

943684

Document Number

CONDOMINIUM DECLARATION  
OF HILARY HEIGHTS  
CONDOMINIUM

COPY CONDOMINIUM COPY

Amendment No. 1

This Amendment No. 1 to the Condominium Declaration is made pursuant to sec. 703.26 of the Wisconsin Statutes by the Declarant, Expedite Development, LLC.

STATE OF WISCONSIN  
MANITOWOC COUNTY  
PRESTON JONES  
REGISTER OF DEEDS  
RECEIVED FOR RECORD  
15 JUL 2003 3:44:49 PM

ARTICLE I. AMENDMENT

1.1 Purpose. The purpose of this Amendment is to add property to the condominium and to modify Article XX of the Declaration. The original Condominium Declaration was recorded on May 24, 2002 in Volume 1652, Page 323, as Document No. 905816.

1.2 Added Property. The property to be added to the condominium and subjected to the condominium form of ownership as described in Chapter 703 of the Wisconsin Statutes is described in Exhibit "A" attached hereto.

1.3 Article XX. EXPANSION is amended to read as follows: Declarant hereby reserves the right, in its sole discretion, to expand the condominium for a period of up to ten years from the date of recording of the original Declaration. The land subject to such expansion is described as Phase 2 on Exhibit "A." Such expansion will include up to four additional buildings. Each of these buildings shall contain two units and be identified as Building C1, C2, C3 and C4. The location of the buildings are shown on Exhibit "A." As a result, the maximum number of units which may be added by the expansion is eight, making a total potential of eighteen units. All units shall have one vote and their undivided percentage interest shall be one divided by the total number of units. Therefore, if all eighteen units were built, the percentage of each unit would be 5.555%.

ARTICLE II. DEFINITIONS

The terms used in this Amendment shall have the meanings stated in sec. 703.02 of the Wisconsin Statutes unless otherwise defined or unless the context otherwise required.

This Space Reserved for Recording Data

Return To:

Atty. Derek McDermott  
P.O. Box 146  
Chilton, WI 53014

031-028-006-006.00

Tax Parcel Number

### **ARTICLE III. DESCRIPTION OF ADDITIONAL UNITS**

**3.1 Buildings.** This Amendment shall consist of four buildings as shown on Exhibit "A." This is referred to as Phase 2. Building C1 contains two units. Attached as Exhibit "2" is a diagrammatic floor plan of Building C1. The remaining three buildings in Phase 2 will each contain two units substantially similar to Building C1.

**3.2 Description of Units.** Building C1 contains two units. Unit 1 contains two bedrooms, a den, great room, kitchen, dining area, one and one-half bathrooms, laundry area, deck, basement and attached two-car garage. Unit 2 contains three bedrooms, great room, kitchen, dining area, two and one-half bathrooms, laundry area, deck, basement and attached two-car garage.

**3.3 Identification of Units.** The four buildings in Phase 2 are identified as Building C1, C2, C3 and C4. The units in each building shall be designated as "1" and "2." Thus, each unit will be designated as for example, Unit 1, Building C1, and so on.

**3.4 Unit Boundaries.** Each unit shall include that part of the building containing the unit that lies within the perimetric boundaries of the unit which shall consist of the vertical planes of the undecorated finished interior of the walls bounding the unit extended to intersections with the upper and lower boundaries. The upper boundary shall be the plane of the outer surface of the ceiling drywall and the lower boundary shall be the plane of the upper surface of the floor. Such boundaries shall be deemed to include the windows, window frames, doors and door frames of the unit, and the attic storage area.

### **ARTICLE IV. PERCENTAGE OF OWNERSHIP IN THE COMMON ELEMENTS**

With this Amendment, the percentage interest in Common Elements appurtenant to each unit is 5.555% (100% divided by 18).

### **ARTICLE V. REMAINING PROVISIONS**

The remaining provisions of the Declaration not modified by this Amendment shall remain in full force and effect.

### **ARTICLE VI. OWNERSHIP CERTIFICATION AND CONSENT**

The Declarant, Expedite Development, LLC, owns eight of the ten units in Phase 1 (Units 1, 2, 3, 4, 5, 6 and 8, Building A, and Unit 1, Building B). Pursuant to Article XV, Expedite Development, LLC consents to this Amendment.

**ARTICLE VII. MORTGAGEE CONSENT**

State Bank of Howards Grove holds a mortgage on seven of the ten units owned by Expedite Development, LLC, namely Units 1, 2, 3, 4, 5, 6 and 8, Building A, as described in Article VI above and consents to this Amendment.

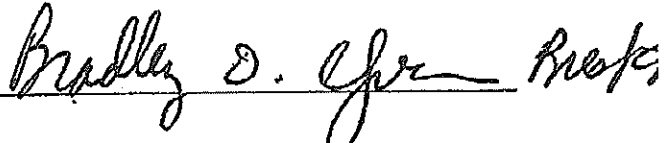
Executed by the Declarant this 9<sup>th</sup> day of July, 2003.

EXPEDITE DEVELOPMENT, LLC

BY:   
KEVIN KLEINERT, Member

Executed by the Mortgagee, State Bank of Howards Grove, this 9<sup>th</sup> day of July, 2003.


STATE BANK OF HOWARDS GROVE

BY:   
BRADLEY O. HOCUTT

**ACKNOWLEDGMENT**

STATE OF WISCONSIN     )  
                                  )SS  
COUNTY OF MANITOWOC)

Personally came before me this 9<sup>th</sup> day of July, 2003, the above named, Kevin Kleinert, member of Expedite Development, LLC, to me known to be the person who executed the foregoing instrument and acknowledged the same.

  
KARI L. WAACK  
Notary Public, Manitowoc County, WI  
My Commission Expires 6/12/05.

STATE OF WISCONSIN    )  
                                  )SS  
COUNTY OF SHEBOYGAN)

Personally came before me this 9 day of July, 2003, the above named, Bradley  
O. Yorum of State Bank of Howards Grove, to me known to be the  
person(s) who executed the foregoing instrument and acknowledged the same.

Cheryl A. Kloucek  
Notary Public, Sheboygan County, WI  
My Commission Expires 4-9-08

This Instrument Was Drafted By  
Attorney Derek McDermott

COPY



991093

Document Number

CONDOMINIUM DECLARATION  
OF HILARY HEIGHTS  
CONDOMINIUM

Amendment No. 2

STATE OF WI - MTWC CO  
PRESTON JONES REG/DEEDS  
RECEIVED FOR RECORD  
07/13/2005 1:45:00 PM

This Amendment No. 2 to the Condominium Declaration is made pursuant to sec. 703.26 of the Wisconsin Statutes by the Declarant, Expedite Development, LLC.

