

1400418



RECORDED

March 08, 2016 8:05 AM

SHARON A MARTIN

REGISTER OF DEEDS

WASHINGTON COUNTY, WI

Recording Fee Paid: \$30.00

Document No.

**FIRST AMENDMENT TO THE
DECLARATION OF COVENANTS AND
RESTRICTIONS FOR THE RESIDENTIAL
PORTION OF WESTERN HILLS WEST
SUBDIVISION**

Return to:

Attorney Daniel R. Dineen
246 S. 5th Avenue
West Bend WI 53095

Parcel Number

THIS FIRST AMENDMENT (this "Amendment") is made this 1st day of February, 2016, by Western Land Development, LLC, a Wisconsin Limited Liability Company (DEVELOPER) at the request of Western Hills Homeowners Association (WHHA) acting for and behalf of and for the common benefit of the owners of Lots within the Western Hills West Subdivision hereinafter (OWNERS).

WITNESSETH:

WHEREAS, Developer established and declared a general plan for the use, occupancy and enjoyment of lots within Western Hills West Subdivision, in a document entitled Declaration of Covenants and Restrictions Residential Portion of Western Hills West Subdivision recorded in the Register of Deeds Office for Washington County, Wisconsin on December 17, 2004 as Document No. 1072755 (referred to hereinafter as the "Declaration"); and

WHEREAS, Developer continues to own Lots in Western Hills West Subdivision (the "Subdivision") and has not relinquished control of the Subdivision to an unincorporated association, the Western Hills Homeowner's Association (WHHA), as created under the Declaration; and

WHEREAS, the OWNERS are current owners of Lots in the Subdivision, in the City of Hartford, Washington County, Wisconsin and have communicated to the Developer a desire to amend those certain portions of the Declaration that relate to fences and sheds; and

WHEREAS, Scott A. Boyd, managing member of Western Land Development, LLC, consented to amend said Declaration as provided for herein if the OWNERS by majority vote approved a proposed amendment to the Declaration; and

~~**WHEREAS**, at a meeting of the WHHA on August 19, 2015 a subcommittee of the WHHA made a presentation to OWNERS about amending the Declaration as it relates to fences and sheds; and~~

WHEREAS, the WHHA approved moving forward with securing votes from OWNERS in regard to proposed changes to the Declaration; and

WHEREAS, on or about August 21, 2015, the WHAA sent ballots via U.S. Mail to all of the OWNERS of Lots including to the Developer; and

WHEREAS, at a meeting of the WHHA on September 16, 2015 the aforementioned ballots, completed and returned to the WHHA were opened, called out, tallied and counted by the WHHA;

NOW, THEREFORE, for good consideration and in accordance with the terms and provisions of the Declaration, the Developer, acting in conformity with the request of the WHHA, and the majority approval of the OWNERS, as reported by the WHHA in its Minutes of a special meeting conducted September 16, 2015, which minutes reflect that 46 OWNERS voted in favor of amending the Declaration to allow sheds, 8 voted "no" and 19 OWNERS did not return their ballots; and 43 OWNERS voted in favor of amending the Declaration to allow fences, 11 voted "no" and 19 OWNERS did not return their ballots; and accordingly the Developer hereby declares that the Declaration is amended as follows:

1. Paragraph 17. b of the Declaration is hereby deleted in its entirety and replaced with the following:

17. b. FENCES. Fences shall not be permitted on any lot except fences that comply with the City of Hartford Code, are constructed of natural materials and have received Architectural Review approval of the Developer or designee.

2. Paragraph 17. d. 2. of the Declaration is hereby deleted in its entirety and replaced with the following:

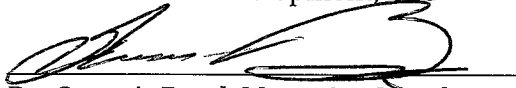
17. d.

2. No sheds are allowed except sheds that comply with the City of Hartford Code and have received the Architectural Review approval of the Developer or designee.

3. Except as otherwise stated herein all remaining provisions of said Declaration shall, and do hereby remain, in full force and effect without change or modification.

IN WITNESS WHEREOF, this Amendment has been executed by the Developer as of the day and year first above written.

Western Land Development, LLC


By: Scott A. Boyd, Managing Member

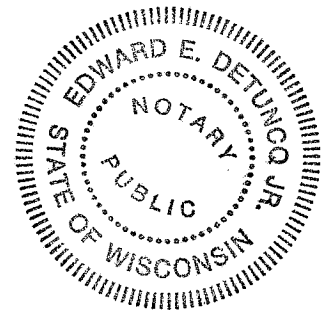
ACKNOWLEDGMENT

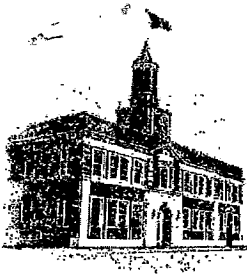
STATE OF WISCONSIN)
) ss.
COUNTY OF WASHINGTON)

Personally came before me this 1st day of FEB, 2016, the above named Scott A. Boyd to me known to be the person who executed the foregoing instrument and acknowledged the same.

