Collection of the Yearly Association Assessment**

This document outlines the policy and procedure to be used by the Estates of Millbrook Homeowners Association, its directors and agents, in collection of the yearly homeowners association fees levied in accordance with the Covenants, Conditions and Restrictions and Association By-Laws.

#### **Assessments**

Assessments shall be determined in accordance with Article VII, Section 1 of the association by-laws. Notice of assessments shall be forwarded to each lot owner via US mail as close to **January 1** as possible and/or not less than 30 days prior to the due date for said assessment.

#### **Delinquency of Assessment**

Assessments shall be considered delinquent if not paid on or before the date specified on the assessment notice (Article VIII, Section 6 of CCR's). A late interest payment of 5% per annum plus a service fee of \$25 will be assessed on **March 1** for all accounts that are delinquent.

#### **Legal Action**

All outstanding balances will be turned over to the collection department of the HOA attorney for legal action on **June 1**. This legal action against the lot owner(s) will include the amount owed to the association, all costs of collection and attorney fees.

The Board of Directors retains the right to grant waivers to this policy upon written request from the member and approval by the BOD.

# ESTATES OF MILLBROOK HOMEOWNERS ASSOCIATION

---

## POLICY STATEMENT

**Effective Date: December 15, 2009**

**Reference: Delinquent Payments**

This document outlines the policy and procedure to be used by the Estates of Millbrook Homeowners Association, its directors and agents, in collection of delinquent dues, fees, interest and any other unpaid charges levied in accordance with the Covenants, Conditions and Restrictions, Bylaws and Policies recorded herein.

In order to be a member in good standing (Article VII, section 4, paragraph 2, page 17), all membership dues from prior year/years including late fees, interest and any other unpaid charges must be paid by cash, certified check or money order prior to the general membership meeting in February.

The membership dues assessed in the month preceding the general membership meeting can be paid by personal check prior to the meeting.

# Estates of Millbrook Homeowners Association, Inc.

## Policy Statement

**Effective Date: October 7, 2015**

**Reference: Outstanding Balances/Delinquent Accounts/Collections**

The association will follow the schedule, as printed below, to collect assessment and delinquent account amounts owed the association:

**January 1**-yearly statement is sent out

**March 1**-late fee and service charge added to any outstanding balance. A statement with a collection warning will be sent every month through June until payment is received.

**June 1**-any overdue amounts will be considered delinquent. Owners information will be sent to legal counsel for collection proceedings. All legal costs will be charged to the owner.

**December 1**-owners with any outstanding balances, who have not been previously sent to collections previously, will be sent to legal counsel for collection proceedings. All legal costs will be charged to the owner.

# Estates of Millbrook Homeowners Association, Inc.

---

## Policy Statement

**Effective date: December 11, 2013**

**Reference: Insufficient Funds**

The following will define the process used by The Estates of Millbrook Homeowners Association Inc. in matters regarding a lot owner's check which had insufficient funds in their account to cover costs related to their membership in the HOA.

Should a check be sent to the association in which the bank determines that there are insufficient funds to cover the amount listed on the check, lot owners will be assessed the amount charged to the association from the association's bank.

# The Estates of Millbrook Homeowners Association, Inc.

---

**Effective date: October 7, 2015**

**Re: Reporting/Determining a violation, Notification, Fines, Penalties**

## POLICY STATEMENT

The following will outline the procedure used by the Estates of Millbrook Homeowners Association, Inc. to report, determine and notify of a violation and to collect necessary fines levied for said violation(s). All lot/homeowners are urged to review the CCR's and Bylaws so that no violation occurs.

### **Reporting/Determining a Violation/Notification**

Possible violations of the CCR's and Bylaws shall be reported in writing or email to the Property Management Company or to any BOD member. All reports shall be confidential. The BOD will conduct an investigation of said report to determine if there has been a violation. If so, the BOD will instruct the management company to send a letter, email if on record or phone call to the violator with instructions as to how to alleviate the violation. *All owners have the right to request a hearing with the BOD to discuss the issue.* Requests for a hearing must be put into writing and sent to the association at Box 101, Millbrook, IL. 60536..

Owners who refuse to respond to or alleviate the non-compliance within (7) seven days for property issues or (3) three days for vehicle issues will be notified by email (if on record) and regular mail that a fine has been placed on their account.

