



\* 4 3 8 3 2 7 2 1 3 \*

DANE COUNTY

REGISTER OF DEEDS

DOCUMENT #

**4383272**

12/26/2007

01:06PM

Exempt #:

Rec. Fee: 35.00

Pages: 13

Document Number

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

Record this document with the Register of Deeds

Name and Return Address:

Gail Foltman

Veridian Homes

6801 South Towne Drive

Madison, Wisconsin 53713

**0811-044-2001-2**

See Exhibit A

(Parcel Identification Number)

**WHEREAS**, MB Real Estate I, LLC, a Wisconsin limited liability company (the **"Owner and Developer"**) of the Plat of Gardens at Willowbrook, City of Sun Prairie, Dane County, WI, caused to be placed of record that certain Declaration of Protective Covenants and Restrictions on the Plat which that certain Restrictions was recorded on March 22, 2001, with the Dane County Register of Deeds office as Document No 3299712 (the **"Original Restrictions"**); and

**WHEREAS**, Owner and Developer recorded a First Amendment to the Protective Covenants and Restrictions of the Plat Gardens at Willowbrook, on January 30, 2004, with the Dane County Register of Deeds Office as Document No. 3868295 (the **"First Amendment"**); and

**WHEREAS**, Owner and Developer recorded a Second Amendment to the Protective Covenants and Restrictions of the Plat Gardens at Willowbrook, on August 24 2004, with the Dane County Register of Deeds Office as Document No. 3958780 (the **"Second Amendment"**); and

**WHEREAS**, Owner and Developer recorded a Third Amendment to the Protective Covenants and Restrictions of the Plat Gardens at Willowbrook, on February 1, 2005, with the Dane County Register of Deeds Office as Document No. 4017173 (the **"Third Amendment"**) and (the **"Original Restrictions"**, the **"First Amendment"**, the **"Second Amendment"** and the **"Third Amendment"** shall collectively be referred to as the **"Restrictions"**); and

**WHEREAS**, Owner and Developer are, 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,** Owner and Developer do 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 8 of the Original Restrictions; "Temporary Structures" shall be deleted in its entirety and replaced with the following:

## **8. SECONDARY STRUCTURES**

No secondary structures of a temporary or permanent nature shall be allowed except for sheds, gazebos and play structures. No shed or gazebo shall be used on any lot at any time as a residence, either temporary or permanent. Only one shed, one gazebo and/or one play structure will be permitted per Lot.

**A) Sheds:** A storage shed must receive prior written approval of the Committee, see attached Exhibit F Architectural Review Application, and shall comply with any requirements set out below. A zoning approval or building permit from the City of Sun Prairie may be required to construct a shed. Committee approval does not supersede the need for any municipal approvals or permits.

1. All Sheds must be wood framed, trimmed, roofed and finished as detailed below:
  - a. Sheds must have a maximum size of 96 square feet.
  - b. Sheds must be supported on a temporary or permanent foundation.
  - c. The siding on a shed shall be wood lapped, painted to match the siding color on the house or vinyl sided matching the siding color on the house.
  - d. Sheds must be trimmed with wood soffits & fascia painted to match the color on the house or aluminum soffits and fascia matching the color on the house.
  - e. The shed roof must be singled with residential shingles to match the style, color and type of the house.
  - f. Shed doors are permitted and shall be finished with material consistent with the siding on the shed.
  - g. Windows are optional and, if used, shall be of a size appropriate to the structure and a style, color and type to match the house.
  - h. All sheds must be landscaped and the Committee may also require the installation of additional landscaping for screening purposes.
2. Architectural control submittal documents for sheds:
  - a. Site Plan showing the location or placement of the shed.
  - b. Structural Plan.
  - c. Elevations – all four sides.

- d. Landscaping Plan.
- e. Color Palette

**B) Gazebos:** All gazebos must receive prior written approval of the Committee, see attached Exhibit F Architectural Review Application, and shall comply with any requirements set out below. A zoning approval or building permit from the City of Sun Prairie may be required to construct sheds. Committee approval does not supersede the need for any municipal approvals or permits.