**ARTICLE I. PURPOSE**

The purpose of this Amendment is to modify Amendment No. 1 dated July 9, 2003, and recorded July 15, 2003 in Volume 1863, Page 40, as Document No. 943684. The changes occur in attached Exhibits "1," "2," and "3" in regard to the four buildings located in Phase 2 and the diagrammatic floor plans of each of those buildings. The original Declaration is dated May 17, 2002, recorded May 24, 2002, in Volume 1652, Page 323 as Document No. 905816.

This Space Reserved for Recording Data

Return To:

Atty. Derek McDermott  
P.O. Box 146  
Chilton, WI 53014

031-028-006-006.00

Tax Parcel Number

**ARTICLE II. DEFINITIONS**

The terms used in this Amendment shall have the meanings stated in sec. 703.02 of the Wisconsin Statutes unless otherwise defined or unless the context otherwise required.

**ARTICLE III. DESCRIPTION OF ADDITIONAL UNITS**

**3.1 Buildings.** Phase 2 consists of four buildings as shown on Exhibit "1." They are identified as Buildings C1, C2, C3 and C4. Each building contains two units. Attached as Exhibit "2" is the diagrammatic floor plan for Building C1. Attached as Exhibit "3" is the diagrammatic floor plan for Buildings C2, C3 and C4.

**3.2 Description of Units.** Unit 1 (left side of Building C1 as viewed from the front) contains two bedrooms, a den, one and one-half bathrooms, a great room, a dining room, kitchen, laundry room, foyer, basement (with roughed-in full bathroom) and attached two car garage. Unit 2 (right side of Building C1 as viewed from the front) contains three bedrooms, two and one-half bathrooms, a great room, dining room, kitchen, laundry room, foyer, basement (with roughed-in full bathroom) and attached two-car garage. Buildings C2, C3 and C4 each contain two units. Each unit contains two bedrooms, a full bathroom, a half bath with laundry facilities, kitchen, great room and dining room, deck, and attached two-car garage on the main floor; each unit also has a basement that is improved with a family room,

bedroom and full bathroom. Each unit in Buildings C1, C2, C3 and C4 have porch and deck appurtenant to it as a Limited Common Element.

**3.3. Identification of Units.** The four buildings in Phase 2 are identified as Building C1, C2, C3 and C4. The units in each building shall be designated as "1" and "2." Thus, each unit will be designated as for example, Unit 1, Building C1, and so on.

#### ARTICLE IV. REMAINING PROVISIONS

The remaining provisions of the Declaration, and Amendment No. 1, not modified by this Amendment No. 2 shall remain in full force and effect.

Executed by the Declarant this 1 day of July, 2005.

EXPEDITE DEVELOPMENT, LLC

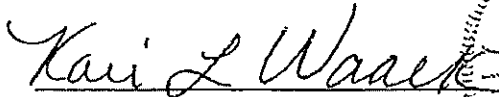
BY: \_\_\_\_\_

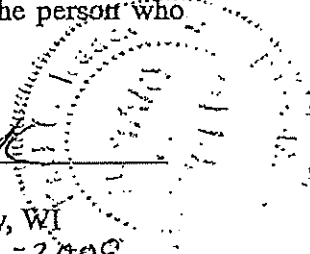
  
KEVIN KLEINERT, Member

#### ACKNOWLEDGMENT

STATE OF WISCONSIN     )  
  )SS  
COUNTY OF MANITOWOC)

Personally came before me this 1 day of July, 2005, the above named, Kevin Kleinert, member of Expedite Development, LLC, to me known to be the person who executed the foregoing instrument and acknowledged the same.

  
KARI L. WAACK  
Notary Public, Manitowoc County, WI  
My Commission Expires 10-21-2009



This Instrument Was Drafted By  
Attorney Derek McDermott

# AMENDMENT TO HILARY HEIGHTS CONDOMINIUM - PHASE 2

- AN EXPANDABLE CONDOMINIUM -

A PART OF LOT 1, CERTIFIED SURVEY MAP, RECORDED IN VOL. 21 OF CSM'S, PG. 23, DOC #886486 PART OF THE NW1/4 OF THE NW1/4 OF SECTION 28, T.17N., R.23E., VILLAGE OF CLEVELAND, MANITOWOC COUNTY, WISCONSIN

NOTE: The reason for this Amendment is for the change of building types.

PREPARED FOR:  
CENTRAL STATES, INC.  
21135 U.S.H. 151  
VALMERE, WI 54245

PROPERTY ADDRESS:  
MEADOW BROOK DRIVE  
CLEVELAND, WI 53015

LINE	BEARING	DISTANCE
L1	S00°-57'-55"E	132.81'
L2	S39°-48'-05"E	138.22'
L3	S25°-07'-51"E	72.00'
L4	S64°-38'-59"E	72.11'
L5	N77°-16'-14"E	63.55'
L6	S81°-25'-57"E	42.87'
L7	S94°-43'-57"E	7.45'
L8	S27°-14'-17"W	28.06'
L9	N10°-32'-48"E	125.52'
L10	N24°-04'-15"W	91.45'