The BOD understands that certain non-compliance issues take longer than others to correct. It retains the right to grant additional time to correct violations as long as a request is put into writing and sent to the association post office box stating reasons why additional time is necessary.

Should it become necessary, the BOD will file suit against any lot/homeowner who refuses to alleviate a non-compliance in the above stated timeline. A judgment from the violator will be sought to cover attorney fees and costs related to the suit.

### **Fines**

**First violation**-letter, email (if address is on record) or phone call from the designated agent or the BOD

**Second violation**-email (if on record), letter and \$100 fine

**Third violation**-certified letter and \$200 fine

**Fourth and all subsequent violations**-certified letter and \$400 fine

*The BOD reserves the right to initiate legal proceedings anytime during this process.*

### **Penalties**

Fines not paid within (30) thirty days after notification will be considered delinquent. The fines will bear interest from the day of delinquency at the rate of 5 % per annum, along with the costs of collections, billing, recording fees and/or attorney fees. Should \$500 or more in violation fines/penalties be added to an owners account without payment, a lien will be recorded against the owners property at their expense.

# **ESTATES OF MILLBROOK HOMEOWNERS ASSOCIATION**

## **POLICY STATEMENT**

**EFFECTIVE DATE: APRIL 5, 2023**

### **REFERENCE: REAL ESTATE CLOSING DOCUMENTATION**

This document outlines the policies and procedures to be used by the Estates of Millbrook Homeowners Association, its directors and agents, in providing necessary documentation to homeowners, their Agents and their Attorney's, to meet requirements for the closing of real estate transactions.

1. A written request for closing documentation must be **submitted via email, 10 business days prior to the scheduled closing date. For requests made in less than 10 business days, a check for \$100.00 made out to the Association must be mailed to address below.**
2. Requests must be **EMAILED to: [eomillbrook@gmail.com](mailto:eomillbrook@gmail.com)**
3. Checks must be mailed to:

Estates of Millbrook Homeowners Association  
PO Box 101  
Millbrook, IL 60536

4. Documentation can be found on our website: [estatesofmillbrook.com](http://estatesofmillbrook.com)

The Association shall provide the following document to the title company prior to the date of closing

- Paid Assessment Letter
- Letter specifying status of assessment/ fines related to the property.
- Any amounts due to the association from late assessment payments or fines must be paid prior to closing documentation being sent.



# The Estates of Millbrook Homeowners Association

---

## Seller/Purchaser Information Sheet

(This must be completed and given to the Association prior to receiving the Real Estate Closing Documentation letter)

Date submitted: \_\_\_\_\_

Closing date: \_\_\_\_\_

Lot # \_\_\_\_\_

Property address: \_\_\_\_\_

### Seller's Information

Name/s: \_\_\_\_\_

New Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

### Buyer's Information

Name/s: Last, First, First \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone: Home \_\_\_\_\_ Cell: \_\_\_\_\_

Email: \_\_\_\_\_

Purchase Price: \_\_\_\_\_

# The Estates of Millbrook Homeowners Association

## DISCLOSURE STATEMENT

I, We hereby acknowledge that the Covenants, Conditions & Restrictions (CCR's), Bylaws and Policies (Rules) of the Association constitute a contract between the association and the purchaser. By signing this statement, I/We acknowledge that I/We have read all of the above mention association documents and will abide by them to the best of my/our ability.

Lot # \_\_\_\_\_ Date: \_\_\_\_\_

Name/s: \_\_\_\_\_

Property Address: \_\_\_\_\_

Phone Number: cell \_\_\_\_\_ Home \_\_\_\_\_

Email: \_\_\_\_\_

Signature/s: \_\_\_\_\_

Estates of Millbrook  
Homeowners Association

---

Policy Statement

Effective: June 5, 2012

Reference: Change of Address

Detailed and accurate record keeping by the association is essential. It is the responsibility of not only the HOA itself but also every lot owner in the Estates of Millbrook.

Therefore, all lot owners are required to notify the Homeowners Association of a change of address which is made in writing and sent to the HOA mailing address **within 7 days of effective date.**

By failing to enact this policy, the lot owner or association cannot verify or prove that assessment payments, mail correspondence or other communication has been received.

The law does not provide for electronic communication with regard to legal proceedings.

The Estates of Millbrook Homeowners Association Inc.

