

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

KRISTI CHLEBOWSKI
DANE COUNTY
REGISTER OF DEEDS

DOCUMENT #
5649350
10/15/2020 10:53 AM
Trans Fee:
Exempt #:
Rec. Fee: 30.00
Pages: 11

The above recording information verifies that this document has been electronically recorded and returned to the submitter.

Drafted by and Return Address:

Steven A. Brezinski
Axley Brynson, 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.

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

ORIGINAL DOCUMENT
RECORDED ELECTRONICALLY
DATE: 10/15/20
DOC. NO. 5649350
Knight-Barry Title Group
www.knightbarry.com

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.

[THE REMAINING PORTION OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

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

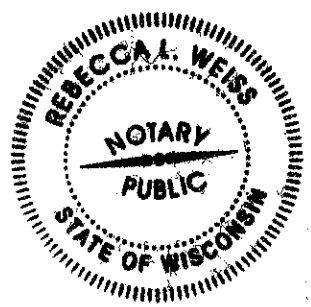
FITCHBURG LANDS, LLC

By: [Signature]
Name: Phillip Swann
Title: MEMBER

ACKNOWLEDGEMENT

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

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



Rebecca L. Weiss
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: *John Kramer*
Printed name: John Kramer
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 Kramer, Vice President of Oregon Community Bank

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

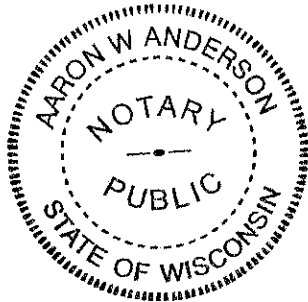


EXHIBIT A

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 |
| | |