1. Gazebos may be freestanding and shall be wood framed, trimmed, roofed and finished as detailed below:
  - a. Gazebos shall have a maximum size as permitted by city ordinance.
  - b. Gazebos shall be supported on a temporary or permanent foundation.
  - c. Siding on the gazebo shall be wood lapped, and painted to match the siding color on the house or vinyl siding matching the siding color on the house.
  - d. Gazebos shall be trimmed with wood, wood-like or vinyl coated materials.
  - e. The roof on the gazebo shall be singled with residential shingles to match the style, color and type used on the house.
  - f. Windows of any style and type are prohibited. Gazebos shall not be enclosed except that screening is permitted.
  - g. All Gazebos shall be landscaped and the Committee may also require the installation of additional landscaping for screening purposes.
2. Architectural control submittal documents for gazebos:
  - a. Site Plan showing the location of the gazebo.
  - b. Structural Plan.
  - c. Elevations – all sides.
  - d. Landscaping Plan.
  - e. Color Palette.

**C) Play Structures:** All play structures must receive prior written approval of the Committee, see attached Exhibit F Architectural Review Application, and shall comply with any requirements set out below. A zoning approval or building permit from the City of Sun Prairie may be required to construct play structures. Committee approval does not supersede the need for any municipal approvals or permits.

1. Play structures shall be wood and finished as detailed below:
  - a. Play structures shall be supported on a temporary or permanent foundation.
  - b. Play structures shall not be enclosed. Screening is permitted.
  - c. Committee may also require the installation of additional

landscaping for screening purposes.

2. Architectural control submittal documents for play structures:

- a. Site Plan showing the location of the play structure.
- b. Elevations – drawings of photos.
- c. Color Palette.

3) Paragraph 17 of the Original Restrictions and Paragraph 3 of the First Amendment; “Fences” shall be deleted in its entirety and replaced with the following:

**17. FENCES AND DECKS**

**A) Fences:** All fencing must receive prior written approval of the Committee and shall comply with any requirements set out below. The Committee may also require the installation and maintenance of additional landscaping for screening and aesthetic purposes. A zoning approval or building permit from the City of Sun Prairie may be required to construct fencing. Committee approval does not supersede the need for any municipal approvals or permits.

- 1. Fencing shall consist of wood or maintenance free material. Any wood fencing must be stained or painted with the exception of a 100% cedar or redwood fence which may be left unstained/unpainted or may be sealed with a clear sealer. Only two styles of fencing are permitted attached as shown in Exhibits “E-1” and “E-2”. Fence shall be a maximum of four (4’) foot in height. Chain link and other wire fabric fences of any type are specifically prohibited.
  - a. All fencing shall be erected finish side out, i.e. pickets on the outside of the rail facing the street or neighboring lot.
  - b. Posts shall be spaced a minimum of 72” and a maximum of 96” on-center. Rails shall be discontinuous and abut into the posts.
  - c. Gates are permitted and shall be consistent with the fencing style. All gates shall open into the lot.
  - d. If fencing shall be stained or painted, the color shall match the lighter of the home’s trim or siding color.
- 2. Appropriate uses of fencing:
  - a. Fencing shall be limited to rear and side yards only.
  - b. Fencing shall meet up with the corners of the home or garage and may not project past the front face of home or garage.
  - c. Only one fence is permitted along adjoining properties. Corners of adjoining properties fencing shall intersect at common corners.
  - d. Fencing at side yards of corner lots may not project past the

front yard setbacks of the adjacent lot of the side facing the street or not past the side yard building setback if all adjacent lots do not face streets.

- e. Fences may be used to surround a garden area located in the rear yard (rear yard defined as that opposite the front door). For this specific use only, the maximum height of fencing shall be 24"

3. Prohibited use of fencing:

- a. Fencing in front yards shall not be permitted.
- b. Fencing occurring in freestanding segments or placed arbitrarily.
- c. Fencing not meeting porch or deck corners.
- d. Fencing interfering with utility equipment. Your utility companies are to be consulted by Owner for current requirements and the most restrictive shall apply.

The approved location of the fence on the Property line is an approximation. Please be advised that in the event there is a tree planted on the Property line, the fence must be built around the tree on your Property or with the written consent of your neighbor, on their Property. In the event a satisfactory solution can not be reached between the neighboring parties, the Committee reserves the right to withdraw any fence approvals.

**B) Decks.** All decks must receive prior written approval of the Committee and shall comply with any requirements set out below. The Committee may also require the installation and maintenance of landscape materials for screening and aesthetic purposes. A zoning approval or building permit from the City of Sun Prairie may be required to construct a deck. Committee approval does not supersede the need for any municipal approvals or permits.