---

Policy Statement

Rental/Lease

Effective date: December 2, 2016

In order to create greater accountability, to maintain the records of the association and to communicate through correspondence, any owner who rents/leases their home in the Estates of Millbrook will be required to register their tenants with the association. Thereafter, pertinent information regarding the property and community will be sent to both parties.

The following form must be filled out and returned to the management company before any renter/leasee takes residence:

---

Lot # \_\_\_\_\_

Owner/s name: \_\_\_\_\_ Date: \_\_\_\_\_

Address (not in the association) \_\_\_\_\_

Phone number: \_\_\_\_\_ Cell: \_\_\_\_\_

Email address: \_\_\_\_\_

---

All tenant/s name: \_\_\_\_\_

All tenant/s phone number/s: \_\_\_\_\_

One email address: \_\_\_\_\_

Date of rental contract: \_\_\_\_\_ Expires: \_\_\_\_\_

Owner to initial the following:

\_\_\_\_\_ The owner will give copies of the CCR's, Bylaws and Policy Book to the tenant who must abide by them while living in the Estates of Millbrook.

\_\_\_\_\_ The owner will be fully responsible for actions of the tenant in relation to violations of the CCR's, any corresponding fines and policies.

# THE ESTATES OF MILLBROOK HOMEOWNERS ASSOCIATION, Inc.

---

## POLICY STATEMENT

**Effective Date: October 7, 2015**

**Reference: CCR's, Article IV., page 8, # 6, Architectural Controls**

### **Architectural Review Committee**

**ALL buildings, fence, wall, patio, deck, pool, driveway, garage (list not limited) or other structure, nor any change or alteration to outside of property or structure, shall be commenced, erected, or maintained until all plans have been (1) *submitted* to the Architectural Committee, (2) *recommended* for approval in writing by the Architecture Review Committee to the BOD and (3) *formally approved* by the Board of Directors during a directors' meeting. Plans must include a copy of the blueprints and specifications, showing the nature, kind, shape, height, material, color, scheme, location on lot, grading plan and septic system with field marked.**

**Please note that the Architectural Review Committee (ARC) has NO authorization to make any final decisions. This committee only accepts and reviews all plans and makes a recommendation to the BOD within 30 days of the submittal. All ARC reviews will be based on exterior appearance only. A final approval can only be given by the Board of Directors. No changes may be made to the plan(s) without another recommendation of the ARC and again formally approved by the BOD.**

**Prior approval is needed before any construction commences. Should the lot owner proceed with construction without approval, a violation and stop order with a probable fine, will be issued. Please note: the BOD has the authority to demand all structures not approved formally be removed immediately. If it is deemed necessary, the BOD will file suit to enforce the CCR's and the policies by which it governs. In the event the Association prevails, it will proceed with a judgment from the lot/homeowner for attorney fees and costs related to the**

---

### **Contractor/Working Hours**

All contractors/workers must adhere to the following work hours:

**Starting work hours: 7:00 am weekdays, 9:00 am weekends & holidays**

**Ending work hours: dusk**

# The Estates of Millbrook Homeowners Association, Inc.

## POLICY STATEMENT

**Effective Date: October 1, 2014**

### **Reference: Fence Policy**

This document outlines the policy and procedure to be used by The Estates of Millbrook, Inc., its directors and agents, in dealing with the construction, approval or denial of fences throughout the Estates.

The Covenants, Conditions & Restrictions, known as the CCR's, Article IV, #6, page 8, states "To preserve the beauty and natural character of The Estates of Millbrook, perimeter fencing shall not be permitted. No chain link or stockade type fences are allowed anywhere in the Estates of Millbrook. Other decorative fencing such as screening fence, pool security fence, dog run fence and underground wire "invisible" fence may be permitted provided that the property owner has first submitted a fence plan for review by the Architectural Review committee."

It is the desire to maintain the open rural feeling of the Estates. However it is recognized that the fencing of a portion of property may be necessary for gardening, security, personal use, dog runs and the enclosure of swimming pools.

### **Garden Fencing**

A vegetable or flower garden may be enclosed with a fence up to 36 inches in height. This fence may be constructed of wrought iron, steel, aluminum, powder-coated welded wire, PVC, split rail or cedar. *Chain link, stockade and construction fencing is not allowed.* Garden fences will not enclose an area larger than 1000 square feet.

