

TERRAVESSA

THIRD AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR LOTS 1 THROUGH 157 INCLUSIVE AND OUTLOTS 1 THROUGH 42, INCLUSIVE, PLAT OF TERRAVESSA

Drafted by and Return Address:

Steven A. Brezinski
Axley Brynelson, LLP
PO Box 1767
Madison, WI 53701-1767

See attached

Parcel Identification Number (PIN)

THIS AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS is made by Fitchburg Lands, LLC ("*Developer*").

RECITALS:

A. Developer is the fee simple owner of lands legally described as Lots 1 through 157 inclusive, and Outlots 1 through 42, Plat of Terravessa (the "*Plat*"), recorded in the Office of the Register of Deeds, Dane County, on September 11, 2018 as Document No. 5440387, Volume 60-099A of Plats, Pages 545-554, all in the City of Fitchburg, Dane County, Wisconsin; and

B. Developer subjected the development to Declaration of Covenants, Conditions and Restrictions for Lots 1 Through 157 Inclusive and Outlots 1 Through 42, Inclusive, Plat of Terravessa recorded in the Office of the Dane County Register of Deeds as Document Number 5504872 on July 16, 2019, amended by an amendment recorded in the Office of the Dane County Register of Deeds as Document Number 5546848 on December 9, 2019 and further amended by a second amendment recorded in the Office of the Dane County Register of Deeds as Document Number 5552728 on January 2, 2020.

C. Section 9.1 provides that the Declaration may be amended by the recording of an instrument executed by or on behalf of the Developer and the Owners of at least fifty-one percent of the lots subject to the Declaration.

D. As of the date this Amendment is executed Developer is the owner of more than fifty-one percent of the Lots subject to this Declaration.

AMENDMENT

NOW, THEREFORE, Developer declares that the Declaration is amended as follows:

1. Amending Paragraph 4.4. Paragraph 4.4 is deleted and replaced with the following:

4.4 Fencing. All fencing shall be constructed of iron, or iron appearing plastic. No chain link fencing shall be permitted. All fencing shall be erected with the finished side out (finished side facing the adjoining property or street). Gates are permitted and shall be consistent with the fencing style, opening inwards into the Lot. Fencing shall be limited to the rear yard and to any portion of the side yard which is to the rear of the corner of the enclosed living space of a structure nearest the front yard; no fencing shall be permitted in the front yard or any other portion of the side yards. Only one fence shall be permitted along a common lot line (with fences on adjoining property meeting at the common corners). No fencing over four (4) feet in height shall be permitted unless required by law. Information and plans regarding the design, materials and location of fences must be submitted to the Committee for approval.

2. Defined Terms. Any capitalized term that is not defined in this First Amendment shall have the meaning for that term set forth in the Declaration.

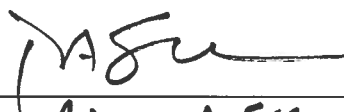
3. Recitals. The Recitals are incorporated into and made a part of this Declaration.

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EXECUTION PAGE

IN WITNESS WHEREOF, the undersigned Developer declares that the Property be owned, held and occupied subject to the covenants, conditions, restrictions and easements set forth in this Declaration, and has executed this instrument on July 31, 2020

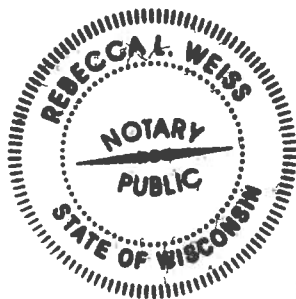
FITCHBURG LANDS, LLC


By: 
Name: Philip Svanum
Title: MEMBER

ACKNOWLEDGEMENT

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

The foregoing instrument was acknowledged before me this 31st day of July, 2020 by Philip Svanum, MEMBER of Fitchburg Lands, LLC, a Wisconsin limited liability company.