1. Appropriate deck design shall incorporate the following criteria:

- a. Deck(s) shall be proportionate in size to the footprint of the dwelling
- b. Deck(s) shall be proportionate in length and width
- c. Deck(s) shall not project past the rear or side yard setbacks
- d. Deck(s) at side yards of corner lots may not project past the corner of the home or garage for that side facing the street.
- e. Deck(s) must be stained or painted with the exception of a 100% cedar or redwood deck which may be left unstained/unpainted or may be sealed with a clear sealer..

2. Prohibited deck design:

- a. Deck(s) in front yards are no permitted except for barrier free accessibility ramps and platforms.
- b. Deck(s) occurring in freestanding segments or placed arbitrarily on the lot.
- c. Deck(s) interfering with utility equipment. Your utility companies are to be consulted by the Owner for current requirements and the most restrictive shall apply.

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

Dated as of the 20 day of December, 2007

**"Owner and Developer"**

MB Real Estate I, LLC

By: Veridian Development, LLC, Its Sole Member

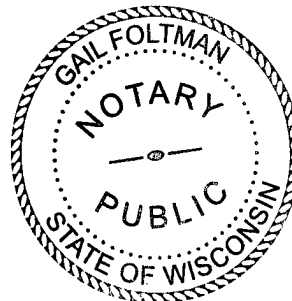
By: [Signature]  
Donald A. Esposito, Jr., Assistant Secretary

**ACKNOWLEDGMENT**

STATE OF WISCONSIN )  
 ) ss  
COUNTY OF DANE )

Personally came before me this 20 day of December, 2007, Donald A. Esposito, Jr. the Assistant Secretary of Veridian Development, LLC a Wisconsin limited liability company, which is the Sole Member of MB Investments of Wisconsin, LLC, a Wisconsin limited liability company, to me know to be such persons and officers who executed the foregoing instrument and acknowledged that they executed the same as such officers, by its authority for the purposes therein contained.

[Signature]  
Gail Foltman  
Notary Public Dane County, Wisconsin  
My Commission Expires: December 26, 2010



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

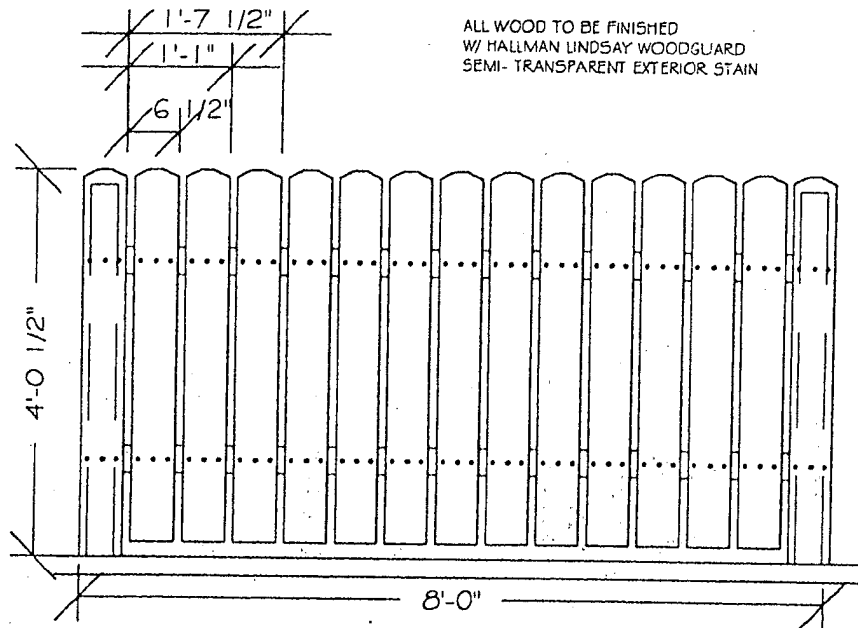
## EXHIBIT "A"