### **Security, Personal Use, Dog Run, Enclosure of Swimming Pool Fencing**

A portion of each lot can be enclosed with fencing. A maximum area of 18% of the total lot area may be enclosed. The fencing must be located behind the shadow of the house. The shadow is defined by extending the lines of the corners of the house towards the rear property line. A minimum side yard set in of 10 feet and rear yard set in of 20 feet must be maintained. Fencing that adjoins a common area or street must be screened with plantings.

Fencing must be constructed of wrought iron, steel, aluminum or powder-coated welded wire. Materials are subject to change when new fencing material becomes available. *Chain link, wood, stockade or PVC fencing is not allowed.* The fencing must have a minimum of 75% open space. A maximum fence height of 60 inches is allowed. Long linear dog runs are not allowed. Underground wire "invisible" fence may be used with approval.

### **Decorative, Screening, Ornamental Landscape Fencing**

Decorative, screening and landscape accent fencing requires approval of placement, design and materials.

All fencing plans must be recommended by the Architectural Review Committee to the Board of Directors for final written approval prior to any installation. There can be absolutely no fence installation without BOD approval. The BOD will exercise its right to stop and/or have removed any non-approved installation.

# Estates of Millbrook Homeowners Association, Inc.

## POLICY STATEMENT

**Effective: April 5, 2023**

**Reference: Article IX Section 1 - Lot Maintenance Standards**

In order to promote the overall beauty and aesthetics of the Estates of Millbrook, the Board of Directors adopts the following policy regarding the growth of weeds/ grass on vacant lots:

- 1 During the months of May through September, owners will be expected to mow their property / properties as close as possible to May 15th, July 15th, and September 15th of each year. If any lot has growth over 8" tall after those dates, as determined by the BOD, said lot will be forcibly mowed by the Association. The lot owner will be assessed the cost of the mowing plus a **\$100.00** service fee.
- 2 Mowing of the common properties will occur as close to the same schedule as stated above.
- 3 Lot owners will be given the privilege of having their vacant lot / lots mowed by the Associations contractor . Owners must notify the Contractor or the BOA before May 15th to avoid the service fee stated above.
- 4 Lots requiring forced mowing will be subject to the imposition of a Lien in accordance with the CCR's should payments not be made.

Estates of Millbrook  
Homeowners Association

---

Policy Statement

Effective: February 4, 2012

Reference: Common Properties including the Path

According to Article IV, Section 8 of the CCR's, the common properties, including the walking/jogging path, are for the exclusive use of the Estates of Millbrook and will be owned and maintained by the Association.

In order to promote the health, safety and welfare of the homeowners, to prevent undue disturbances due to noise and damage to the path, **no** motorized vehicles will be permitted to be operated on the common properties/path.

All persons choosing to violate this policy will be assessed a **\$200.00** fine per occurrence and will be subject to the timelines established in the policy regarding the assessment and collection of fines.

Any motorized mobility device, such as wheelchairs and scooters for people with disabilities related to their mobility, or any motorized vehicle used in the maintenance of the path will not be subject to this fine.

**(This policy replaces the Motorized Vehicle Policy which went into effect on May 12, 2009, as well as the Motorized Vehicles on the Path/Common Ground Policy which went into effect on June 1, 2011).**



**Estates of Millbrook**  
**HOMEOWNERS ASSOCIATION, Inc.**  
**POLICY STATEMENT**

---

**Effective Date: October 7, 2015**

**Reference: Planting of trees on the Common Property/Planting on Lots (REVISED)**

This document outlines the policy and procedure to be used by the Estates of Millbrook Homeowners Association, its directors and agents, in dealing with requests concerning planting on the common property.

In order to promote the overall beauty, aesthetics and “green” of the Estates of Millbrook, the Board of Directors adopts the following policy.

Homeowners/lot owners wishing to plant trees on the common property must send a written request to the BOD. This request must state the type and number of trees which will be planted, as well as a map showing their placement on the common property. Said trees may only be planted once formal approval is given.

The BOD shall have the right to refuse any and all requests which in their opinion is not suitable or desirable with the surroundings or does not have harmonious appeal in the Estates.