Name: Rebecca L. Weiss
Notary Public, State of Wisconsin
My commission expires 07-23-2022

CONSENT OF MORTGAGEE

OREGON COMMUNITY BANK

consents to and subordinates its mortgage interest to this instrument with respect to any lands within the plat of Terravessa, City of Fitchburg, Dane County, Wisconsin, which are part of the Property described in the Declaration.

Dated this August 28, 2020.

By: [Signature]
Printed name: John Krampar
Title: Vice President

ACKNOWLEDGEMENT

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

This instrument was acknowledged before me on this 28th day of August, 2020 by John Krampar, Vice President of Oregon Community Bank

[Signature]
Printed name: Aaron W. Anderson
Notary Public, State of Wisconsin
My commission expires 04-23-2023

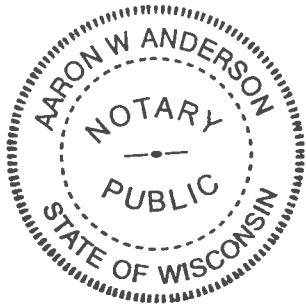


EXHIBIT A

Parcel Identification Numbers:

PARCEL NUMBER	DESCRIPTION
0609-124-2001-2	TERRAVESSA LOT 1
0609-124-2012-2	TERRAVESSA LOT 2
0609-124-2023-2	TERRAVESSA LOT 3
0609-124-2034-2	TERRAVESSA LOT 4
0609-124-2045-2	TERRAVESSA LOT 5
0609-124-2056-2	TERRAVESSA LOT 6
0609-124-2067-2	TERRAVESSA LOT 7
0609-124-2078-2	TERRAVESSA LOT 8
0609-124-2089-2	TERRAVESSA LOT 9
0609-124-2100-2	TERRAVESSA LOT 10
0609-124-2111-2	TERRAVESSA LOT 11
0609-124-2122-2	TERRAVESSA LOT 12
0609-124-2133-2	TERRAVESSA LOT 13
0609-124-2144-2	TERRAVESSA LOT 14
0609-121-4005-2	TERRAVESSA LOT 15
0609-121-4016-2	TERRAVESSA LOT 16
0609-121-4027-2	TERRAVESSA LOT 17
0609-121-4038-2	TERRAVESSA LOT 18
0609-121-4049-2	TERRAVESSA LOT 19
0609-121-4060-2	TERRAVESSA LOT 20
0609-121-4071-2	TERRAVESSA LOT 21
0609-121-4082-2	TERRAVESSA LOT 22
0609-121-4093-2	TERRAVESSA LOT 23
0609-121-4104-2	TERRAVESSA LOT 24
0609-121-4115-2	TERRAVESSA LOT 25
0609-121-4126-2	TERRAVESSA LOT 26
0609-121-4137-2	TERRAVESSA LOT 27
0609-121-4148-2	TERRAVESSA LOT 28
0609-121-4159-2	TERRAVESSA LOT 29
0609-121-4170-2	TERRAVESSA LOT 30
0609-121-4181-2	TERRAVESSA LOT 31
0609-121-4192-2	TERRAVESSA LOT 32
0609-121-4203-2	TERRAVESSA LOT 33
0609-121-4214-2	TERRAVESSA LOT 34
0609-121-2005-2	TERRAVESSA LOT 35
0609-121-2016-2	TERRAVESSA LOT 36
0609-121-2027-2	TERRAVESSA LOT 37
0609-121-2038-2	TERRAVESSA LOT 38
0609-121-2049-2	TERRAVESSA LOT 39

