DECLARATION OF RESTRICTIONS
FOR
COMMUNITY INVESTMENT GROUP, LLC

This Declaration is made this 26th day of March, 2001, by Community Investment Group, LLC (hereafter called "Developer").

RECITATIONS

Developer owns all those lands located in the Town of Mukwonago, Waukesha County, Wisconsin, which lands have been depicted and described as Lots 1 through 31 of a Final Subdivision Plat approved by the Town of Mukwonago and recorded in the offices of the Register of Deeds for Waukesha County, which plat is known and referred to as the Whitetail Meadows Subdivision Plat.

Developer desires to subject all lands within the Final Subdivision Plat known as the **Whitetail Meadows** Subdivision Plat to the conditions, restrictions, covenants, reservations, and easements, as set forth herein and in compliance with all conditions of rezoning, for the benefit of the Subdivision as a whole and for the benefit of each Lot owner.

DECLARATIONS

Developer hereby declares that the real estate described in the Final Plat shall be used, held, transferred, sold, and conveyed, subject to the conditions, restrictions, covenants, reservations, and easements set forth herein, which shall inure to the benefit of, and shall pass with, each Lot as covenants running with the land and shall apply to, and bind all, successors in interest, users, and owners.

DEFINITIONS. PURPOSE AND USE RESTRICTIONS

1.01 DEFINITIONS.

A. "Developer" shall mean Community Investment Group, LLC, as well as any Successor Developer.

B. "Family" shall mean one or more persons related by blood, marriage, or adoption who are living, sleeping, cooking, and eating on the premises as a single housekeeping unit, and shall exclude any person or group of persons where three or more are not so related or engaged as household employees.

C. "Home" shall mean a residential building designed and used as a dwelling for one Family (which shall not include any attached garage).

D. "Impervious Surface" is defined as any roof structures, paved asphalt or concrete area, pool area, or other area on a lot where rainwater is prevented from draining into the soil due to the

CONSTRUCTION OF IMPROVEMENTS

2.01 MINIMUM LIVING REQUIREMENTS AND OTHER REQUIREMENTS.

A. All homes shall have a minimum living area (exclusive of basement, exposed basement, attic, garage, porches, patios, decks, and storage areas) of not less than 2,400 square feet.

B. Each home shall have an attached, enclosed garage for at least three automobiles.

C. The garage shall be constructed at the same time of construction of the home and all exterior portions of such garage shall be completed prior to occupancy of the home. The garage door may not face the same street that the front door faces, except existing residences.

D. The exterior of all fireplaces shall be of masonry, stucco, or stone construction. The exterior of all structures shall be constructed of wood, brick, stone, stucco, or a combination thereof. In no event shall the exterior of any structure consist of metal or vinyl siding. All roofs shall consist of natural shakes, tile, natural slate, or approved man-made slate. Asphalt roofs may be substituted with minimum 30-year shingles.

E. Masonry walls on the exterior of the home cannot end at a corner but, instead, must abut another wall.

F. If shutters are used for windows on the front of the home, they shall also be used on appropriate windows on the sides and rear of the home. Similarly, window casings and trim features on the front of the home shall be used on the sides and rear of the home.

G. When divided lite windows are used in the front of the home, they shall also be used on appropriate windows on the sides and rear of the home.

H. Any exposed basement or foundation walls shall be covered with masonry veneer or plaster.

I. No modular style homes shall be allowed in Whitetail Meadows.

J. Outdoor lighting will be incandescent or of low-pressure sodium, and fixtures shall be shielded or directed downward so as to eliminate skyward, and minimize horizontal illumination.

K. In-ground swimming pools are only allowable within the Buildable Area of a Lot.

L. Installation of air conditioning, ventilation, or other mechanical systems that may generate noise, shall be screened from view. No window or rooftop units will be allowed.

M. Metal, aluminum-sided, or vinyl-sided sheds will not be allowed.

2.04 CONSTRUCTION.

A. No building or construction materials shall be stored on any Lot outside of the home or garage, other than during periods of actual construction or remodeling, and then only for so long as may be necessary. Excess excavated material shall not be stored on any Lot during or after construction unless required for back filling, finish grading, or landscaping. During any earth moving activities, erosion control practices shall be maintained.