0811-044-2001-2	0811-044-0208-2	0811-044-0585-2	0811-044-5002-2
0811-044-2012-2	0811-044-0219-2	0811-044-0596-2	0811-044-5013-2
0811-044-2023-2	0811-044-0230-2	0811-044-0607-2	0811-044-5024-2
0811-044-2034-2	0811-044-0241-2	0811-044-0618-2	0811-044-5035-2
0811-044-2045-2	0811-044-0252-2	0811-044-0629-2	0811-044-2416-2
0811-044-2056-2	0811-044-0263-2	0811-044-0640-2	0811-044-2427-2
0811-044-2067-2	0811-044-0274-2	0811-044-0651-2	0811-044-5048-2
0811-044-2078-2	0811-044-0285-2	0811-044-0682-2	0811-044-5059-2
0811-044-2089-2	0811-044-0296-2	0811-044-0673-2	0811-044-5070-2
0811-044-0010-2	0811-044-0307-2	0811-044-0684-2	0811-044-5081-2
0811-044-0021-2	0811-044-0318-2	0811-044-0695-2	0811-044-5092-2
0811-044-0032-2	0811-044-0329-2	0811-044-0706-2	0811-044-5103-2
0811-044-0043-2	0811-044-0340-2	0811-044-0717-2	0811-044-5114-2
0811-044-0054-2	0811-044-0351-2	0811-044-0728-2	0811-044-5125-2
0811-044-2105-2	0811-044-0362-2	0811-044-0739-2	0811-044-5136-2
0811-044-2116-2	0811-044-0373-2	0811-044-2260-2	0811-044-5147-2
0811-044-2127-2	0811-044-0384-2	0811-044-2271-2	0811-044-5158-2
0811-044-2138-2	0811-044-0395-2	0811-044-2282-2	0811-044-5169-2
0811-044-2149-2	0811-044-0406-2	0811-044-2293-2	0811-044-5180-2
0811-044-2160-2	0811-044-0417-2	0811-044-2304-2	0811-044-5191-2
0811-044-2171-2	0811-044-0428-2	0811-044-4905-2	0811-044-5202-2
0811-044-2182-2	0811-044-0439-2	0811-044-4916-2	0811-044-5213-2
0811-044-2193-2	0811-044-0450-2	0811-044-4927-2	0811-044-2450-2
0811-044-2204-2	0811-044-0461-2	0811-044-4938-2	0811-044-2475-2
0811-044-0065-2	0811-044-0472-2	0811-044-4949-2	0811-044-0775-2
0811-044-0076-2	0811-044-0483-2	0811-044-4960-2	0811-044-0800-2
0811-044-0087-2	0811-044-0494-2	0811-044-4971-2	0811-044-0825-2
0811-044-0098-2	0811-044-0505-2	0811-044-2322-2	0811-044-0850-2
0811-044-0109-2	0811-044-0516-2	0811-044-2333-2	0811-044-2500-2
0811-044-0120-2	0811-044-0527-2	0811-044-2344-2	0811-044-9502-2
0811-044-0131-2	0811-044-0538-2	0811-044-2355-2	0811-044-8001-2
0811-044-0142-2	0811-044-0549-2	0811-044-2366-2	
0811-044-0153-2	0811-044-2220-2	0811-044-2377-2	
0811-044-0164-2	0811-044-2231-2	0811-044-2388-2	
0811-044-0175-2	0811-044-2242-2	0811-044-2399-2	
0811-044-0186-2	0811-044-0563-2	0811-044-2410-2	
0811-044-0197-2	0811-044-0574-2	0811-044-4991-2	

# Exhibit E1

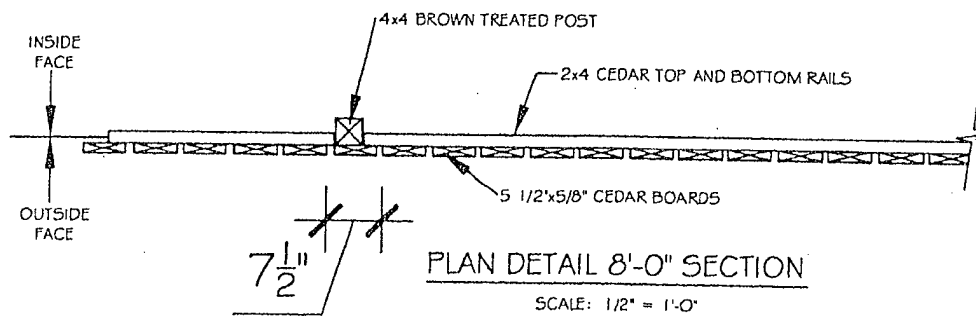
NOTE: 4x4 POSTS TO BE BROWN TREATED WOOD

ALL WOOD TO BE FINISHED W/ HALLMAN LINDSAY WOODGUARD SEMI-TRANSPARENT EXTERIOR STAIN



ELEVATION TYPICAL 8'-0" SECTION 6" PICKETS

SCALE: 1/2" = 1'-0"



PLAN DETAIL 8'-0" SECTION

SCALE: 1/2" = 1'-0"

