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REGISTER OF DEEDS

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**SECOND AMENDMENT TO  
DECLARATION OF PROTECTIVE COVENANTS AND  
RESTRICTIONS FOR THE PLAT OF GARDENS AT  
WILLOWBROOK, CITY OF SUN PRAIRIE, DANE  
COUNTY, WI**

001025

Record this document with the Register of Deeds

Name and Return Address:

Gail Foltman  
Veridian Homes  
6801 South Towne Drive  
Madison, Wisconsin 53713

See Exhibit A  
(Parcel Identification Number)

**WHEREAS**, Midland Builders, Inc., the previous Owner and Developer of the plat of Gardens at Willowbrook, City of Sun Prairie, Dane County, WI (the "Plat") caused to be placed of record certain Protective Covenants and Restrictions (the "Restrictions") on the Plat which Restrictions were recorded on March 22, 2001, with the Dane County Register of Deeds office as Document No.3299712, and amended on January 30, 2004, with the Dane County Register of Deeds office as Document No. 3868295;

**WHEREAS**, Midland Builders, Inc. as of June 3, 2003 transferred its rights and interest in the Plat to MB REAL ESTATE I, LLC (the "Developer"); and

**WHEREAS**, Developer is, as of the date hereof, the fee simple owner of more than one lot in the Plat and is desirous of amending certain provisions of the Restrictions.

**NOW, THEREFORE**, Developer does hereby, for itself, its successors and assigns amend the Restrictions as follows:

- 1) All capitalized terms as used herein, if not specifically defined herein, shall have the same definition as provided in the Restrictions.
- 2) Paragraph 20., Subparagraph A. shall read as follows; **Gas Main Easement** Lots 1-3, 5-21 and 28-32, of the plat of Gardens at Willowbrook are subject to a right-of-way agreement with ANR Pipeline Company ("ANR"). ANR owns and operates a 6-5/8 inch natural gas pipeline within a 62-foot wide easement, the specific location of which relative to the above Lots will be disclosed in the title insurance commitment you will receive as part of this transaction. In addition to the 62-foot wide easement, ANR reserves the right to use, as temporary

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workspace, and additional 13 feet of land measured from the southeasterly line of the 62-foot wide easement. The temporary workspace area affects only Lots 1-3, 5-13 and 28-32. As to these lots, the agreement with ANR does not prohibit construction of residential structures within the 13 foot temporary workspace and in fact limits ANR's right to use the temporary workspace area to only that part which is not occupied by residential structures. Accordingly, construction of residential structures within the 13 foot wide temporary workspace is not prohibited by the rights granted to ANR. Please note, however, that any other type of construction is prohibited. General guidelines for the 62-foot easement are as follows:

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- 1) No improvements are permitted without the express written permission of the pipeline companies.
- 2) No structures shall encroach into the right-of-way.
- 3) No bushes, trees or shrubs shall be placed or allowed to grow within the right-of-way.
- 4) No fences may be installed within the right-of-way without express written permission of the pipeline companies.
- 5) No grade change may be made within the right-of-way without express written permission of the pipeline companies.
- 6) No equipment shall be allowed within the right-of-way.

Except as herein specifically amended all other terms, conditions, covenants and restrictions shall remain unchanged.

Dated as of the 19<sup>th</sup> day of August, 2004

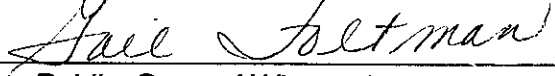
**MB REAL ESTATE I, LLC**

**By: Veridian Development, LLC, Its Sole Member**

By:   
Donald A. Esposito, Jr., Assistant Secretary

STATE OF WISCONSIN )  
  )ss>  
COUNTY OF DANE        )

Personally came before me this 19<sup>th</sup> day of August, 2004, the above named Donald A. Esposito, Jr. to me known to be the person who executed the foregoing instrument and acknowledged the same in the capacity and for the purposes therein intended.

  
Notary Public, State of Wisconsin  
My Commission expires: 2/25/07

**THIS DOCUMENT DRAFTED BY:**  
**Gail Foltman**  
**6801 South Towne Drive**  
**Madison, WI 53713**