B. Each Lot Owner shall include the following provisions in all construction contracts:

1. The roadway abutting the Lot shall be cleaned daily of mud and debris during the period of construction.

2. A dumpster shall be provided at the building site for the period of construction for debris.

3. There shall be no loud music at the construction site during the period of construction.

4. All burning of debris must comply with municipal burning ordinances and regulations.

5. Toxic, or potentially toxic, materials shall not be buried on site.

6. There shall be no more than one (1) sign on any lot during the period of construction, and said sign shall not exceed twelve (12) square feet.

7. The contractor shall comply with the applicable erosion control plan, and the applicable grading and storm water plan, and all applicable Town of Mukwonago, Waukesha County, State of Wisconsin, and Federal government ordinances, statutes, codes, rules, and lawful orders that may apply.

If the Lot Owner does not include such a provision in the contract with the contractor, or if the Lot Owner does not enforce the provision, the Town may take the necessary action to enforce the provision at the Lot Owner's expense.

2.05 INCINERATOR

No incinerator, or incineration system, for burning garbage or debris shall be used or permitted.

2.06 SIGNS.

No signs or banner of any kind shall be placed or displayed to public view on any Lot except one (1) sign of not more than twelve (12) square feet advertising the property for sale, or Builder's

2.12 COVENANTS RUN WITH LAND.

All terms, conditions, and provisions of this Declaration (as may be amended) shall constitute covenants running with the land.

2.13 AMENDMENTS TO DECLARATION.

This Declaration may be amended, after approval of the Town Board and Waukesha County Parks and Land Use staff by recording in the Office of the Register of Deeds for Waukesha County, Wisconsin, a document to that effect executed by the owners of at least seventy percent (70%) of all Lots in the Subdivision, with all signatures duly notarized. Such amendment shall become effective only upon recording. The consent of the owner of the Lot shall bind all mortgage lenders to any such amendments to this Declaration. The Town of Mukwonago may reject any amendments, rendering them invalid.

2.14 TERM OF DECLARATION.

This Declaration (and any amendments) shall be binding indefinitely (from the date the Declaration is recorded) upon all Lot Owners and any other persons claiming under or through the Developer. Upon the expiration date of the initial twenty (20)-year period, this Declaration shall be automatically renewed for a successive period of ten (10) years, and thereafter for successive periods of ten (10) years upon the expiration date of the prior renewal period, unless there is recorded an instrument (executed by the owners of at least seventy percent (70%) of all Lots in the Subdivision, Town of Mukwonago, and Waukesha County Department of Park and Land Use) terminating this Declaration, in which event this Declaration shall terminate upon the recording of such instrument. This termination is subject to Town of Mukwonago approval.

2.15 DISCLAIMER

Notwithstanding any other provision (s) of this Declaration, Developer is under no obligation to any Lot Owner to develop or plat, at any time, any portion(s) of the Subdivision not already platted as of the date of recording of this Declaration.

2.16 INTERPRETATION.

These Declarations shall be construed and interpreted in favor of restricting the use of each Lot consistent with the purposes hereof, and any ambiguity shall be resolved against any Lot Owner who installs any structure or engages in any activity not clearly authorized under these Declarations, or approved in writing by the Developer.

2.17 APPLICABLE LAW.

This Declaration shall be construed and enforced in accordance with, and governed by, the laws of, and in the courts of, the State of Wisconsin. The Developer, its successors and assigns, and all parties hereafter having an interest in the property, are subject to all rules, codes, regulations, and

2.21 COMPLIANCE WITH STORM WATER MANAGEMENT PLAN.

As a condition of approval of the Final Plat of the Whitetail Meadows Subdivision, the Town of Mukwonago and Waukesha County have required that all lots within the Subdivision be developed in a manner so as to comply with the storm water management plan on the subdivision. Limitations contained in this plan may affect the placement of septic systems, development of drainage swails, placement of backfill, and other activities normally associated with the development of a lot within the subdivision for use as a single-family residence. The owners of all lots are subject to the restrictions of the storm water management plan, and the development of all lots must comply with the requirements of that plan.

Prior to issuance of any building permit by the Town of Mukwonago Building Inspector, the Applicants shall submit to the Town of Mukwonago Town Board and the Waukesha County Department of Parks and Land Use, Planning And Land Conservation Divisions, subject to the approval of the Town Board and the Waukesha County Department of Parks And Land Use, Planning And Land Conservation Divisions, a detailed grading and storm water plan for all proposed improvements upon the subject property which shall not allow more than Seven Thousand Five Hundred (7,500) square feet of impervious surface on the subject property.