### PHASE II LEGAL DESCRIPTION

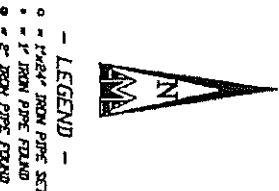
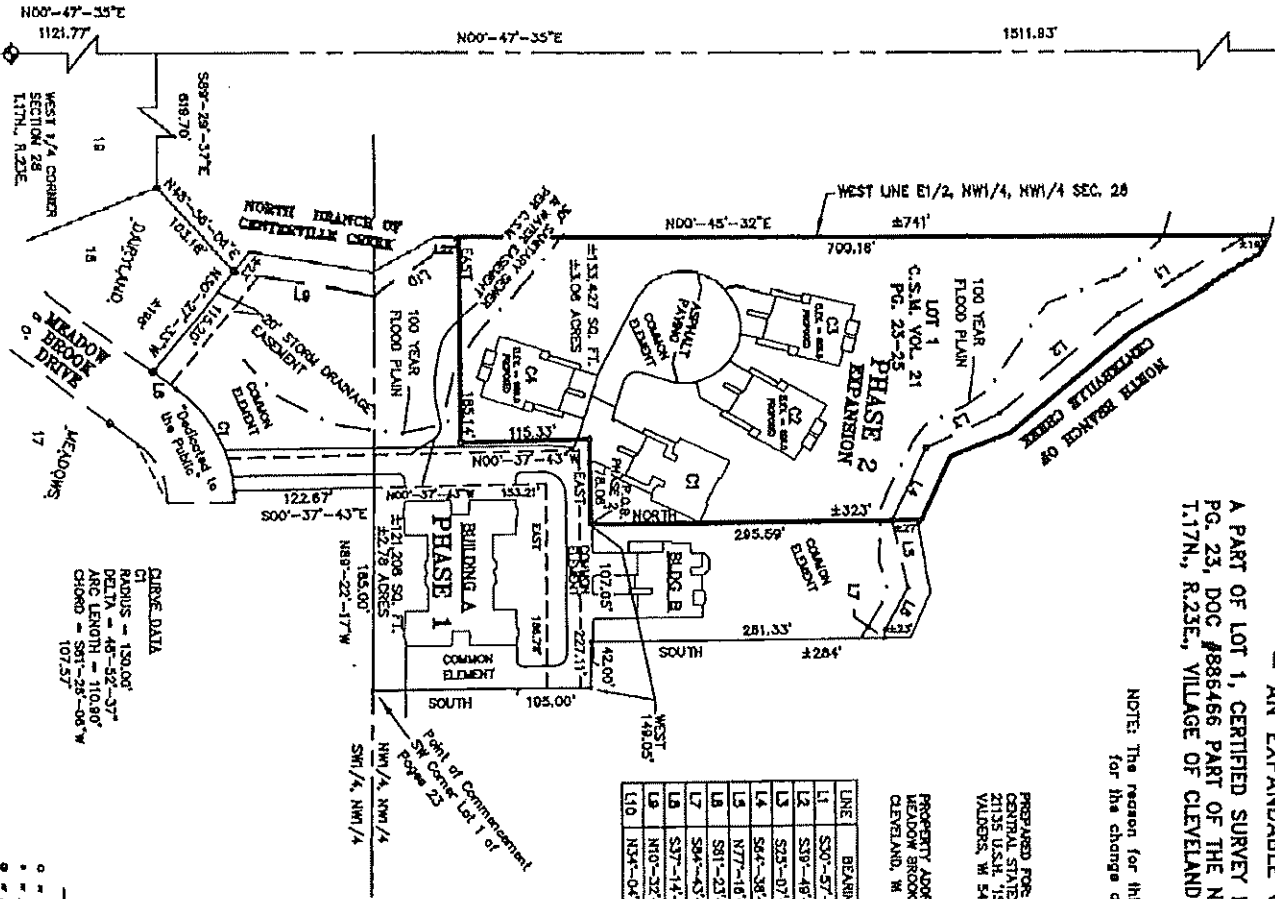
A part of Lot 1 of Certified Survey Map recorded in Volume 21 of Certified Survey Maps, on Pages 23-25, as Document No. 886486; being a part of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of Section Twenty-Eight (28), Township Seventeen (17) North, Range Twenty-Three (23) East, Village of Cleveland, Manitowoc County, Wisconsin containing 3.06 acres of land more or less and being described by:

Commencing at the Southwest Corner of said Lot 1; thence North 195.00 feet; thence West 149.05 feet to the point of beginning; thence continue West 78.06 feet; thence S00°-37'-47"E 115.33 feet; thence West 185.14 feet to a point on the West line of the E1/2 of the NW1/4 of the NW1/4 of said Section 28; thence N00°-45'-32"E 700.16 feet along said West line to a meander point 18 feet more or less South of the westerly edge of the South Branch of Centerville Creek; thence the following meander courses along the Southernly side of said Creek; thence S30°-57'-55"E 132.81 feet, S39°-48'-05"E 138.22 feet, S25°-07'-51"E 72.06 feet, S84°-38'-59"E 72.11 feet to the terminus of said meander courses and to a meander point 27 feet more or less South of the westerly edge of said Creek; thence South 285.59 feet to the point of beginning; including all lands lying between said meander courses and the westerly edge of the South Branch of Centerville Creek.

I, Anthony P. Lindert, Wisconsin Registered Land Surveyor of Aero-Metric Inc., certify that the Amended Condominium Plat of Amendment to Hilary Heights Condominium - PHASE 2 is a true representation of said condominium, identifies the existing buildings and in conjunction with the declaration of said condominium the common elements will be determined from said plat.

Dated this 12th day of July, 2005.

*Anthony P. Lindert*  
ANTHONY P. LINDERT  
WISCONSIN REGISTERED LAND SURVEYOR  
Anthony P. Lindert, S-1655

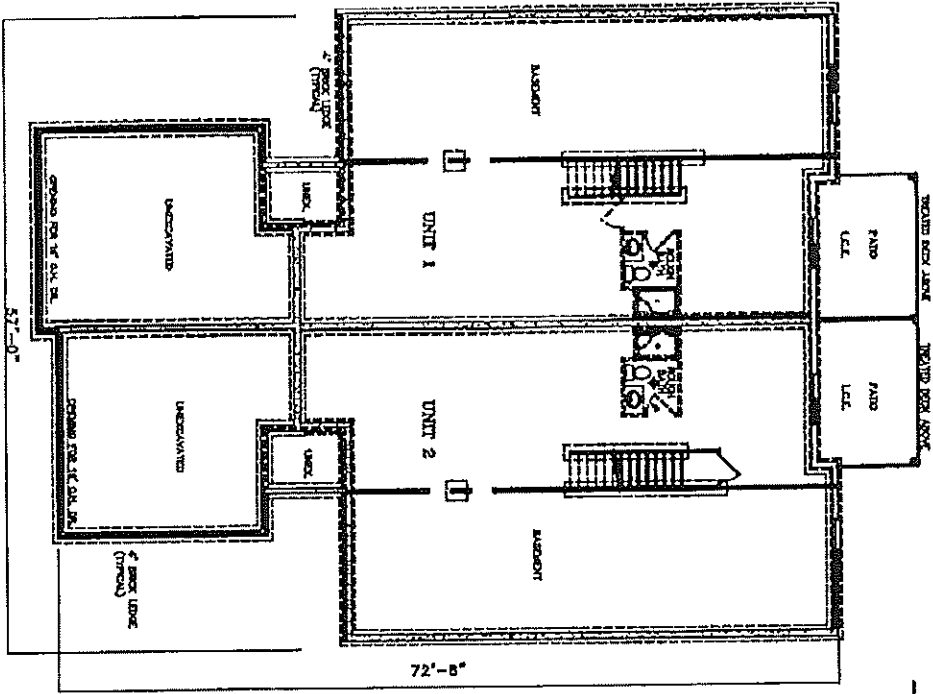


DRAFTED 08-09-05 by TK  
HILARY7-ADWG #2050817  
SHEET 1 OF 3  
D-233337

**AERO-METRIC**  
LAND SURVEYING  
Landscape Architecture  
DESIGN DIVISION  
444-444-7778  
200 NORTH WISCONSIN  
CLEVELAND, WISCONSIN 53015

