

SUPPLEMENTAL
DECLARATION OF
RESTRICTIONS

Rec. 7/19/04

8824826

Document Number

Document Title

Recording Area

Name and Return Address

Siepmann Development Company
W240 N1221 Pewaukee Road
Waukesha, WI 53188

807-9996-000

Parcel Identification Number (PIN)

THIS PAGE IS PART OF THIS LEGAL DOCUMENT-DO NOT REMOVE

This information must be completed by submitter: document title, name & return address, and PIN (if required). Other information such as the granting clauses, legal description, etc. may be placed on this first page of the document or may be placed on additional pages of the document.
Note: Use of this cover page adds one page to your document and \$2.00 to the recording fee. Wisconsin Statutes, 59.517. WRDA 2/96

**SUPPLEMENTAL DECLARATION
OF RESTRICTIONS
FOR
CROOKED CREEK SUBDIVISION
AND
CROOKED CREEK ADDITION NO. 1**

This Supplemental Declaration is made this 31 day of March, 2004 by
TREETOPS DEVELOPMENT LLC, a Wisconsin Limited Liability Company.

WITNESSETH:

WHEREAS, a Declaration of Restrictions for Crooked Creek Subdivision was recorded in the office of the Register of Deeds for Milwaukee County, Wisconsin on October 2, 2003, as Document No. 8641683, a copy of which is attached hereto as Exhibit A ("Declaration") relating to Crooked Creek Subdivision; and

51. WHEREAS, Section D of the Declaration permits Treetops Development LLC and its successors and assigns to bring within the Declaration future stages of Crooked Creek which are or become adjacent to the lands subject to the Declaration; and

WHEREAS, Treetops Development LLC is the owner of Lots 44 through 86, inclusive, and Outlots 9 through 12, inclusive, in Crooked Creek Addition No. 1, being a subdivision of part of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ and the Northeast $\frac{1}{4}$ of the

Southeast ¼ of Section 14, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin; and

WHEREAS, it is the desire of Treetops Development LLC to bring Crooked Creek Addition No. 1 into the Declaration as a future stage of Crooked Creek.

NOW, THEREFORE, Treetops Development LLC does hereby declare as follows:

1. That effective upon the last to occur of the recording of this Supplemental Declaration and the recording of a final plat for Crooked Creek Addition No. 1, the lands contained within Crooked Creek Addition No. 1 shall be added to and included in the Declaration and that as a result thereof: (a) the term "Crooked Creek" in the Declaration shall include both Crooked Creek and Crooked Creek Addition No. 1; (b) the term "Owner" in the Declaration shall include the owners of lots in Crooked Creek and Crooked Creek Addition No. 1; and (c) the term "Common Area" in the Declaration shall also include Outlots 9 through 12 in Crooked Creek Addition No. 1.
2. That lots 49, 53, 54, 55, 56, 72, 73, 74, 75, 76, 77, 80, 81, 82, 83, 84, 85 and 86 in Crooked Creek Addition No. 1 are added to Section B, paragraph 19 of the Declaration as lots that have been designed per the Master Grading Plan to have split-grade homes constructed on them.
3. Developer hereby reserves the right to grant and convey easements to the City of Franklin ("City") or private utility company, upon, over through or across those portions of any Lot within 10 feet of any lot line and upon, over, through or across any portion of any outlot for purposes of allowing the City or utility company to furnish gas, electric, water, sewer, cable television or other utility service to any Lot(s); or through any portion of Crooked Creek Addition No. 1 for the purposes of facilitating drainage of storm or surface water within or through Crooked Creek and Crooked Creek Addition No. 1. 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 Crooked Creek and Crooked Creek Addition No. 1 to persons other than a Successor-Developer. After that time the Committee created under Section C of the Declaration shall have the power to grant easements to the City and/or to any public or private utility company upon, over, through or across any portion of any outlot for purposes of allowing the City or utility company to furnish gas, electric, sewer, cable television or other utility service to any Lot(s); or through any

portions of any outlots for purposes of facilitating drainage of storm or surface water within or through Crooked Creek and Crooked Creek Addition No. 1.

4. That the duration of the Restrictions set forth in Section I of the Declaration shall be, with respect to Crooked Creek Addition No. 1, the same as provided in the Declaration.

IN WITNESS WHEREOF, the undersigned have executed this Supplemental Declaration of Restrictions as of the day, month and year first above written.

TREETOPS DEVELOPMENT LLC

BY: SIEPMANN DEVELOPMENT
COMPANY LIMITED PARTNERSHIP,
Member

BY: SIEPMANN REALTY CORP.,
General Partner

BY: *James P. Siepmann*
James P. Siepmann, President

STATE OF WISCONSIN)
) SS
WAUKEHSA COUNTY)

Personally came before me this 31 day of MARCH, 2004,
the above-named James P. Siepmann, to me known to be the person who executed the
foregoing instrument and acknowledged the same.



