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FIRST AMENDMENT TO ASHLAND HEIGHTS RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED AS DOCUMENT NO. 781388

Return Address:
QBS Law S.C.
44 North Main Street
Mayville, WI 53050
(920) 387-2400
tschuessler@qbslaw.com
Parcel ID Numbers: see attached Exhibit "A"

Recording Area

THE ASHLAND HEIGHTS RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS dated April 14, 2003 and recorded as Document No. 781388 (hereafter the "Restated Declaration") is amended by this instrument. This First Amendment to the Restated Declaration (hereafter "this Amendment") is the first and only amendment to date to the Restated Declaration.

WHEREAS, the Restated Declaration affects the following described real estate ("hereinafter "the real estate"):

> Lots 1-25, and Outlots 1,2 and 3, of Ashland Heights, as recorded April 1, 2003 in Volume 15 of Plats on Page 45, as Document No. 778703, Fond du Lac County Register of Deeds, located in Section 18, Township 13 North, Range 18 East, Town of Ashford, Fond du Lac County, Wisconsin.

The real estate is a residential planned community ("the Community") as described in sec. 710.18(1) of the Wisconsin Statutes.

WHEREAS, said Restated Declaration at section 26 specifically provides that it may further be amended with the written consent vote of at least 50% of the Lot Owners (one vote per lot, which means consent from at least 13 lots).

WHEREAS, the undersigned Lot Owners desire that the Restated Declaration be amended, by this Amendment.

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NOW, THEREFORE, the undersigned Lot Owners, by this Amendment, amend the Restated Declaration as follows:

1. Error correction. The Restated Declaration (on the first page of the text body of the Restated Declaration) correctly describes the above real estate developed as a residential subdivision, being Lots 1-25, and Outlots 1,2 and 3, of Ashland Heights, as also stated and more particularly stated in the legal description set forth in the "Whereas" clause above. A cover sheet (a single sheet) attached before the text of the recorded Restated Declaration, being a sheet not signed by any lot owner (hereafter "the cover sheet"), incorrectly states "Outlots 2, 3 and 4," where it should have stated "Outlots 1, 2 and 3" in that portion of the cover sheet. To remove all doubt, this Amendment corrects that cover sheet and confirms with respect to the Outlots, as follows: The only Outlots subject to the Restated Declaration have always been and continue to be Outlots 1, 2 and 3 as stated with the legal description in the "Whereas" clause set forth above.

2. Effect of Developer No Longer Owning any Lots – Section 23 of the Restated Declaration. The Restated Declaration refers to the Ashland Heights Property Owners' Association (hereafter "the Association"). The Developer, MJR Investments, LLC ("the Developer"), no longer owns any lots subject to the Restated Declaration. Therefore, pursuant to section 23 b and the last sentence of section 26 of the Restated Declaration, the Developer no longer has voting authority, or other authority, of any kind. The Association now has all authority which the Developer formally had. Section 26 reference to the Developer no longer applies. All votes of the Association now come from the Lot Owners.

3. Amended Section 23. To update the Restated Declaration now that the Developer no longer owns any lots, and to otherwise revise section 23 of the Restated Declaration, section 23 of the Restated Declaration is amended in its entirety to read as follows:

> **23. Association.** The owner or owners of **each lot in Ashland Heights shall be members of the Association.** The owner or owners of each lot shall be entitled to one membership unit per lot owned in the Community of Ashland Heights.
>
> a. The owner or owners of each lot in the Community shall be entitled to one vote in the matters involving the Association (one vote per lot).
>
> b. The Association may establish written bylaws for governance of the Association to be approved by the Association, by at least 50% of the lots (one vote per lot).
>
> c. The Association shall establish a Property Owner's Committee ("the Committee") in order to protect and preserve, to the extent possible, the values and amenities of Ashland Heights. The Committee shall be composed of three (3) individuals. Eligible individuals include any person who is an owner of any lot, or who has an ownership interest in an entity (such as a limited liability company or corporation) which owns any lot. The Committee shall be elected by a majority vote of the Association; Committee members shall be elected for terms of not more than three (3) years; however, Committee members may be elected to consecutive terms. Two (2) members of the Committee shall constitute a quorum for exercise of the Committee's business. The Committee shall have the powers and functions which the Association may by vote confer upon it from time to time.
>
> d. The Association's Right of Entry. Persons may be appointed or engaged by the Association or the Committee to exercise the powers, duties, or functions of the Association. The

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persons appointed by the Association or the Committee shall have the right to come upon any lot in Ashland Heights, at any reasonable hour and in a reasonable manner, for the purpose of exercising the powers, duties, or functions set forth herein, as deemed necessary.

(e) This Community subject to the Restated Declaration is a residential planned community as described in Wis. Stats. sec. 710.18. Pursuant to Wis. Stats. sec. 710.18(4), the Association shall provide notice to the Lot Owners of any meeting of the Association at least 48 hours before the meeting. Pursuant to sec. 710.18(4), the only meeting notice required for this Association is to send notice of any such meeting to the last-known electronic mail (email) address for each such Lot Owner, and by this Amendment to the Restated Declaration the Association shall not be required to provide any of the other forms of meeting notice described in sec. 710.18(4). The Association shall file public notice(s) of Community and Association information with the Wisconsin Department of Financial Institutions as required by sec. 710.18(3).

4. In all respects not modified herein, the Restated Declaration recorded as Document No. 781388 remains in full force and effect. This Amendment will be recorded in the office of the Fond du Lac County Register of Deeds.

Pursuant to section 26 of the Restated Declaration, this Amendment is hereby made by written declaration of Lot Owners executed by vote of at least 50% of the lots (one vote per lot), as set forth in the pages below.

This document drafted by:
Attorney Thomas A. Schuessler
Mayville, WI 53050

Signatures with notary follow on next pages

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VOTE TO APPROVE FIRST AMENDMENT TO ASHLAND HEIGHTS RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED AS DOCUMENT NO. 781388

Written Declaration (vote) of Lot Owner

I hereby sign to approve the above Amendment.

_____ _____

Owner Signature Owner Signature

_____ _____

Print Owner Name Print Owner Name

Lot # _____

State of Wisconsin

Fond du Lac County

Personally acknowledged before me the above named _____

on _____, 2024.

_____

Notary Public, State of Wisconsin

My Commission expires: _____

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