

FIDELITY TITLE; INC;
731 MAIN ST.
RACINE, WI 53401
(414) 634-5511

DOCUMENT #

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REGISTER'S OFFICE
RACINE COUNTY, WI

RECORDED _____

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SECOND AMENDMENT TO CONDOMINIUM DECLARATION
OF
MARINA COVE CONDOMINIUM
(Phase III)

MARK A. LADD
REGISTER OF DEEDS

THIS SECOND AMENDMENT TO CONDOMINIUM DECLARATION of Marina Cove Condominium (Phase III) (this "Amendment") is made this 31st day of January, 1995, by **ALLESEE DEVELOPMENT INCORPORATED**, a Wisconsin Corporation (hereinafter "Declarant"), pursuant to the Condominium Declaration for **MARINA COVE CONDOMINIUM**, recorded on the December 16, 1993, in the Office of the Register of Deeds for Racine County, Wisconsin, in Volume 2327, at Page 88, as Document No. 1447341 (the "Declaration"), and pursuant to the Condominium Ownership Act of the State of Wisconsin, Chapter 703 of the Wisconsin Statutes (hereinafter the "Act").

1. Statement of Declaration.

The purpose of this Amendment is to expand the condominium by adding Phase III and submitting the land hereinafter described and the improvements constructed or to be constructed thereon to the condominium form of ownership as a part of **MARINA COVE CONDOMINIUM** in the manner provided by the Act and the Declaration.

Declarant hereby declares that it is the owner of the real property described in Section 2 hereof and shown on Sheet 1 of the Phase III Second Amendment to Plat Marina Cove Condominium (the "Phase III Condominium Plat") attached hereto, together with all buildings and improvements constructed or to be constructed thereon (the "Property"), which are hereby submitted to the condominium form of ownership as a part of **MARINA COVE CONDOMINIUM** as provided in the Declaration, and which property shall be held, conveyed, devised, leased, encumbered, used, improved, and in all respects otherwise affected subject to the provisions, conditions, covenants, restrictions and easements of the Declaration of **MARINA COVE CONDOMINIUM**. All provisions hereof and of the Declaration shall be deemed to run with the land described and shall constitute benefits and burdens to the Declarant, its successors and assigns, and to all parties hereinafter having any interest in the Property.

2. Legal Description.

The real estate described hereinafter and described as Phase III in the Phase III Condominium Plat attached hereto,

together with all buildings and improvements constructed or to be constructed thereon, are hereby annexed to **MARINA COVE CONDOMINIUM** and are subjected to the provisions of the Declaration. The real estate subjected to the provisions of the Declaration hereby is described as follows:

Being a part of Parcel 2 of Certified Survey Map No. 1592 being a redivision of Lots 3 and 4 in Marina Shores being a subdivision of a part of the NW 1/4 and SW 1/4 of the NW 1/4 of Section 36, and the NE 1/4 and SE 1/4 of the NE 1/4 of Section 35, T 4 N, R 19 E, in the Village of Waterford, Racine County, Wisconsin, bounded and described as follows: Commencing at the Northwest corner of said NW 1/4 Section 36; thence S 0° 02' 38" W, 622.69 feet along the West line of said NW 1/4 Section; thence N 87° 44' 36" E, 384.61 feet to the point of beginning; thence S 2° 15' 24" E, 225.57 feet; thence S 43° 12' 22" E, 91.69 feet; thence S 46° 48' 06" W, 190.68 feet; thence Northwesterly 130.34 feet along an arc of a circle whose center is to the Southwest, said curve has a chord which bears N 50° 46' 12" W, 109.58 feet; thence N 18° 13' 04" W, 125.00 feet; thence N 37° 27' 50" E, 314.55 feet to the place of beginning.

