

EXHIBIT B TO
SUPPLEMENTAL DECLARATION OF RESTRICTIONS

DOC#: 903335



Recorded
OCT. 09, 2001 AT 01:38PM

DOROTHY C. GOMBERG
REGISTER OF DEEDS
WASHINGTON COUNTY, WI
Fee Amount: \$21.00

DECLARATION OF RESTRICTIONS
FOR
TREE TOPS SUBDIVISION OUTLOTS

Return To:
Siepmann Realty Corp
W240 N 1221 Pensaukee Rd
Waukesha WI 53188

21-6e

KNOW ALL PERSONS BY THESE PRESENTS; that TREETOPS DEVELOPMENT, LLC is a Limited Liability Company duly organized and existing under and by virtue of the laws of the State of Wisconsin, located at Waukesha, Wisconsin (herein referred to as "Developer," which term shall also include the duly authorized agent of Developer).

Developer is the owner of Outlots 1, 4, 5, 6, 7 and 8 in TREE TOPS Subdivision, being a subdivision of Lot 1 and Outlot 1 of Certified Survey Map No. 5250 and unplatted lands, all being a part of the Northwest 1/4 and Southwest 1/4 of the Southeast 1/4 of Section 35, Town 9 North, Range 20 East, Village of Germantown, Washington County, Wisconsin, (herein referred to as "TREE TOPS OUTLOTS") and intends to establish a general plan for the use and enjoyment of TREE TOPS Subdivision, and in furtherance of the general purpose set forth in Section A, below, does hereby declare for the mutual benefit of present and future owners, (herein referred to individually as "Owner" and collectively as "Owners") of lands in TREE TOPS Subdivision and any future stages of development added as provided in Section D of the Declaration of Restrictions for TREE TOPS Subdivision, recorded in the Office of the Register of Deeds for Washington County, Wisconsin, on July 10, 2001 on Reel _____, Images _____ to _____, inclusive, as

g
v

document No. 892875 (herein referred to as "Original Tree Tops Declaration") that TREE TOPS OUTLOTS shall be subject to the following restrictions.

A. GENERAL PURPOSE

The general purpose of this Declaration is to insure that TREE TOPS Subdivision will become and remain an attractive community; to preserve the open space within TREE TOPS Subdivision; to promote the aesthetic, recreational and cultural enjoyment of the residents of TREE TOPS Subdivision; and in general, to provide adequately for the use and enjoyment of the TREE TOPS Subdivision open space while remaining sensitive to preserving the natural environment.

B. RESTRICTIONS

No improvements shall be allowed on TREE TOPS OUTLOTS except for landscaping, entrance monuments, a children's play structure, one sports court, a single paved parking area for not more than 6 cars, gazebo, walking trails, and storm-water management facilities and sewer, water, gas, electric, telephone and other utility lines and facilities. Except as provided herein there shall be no construction or placing of storage areas, signs, billboards or other advertising material or other structures, whether temporary or permanent, or materials on the TREE TOPS OUTLOTS. There shall be no commercial or industrial activity undertaken or allowed within TREE TOPS OUTLOTS, nor shall any right of passage across or upon the TREE TOPS OUTLOTS be allowed or granted in conjunction with commercial or industrial activity. There shall be no filling, excavating, mining or drilling, removal of top soil, sand, gravel, rock, minerals or other

materials nor any building of roads or change in the topography of the TREE TOPS OUTLOTS in any manner. Except as may be necessary for proper maintenance and management, there shall be no dumping of trash, garbage or other unsightly or hazardous material upon or within the TREE TOPS OUTLOTS. There shall be no hunting or trapping within the TREE TOPS OUTLOTS. Except as may be necessary in conjunction with landscape maintenance, there shall be no operation of any type of motorized vehicle within the TREE TOPS OUTLOTS. Maintenance of the TREE TOPS OUTLOTS shall be performed in accordance with written guidelines and standards established by Developer, as well as generally accepted sound maintenance practices. Anything to the contrary contained herein notwithstanding, Developer and its duly authorized agents may erect and maintain a marketing sign or signs within the TREE TOPS OUTLOTS until Developer is no longer an Owner of any lots in TREE TOPS Subdivision or areas that may be added in accordance with Section D of the Original Tree Tops Declaration.