AMENDMENT TO HILARY HEIGHTS CONDOMINIUM - PHASE 2

- AN EXPANDABLE CONDOMINIUM -  
 VILLAGE OF CLEVELAND, MANITOWOC COUNTY, WISCONSIN  
 - 2 UNIT - BUILDING C1 -

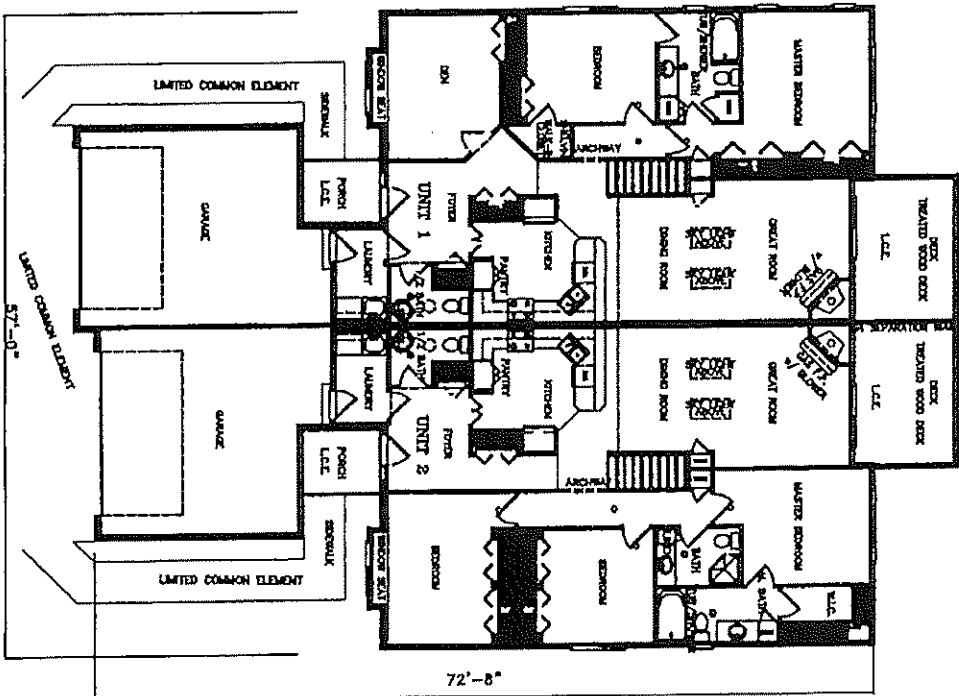


LEGEND -  
 C.C. = COMMON ELEMENT  
 L.C.E. = LIMITED COMMON ELEMENT



THE FLOOR PLANS SHOWN, WERE TAKEN FROM CONSTRUCTION PLANS PROVIDED. THE ACCURACY OF THE ROOM SIZES WAS NOT DETERMINED IN THE FIELD.

Dated this 12th day of July 2005.  
*Anthony P. Gaudet*  
 Wisconsin Registered Land Surveyor  
 Anthony P. Gaudet - S-1855



DRAWN 06-08-05 by TK  
 HILARY HEIGHTS  
 UNIT 1 & 2  
 SHEET 2 OF 3  
 D-23337

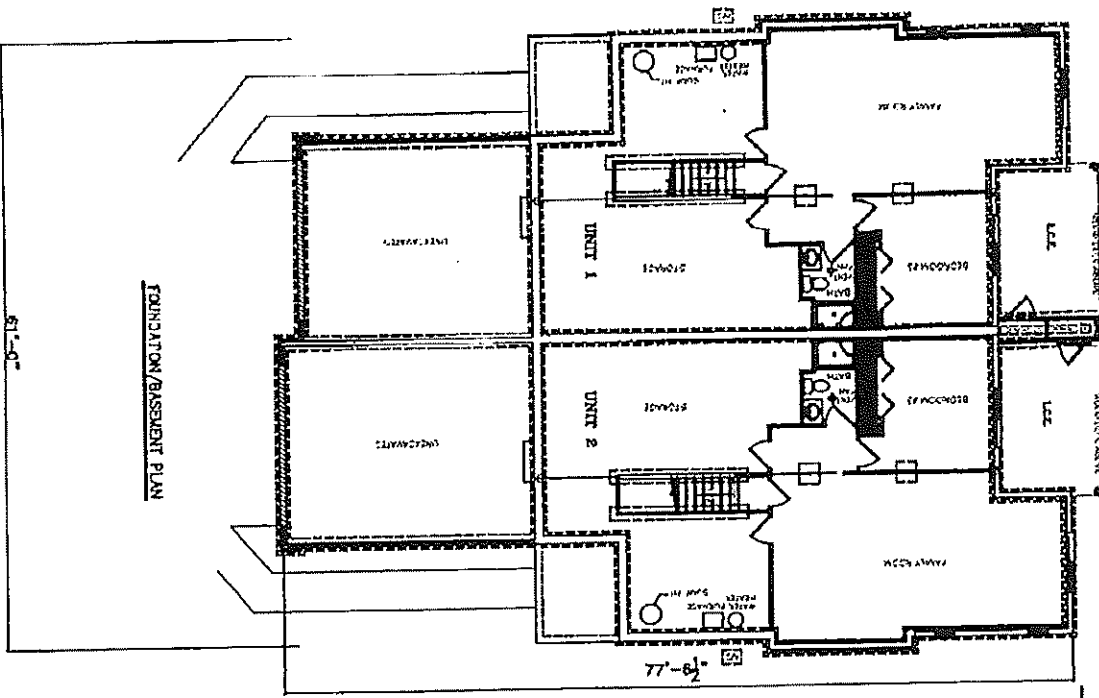
**AROMATIC**  
 ARCHITECTURAL  
 1000 W. WISCONSIN ST. SUITE 200  
 MANITOWOC, WI 53232  
 TEL: 920.783.1234  
 FAX: 920.783.1235  
 WWW.AROMATICARCHITECT.COM