From:

191-04-19-36-076-070

New Numbers:

191-04-19-36-303-025

191-04-19-36-303-026

191-04-19-36-303-027

191-04-19-36-303-028

191-04-19-36-303-029

191-04-19-36-303-030

191-04-19-36-303-031

191-04-19-36-303-032

191-04-19-36-303-033

191-04-19-36-303-034

The buildings and units constructed or to be constructed on the real estate shall be described in the building and floor plans which are a part of the Phase III Condominium Plat attached hereto for **MARINA COVE CONDOMINIUM**, depicting the layout, location, perimeters and approximate dimensions of the buildings and units. The unit numbers of units of Phase III of **MARINA COVE CONDOMINIUM** are shown on Sheet 1 of the Phase III Condominium Plat attached hereto. The floor plans of the units in Phase III of **MARINA COVE CONDOMINIUM** are provided on Sheets 2 and 3 of the Phase III Condominium Plat attached hereto.

3. Effect of Amendment.

By this Amendment to the Declaration, One (1) building containing a total of Ten (10) condominium units are annexed and added to **MARINA COVE CONDOMINIUM** and subjected to the Declaration. All of the provisions, restrictions, covenants, terms and conditions of the Declaration and the Articles and By-Laws of Marina Cove Condominium Association, (the "Association"), and such restrictions, rules and regulations as may be promulgated thereunder shall be applicable to the Property and units hereby annexed to **MARINA COVE CONDOMINIUM**.

By reason of this Amendment and the annexation of Ten (10) additional condominium units to **MARINA COVE CONDOMINIUM**, as of the effective date hereof, the original Declaration is amended in the following respects:

3.1 Number. There are a total of Thirty-four (34) residential condominium units in **MARINA COVE CONDOMINIUM**.

4. OWNERSHIP OF UNIT AND PERCENTAGE OF OWNERSHIP IN COMMON ELEMENTS AND FACILITIES AND LIMITED COMMON ELEMENTS.

Each unit owner shall own a fee simple interest in his or her condominium unit. Each unit owner shall also own an undivided interest in the common elements and facilities and limited common elements as a tenant in common with all other unit owners and, except as otherwise limited in this Declaration, shall have the right to use and occupy the common elements and facilities and limited common elements for all purposes incident to the use and occupancy of his or her unit as a place of residence, and such other incidental uses permitted by this Declaration, which rights shall be appurtenant to and run with his or her unit.

The percentage of each undivided ownership interest in the common elements and facilities and limited common elements relating to each unit and its owner for all purposes, including voting and proportionate payment of common expenses, shall be determined by dividing the number one (1) by the number Thirty-four (34).

The percentage of such ownership of the common elements and facilities and limited common elements shall be subject to change and adjustment in the event of annexation of additional properties and improvements to the Condominium, as provided in Section 22 herein, and new percentages shall be shown in any amendment to this Declaration. The percentage of ownership interest in the common elements for all unit owners upon annexation to the Condominium as set forth in Section 22 herein shall be determined by dividing the number one (1) by the total number of units then comprising **MARINA COVE CONDOMINIUM**.

5. Amendment of Condominium Plat.

The Condominium Plat for **MARINA COVE CONDOMINIUM** is hereby amended by adding the Phase III Second Amendment to the Plat Marina Cove Condominium, Sheets 1-3 thereto, in the form attached hereto and filed herewith in the Condominium Plat records of Racine County.

6. Effective Date.

The effective date of this Amendment shall be the date it is recorded in the Office of the Register of Deeds for Racine County, Wisconsin.

7. Miscellaneous.

All terms not specifically defined herein shall have the same meanings as provided in the Declaration. Except as modified by this Amendment, the Declaration remains in full force and effect and is hereby ratified and approved for all purposes for all units in the Condominium as amended.

VOL PAGE
2428 438

IN WITNESS WHEREOF, this document has been executed by duly authorized officers of Declarant, as of the date first set forth above.

