

**AMENDMENT #1
TO PROTECTIVE COVENANTS
FOR FIRESIDE ORCHARD**

Document Number

Document Title

Legal Description:

Being a redivision of Parcel 2 of Certified Survey map No. 9772 being a part of the Southwest ¼ of the Northeast ¼ and part of the Northwest ¼ of the Southeast ¼ of Section 18, Township 5, North, Range 20 East, in the City of Muskego, Waukesha County, Wisconsin, bounded and described as follows: Commencing at the Northeast corner of the Southeast ¼ of said Section 16; thence S87 32 43W, along the North line of said Southeast ¼, a distance of 1581.62 feet to the point of beginning; thence N01 02 49W, a distance of 218.26 feet, thence S87 32 43W, a distance of 30.01 feet; thence N01 02 49W, a distance of 158.26 feet; thence S87 32 43W, a distance of 877.21 feet; thence S01 06 54E, a distance of 376.51 feet; thence S01 07 05E, a distance of 226.00 feet; thence N87 32 43E, a distance of 906.49 feet; thence N01 02 49W, a distance of 226.01 feet to the point of beginning, containing 541,497 square feet or 12.4311 acres, more or less.

001768 JUL 13 10

3294565

REGISTER'S OFFICE
WAUKESHA COUNTY, WI
RECORDED ON

07-13-2005 1:05 PM

MICHAEL J. HASSLINGER
REGISTER OF DEEDS

REC. FEE: 20.00
REC. FEE-CO: 5.00
REC. FEE-ST: 2.00
TRAN. FEE:
TRAN. FEE-STATE:
PAGES: 9

Recording Area

Name and Return Address

**Location 3, Corp.
W190 S7066 Wentland Dr.
Muskego, WI 53150**

Parcel Identification Number (PIN)

**Tax Key # 2229.990.002, 2232.985,
& 2232.986.002**

This information must be completed by submitter: document title, name & return address, and PIN (if required). Other information such as the granting clause, legal description, etc., may be placed on this first page of the document or may be placed on additional pages of the document. Note: Use of this cover page adds one page to your document and \$2.00 to the recording fee. Wisconsin Statutes, 59.43(2m).
WRDA HB Rev. 1/8/2004

**FIRST AMENDMENT
TO
PROTECTIVE COVENANTS
FOR
FIRESIDE ORCHARDS**

Originally Recorded March 3, 2005
as Document No. 3254603

This Amendment is by Location3 Corp., ("Developer") a Wisconsin business corporation, as owner of all lots contained in the subdivision known as Fireside Orchard ("Subdivision").

WHEREAS, on March 3, 2005, a document entitled "Protective Covenants for Fireside Orchards" (hereinafter referred to as the "Protective Covenants") was recorded in the Office of Register of Deeds of Waukesha County, as Document No. 3254603;

WHEREAS, said Protective Covenants provide, at Article 1.2 and Article 6.2, that Developer reserves the right, at any time during the term of these Protective Covenants, to subject other real property to the provisions of these Protective Covenants and to add these additional properties to the Subdivision; and

WHEREAS, said Protective Covenants provide, at Article 6.2, that the Protective Covenants may be amended at any time by the signature and recording of an amendment to these Protective Covenants by Lot Owners possessing 75% of the votes available in the Subdivision;

WHEREAS, Developer has created an additional four lots known as Fireside Orchard Addition 1, adjacent to the previously platted Subdivision, wherein the said lots are identified as Lot 14, Lot 15, Lot 16, and Lot 17 (the "Additional Lots"), as identified at Exhibit 1 and Exhibit 2, attached hereto.

WHEREAS, Developer intends, by this Amendment to, among other things, subject the four (4) Additional Lots to the control of the Protective Covenants,

NOW THEREFORE, the undersigned, being the sole owner of all lots in the Subdivision, hereby amends the Declaration in the following respects:

1. Any and all references to "Lechner Construction, LLC," "L3 Corporation," and/or "Developer" in the Protective Covenants, including the definition indicated at Article 3.3 and the addressee identified at Article 4.3, shall hereby signify, mean, refer to and otherwise represent that Location3 Corp. is the sole Developer of the Subdivision.
2. The following Article 1.3 shall be added to the Protective Covenants:

Additional Property. The Additional Lots, described on Exhibit 1 attached hereto, shall be entitled to all rights, duties and obligations and shall be subject to the provisions of the

Protective Covenants to the same extent as the original Subdivision Lots. The plat creating the Additional Lots is attached hereto as Exhibit 2, and is incorporated herein by reference.

3. The following Article 3.5 shall replace the original Article 3.5:

Lot. The term "Lot" shall mean an individual residential lot numbered from 1 to 17, inclusive, in the Subdivision, and including the Additional Lots. No Lot may be further divided without the prior approval of the Village Board of the Village of Muskego. The minimum Lot size shall be thirty thousand square feet.

4. The following Article 3.10 shall replace the original Article 3.10:

Subdivision. The term "Subdivision": shall mean Fireside Orchard subdivision and Fireside Orchard Addition 1 subdivision, which means the residential lots numbered 1-13, inclusive, as described in Exhibit A to the original Protective Covenants and Additional Lots 14-17, inclusive, as described in Exhibit 2, attached hereto. The Subdivision Plat for Fireside Orchard subdivision and Fireside Orchard Addition 1 subdivision have been recorded with the Register of Deeds for Waukesha, Wisconsin. The terms "Subdivision" and "Fireside Orchard" do not include the Outlots identified on the subdivision plats for either Fireside Orchard subdivision or Fireside Orchard Addition 1 subdivision.