C. AMENDMENT PROVISIONS

Any of the provisions of this Declaration may be annulled, waived, changed, modified or amended at any time by written document setting forth such annulment, waiver, change, modification or amendment, executed by the Owners of lands having at least seventy-five percent (75%) of the votes in the TREE TOPS Homeowners Association created pursuant to Section C of the Original Tree Tops Declaration provided, however, that any such action must also be approved in writing (i) the Village of Germantown, (ii) Washington County and (iii) the Developer so long as it shall be an Owner of any lands in TREE TOPS Subdivision or any land which may potentially

become a future stage of TREE TOPS Subdivision as provided in Section D of the Original Tree Tops Declaration. This Declaration and all amendments shall be executed as required by law so as to entitle it to be recorded, and shall be effective upon recording in the office of the Register of Deeds for Washington County, Wisconsin.

D. RESERVATION BY DEVELOPER OF RIGHT TO GRANT EASEMENTS

Developer has reserved the right to grant and convey easements to the Village of Germantown and/or to any public or private utility company, upon, over through or across any portion of any outlot for purposes of allowing the Village of Germantown or utility company to furnish gas, electric, water, sewer, cable television or other utility service to any Lot(s) in TREE TOPS Subdivision; or through any portions of TREE TOPS Subdivision for purposes of facilitating drainage of storm or surface water within or through TREE TOPS Subdivision. Developer may grant such easements in its own name and without the consent or approval of any lot Owner, until such time as Developer has conveyed legal title to all Lots platted or to be platted in TREE TOPS Subdivision or any future stages added pursuant to Section D of the Original Tree Tops Declaration, to persons other than a Successor-Developer.

E. DURATION OR RESTRICTIONS

These restrictions and any amendments thereto shall be in force for a term of thirty (30) years from the date this Declaration is recorded, and upon the expiration of such initial 30 year term or any extended term as provided herein, this Declaration shall be automatically extended for successive terms of 10 years each, unless prior to the end of

the then-current term a notice of termination is executed by the Owners of at least ninety percent (90%) of all lots subject to the Original Tree Tops Declaration or areas that may be added in accordance with Section D of the Original Tree Tops Declaration (and their mortgagees) and is recorded in the office of the Register of Deeds for Washington County. These Restrictions shall be for the benefit of the Owners and shall be deemed to run with the land and shall bind the Owners and their heirs, successors and assigns and be enforceable by any Owner and the Tree Tops Homeowners Association.

IN WITNESS WHEREOF, the undersigned, being the Members of TREETOPS DEVELOPMENT, LLC, have executed this Declaration of Restrictions this 2nd day of OCTOBER, 2001.

TREETOPS DEVELOPMENT, LLC


SIEPMANN DEVELOPMENT COMPANY LIMITED
PARTNERSHIP, Member

BY: SIEPMANN REALTY CORP., General Partner

BY: 

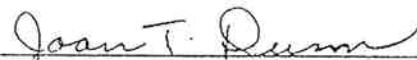
James P. Siepmann, President

6. That he makes this Affidavit for the purpose of correcting the provisions of the Declaration so that they will accurately reflect the intentions of the declarant Treetops Development LLC.


James P. Siepmann

Subscribed and sworn to before me this 23rd day of October, 2001.




Notary Public Joan T. Dunn
Waukesha County, Wisconsin
My Commission Expires October 6, 2002

This instrument was drafted by and
after recording should be returned to:

Siepmann Development Company
W240 N1221 Pewaukee Road
Waukesha, WI 53188