ALLESEE DEVELOPMENT INCORPORATED
a Wisconsin Corporation

By: David J. Allesee
David J. Allesee, President

By: Shirley A. Allesee
Shirley A. Allesee, Secretary

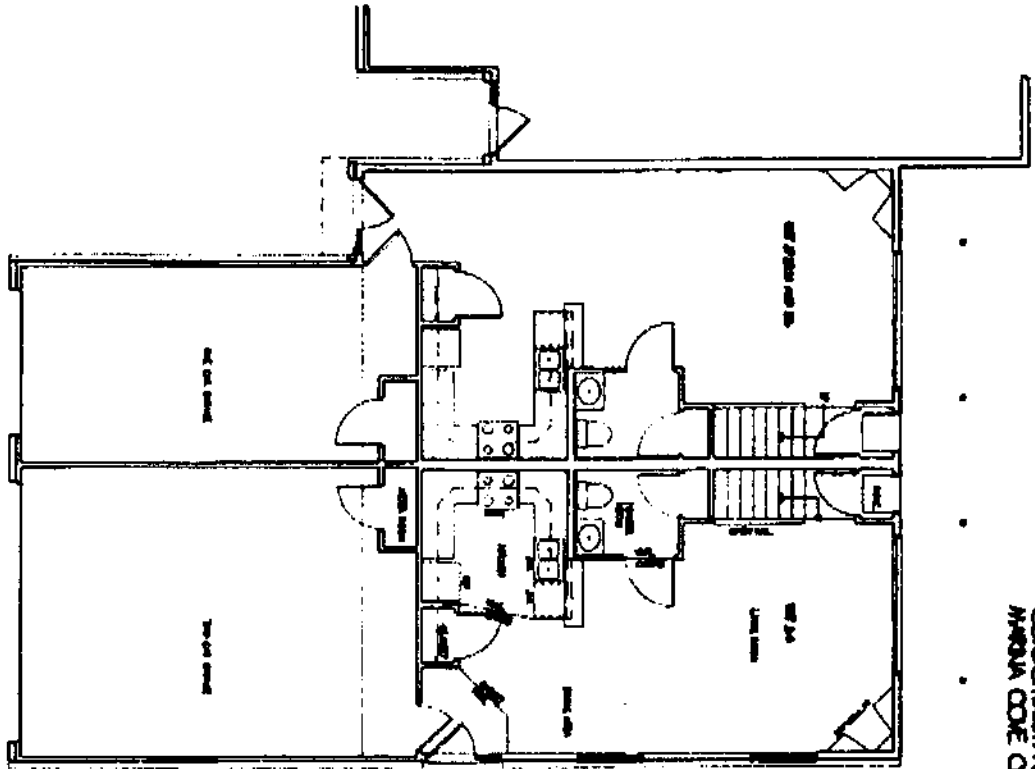
STATE OF WISCONSIN)
RACINE COUNTY) SS

Personally came before me this 31st day of January, 1995 the above named David J. Allesee and Shirley A. Allesee to me known to be the persons who executed the foregoing instrument and acknowledged that they executed the same.

Thomas C. Kircher
Avis A. Repeck
Notary Public, State of Wisconsin
My Commission expires 10/23/95

Drafted By:
THOMAS C. KIRCHER
Attorney at Law
205 North Milwaukee Street
P.O. Box 88
Waterford, WI 53185
(414) 534-6611