Charles B. Schiereck
Notary Public, Waukesha County
State of Wisconsin
My Commission Expires: 4/1/07

This instrument drafted by:
JAMES P. SIEPMANN
Siepmann Development Company
Limited Partnership
W240 N1221 Pewaukee Road
Waukesha, WI 53188

Revised 3/3/04

EXHIBIT A

DECLARATION OF RESTRICTIONS

FOR

CROOKED CREEK SUBDIVISION

Return to:
Siepmann Realty Corp.
W240 N1221 Pewaukee Road
Waukesha, WI 53188

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 Lots 1 through 43, inclusive, and Outlots 1 through 8, inclusive, in CROOKED CREEK Subdivision, being a subdivision of the Northeast ¼ and Southeast ¼ of the Southeast ¼ of Section 14, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, (herein referred to as "CROOKED CREEK") and intends to establish a general plan for the use, occupancy and enjoyment of CROOKED CREEK, 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 of lands in CROOKED CREEK and any future stages of development added as provided in Section D, below (herein referred to individually as "Owner" and collectively as "Owners"), that CROOKED CREEK shall be subject to the following restrictions.

A. GENERAL PURPOSE

The general purpose of this Declaration is to promote the harmonious development of CROOKED CREEK into a residential district of the highest quality while protecting the natural beauty and quality of the environment. In addition, this Declaration is to help insure that CROOKED CREEK will become and remain an attractive community; to preserve the open space within CROOKED CREEK; to guard against the erection therein of poorly designed or proportioned structures; to obtain harmonious use of materials; to insure the highest and best residential development of the property; to encourage and secure the erection of attractive homes in appropriate locations on building sites; to secure and maintain proper setbacks from streets and adequate free spaces between structures; and in general, to provide adequately for high quality improvements while remaining sensitive to

preserving the natural environment and thereby maintain and enhance the value of investments made by purchasers of properties in CROOKED CREEK.

B. BUILDING RESTRICTIONS

1. All lots in CROOKED CREEK are restricted to the erection of a one story, story and one-half, or two story single family residence building with a minimum square footage of living space (without regard for basement level areas) as specified in Paragraphs B.2 through B.5. below, and with an attached garage which will accommodate at least two cars.
2. The minimum size of a one-story residence shall be 1700 square feet on the first floor.
3. A story and one-half residence shall have a minimum of 2000 square feet on the upper two floors.
4. A two-story residence shall have a minimum of 2000 square feet on the upper two floors.
5. A tri-level residence shall have a minimum of 2000 square feet on the upper two floors.
6. The garage must be attached to the residence directly or by breezeway, or built into the basement of the residence and must be constructed at the same time as the residence. The maximum size of the garage shall conform to City of Franklin (hereinafter referred to as the "City") ordinances.
7. The exterior walls of the residence and attached garage must be constructed of brick, stone, stucco, solid wood siding, vinyl siding, Hardiplank siding, or its equivalent. Certain artificial stone products may be allowed if specifically approved by Developer. Siding materials such as aluminum, steel, pressed board, Masonite or plywood will not be permitted, except on soffits. Soffits and fascias may be made of the siding materials permitted above. Any exposed basement or foundation wall must be covered with masonry veneer, plaster or the siding materials used on the walls above.
8. All roofs shall have a minimum pitch of eight feet in height for each twelve feet in length (8/12), except for rear dormers on a story and one-half residence. A lower minimum roof pitch may be allowed in special circumstances if approved in writing by Developer. All roofs having an appropriate pitch shall be covered with either wood shakes or fiberglass shingles in a "weatherwood" color.

9. The residence and attached garage, a sodded or seeded lawn and a driveway paved with concrete, asphalt or brick must be completed within one year of the start of construction.

10. Only one residence may be erected on a lot.

11. The minimum front setback from any abutting street right-of-way is 35 feet. On corner lots the minimum setbacks are 35 feet from the abutting front street right-of-way and 25 feet from the abutting side street right-of-way. The minimum side yard offset is 10 feet. The minimum rear yard is 30 feet.

12. There shall be no outside storage of boats, trailers, buses, commercial trucks, recreational vehicles or other vehicles or items deemed to be unsightly by the Developer or the CROOKED CREEK Homeowners Association, created pursuant to Section C, below.

13. All building plans and the exterior design of each building to be constructed, added to or modified and all yard grades and stakeout surveys must be approved by Developer in writing prior to application for a building permit. Developer's approval shall be based upon the building and use restrictions contained in this Section B and the Guidelines for Plan Approval for CROOKED CREEK Subdivision which Owner shall obtain from Developer prior to submitting plans to Developer for approval. Developer may withhold exterior design approval if the design is too similar in appearance to others in close proximity.

14. Basic site features such as fences (which shall be of a decorative style; in no event will chain link or privacy fences be allowed), decks, gazebos, pool houses, swimming pools (which must be in-ground), retaining walls (which shall only be constructed of natural stone, wood timbers or certain modular retaining wall systems if specifically approved in writing by Developer) berms more than 3 feet in height and other temporary or permanent structures or elements contributing significantly to the total environmental effect of CROOKED CREEK are subject to the prior written approval of Developer. Children's outdoor playground equipment and play structures shall be allowed provided that any part of such equipment or structure that is an enclosure must be approved in writing by Developer prior to installation. Dog kennels are allowed provided that they are located immediately behind the house or garage with any fences screened from view by adequate landscaping. Following such time that a principal residence has been constructed upon each lot in CROOKED CREEK, Developer may, but shall not be obligated to, delegate to