AMENDMENT TO HILARY HEIGHTS CONDOMINIUM - PHASE 2

- AN EXPANDABLE CONDOMINIUM -  
 VILLAGE OF CLEVELAND, MANITOWOC COUNTY, WISCONSIN

- 2 UNIT - BUILDINGS C2, C3, C4 -



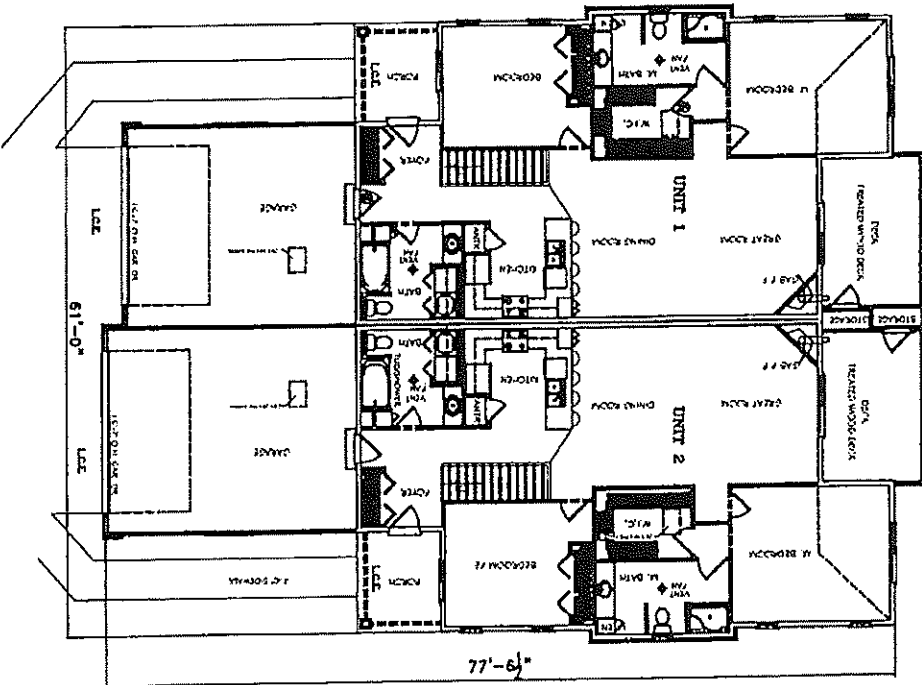
FOUNDATION/BASEMENT PLAN



LEGEND  
 CE = COMMON ELEMENT  
 LCE = LIMITED COMMON ELEMENT

THE FLOOR PLANS SHOWN WERE TAKEN FROM CONSTRUCTION PLANS PROVIDED. THE ACCURACY OF THE ROOM SIZES WAS NOT DETERMINED IN THE FIELD.

Dated this 12th day of July 2005.  
*Anthony P. Wolff*  
 Wisconsin Registered Land Surveyor  
 Anthony P. Wolff - S-1655



FIRST FLOOR PLAN

DRAWN 04-09-05 by TX  
 HILL PLANNING  
 SHEET 3 OF 3  
 D-23337

**HILL PLANNING**  
 Incorporated  
 Land Planning & Design Division  
 200 NORTH WASHINGTON STREET, SUITE 200, MANITOWOC, WI 54221

F-5



1074964

Document Number

**CONDOMINIUM DECLARATION  
OF HILARY HEIGHTS  
CONDOMINIUM**

**Amendment No. 3**

This Amendment No. 3 to the Condominium Declaration is made pursuant to sec. 703.26 of the Wisconsin Statutes by the Declarant, Expedite Development, LLC.

**ARTICLE I. PURPOSE**

The purpose of this Amendment is to modify Amendment No. 2 dated July 1, 2005, and recorded July 13, 2005 in Volume 2096, Page 362, as Document No. 991093. The changes occur in attached Exhibits 1, 2, and 3 and in regard to Buildings C2 and C4 located in Phase 2 and the diagrammatic floor plans of each of those buildings. The original Declaration is dated May 17, 2002, recorded May 24, 2002, in Volume 1652, Page 323 as Document No. 905816.

**ARTICLE II. DEFINITIONS**

The terms used in this Amendment shall have the meanings stated in sec. 703.02 of the Wisconsin Statutes unless otherwise defined or unless the context otherwise required.

**ARTICLE III. DESCRIPTION OF ADDITIONAL UNITS**

**3.1 Buildings.** Phase 2 consists of four buildings as shown on Exhibit 1. They are identified as Buildings C1, C2, C3 and C4. Each building contains two units. Attached as Exhibit 2 is the diagrammatic floor plan for Building C2. Attached as Exhibit 3 is the diagrammatic floor plan for Building C4.

**3.2 Description of Units.** Each unit of Building C2 contains two bedrooms, two full bathrooms (one with a laundry facility), living room, dining room, kitchen, foyer, basement, attached two-car garage. Each unit 1 of Building C4 contains two bedrooms, two full bathrooms, living room, dining room, kitchen, laundry room, basement and attached two-car garage. It is to be noted that the configuration of the bathrooms and the laundry areas are different between Unit 1 and Unit 2 as shown on Exhibit 3.

STATE OF WI - MTWC CO  
PRESTON JONES REG/DEEDS  
RECEIVED FOR RECORD  
11/30/2009 1:18:00 PM

This Space Reserved for Recording Data

Return To:

Atty. Derek McDermott  
P.O. Box 146  
Chilton, WI 53014

031-028-006-006.00

Tax Parcel Number

3.3. **Identification of Units.** The four buildings in Phase 2 are identified as Building C1, C2, C3 and C4. The units in each building shall be designated as 1 and 2. Thus, each unit will be designated as for example, Unit 1, Building C1, and so on.

**ARTICLE IV. REMAINING PROVISIONS**

The remaining provisions of the Declaration, and Amendment Nos. 1 and 2, not modified by this Amendment No. 3 shall remain in full force and effect.

Executed by the Declarant this 23 day of Sept, 2009.

EXPEDITE DEVELOPMENT, LLC

BY: 

KEVIN KLEINERT, Member

**ACKNOWLEDGMENT**

STATE OF WISCONSIN    )  
  )SS  
COUNTY OF MANITOWOC)

Personally came before me this 23 day of Sept, 2009, the above named, Kevin Kleinert, member of Expedite Development, LLC, to me known to be the person who executed the foregoing instrument and acknowledged the same.