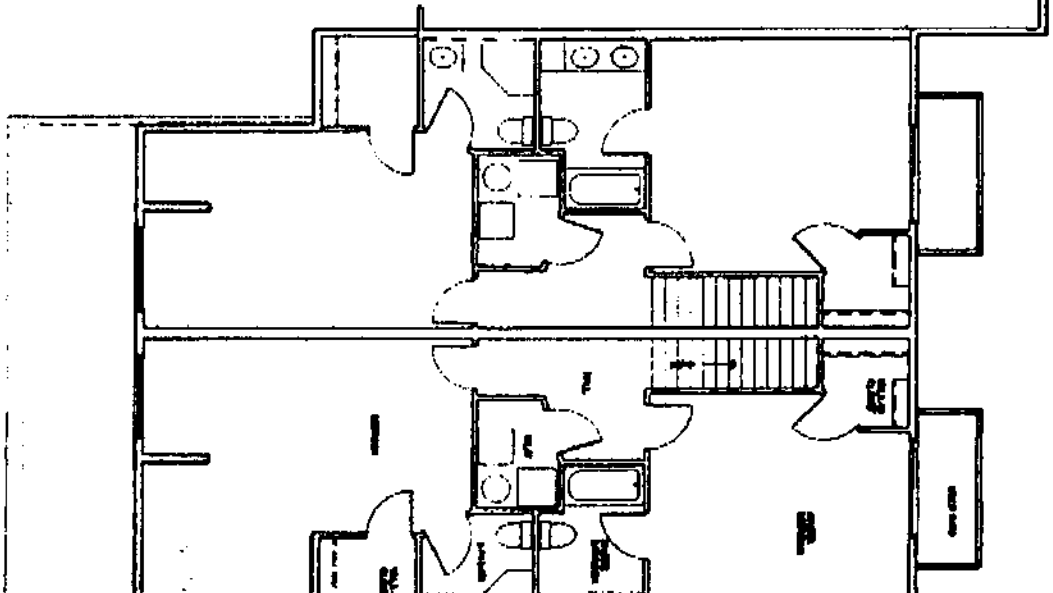
DETAILED FIRST FLOOR PLAN



CONDOMINIUM UNIT
APRIMA CODE CONDOMINIUM - PHASE B

VOL PAGE
2428 441

DETAILED SECOND FLOOR PLAN

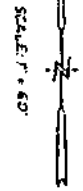


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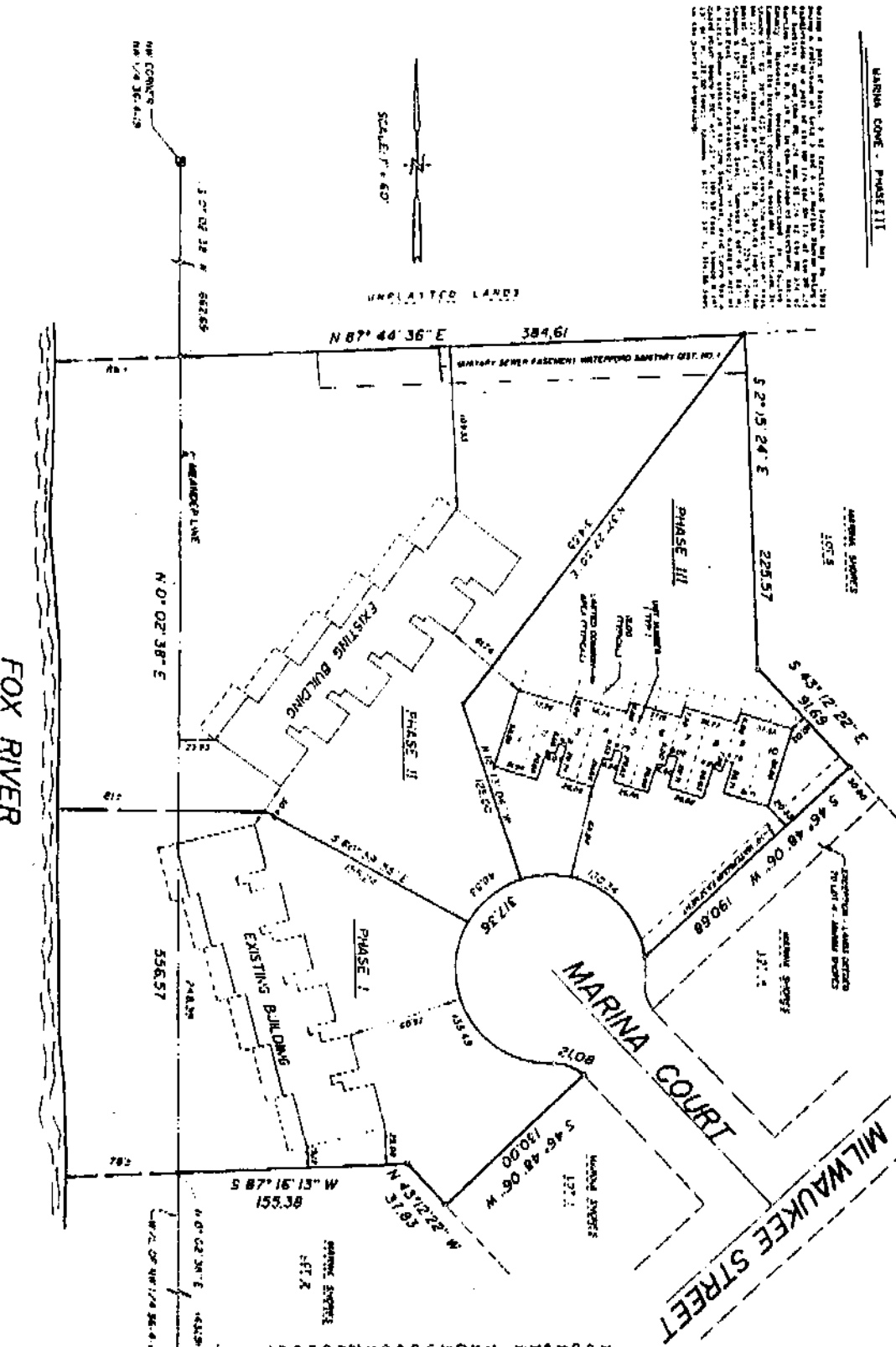
MARINA COVE CONDOMINIUM PLAT VILLAGE OF WATERFORD, RACINE COUNTY, WISCONSIN MARINA COVE CONDOMINIUM - PHASE III