4'-0 PICKET FENCE DETAIL

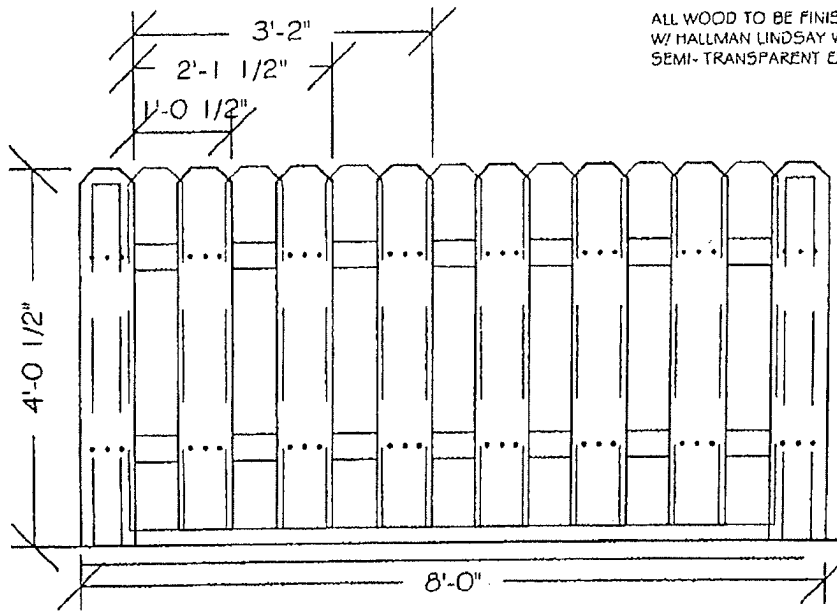


## EXHIBIT E2

NOTE: 4x4 POSTS TO BE BROWN TREATED WOOD

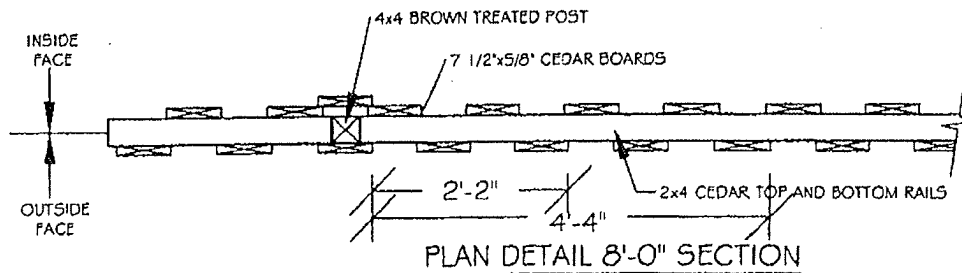
ALL WOOD TO BE FINISHED  
W/ HALLMAN LINDSAY WOODGUARD  
SEMI-TRANSPARENT EXTERIOR STAIN

000719



ELEVATION TYPICAL 8'-0" SECTION 7 1/2" CEDAR PICKET


SCALE: 1/2" = 1'-0"



PLAN DETAIL 8'-0" SECTION

SCALE: 1/2" = 1'-0"

## 4'-0 BOARD ON BOARD FENCE DETAIL

Model: -		Custom Designed For: -		 <b>VERIDIAN HOMES</b> 6801 South Towne Drive - Madison, WI 53713 (608) 226-3100 Fax: (608) 226-0600
ELEVATION		Lot/Subdivision: -		
Base Plan: -		Address: -		
Base Plan Revised: -		Drawn By: - Date: - /2004 Customer Approval: - /2004 DSH Approval: - /2004		
<b>Do Not Scale</b> Note: All dimensions are stud to stud		Note: Please review carefully. What is shown in this plan represents what will be constructed. We will not be held responsible for errors if work is built according to the customer's approved plan. Revised: - / - / -		

**Exhibit F**  
**ARCHITECTURAL REVIEW APPLICATION**

1. Owner(s): \_\_\_\_\_

2. Address / Lot # / Neighborhood \_\_\_\_\_

3. Home telephone number: \_\_\_\_\_

4. Email address: \_\_\_\_\_

5. General description of alterations being submitted:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

6. Estimated starting date: \_\_\_\_\_

7. Estimated completion date: \_\_\_\_\_

8. Owner(s) hereby acknowledge they are familiar with the Declaration of Protective Covenants, Conditions and Restrictions (the "Restrictions"), as well as, Amendments to the Declaration of Protective Covenants, Conditions and Restrictions ("Amendments"), if any, of the neighborhood.