KARIL WAACK

Notary Public, Manitowoc County, WI

My Commission Expires 5-19-2013

This Instrument Was Drafted By  
Attorney Derek McDermott

**AMENDMENT TO HILARY HEIGHTS CONDOMINIUM - PHASE 2**

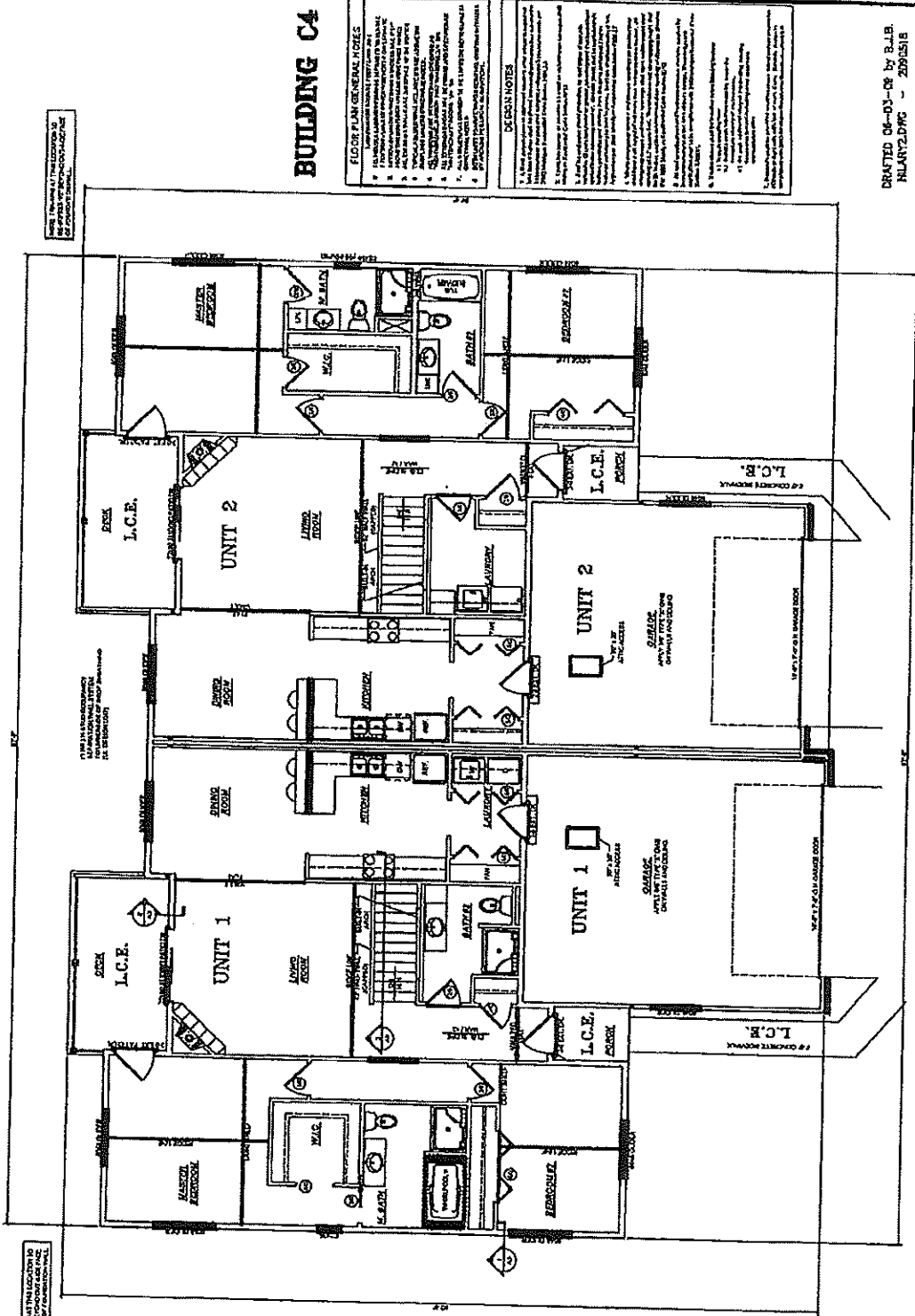
**EXHIBIT 3**

PREPARED FOR:  
KLEINERT INCORPORATED  
21135 U.S.H. "151"  
VALDEES, WI 54245

PROPERTY ADDRESS (BUILDING C2):  
MEADOWBROOK DRIVE  
CLEVELAND, WI 53015

PROPERTY ADDRESS (BUILDING C4):  
MEADOWBROOK DRIVE  
CLEVELAND, WI 53015

NOTE: PERMANENT CALCULATION IS  
TO BE MADE BY THE CONTRACTOR  
ON THE CONSTRUCTION.



**BUILDING C4**

**FLOOR PLAN GENERAL NOTES**

1. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE TO FACE UNLESS OTHERWISE NOTED.
2. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE TO FACE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE TO FACE UNLESS OTHERWISE NOTED.
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9. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE TO FACE UNLESS OTHERWISE NOTED.
10. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE TO FACE UNLESS OTHERWISE NOTED.

**DESIGN NOTES**

1. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE TO FACE UNLESS OTHERWISE NOTED.
2. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE TO FACE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE TO FACE UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE TO FACE UNLESS OTHERWISE NOTED.
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8. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE TO FACE UNLESS OTHERWISE NOTED.
9. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE TO FACE UNLESS OTHERWISE NOTED.
10. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE TO FACE UNLESS OTHERWISE NOTED.

DRAWN 06-03-08 BY B.A.B.  
PLANNING - 2090518  
SHEET 3 OF 3  
D-23781

LEGEND -  
L.C.E. - LIMITED COMMON ELEMENTS  
C.E. - COMMON ELEMENTS

THE FLOOR PLANS SHOWN WERE TAKEN FROM  
CONSTRUCTION PLANS PROVIDED. THE  
ACCURACY OF THE ROOM SIZES WAS NOT  
DETERMINED IN THE FIELD.