0609-121-2060-2	TERRAVESSA LOT 40
0609-121-2071-2	TERRAVESSA LOT 41
0609-121-4232-2	TERRAVESSA LOT 42
0609-121-4243-2	TERRAVESSA LOT 43
0609-121-2094-2	TERRAVESSA LOT 44
0609-121-2105-2	TERRAVESSA LOT 45
0609-121-4266-2	TERRAVESSA LOT 46
0609-121-4277-2	TERRAVESSA LOT 47
0609-121-4288-2	TERRAVESSA LOT 48
0609-121-4299-2	TERRAVESSA LOT 49
0609-121-4310-2	TERRAVESSA LOT 50
0609-121-4321-2	TERRAVESSA LOT 51
0609-121-4332-2	TERRAVESSA LOT 52
0609-121-4343-2	TERRAVESSA LOT 53
0609-121-4354-2	TERRAVESSA LOT 54
0609-121-4365-2	TERRAVESSA LOT 55
0609-121-4376-2	TERRAVESSA LOT 56
0609-121-4387-2	TERRAVESSA LOT 57
0609-121-4398-2	TERRAVESSA LOT 58
0609-121-4409-2	TERRAVESSA LOT 59
0609-121-4420-2	TERRAVESSA LOT 60
0609-121-4431-2	TERRAVESSA LOT 61
0609-121-4442-2	TERRAVESSA LOT 62
0609-121-4453-2	TERRAVESSA LOT 63
0609-121-4464-2	TERRAVESSA LOT 64
0609-121-4475-2	TERRAVESSA LOT 65
0609-121-4486-2	TERRAVESSA LOT 66
0609-121-4497-2	TERRAVESSA LOT 67
0609-121-4508-2	TERRAVESSA LOT 68
0609-121-4519-2	TERRAVESSA LOT 69
0609-121-4530-2	TERRAVESSA LOT 70
0609-121-4541-2	TERRAVESSA LOT 71
0609-121-4552-2	TERRAVESSA LOT 72
0609-121-4563-2	TERRAVESSA LOT 73
0609-121-4574-2	TERRAVESSA LOT 74
0609-121-4585-2	TERRAVESSA LOT 75
0609-121-4596-2	TERRAVESSA LOT 76
0609-121-4607-2	TERRAVESSA LOT 77
0609-121-4618-2	TERRAVESSA LOT 78
0609-121-4629-2	TERRAVESSA LOT 79
0609-121-4640-2	TERRAVESSA LOT 80
0609-121-4651-2	TERRAVESSA LOT 81
0609-121-4662-2	TERRAVESSA LOT 82
0609-121-4673-2	TERRAVESSA LOT 83
0609-121-4684-2	TERRAVESSA LOT 84
0609-121-4695-2	TERRAVESSA LOT 85

0609-121-4706-2	TERRAVESSA LOT 86
0609-121-4717-2	TERRAVESSA LOT 87
0609-121-4728-2	TERRAVESSA LOT 88
0609-121-4739-2	TERRAVESSA LOT 89
0609-121-4750-2	TERRAVESSA LOT 90
0609-121-4761-2	TERRAVESSA LOT 91
0609-121-4772-2	TERRAVESSA LOT 92
0609-121-4783-2	TERRAVESSA LOT 93
0609-121-4794-2	TERRAVESSA LOT 94
0609-121-4805-2	TERRAVESSA LOT 95
0609-121-4816-2	TERRAVESSA LOT 96
0609-121-4827-2	TERRAVESSA LOT 97
0609-121-4838-2	TERRAVESSA LOT 98
0609-121-4849-2	TERRAVESSA LOT 99
0609-121-4860-2	TERRAVESSA LOT 100
0609-121-4871-2	TERRAVESSA LOT 101
0609-121-4882-2	TERRAVESSA LOT 102
0609-121-4893-2	TERRAVESSA LOT 103
0609-121-4904-2	TERRAVESSA LOT 104
0609-121-4915-2	TERRAVESSA LOT 105
0609-121-4926-2	TERRAVESSA LOT 106
0609-121-4937-2	TERRAVESSA LOT 107
0609-121-4948-2	TERRAVESSA LOT 108
0609-121-4959-2	TERRAVESSA LOT 109
0609-121-4970-2	TERRAVESSA LOT 110
0609-121-4981-2	TERRAVESSA LOT 111
0609-121-4992-2	TERRAVESSA LOT 112
0609-121-5003-2	TERRAVESSA LOT 113
0609-121-5014-2	TERRAVESSA LOT 114
0609-121-5025-2	TERRAVESSA LOT 115
0609-121-5036-2	TERRAVESSA LOT 116
0609-121-5047-2	TERRAVESSA LOT 117
0609-121-5058-2	TERRAVESSA LOT 118
0609-121-5069-2	TERRAVESSA LOT 119
0609-121-5080-2	TERRAVESSA LOT 120
0609-121-5091-2	TERRAVESSA LOT 121
0609-121-5102-2	TERRAVESSA LOT 122
0609-121-5113-2	TERRAVESSA LOT 123
0609-121-5124-2	TERRAVESSA LOT 124
0609-121-5135-2	TERRAVESSA LOT 125
0609-124-2166-2	TERRAVESSA LOT 126
0609-124-2177-2	TERRAVESSA LOT 127
0609-124-2188-2	TERRAVESSA LOT 128
0609-124-2199-2	TERRAVESSA LOT 129
0609-121-5150-2	TERRAVESSA LOT 130
0609-121-5161-2	TERRAVESSA LOT 131