Name: Edward E. Detunco Jr.
Notary Public, State of Wisconsin
My Commission: 6-17-2017

Dodge County





— *City of Hartford* —

CITY HALL
109 NORTH MAIN STREET
HARTFORD, WI 53027-1591
www.ci.hartford.wi.us

February 26, 2016

Scott A Boyd
W7120 Oakdale Drive
Beaver Dam, WI 53916

Dear Mr. Boyd

This letter is notification that the City of Hartford does not object to the proposed covenant revisions dated February 1, 2016, submitted for review by the Western Hills West Homeowners Association.

Sincerely,

Justin Drew
Director of Community Development

cc:Ian Prust, City Attorney

Consented to and approved this 17th day of FEBRUARY by
LANDMARK CREDIT UNION as Lender of Western Land Company, LLC.

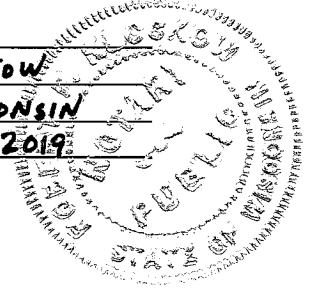
By: Thomas Z. Haley
Its: Regional President

ACKNOWLEDGMENT

STATE OF WISCONSIN)
) ss.
COUNTY OF WASHINGTON)

Personally came before me this 17 day of FEBRUARY 2016, the above named
THOMAS HALEY and _____ to me known to be the persons who executed
the foregoing instrument and acknowledged the same.

Robert F. Klockow
Name: ROBERT F. KLOCKOW
Notary Public, State of WISCONSIN
My Commission: MAY 3, 2019



This document drafted by:
Daniel R. Dineen, WI Bar No. 1017911
Vanden Heuvel & Dineen, S.C.
246 S. 5th Avenue
West Bend WI 53095
262-338-8874
dan@vhdlaw.com

LEGAL DESCRIPTION: *Western Hill West Subdivision*, Being a part of Parcel 1, CSM 4746 and a part of the SW ¼ of Section 20 and a part of the SE ¼ of Section 19 and a part of the NW ¼ of Section 29, all in T.10N., R.18E., City of Hartford, Washington County, Wisconsin.

Beginning at the Northwest corner of said Section 29; thence S.00°33'00" E. along the west line of the Northwest ¼ of said Section 29, 33.00 feet; thence S.89°56'46"W., 33.38 feet; thence N.00°06'34"E., 1,352.36 feet; thence N.89°58'48"E. along the north line of the Southeast ¼ of the Southeast ¼ of said Section 19, 33.00 feet; thence N.89°44'09"E. along the north line of said Parcel 1, 850.74 feet; thence S.00°15'52"E., 66.35 feet; thence East, 132.58 feet; thence S.00°15'52"E., 174.00 feet; thence S.05°40'13"E., 99.98 feet; thence N.89°44'09"E., along the south line of said Parcel 1, 661.30 feet; thence S.00°00'44"W., along the west line of Western Hills Central, 978.36 feet; thence S.89°43'11"W. along the north line of the Northwest ¼ of said Section 29, 331.58 feet; thence S.00°25'29"E. along the east line of the Northwest ¼ of the Northwest ¼ of said Section 29, 1,318.28 feet; thence S.89°44'43"W. along the south line of the Northwest ¼ of the northwest ¼ of said Section 29, 1,323.46 feet; thence N.00°33'00"W. along the west line of the Northwest ¼ of said Section 29, 881.60 feet; thence 401.01 feet along the arc of a curve to the right, whose radius is 840.00 feet and whose chord bears N.30°52'44"E., 397.21 feet; thence N. 47°13'13" E., 80.78 feet; thence 240.57 feet along the arc of a curve to the left, whose radius is 340.00 feet and whose chord bears N.70°00'36"W., 235.58 feet; thence S.89°43'11"W., 45.87 feet; thence S.00°06'34"W., along the west line of the SW ¼ of said Section 20, 40.00 feet to the point of beginning. Said lands contain 3,681,327 square feet (84.51 acres). THIS LEGAL INCLUDES OUTLOT 1 & LOTS 1 THROUGH 99 OF WESTERN HILLS WEST PHASES I & II, a recorded Subdivision, & also includes future Phases III & IV of said Western Hills West, not yet platted.