9. Owner(s) hereby acknowledge and agree to honor all deadlines, if any, for completion of improvements referenced herein as established by the Architectural Control Committee (the "Committee").

10. Owner(s) agree to store construction materials on the above referenced property only, and will bear the cost of repairing any damages caused to any such other areas for non compliance.

11. Owner(s) agree to remove all unused materials from public view within seven (7) days following the completion of any work.

12. Owners hereby acknowledge in the event the Committee fails to approve or disapprove within thirty (30) days after the application and related documents requiring approval have been submitted, the application will be deemed denied. Submission will not be complete, and the thirty (30) day approval time, shall not commence until after all documents required herein have been submitted.

Initials \_\_\_\_\_

## **Required Exhibits and Supporting Documentation**

The documents listed below must accompany all application for Committee approval. Failure to submit the proper documents to the Committee will be considered incomplete and will be returned as unapproved.

1. Paint or stain colors: A sample of the color(s) intended to be used; along with existing paint colors on the home that will remain unchanged must be provided. Note: A photo of existing paint colors is an acceptable alternate to samples of existing colors.
2. Finish materials: A written description and/or sample of all finish material to be used for Exterior modification must be provided.
3. Site plan or plot plan: A site plan or plot plan, drawn to scale, showing the location and dimension of the proposed alternations, including orientation with respect to the property lines, must be provided for applications, including but not limited to decks, patios, walls, storage sheds, fences, gazebos and any structural additions to the home. **Please note if this document is not included with every application, the application may be returned to you for re-submission**
4. Architectural drawing and/or landscape plans: Complete detailed architectural drawings or plans must be provided for, including but not limited to decks, storage sheds, fences, gazebos and structural addition to the home, as well as, surrounding landscaping or topography changes of the lot
5. Contractors' estimate/proposal/plans: Bids receive may include the majority of the above described requirements. You may attach these documents to the application to be submitted. The cost listed may be deleted as the Committee is not interested in the cost of the improvement.
6. Additional exhibits: Additional exhibits may be required in order to permit adequate evaluation of the proposed changes. Feel free to contact the Committee for guidance prior to submission of application if in doubt.

## **NOTICE GIVEN TO OWNERS**

1. Nothing contained herein shall be construed to represent those alterations to lots or buildings in accordance with these plans shall not violate any of the provision of the Building and Zoning Codes established by the municipality, to which the property is subject to. Further, nothing contained herein shall be construed as a waiver or modification of said Restrictions.
2. Nothing contained herein shall be construed to represent those improvements, as approved by the Committee, are build able.
3. Where required, appropriate building permits shall be obtained for the municipality prior to construction. Nothing contained herein shall be construed as a waiver of said requirement.

Initials \_\_\_\_\_

4. Owner(s) is made aware and agrees that no work on this request will begin until written approval from the Committee.
5. Owner(s) agrees and grants express permission to the Committee to enter on the Owner's property at a reasonable time to inspect the project, during and after construction.
6. Owner(s) is made aware that any approval is contingent upon the completion of the alteration in a workmanlike manner and in accordance with the approved plan and specification of said alterations.
7. Owner(s) is made aware that any alterations not approved by the Committee will result in a written notification from the Committee and Owner(s) agree to bring the property back into compliance within a specified time as determined by the Committee. Further, Owner(s) are aware and agree that any legal expenses associated therewith will be the sole responsibility of the Owner(s).

\_\_\_\_\_  
OWNER SIGNATURE                      Date

\_\_\_\_\_  
OWNER SIGNATURE                      Date

### **APPLICATION SUBMITTAL**

1. Please mail or deliver the application and supporting documents to: Architectural Control Committee, 6801 South Towne Drive, Madison, WI 53713.
2. Do not include original documents as they may not be returned. All pages submitted must be legible copies. Faxed submissions are not acceptable.
3. Owner must sign, if signature line is provided, or initial any page not signed indicating that you have read and agree to the requirements and notices given that are contained within the Exhibit F submittal form.

### **APPLICATION REVIEW**

- ☐ Approved
- ☐ Not Approved
- ☐ Approved as noted (see comments)
- ☐ Additional Information needed (see comments)

#### COMMENTS/REQUIREMENTS FOR APPROVAL

- ☐ Copy of building permit required
- ☐ Copy of land survey required
- ☐ Color samples required
- ☐ Other information required:

---

---

Comments from Committee Member:

---

---

Committee Member Signature \_\_\_\_\_

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