0609-124-2222-2	TERRAVESSA LOT 132
0609-124-2233-2	TERRAVESSA LOT 133
0609-124-2244-2	TERRAVESSA LOT 134
0609-124-2255-2	TERRAVESSA LOT 135
0609-124-2266-2	TERRAVESSA LOT 136
0609-124-2277-2	TERRAVESSA LOT 137
0609-124-2288-2	TERRAVESSA LOT 138
0609-124-2299-2	TERRAVESSA LOT 139
0609-124-2310-2	TERRAVESSA LOT 140
0609-124-2321-2	TERRAVESSA LOT 141
0609-124-2332-2	TERRAVESSA LOT 142
0609-124-2343-2	TERRAVESSA LOT 143
0609-124-2354-2	TERRAVESSA LOT 144
0609-124-2365-2	TERRAVESSA LOT 145
0609-124-2376-2	TERRAVESSA LOT 146
0609-124-2387-2	TERRAVESSA LOT 147
0609-124-2398-2	TERRAVESSA LOT 148
0609-124-2409-2	TERRAVESSA LOT 149
0609-124-2420-2	TERRAVESSA LOT 150
0609-124-2431-2	TERRAVESSA LOT 151
0609-124-2442-2	TERRAVESSA LOT 152
0609-124-2453-2	TERRAVESSA LOT 153
0609-124-2464-2	TERRAVESSA LOT 154
0609-124-2475-2	TERRAVESSA LOT 155
0609-124-2486-2	TERRAVESSA LOT 156
0609-124-2497-2	TERRAVESSA LOT 157
0609-124-2525-2	TERRAVESSA OUTLOT 1
0609-124-2550-2	TERRAVESSA OUTLOT 2
0609-121-5200-2	TERRAVESSA OUTLOT 3
0609-121-5225-2	TERRAVESSA OUTLOT 4
0609-121-5250-2	TERRAVESSA OUTLOT 5
0609-121-5275-2	TERRAVESSA OUTLOT 6
0609-121-5300-2	TERRAVESSA OUTLOT 7
0609-121-5325-2	TERRAVESSA OUTLOT 8
0609-121-5350-2	TERRAVESSA OUTLOT 9
0609-121-2150-2	TERRAVESSA OUTLOT 10
0609-121-2175-2	TERRAVESSA OUTLOT 11
0609-121-2200-2	TERRAVESSA OUTLOT 12
0609-121-2225-2	TERRAVESSA OUTLOT 13
0609-121-2250-2	TERRAVESSA OUTLOT 14
0609-121-2275-2	TERRAVESSA OUTLOT 15
0609-121-2300-2	TERRAVESSA OUTLOT 16
0609-121-5375-2	TERRAVESSA OUTLOT 17
0609-121-5400-2	TERRAVESSA OUTLOT 18
0609-121-2325-2	TERRAVESSA OUTLOT 19
0609-121-5425-2	TERRAVESSA OUTLOT 20