Dated this 28th day of September 2008.  
*Anthony P. Julliff*  
ANTHONY P. JULLIFF AND SONS  
SURVEYORS AND ENGINEERS

**ARO-METRIC**  
Aro-Metric, Incorporated  
Civil Surveying & Design  
100-50-0077 FAX (608)-910-  
405 TECHNOLOGY PARKWAY, WISCONSIN DUNES

# AMENDMENT TO HILARY HEIGHTS CONDOMINIUM - PHASE 2

**EXHIBIT 2**

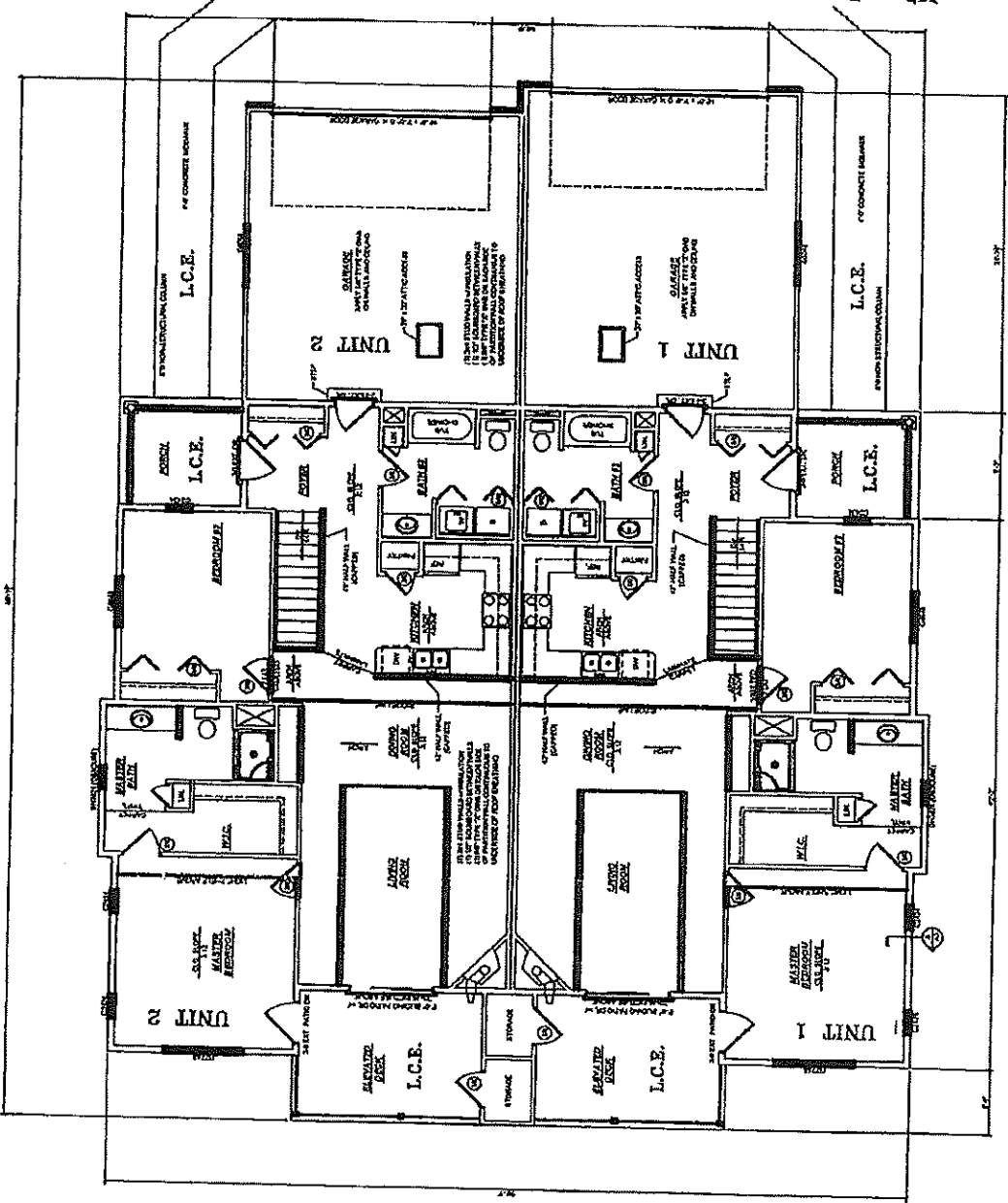
PREPARED FOR:  
KLEBERT INCORPORATED  
21135 U.S.H. 71ST  
VALDESS, WI 54245

PROPERTY ADDRESS (BUILDING C2):  
MEADOWBROOK DRIVE  
CLEVELAND, WI 53015

PROPERTY ADDRESS (BUILDING D4):  
MEADOWBROOK DRIVE  
CLEVELAND, WI 53015



— LEGEND —  
L.C.E. = LIMITED COMMON ELEMENTS  
C.E. = COMMON ELEMENTS



## BUILDING C2

**FLOOR PLAN GENERAL NOTES**

1. ALL FINISHES SHALL BE AS SHOWN.
2. ALL FINISHES SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL BUILDING FINISHES GUIDE.
3. ALL FINISHES SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL BUILDING FINISHES GUIDE.
4. ALL FINISHES SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL BUILDING FINISHES GUIDE.
5. ALL FINISHES SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL BUILDING FINISHES GUIDE.
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9. ALL FINISHES SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL BUILDING FINISHES GUIDE.
10. ALL FINISHES SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE NATIONAL BUILDING FINISHES GUIDE.

THE FLOOR PLANS SHOWN WERE TAKEN FROM CONSTRUCTION PLANS PROVIDED. THE ACCURACY OF THE ROOM SIZES WAS NOT DETERMINED IN THE FIELD.

Dated this 20th day of September, 2008.  
*Anthony P. Kelly*  
Architect  
No. 5-1855