5. The following Article 4.10 shall replace the original Article 4.10:

Building Materials. All exterior walls shall be constructed with Hardiplank or natural materials such as brick, stone or wood, as approved by the Review Board. Windows may be vinyl or aluminum clad. Garage and service doors must have a raised panel or similar design. Any exposed basement or foundation walls must be covered with masonry veneer, plaster or siding materials used on exterior walls. All chimneys shall be constructed with masonry materials and covered with masonry veneer, plaster or siding materials used on exterior walls. A chimney chase is not mandatory, however, no shed roofs shall be allowed, as in the case of direct vent fireplaces.

6. The following Article 4.11 shall replace the original Article 4.11:

Masonry. Although there is no minimum masonry (stone or brick) requirement, if masonry material is used on the exterior walls, it should terminate at an inside corner. As an alternative, or in addition to masonry products such as brick or stone, cultured masonry materials may be permitted on exterior walls, at the discretion of the Review Board.

7. The following Article 5.2 shall replace the original Article 5.2:

Unit Size. Each and every single family dwelling to be constructed in the Subdivision shall have no less than the following minimum living areas at or above grade, exclusive of porches, garage bays, patios, breezeways, and similar additions:

- (A) Not less than 2200 square feet in the case of a one (1) story structure with no exposure;
- (B) Not less than 2000 square feet on the first level in the case of a one (1) story structure with exposure, with at least 200 square feet finished on the lower level.
- (C) Not less than 2400 square feet in the case of a two (2) story structure, with a minimum of 1400 square feet on the first floor.

8. The following Article 5.6 shall replace the original Article 5.6:

Setbacks. The required minimum building setbacks are as follows:

- | | | |
|-----|-----------------------|---------|
| (A) | Front Yard: | 40 Feet |
| (B) | Side Yard: | 20 Feet |
| (C) | Corner Lot Side Yard: | 20 Feet |
| (D) | Rear Yard | 20 feet |

Notwithstanding the foregoing, no building, garage or other structure (excluding eaves, steps, overhangs, patios, or other appurtenances not built on a foundation or frost-footings) shall be located on any lot so that the front, side and rear yard distances are less than the minimums required by the municipal ordinances of the Village of Muskego.

9. The following Article 5.9 shall replace the original Article 5.9:

Garage. Each dwelling unit shall have a side entry garage, unless a front-loading garage is (a) approved by the Review Board, or (b) otherwise dictated by Lot shape and size. The garage shall accommodate not more than four (4) nor less than two and one-half (2½) cars. The maximum size of the garage must conform to the Village of Muskego ordinances. In the case of side entry garages, garage entrances shall be on the side of the dwelling unit facing away from the street entrance. All garages shall be constructed on the high side of the Lot unless otherwise approved in writing by the Developer.

10. The following Article 9.7 shall be added to Article 9:

Impact Fee. A one-time impact fee, in an amount to be determined and assessed by the Village of Muskego, shall be paid by a Lot Owner to the Village of Muskego upon the closing of the sale of a Lot by Developer (as seller) to Lot Owner (as buyer). The amount of said impact fee is determined by the Village of Muskego.

ALL OTHER TERMS OF THE DECLARATION REMAIN UNCHANGED. THIS IS A LEGALLY BINDING AMENDMENT TO THE PROTECTIVE COVENANTS FOR FIRESIDE ORCHARD.

001773 JUL 13 1988

EXHIBIT 1
Description

See Attached

SURVEYOR'S CERTIFICATESTATE OF WISCONSIN)
WAUKESHA COUNTY) SS

I, William R. Henrichs, Registered Land Surveyor, do hereby certify:

That I have surveyed, mapped and divided FIRESIDE ORCHARD ADDITION NO. 1, being a redivision of Parcel 3 of Certified Survey Map No. 6858 and Outlots 1 and 2 of FIRESIDE ORCHARD, being a part of the Northwest 1/4 of the Southeast 1/4 of Section 18, Township 5 North, Range 20 East, in the City of Muskego, Waukesha County, Wisconsin, bounded and described as follows:

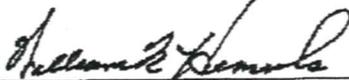
Commencing at the East Corner of said Section 18; thence S87°32'43"W, along the South line of said Northeast 1/4, a distance of 2488.49 feet; thence S01°07'05"E, 226.00 feet to the POINT OF BEGINNING; thence N87°32'43"E, 201.57 feet to the arc of a curve; thence Southerly, 9.14 feet along the arc of a curve whose center is to the West, whose radius is 30.00 feet and whose chord bears S6°16'26.5"W, 9.11 feet; thence N87°32'43"E, 62.76 feet to the arc of a curve; thence Northerly, 9.14 feet along the arc of a curve whose center is to the East, whose radius is 30.00 feet and whose chord bears N11°11'00.5"W, 9.11 feet; thence N87°32'43"E, 288.32 feet; thence S01°08'32"E, 9.00 feet; thence N87°32'43"E, 306.85 feet; thence S01°08'44"E, 201.00 feet; thence N87°32'43"E, 259.28 feet; thence S01°02'49"E, 30.01 feet; thence S87°32'43"W, 1116.08 feet; thence N01°07'05"W, 240.00 feet to the POINT OF BEGINNING.
Containing 210,059 square feet or 4.8223 acres, more or less.

That I have made such survey, land division and map by the direction of Anne T. Sawyer and LOCATION 3 CORP., owners of said land.

That such plat is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

That I have fully complied with the provisions of Chapter 236 of the Wisconsin State Statutes and Chapter 18 of the City of Muskego Subdivision Ordinance, in surveying, mapping and dividing the same.

November 29, 2004
Date


William R. Henrichs
Registered Land Surveyor, S-2419

Rev. February 8, 2005
Rev. February 21, 2005

001775 JUL 13 05

EXHIBIT 2
Plat

See Attached