Trees should be chosen from this approved list but may not be limited to:

maple (excluding Japanese maple)	crabapple
oak	pine
linden	fir
beech	hemlock
hackberry	sycamore
birch	elm

The homeowner/lot owner assumes the full cost of the planting of the trees but the ownership of the trees will belong to the association. It will also be understood that the tree areas will remain common areas with regards to ownership and access will be unimpeded by other homeowner/lot owners within the Estates.

The association thanks all homeowners/lot owners who wish to improve the beauty and natural character of the Estates with their donation.

---

**Planting on Lots**

Due to disease or potential invasiveness, the association will not approve any landscape plan in which ash, flowering pear or weeping willow trees are included. This list may be added to as tree disease is found in the Estates in the future.

# Estates of Millbrook Homeowners Association

---

## POLICY STATEMENT

Effective: April 16, 2009

Reference: Commercial Vehicle Definition

Article 4, Section 4 of the CCR's states "the use of any garage, driveway or parking area as a parking space for trucks or commercial vehicles is prohibited." The definition of a commercial vehicle is unclear. By approval of this document, a commercial vehicle will be described as:

**any vehicle having a license plate larger than a "D" plate**

For the purpose of this document, vehicles not considered a commercial vehicle will be either a light van or pickup truck, with or without after market attachments or signage, and having a "D" plate or smaller.

The Board of Directors limits the above listed vehicles to one (1) per lot as more than that would constitute fleet activity and therefore commercial use.

# ESTATES OF MILLBROOK HOMEOWNERS ASSOCIATION

---

## POLICY STATEMENT

**Effective: January 13, 2009**

**Reference: Habitual Overnight Parking**

This is to establish the definition of "habitual overnight parking" as referred to in Article 4, Section 4 of the Covenants, Conditions and Restrictions for the Estates of Millbrook Homeowners Association as filed with the Kendall County Recorder's office.

The Board of Directors hereby declares any boat, trailer, camper, RV, etc, which is parked overnight more than five (5) consecutive days or parked overnight more than ten (10) days in any one month to be habitually overnight parked and subject to fines as established in the Association's policy manual.

# Estates of Millbrook Homeowners Association, Inc.

---

## Policy Statement

**Effective Date: October 7, 2016**

**Reference: Nuisances**

The following will define the term “nuisance” as used in the Covenants, Conditions & Restrictions, also known as the CCR’s, Article IV, page 6, section 4, for the Estates of Millbrook Homeowners Association, Inc. It will also outline the procedure used for non-compliance as related to nuisances.

Anything which is offensive to public health, safety, tranquility or to the esthetics of the Estates may be declared a nuisance by the Board of Directors. The determination by the BOD of what constitutes a nuisance shall be final and binding on each member of the association.

Examples include, but are not limited to:

- Storing of junk/trash/refuse/building materials on lot
- Vehicles parked on driveway/lot which are inoperable
- Garbage cans left at curb one (1) day after pick-up  
or are visible from the street
- Continually barking dogs and/or not picking up waste
- Non-permanent mailboxes (posts not cemented in ground)
- Unkempt yards (such as: non-ornamental grasses or weeds on developed  
lots which are higher than 8 inches)
- Professional grade fireworks
- Lawn mowers/tractors/off road motorized vehicle or snowmobile  
parked on property which are visible from the street

Nuisance violations will be dealt with in accordance to the policy titled Assessment and Collections of Fines. Should lot owners neglect, fail or refuse to abate or remove such nuisance by the timelines listed in said policy, the BOD will contact Kendall County to sign a complaint against the lot owner.

# ESTATES OF MILLBROOK

## HOMEOWNERS ASSOCIATION

---

### POLICY STATEMENT

#### Reference: Capital Improvements

This document outlines the procedures to be used by the Estates of Millbrook Homeowners Association Board of Directors in matters related to capital improvements. This policy shall not change the authority of the Board to pursue capital improvements but is intended to insure full disclosure of the Board's intentions prior to the undertaking of any project requiring capital improvements including the method and manner such projects shall be funded.

1. All capital improvements proposed by any member, board members, or the Board of Directors shall be presented to the Board for consideration and implementation. Such presentation shall take place at a regular or special called Board meeting as outlined in the CCRs and By-Laws.
2. The Board shall develop and present, by motion or resolution, a plan to the membership for their discussion and vote. Such discussion and vote shall take place at the annual Association meeting or a special Association meeting called in accordance with the CCRs and By-Laws. Any plan presented by the Board shall include an explanation of the manner in which said capital improvements will be funded.
3. Prior to the vote by the Association regarding any capital improvements, the Board shall provide written notice to the membership not less than 10 days or more than 60 days prior to said vote.
4. The voting rules of the Association as outlined in Article III, Section 7, of the Association's By-Laws shall apply.