0609-121-5450-2	TERRAVESSA OUTLOT 21
0609-121-5475-2	TERRAVESSA OUTLOT 22
0609-121-5500-2	TERRAVESSA OUTLOT 23
0609-121-5525-2	TERRAVESSA OUTLOT 24
0609-121-5550-2	TERRAVESSA OUTLOT 25
0609-121-5575-2	TERRAVESSA OUTLOT 26
0609-121-5600-2	TERRAVESSA OUTLOT 27
0609-121-5625-2	TERRAVESSA OUTLOT 28
0609-121-5650-2	TERRAVESSA OUTLOT 29
0609-124-2575-2	TERRAVESSA OUTLOT 30
0609-124-2600-2	TERRAVESSA OUTLOT 31
0609-124-2625-2	TERRAVESSA OUTLOT 32
0609-124-2650-2	TERRAVESSA OUTLOT 33
0609-124-2675-2	TERRAVESSA OUTLOT 34
0609-121-6025-2	TERRAVESSA OUTLOT 35
0609-121-6050-2	TERRAVESSA OUTLOT 36
0609-124-0025-2	TERRAVESSA OUTLOT 37
0609-121-0025-2	TERRAVESSA OUTLOT 38
0609-014-6025-2	TERRAVESSA OUTLOT 39
0609-014-6050-2	TERRAVESSA OUTLOT 40
0609-121-0050-2	TERRAVESSA OUTLOT 41
0609-121-5675-2	TERRAVESSA OUTLOT 42

EXHIBIT B

OUTLOTS AND USES

OUTLOT	USE
1	Open Space, Association Maintained
2	City Parkland
3	Bike/Pedestrian Path
4	Alleyway Serving Lots 11-33
5	Bike/Pedestrian Path
6	Open Space, Signage, Association Maintained
7	Open Space, Association Maintained
8	Alleyway Serving Lots 34 and 35
9	City Park/Environmental Corridor
10	Bike/Pedestrian Path
11	Bike/Pedestrian Path
12	City Park
13	Alleyway Serving Lots 36, 37, 38, and Outlot 12
14	Alleyway Serving Lot 39 and Outlot 12
15	Open Space, Association Maintained
16	Alleyway Serving Lots 40-44
17	Open Space/Civic/Association Maintained
18	Open Space/Car Membership/Association Maintained
19	Alleyway Serving Lot 45 and Outlot 12
20	Alleyway Serving Lots 46-47 and Outlot 12
21	Remnant Parcel Attached to Lot 48
22	Alleyway Serving Lots 48-56
23	Alleyway Serving Lots 57-63
24	Alleyway Serving Lots 64-75
25	Alleyway Serving Lots 76-83 and Future Phases
26	Alleyway Serving Lots 84-91 and Future Phases
27	Alleyway Serving Lots 92-101
28	Alleyway Serving Lots 104-115
29	Alleyway Serving Lots 116-123 and Future Phases
30	Alleyway Serving Lots 124-129 and Future Phases
31	Alleyway Serving Lots 130-141
32	Alleyway Serving Lots 142-145
33	Remnant Parcel Attached to Lot 146
34	City Park/Environmental Corridor
35	City Park/Environmental Corridor
36	Lift Station
37	City Park/Environmental Corridor
38	City Park/Environmental Corridor
39	City Park/Environmental Corridor

40	Future Development Phases
41	Future Development Phases
42	Future Development Phases

A fence submission shall include photos of the proposed fence, and a map supplied by the fence installer showing specifically where the fence will be located.

Installer should refer to and utilize the survey map of the property that shows the home on lot (request from your builder).

Proposals and questions can to be submitted to Phil Sveum at psveum@cbsuccess.com.

