**FIRST AMENDMENT TO
DECLARATION OF RESTRICTIONS AND HOME OWNERS' ASSOCIATION
FOR VINTAGE ESTATES SUBDIVISION**

First Amendment to the DECLARATION OF RESTRICTIONS AND HOME OWNERS' ASSOCIATION FOR VINTAGE ESTATES SUBDIVISION, dated July 1, 1988, and recorded in the Office of the Register of Deeds for Ozaukee County, Wisconsin, on July 1, 1988, in Reel 620, at Images 540-571, inclusive, as Document No. 40440.

This instrument affects the following described real estate situated in Ozaukee County, Wisconsin:

> Lots One (1) through Forty-five (45) inclusive and Outlot, One (1), Two (2), Three (3) and Four (4) in VINTAGE ESTATES, being a subdivision of a part of the Southwest One Quarter and of the Southeast One Quarter of the Northeast One Quarter of Section 32, Township 9 North, Range 22 East, in the City of Mequon, Ozaukee County, Wisconsin.

W I T N E S S E T H:

WHEREAS, the undersigned, being duly elected officers of the Home Owners' Association For Vintage Estates Subdivision, certify:

A. Section 4.04, of the DECLARATION OF RESTRICTIONS AND HOME OWNERS' ASSOCIATION FOR VINTAGE ESTATES SUBDIVISION, provides:

> 4.04 AMENDMENTS TO DECLARATION.
>
> a) Until dwellings have been constructed on all of the Lots and Developer does not own any Lot, Developer shall have the sole and exclusive right and authority to remove, annul, waive, modify, amend or terminate the Declaration or any provision hereof. Thereafter, this Declaration or any provision hereof may be removed, annulled, waived, modified, amended or terminated by the affirmative vote of the Owners of at least two-thirds (2/3) of the total number of Lots comprising the property.
>
> b) No removal, annulment, waiver, modification, amendment or termination of this Declaration or any provision hereof shall be effective until a written instrument thereof duly executed by the Developer or by the owners of more than two-thirds (2/3) of the total number of Lots (whichever is applicable) is recorded in the Office of the Register of Deeds for Ozaukee County, Wisconsin;

B. Fred Miller, Jr., the Developer, in an instrument dated November 8, 1995, and duly recorded in the Office of the Register of Deeds for Ozaukee County, Wisconsin, on November 13, 1995, in Volume 954 of Records, at pages 886 -888, as Document No. 547238, waived his sole and exclusive right and authority to remove, annul, waive, modify, amend or terminate the Declaration or any provision thereof;

C. At the annual meeting of the Association, held on November 28, 1995, upon due notice given by the Secretary to each Lot Owner not less than 5 nor more than 30 days prior to the date of said meeting, the DECLARATION OF RESTRICTIONS AND HOME OWNERS' ASSOCIATION FOR VINTAGE ESTATES SUBDIVISION was amended by the affirmative vote of the Owners of at least two-thirds (2/3) of the total number of Lots comprising the property, as hereinafter set forth.

NOW, THEREFORE, effective upon the recording date hereof, the DECLARATION OF RESTRICTIONS AND HOME OWNERS' ASSOCIATION FOR VINTAGE ESTATES SUBDIVISION is amended as follows:

1. That Section 2.06, of the Declaration be amended, to provide as follows:

> 2.06 CONSTRUCTION MATERIALS - STORAGE. No construction materials, vehicles owned or operated by any contractor or subcontractor, or dumpsters shall be stored on any Lot outside of the Home or garage, other than during periods of actual construction or remodelling and then only for so long as may be necessary. Excess excavated material shall not be stored on any Lot during or after construction without the prior approval of the Architectural Control Committee, unless required for backfilling, finish grading, or landscaping.

2. That Section 3.05 (b), of the Declaration be amended, to provide as follows:

> 3.05 Association Meetings. *** (b) A bi-annual meeting of the Association shall be held in November of each odd-numbered year with the first such meeting to be held in November, 1997, for the purpose of electing Officers and transacting any other business authorized to be transacted by the Association. The Board of Directors shall select the specific date, time and place of the bi-annual meeting and shall furnish written notice to each Lot Owner in accordance with Section 3.05 (a).

3. That Section 3.07 b), of the Declaration be amended, to provide as follows:

> 3.07 OFFICERS. *** b) All Officers shall be elected at the bi-annual meeting of the Association. Each Officer shall hold office until a successor is duly elected or until death, resignation, or removal, whichever first occurs. No person may hold two offices at any one time.

4. That Section 3.07 d), of the Declaration be amended, to provide as follows:

> 3.07 OFFICERS. *** d) Vacancies in any Officer position and on the Board (caused other than by removal under Section 3.07 (b) above) and newly created Officer positions resulting from an increase in the number of Officers shall be filled by a majority vote of the Officers then in office and each person so elected shall serve until a successor is elected at the next bi-annual meeting.

5. That Section 3.07 e), of the Declaration be amended, to provide as follows:

> 3.07 OFFICERS. *** e) A bi-annual meeting of the Board shall be held immediately after the bi-annual meeting of the Association. No notice of the bi-annual meeting of the Board shall be required.