This policy shall not be amended or modified except by vote of the membership at large at a regular or special called meeting. Notification of the intent to amend or modify shall be made in accordance with Article III, Section 4 of the Association's By-Laws.

**Estates of Millbrook  
Homeowners Association**

---

**POLICY STATEMENT**

**Effective Date: December 16, 2010**

**Reference: Request for Records**

The following will outline the procedure used by the Estates of Millbrook Homeowners Association to address the request for records from lot owners as per the Bylaws, page 10, Article VI, paragraph G and H.

All requests must be put into writing and sent to the Association's post office box. The BOD will have the option to either approve, deny or respond as per paragraph G.

Owners then will have two (2) options to obtain copies of records requested as approved by the president or other directors as needed:

1. Owners may copy records using their own equipment at a BOD/Homeowners meeting.
2. Should a lot owner indicate by written request that they do not have this capability, copies will be provided at a cost of \$1.00 a page, mileage as allowed by the IRS, or other printing costs as deemed necessary.

Owners will be expected to send in a check for the required costs as soon as the records are received. Costs not paid within 30 days will be considered delinquent and will be subject to collection as outlined in the Assessment and Collection of Fines policy.

# Estates of Millbrook, Inc. Homeowners Association

---

## Policy Statement

**Effective Date: October 5, 2016**

**Reference: Expunge Records**

The following will define the process used to expunge violation records for the owners in the Estates of Millbrook.

All violation records which have accumulated by lot owners over 2 years, will be expunged. Violations after will start the 2 year time clock all over again.

**The Estates of Millbrook Homeowners Association, Inc.**  
**Energy Policy Statement**

**WHEREAS**, the Estates of Millbrook Homeowners Association, Inc. (“Association”) is a common interest community association and a not-for-profit corporation organized and existing under the laws of the State of Illinois; and

**WHEREAS**, the affairs of the Association are managed by its Board of Directors (“Board”); and

**WHEREAS**, the Association and its Board are responsible for managing certain real estate in the County of Kendall, State of Illinois (“Property”), which Property is subject to the provisions of the Declaration of Covenants, Conditions, Restrictions for The Estates of Millbrook Homeowners Association, Inc., that was recorded as Document Number 200900003045 on February 10, 2009, in the Office of the Kendall County Recorder of Deeds, Illinois (“Declaration”), as amended from time to time; and

**WHEREAS**, the Board is charged with the enforcement of the Declaration for the Association, the Association’s By-Laws, the Association’s Rules and Regulations, and all amendments thereto; and

**WHEREAS**, the Association is bound by the Homeowners’ Energy Policy Statement Act (“Act”), 765 ILCS 165/1 et seq., and

**WHEREAS**, the Act requires that the Association adopt an energy policy statement; and

**WHEREAS**, changes to the Act, effective July 26, 2021, mandate an the energy policy statement; and

**NOW, THEREFORE, BE IT RESOLVED** that the Board has reviewed and approved the energy policy statement listed below in compliance with the Act:

**ENERGY POLICY STATEMENT**

The installation of alternative energy systems shall be in accordance with the following provisions:

**I. Definitions.**

a) **Solar Energy System** - a system and its component parts which uses radiant energy from the sun for generating electricity or for heating or cooling gases, solids, liquids, or other materials, including, but not limited to solar panels, which are either building or ground-mounted.

b) **Compost System** - a system and its component parts used for the storage for the decomposition of organic materials into compost.

c) **Wind Energy System** - a system and its component parts used for transferring energy from the wind into electricity or power, including but not limited to turbines.



d) Rain Water Collection System - a system and its component parts that collect water from the rain for use.

## **II. Prohibited Installations.**

a) No wind energy system(s) shall be installed or maintained on the Properties.

