

Document Number

DANE COUNTY  
REGISTER OF DEEDS

DOCUMENT #  
4024224

06/07/2005 09:39AM

Trans. Fee:  
Exempt #:

Rec. Fee: 31.00  
Pages: 11

000793

**THIRD AMENDMENT TO  
DECLARATION OF PROTECTIVE COVENANTS AND  
RESTRICTIONS FOR THE PLAT OF ICE AGE FALLS,  
CITY OF MADISON, 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

See Exhibit A  
(Parcel Identification Number)

**WHEREAS**, IAF Development, LLC, a Wisconsin Limited Liability Company, Owner and Developer (collectively the "Developer") of the Plat Ice Age Falls, City of Madison, 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 August 8, 2003, with the Dane County Register of Deeds office as Document No. 3781922; as amended February 5, 2004 with the Dane County Register of Deeds office as Document No. 3870176 ("Amendment"), as amended February 1, 2005, with the Dane County Register of Deeds office as Document No. 4017174 ("First Amendment") as amended February 24, 2005 with the Dane County Register of Deeds office as Document No. 4024224 ("Second Amendment"); and

**WHEREAS**, Declarant 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:

11/31

1) All capitalized terms as used herein, if not specifically defined herein, shall have the same definition as provided in the Restrictions. 000794

2) Part B, **Conditions, Covenants and Restrictions**, Paragraph B-8 **Backyard Planting Zone**, Subparagraph G) shall be replaced in its entirety with the following; "Building structures, playground equipment and other structural items are prohibited in the Backyard Planting Zone. While the forty (40') foot Backyard Planting Zone, as noted on the recorded Plat of Ice Age Falls, prohibits building structures, playground equipment and other structural items (including accessory structures) in the buffer area, this prohibition is not meant to include residential style fences. No fence shall be constructed upon any Lot unless Architectural Review Application ("**Application**") attached herein as Exhibit F, have been submitted to and approved in writing by a majority of the Committee. Fences are limited to wood construction and a maximum of four (4') foot in height. Only two styles of fencing are permitted and are detailed in Exhibits "E-1" and "E-2". Fences must be constructed six (6") inches inside the property line where such fences abut a greenway, park or other public area. Fences running perpendicular to boulder retaining walls shall terminate at the face of the wall when the wall is three (3') foot or greater in height. Otherwise, the fence may run parallel to the toe of the retaining wall where the wall is less than three (3') feet in height."

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

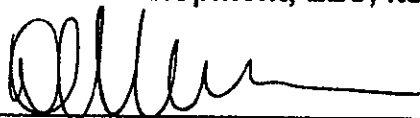
[SIGNATURE ON NEXT PAGE]

000795

Dated as of the 3rd day of June 2005.

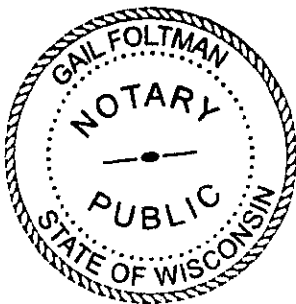
**IAF DEVELOPMENT, LLC.**


**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 3<sup>rd</sup> day of June, 2005, the above named Donald A. Esposito, Jr. to me known to be the Assistant Secretary of IAF Development, LLC, who executed the foregoing instrument and acknowledged the same in the capacity and for the purposes therein intended.



  
Gail Foltman  
Notary Public, State of Wisconsin  
My Commission expires: February 25, 2007

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

## EXHIBIT A

000796

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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

000799

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.
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 \_\_\_\_\_





**APPLICATION SUBMITTAL**

000801

1. Please mail or deliver two (2) copies of the application and supporting documents to: Ice Age Falls 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:

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Comments from Committee Member:

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

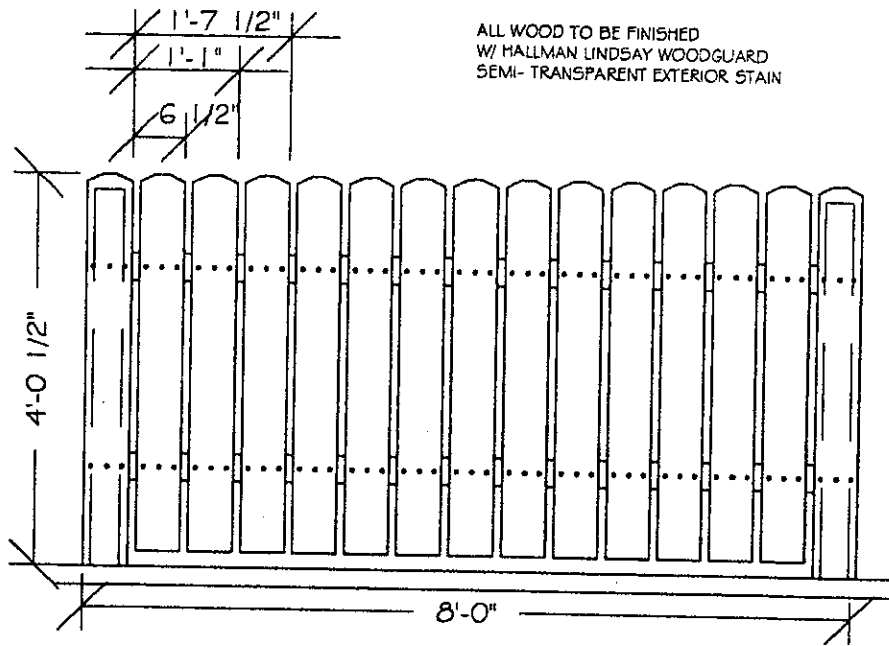
Date: \_\_\_\_\_

# Exhibit E1

000802

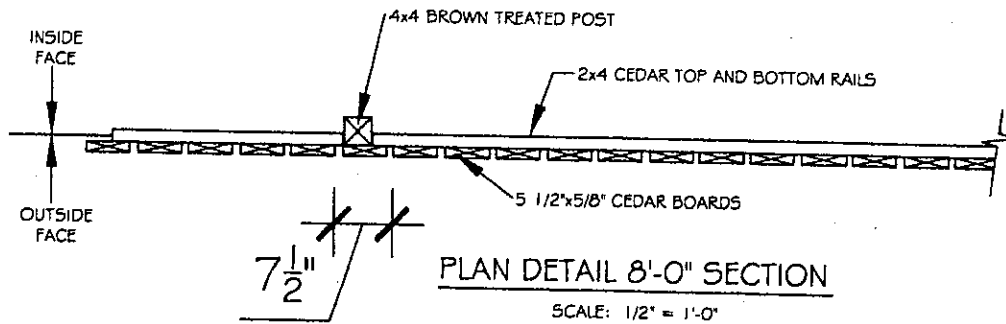
**NOTE:** 4x4 POSTS TO BE BROWN TREATED WOOD

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

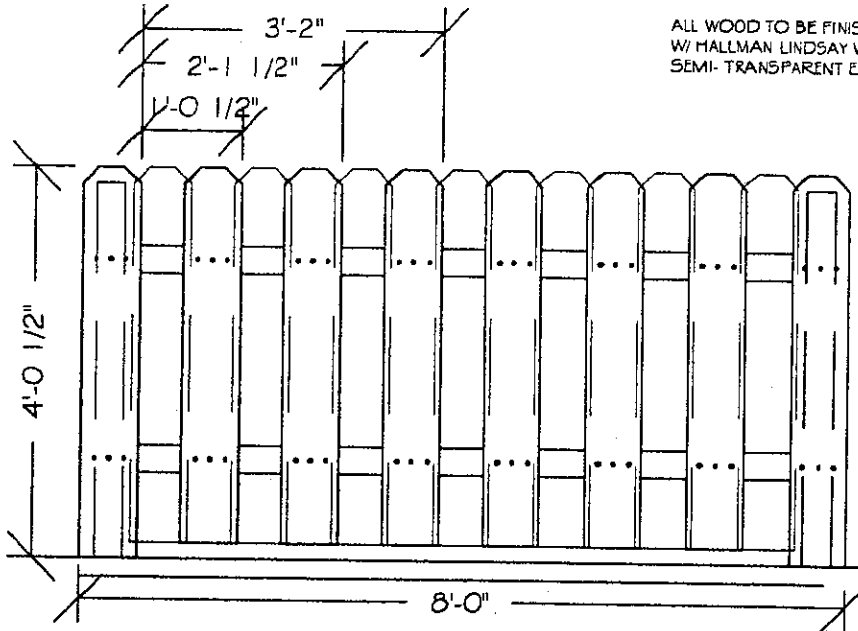
Model: _____ ELEVATION	Custom Designed For: _____	
	Lot/Subdivision: _____	
Base Plan: _____ Revised: _____	Address: _____	
	Drawn By: _____	Customer Approval: _____ / 2004
Do Not Scale Note: All dimensions are stud to stud	Date: _____	DSH Approval: _____ / 2004
	<small>Note: Please review carefully. 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.</small>	
Revised: _____		 <b>VERIDIAN HOMES</b> 6801 South Towne Drive - Madison, WI 53713 (608)226-3100 Fax: (608)226-0600 <small>© Copyright 2004 Veridian Homes Protected Under Architectural Works Copyright Protection Act of 1990</small>

# Exhibit E2

NOTE: 4x4 POSTS TO BE BROWN TREATED WOOD

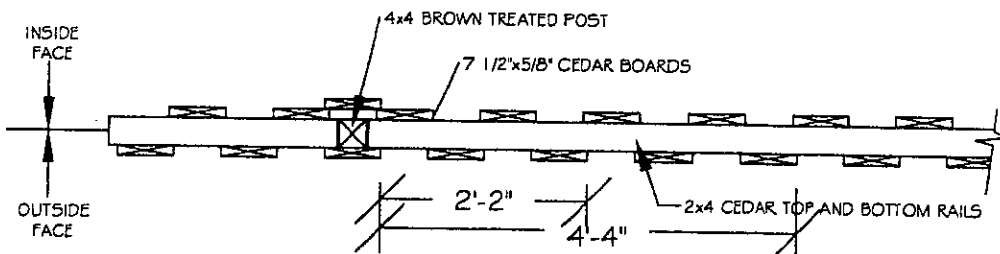
000803

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



ELEVATION TYPICAL 8'-0" SECTION 7 1/2" CEDER 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: _____		 <p><b>VERIDIAN HOMES</b></p> <p>6601 South Towne Drive - Madison, WI 53713 (608)226-3100 Fax: (608)226-0600</p> <p>© Copyright 2004 Veridian Homes Protected Under Architectural Works Copyright Protection Act of 1990</p>
ELEVATION		Lot/Subdivision: _____		
Base Plan		Address: _____		
Plan: _____	Revised: _____	Drawn By: _____	Customer Approval: _____ / 2004	<p>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.</p>
Do Not Scale		Date: _____	DSM Approval: _____ / 2004	
Note: All dimensions are stud to stud		Revised: _____		