DRAWN 08-03-08 by B.J.B.  
HILARY.DWG - 20080518  
SHEET 2 OF 3  
D- 23781

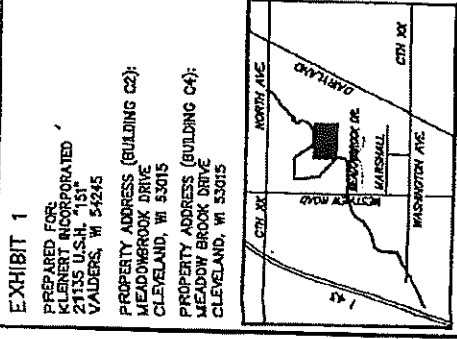
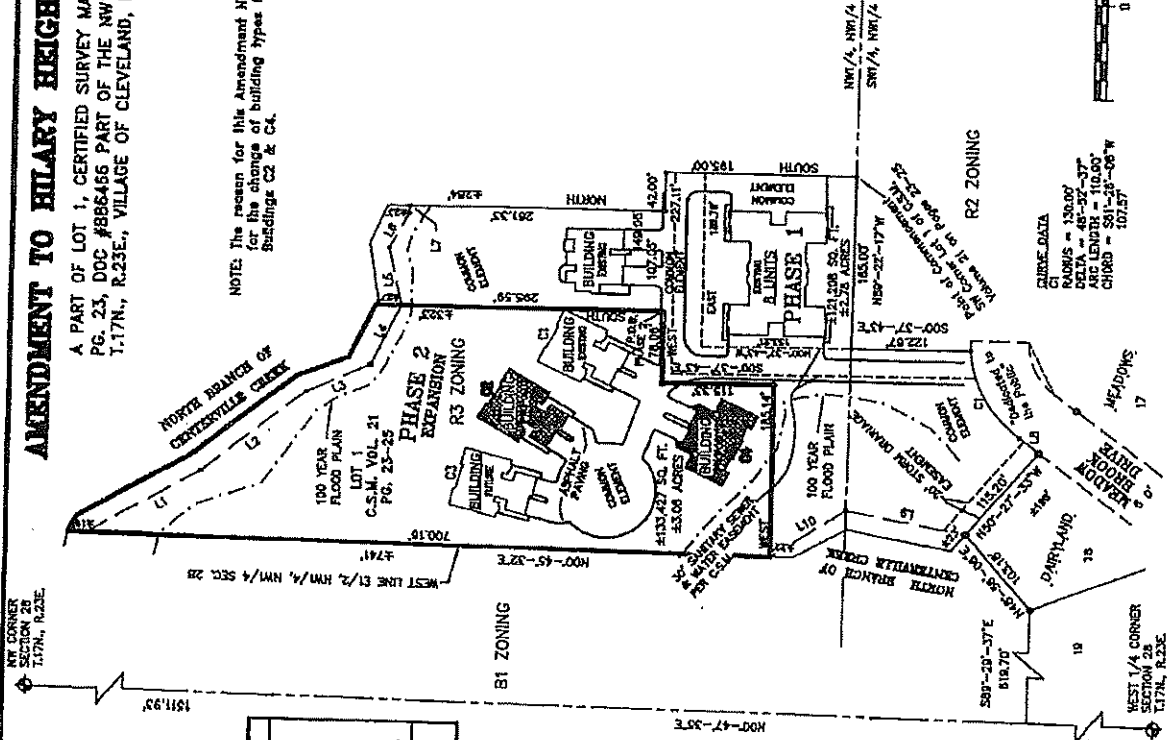
**AERO-METRIC**  
Aero-Metric, Incorporated  
Land Surveying & Design  
820-437-3531 800-556-8172 FAX (820-4410)  
4020 TECHNOLOGY PARKWAY SUITE 200A, WASHINGTON 53093

# AMENDMENT TO HILARY HEIGHTS CONDOMINIUM - PHASE 2

A PART OF LOT 1, CERTIFIED SURVEY MAP, RECORDED IN VOL. 21 OF CSM's, PG. 23, DOC #886466 PART OF THE NW1/4 OF SECTION 28, T.17N., R.23E., VILLAGE OF CLEVELAND, MANITOWOC COUNTY, WISCONSIN

LINE	BEARING	DISTANCE
L1	S30°-57'-55"E	132.91'
L2	S30°-46'-55"E	138.22'
L3	S20°-07'-51"E	72.08'
L4	S41°-38'-39"E	72.11'
L5	S77°-15'-14"W	83.55'
L6	S81°-23'-53"W	62.87'
L7	N04°-43'-52"W	7.45'
L8	S37°-14'-17"W	20.06'
L9	N10°-32'-40"E	123.32'
L10	N34°-04'-10"W	91.45'

NOTE: The reason for this Amendment No. 3 is for the change of building types for Buildings C2 & C4.



**EXHIBIT 1**  
 PREPARED FOR:  
 KLEINERT INCORPORATED  
 27155 U.S. 151  
 VALDERS, WI 53245  
 PROPERTY ADDRESS (BUILDING C2):  
 MEADOWBROOK DRIVE  
 CLEVELAND, WI 53015  
 PROPERTY ADDRESS (BUILDING C4):  
 MEADOW BROOK DRIVE  
 CLEVELAND, WI 53015

- LEGEND**
- 1/2" BOM PIPE SET
  - 1" BOM PIPE FOUND
  - 2" BOM PIPE FOUND

### PHASE 2 LEGAL DESCRIPTION

A part of Lot 1 of Certified Survey Map recorded in Volume 21 of Certified Survey Maps, on Pages 23-25, of Record at No. 886466; being a part of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of Section Twenty-Eight (28), Township Seventeen (17) North, Range Twenty-Three (23) East, Village of Cleveland, Manitowoc County, Wisconsin containing 3.08 acres of land more or less and being described by:  
 Commencing at the Southwest Corner of said Lot 1; thence North 193.00 feet; thence West 149.05 feet to the point of beginning; thence continue West 75.06 feet; thence S07°-37'-43"E 115.33 feet; thence West 185.14 feet to a point on the West line of the E1/2 of the NW1/4 of the NW1/4 of said Section 28; thence N00°-45'-32"E 700.15 feet along said West line to a meander point 19 feet more or less South of the western edge of the South Branch of Centerville Creek; thence the following: commencing at a point on the South side of said Creek; thence S30°-57'-55"E 132.91 feet; S30°-46'-55"E 138.22 feet; S20°-07'-51"E 72.08 feet; S41°-38'-39"E 72.11 feet; S77°-15'-14"W 83.55 feet; S81°-23'-53"W 62.87 feet; N04°-43'-52"W 7.45 feet; S37°-14'-17"W 20.06 feet; N10°-32'-40"E 123.32 feet; N34°-04'-10"W 91.45 feet; between said meander courses and the western edge of the South Branch of Centerville Creek.

I, Anthony P. Lubert, Wisconsin Registered Land Surveyor of Aeron-Metric, Inc., certify that the Amended Condominium Plat of AMENDMENT TO HILARY HEIGHTS CONDOMINIUM - PHASE 2 is a true representation of said condominium and includes the existing buildings and in conjunction with the declaration of said condominium the common elements will be determined from said plat.

Dated this 28th day of September, 2008.  
 Anthony P. Lubert  
 Wisconsin Registered Land Surveyor  
 Aeron-Metric, Inc.  
 2008-09-28



CURVE DATA  
 RADIUS = 130.00'  
 DELTA = 48°-32'-37"  
 ARC LENGTH = 110.00'  
 CHORD = 59.15'-08"W  
 CHORD BEARING = 107.57°