## **III. Solar Energy System Installation - Application.**

a) As with any exterior addition or modification, an Owner seeking to install a solar energy system shall submit an application for written approval by the Board. The solar energy system shall not be installed until such time as the application is approved in writing. The application shall include two complete sets of the plans and specifications, showing the nature, height, kind, shape, elevation, heights, material and location of the proposed solar energy system.

b) The Board shall have up to seventy-five (75) days to respond to an application for the installation of a solar energy system, although it strives to respond within thirty (30) days from receipt of a complete application.

c) The installation of any solar energy system that has been approved by the Board shall be installed by a professional licensed, insured, and bonded contractor, and shall comply with any applicable standards and requirements imposed by the State or local government. The installation of the solar energy system shall be in strict compliance with the plans and specifications that were approved by the Board. The Owner shall be responsible to obtain all permissions and permits, and shall submit copies of same to Board upon request.

## **IV. Location of Solar Energy Systems.**

a) All solar energy systems shall be installed on the roof of the home. No ground installations are allowed.

b) To the greatest extent possible, each solar energy system shall be installed on the rear portion of the roof (the portion of the roof that faces away from the street).

c) The Board of Directors shall have the discretion to determine the specific configuration of the elements of the solar energy system, so long as its determination does not reduce production of the solar energy system by more than ten percent (10%).

d) All components of the solar energy system shall be integrated into the design of the home. The color of the solar energy system shall generally conform to the color of the roof material to the extent possible. No conduit may be exposed or visible.

e) Panels should be mounted as close to flat on the roof as possible with minimal spaces between panels. No part of the solar energy system should be visible above the peak of the roof. All solar panels that are installed on a roof are required to have bird and squirrel deterrent metal wire mesh or other deterrent installed along the perimeter of the solar panels, which are designed to prevent the attraction of pests that nest under the solar array, thereby maintaining aesthetics. Skirting must be installed in all instances.

## **V. Maintenance of Solar Energy Systems.**

a) Solar Energy Systems must be maintained in good repair and working order. The Owner is solely responsible for maintenance, repair and replacement of these systems. Any Solar Energy System damaged or no longer in use must be removed or repaired within ninety (90) days after such initial damage or disuse. If either system poses a serious, immediate safety hazard, the Association may demand immediate removal of the system or seek injunctive relief to prohibit or seek removal of the installation.

b) Owners are responsible for **all** costs associated with the Solar Energy System, including but not limited to costs associated with:

- i) the placement or replacement, maintenance, removal and/or reinstallation of the system;
- ii) damage to other property damaged by the either system's installation, maintenance, use or removal;
- iii) medical expenses incurred by any person damaged by the Solar Energy System during maintenance or use; and
- iv) reimbursement of residents or the Association for damages caused by installation, maintenance, or use of the Solar Energy System.

c) Solar Energy Systems must be secured so that they do not jeopardize the soundness or safety of any other owner's Lot or the safety of any person at or near the Solar Energy Systems, including damage from wind velocity based upon a unique location.

## **VI. Removal of Solar Energy Systems.**

Solar Energy Systems must be removed if the Lot is sold and the purchaser does not agree in writing to maintain the Solar Energy System and assume responsibility for the same. The Owner is solely responsible for removal and/or the cost thereof. Any damage will be the responsibility of the Owner.

## **VII. Rain Water Collection Systems.**

Rain water collection systems are permitted provided that the rain barrel is no greater than a 55 gallon drum with a closed top. The rain water collection system must be located on an exterior quadrant away from the adjacent home. Rain barrels must be stored in the rear of the home.

## **VIII. Compost Systems.**

Compost systems are permitted, provided that they are wholly contained within an appropriate receptacle or bin. Compost systems must be located in the rear of the home and not visible from the street. Compost systems shall not cause or create an unreasonable nuisance to surrounding residents. In the event that the compost system causes or creates an unreasonable nuisance, the Board reserves the right to require its removal from the Lot.

**RESOLUTION ACTION RECORD**

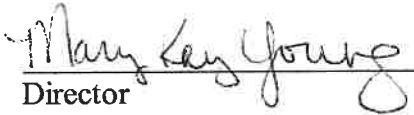
Adopted by the Board of Directors on April, 5, 2023.

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Treasurer

  
\_\_\_\_\_  
Secretary

  
\_\_\_\_\_  
Director

  
\_\_\_\_\_  
Director

\_\_\_\_\_  
Director

\_\_\_\_\_  
Director

\_\_\_\_\_  
Director

Resolution effective APRIL, 5, 2023.