6. That Section 3.10 a), of the Declaration be amended, to provide as follows:

> 3.10 WATER SYSTEM. *** a) The Board shall have the power to construct, operate, manage and improve the Water System and shall establish and collect from the Lot Owners the annual service charges, late fees and special assessments as herein provided. Payments received by the Board shall be used for the repair, maintenance, replacement, improvement, taxes (real and personal), insurance, auditing, and any and all other expenses incidental to the operation and maintenance of the Water System. The Board shall keep the Water System in good repair and maintenance and shall pay all taxes levied on said Water System and shall take such other actions as are necessary to operate and manage the Water System.

7. That Section 3.10 e), of the Declaration be amended, to provide as follows:

> 3.10 WATER SYSTEM. *** e) The Board shall establish uniform annual service charges to be assessed and collected from the Lot Owners for water used. Annual service charges shall be billed for the period of June 1 to May 31, of the following year. The Board may, from time to time, establish and assess late fees for the failure of Lot Owners to timely pay the annual service charges assessed against each Lot. A schedule of the applicable late fees shall be disclosed in the statement for annual service charges when provided to each Lot Owner. The Board shall, when necessary, adjust the annual service charges so as to assure sufficient funds to cover all expenses of operation of the Water System and to establish an adequate reserve for replacements.

8. That Section 3.10 g), of the Declaration be amended, to provide as follows:

> 3.10 WATER SYSTEM. *** g) Annual service charges, late fees and special assessments established by the Board pursuant to Section 3.10 (e) and (f) shall be deemed "General Assessments" as defined in Section 3.11 (c), and shall be paid and collected as provided in Sections 3.12 and 3.13 of this Declaration.

9. That Section 3.10 h), of the Declaration be amended, to provide as follows:

> 3.10 WATER SYSTEM. *** h) In the event any Lot Owner fails to pay the annual service charges, late fees or special assessments when due, or violates any Rule or Regulation promulgated by the Board, the Board may disconnect the Water System from such Lot subject, however, to the following disconnection procedures: *** 7) Water service to any such lot disconnected from the Water System shall be reinstated upon payment of all annual service charges, late fees and special assessments in arrears, together with interest at the rate of 12% per annum, and the cost of disconnecting and connecting the service.

10. That Section 3.10 i), of the Declaration be amended, to provide as follows:

> 3.10 WATER SYSTEM. *** i) The Board's power to construct, operate, manage and improve the Water System and to establish and collect annual service charges, late fees and special assessments relating to the Water System shall terminate on the earliest of any of the following events: *** 3) Cash reserves derived from the annual service charges collected from the Lot Owners shall be divided equally among the Owners of the Lots improved with homes and which are connected to the Water System after payment of all expenses of the Association, except, any distribution of cash to a Lot Owner shall be reduced to the extent and amount such Lot Owner is delinquent in payment of annual service charges, late fees or special assessments.

11. That Section 3.10 j) (1), of the Declaration be amended, to provide as follows:

> 3.10 WATER SYSTEM. *** j) 1) All monies derived from the sale, or just compensation awarded, for the property of the Water System in existence as of the effective date of this Declaration, shall be payable to the Association;

12. That Section 3.20 d), of the Declaration be amended, to provide as follows:

> 3.20 MANDATORY INDEMNIFICATION OF OFFICERS, DIRECTORS AND MEMBERS OF THE ARCHITECTURAL CONTROL COMMITTEE. *** d) A determination of the right to indemnification by such person requesting the same shall be made by a majority vote of a quorum of the Board of Directors consisting of directors not at the time parties to the same or related proceeding. If a quorum of disinterested directors cannot be obtained, by a majority vote of a quorum of members of the Association at the bi-annual or special meeting of the Association.

13. That Section 4.04 b), of the Declaration be amended, to provide as follows:

4.04 AMENDMENTS TO DECLARATION. *** b) No removal, annulment, waiver, modification, amendment or termination of this Declaration or any provision hereof shall be effective until a written instrument thereof duly executed by two (2) or more officers of the Association, is recorded in the Office of the Register of Deeds for Ozaukee County, Wisconsin.

Dated this 28th day of November, 1995.

Robert A. Miller
President

Bonny Becker
Treasurer

A C K N O W L E D G M E N T

STATE OF WISCONSIN)
ss
MILWAUKEE COUNTY)

Personally came before me this 28th day of November, 1995, the above named Robert A. Miller, as President, and Bonny Becker, as Treasurer, of the Home Owners' Association For Vintage Estates Subdivision, to me known to be the persons who executed the foregoing instrument and acknowledged the same on its authority.

Notary Public, Milwaukee County, WI
My commission is permanent.

This Instrument was drafted by:
Arthur M. Moglowsky
State Bar Code No. 01005736

RETURN TO:

BASS & MOGLOWSKY, S.C.
7040 N. Port Washington Road
Milwaukee, WI 53217
120

RECORDED

1995 NOV 29 AM 8:35

REGISTER OF DEEDS
OZAUKEE COUNTY, WI