MARINA COVE - PHASE III

THIS PLAN IS PART OF A SERIES OF 3 PLATS SUBMITTED TO THE BOARD OF SUPERVISORS OF THE VILLAGE OF WATERFORD, WISCONSIN, FOR THE CONVEYANCE OF A PART OF THE LAND AND A PORTION THEREOF, TOGETHER WITH THE RIGHTS AND INTERESTS THEREIN, TO THE MARINA COVE CONDOMINIUM, INC., A CORPORATION OF THE STATE OF WISCONSIN, FOR THE PURPOSE OF CONVEYING TO SAID CORPORATION THE LAND AND INTERESTS THEREIN, TOGETHER WITH THE RIGHTS AND INTERESTS THEREIN, TO BE USED AS A MARINA COVE CONDOMINIUM, AND TO BE KNOWN AS THE MARINA COVE CONDOMINIUM PLAT, PHASE III, AND TO BE RECORDED IN THE OFFICE OF THE CLERK OF THE BOARD OF SUPERVISORS OF THE VILLAGE OF WATERFORD, WISCONSIN, IN THE YEAR 1972.



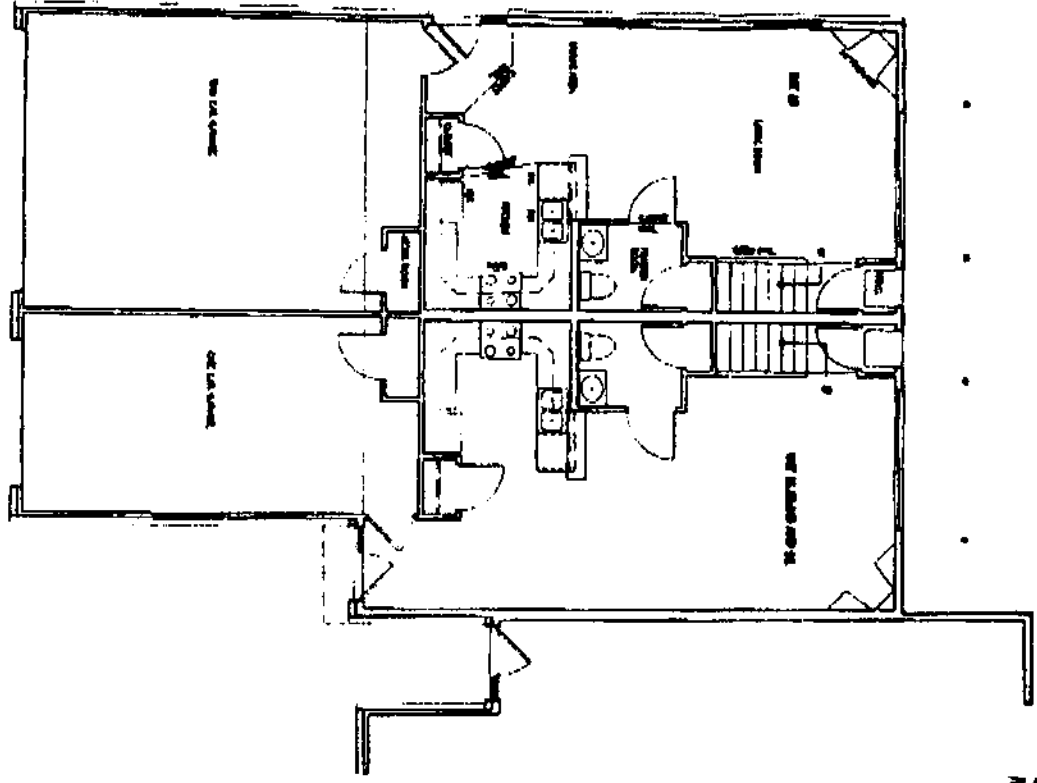
UNPLATTED LANDS



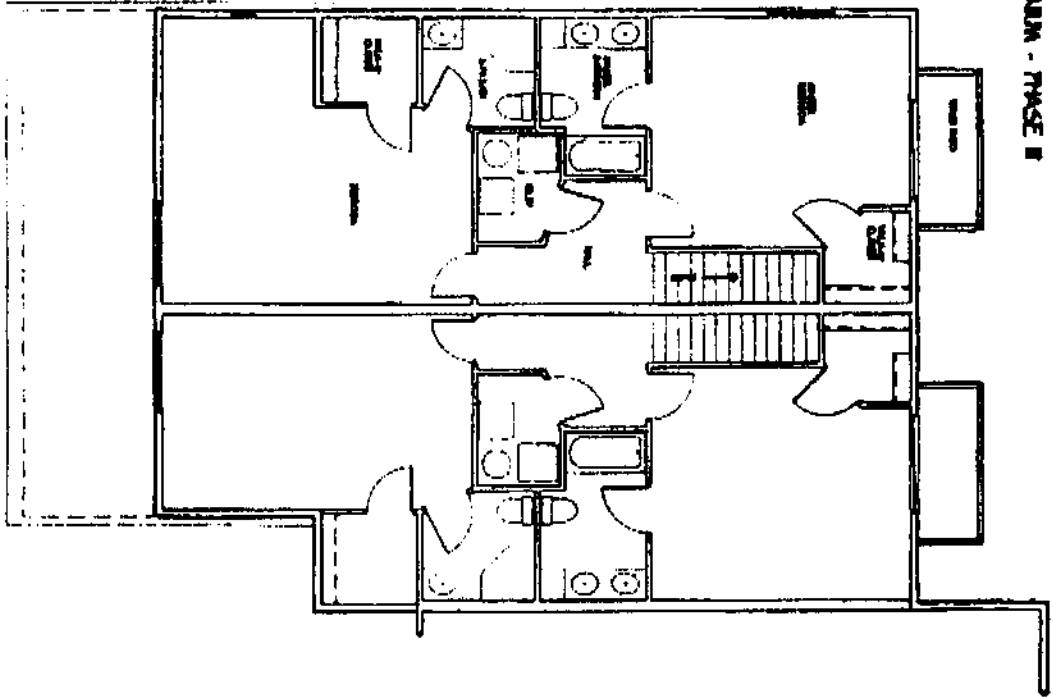
I, Sean [Name], certify that this plat is a true and correct copy of the original as shown to me by the [Name], and that the same is a true and correct copy of the original as shown to me by the [Name].

ME 20073

CONDOMINIUM FLOOR PLAN
AREA CODE CONDOMINIUM - PHASE II



DETAIL FIRST FLOOR PLAN



DETAIL SECOND FLOOR PLAN