2.22 DRIVEWAY CONSTRUCTION.

Before any construction shall be commenced on any lot, the driveway shall be rough graded in a horizontal location and with vertical alignment, as approved as part of the grading and storm water plan review process. All access to and from the home site construction area by material suppliers, contractors, and other individuals shall be by this driveway location and no other means or way. This covenant is primarily for the protection of natural amenities of the site.

The owner of each lot shall, within one (1) year of the date of issuance of an occupancy permit for a residence on a lot, install an approved hard-surface driveway extending from the street to the garage. Hard surfaces include, but are not limited to, asphalt, cement, and brick pavers. The driveway shall be considered to be an impervious surface.

If the driveway is installed as a concrete driveway, the concrete shall be installed no closer than six (6) feet to the traveled portion of the roadway, and the area between the concrete drive and the traveled portion of the roadway shall be paved with asphalt. Further, the driveway pavement installed within ten (10) feet from the traveled portion of the roadway shall have a rise of not more than five (5) inches.

3.01 PLAT RESTRICTIONS.

In addition to all other restrictions set forth in this Declaration of Restrictions, the owner of any lot or property within the Subdivision boundaries of the Whitetail Meadows Subdivision, shall be subject to the following additional restrictions which are contained on the face of the Subdivision Plat approved by the Town of Mukwonago and Waukesha County:

6. Ponds may be permitted, subject to the approval or the Town of Mukwonago and, if applicable, the Waukesha County Park and Planning Commission, the Wisconsin Department of Natural Resources, and Army Corp. of Engineers.

7. Construction of buildings is Prohibited.

C. Storm Water Management Maintenance Agreement.

1. The property owners, or their successors and assigns, (hereinafter referred to as the "responsible parties") shall be responsible for maintenance of the storm water management measures.

2. The responsible parties shall maintain the storm water measures in accordance with the approved storm water management plan dated February 23, 2001, on file in the offices of the Waukesha County Department of Parks and Land Use, as required by the Waukesha County Construction Site Erosion Control and Storm Water Management Ordinance.

3. The Town of Mukwonago is authorized to access the property to conduct inspections of storm water practices, as necessary, to ascertain that the practices are being maintained and operated in accordance with the approved storm water management plan.

4. The responsible parties, on an annual basis, shall provide maintenance of each storm water management measure, including, but not limited to, removal of debris, maintenance of vegetative areas, maintenance of structural storm water management measures, and sediment removal.

5. Upon notification of the responsible parties by the Town of Mukwonago of maintenance problems which require correction, the specified corrective actions shall be taken within a reasonable time frame, as set by the Town of Mukwonago.

6. The Town of Mukwonago is authorized to perform the corrective actions identified in the inspection report if the responsible parties do not make the required corrections in the specified time period. The costs and expenses shall be entered on the tax roll as a special assessment or special charge against the property and collected with any other taxes levied thereon for the year in which the work is completed.

D. Vision Corner Restrictions. Planting of berms, fences, signs, and any other structures shall not exceed thirty (30) inches in height above the intersection elevation, except for necessary highway and traffic signs, public utility lines, and open fences through which there is clear Vision, nor shall any driveways be permitted within said Vision corner.

E. Impervious Surface Building Restriction. There is a Seven Thousand Five Hundred (7,500) square foot impervious surface limitation per lot. Prior to issuance of any building permit by the Town of Mukwonago Building Inspector, the applicant shall submit a detailed grading and storm water plan for all improvements, and have these approved by the staff of the Waukesha

2. All basins to act as temporary sediment traps, except basin E which will act as a temporary sediment basin and have an outlet pipe instead of a stone weir, until roadside ditches have established vegetation and roads are paved.

When the roadside ditch vegetation is established and roads are paved the silt and earth at the bottom of the basin and the stone at the weir will be removed. The permanent basin will be constructed using compacted fill and the bottom will be re-graded to finish elevation and seeded. Any outlet ditches will need to be graded and stabilized with sod at the same time the detention basins are being re-graded and seeded.

3. Temporary sediment traps shall be constructed with outlet structures in place before grading for the roadway or roadside ditches takes place.

4. Ditching to direct runoff from the roadway corridor to the basins is to be constructed at the beginning of the grading operation. Culverts draining into basins must also be put in place at this time.

5. After erosion control measures have been put in place, the grading for the roadway corridor may begin. The finished grading for the roadside ditches should be done as soon as possible in the construction process.

6. After vegetation has been established in the roadside ditches, the temporary sediment trap material (stone) may be removed, re-graded and seeded.

7. All areas are to be seeded in accordance with the erosion control notes.

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