

RECORDED: VOL. 585 RECORDS PAGE(S) 40
James M. Mrdutt
JAMES M. MRDUTT REG. OF DEEDS, DUNN, CO. WI 10.00

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NOTICE OF RESTRICTIVE COVENANTS

416723

PLEASE TAKE NOTICE that the following described real property located in the City of Menomonie, Dunn County, Wisconsin, is subject to restrictive covenants:

Lot One (1), Two (2) and Three (3), Certified Survey Map No. 1445, as recorded in Volume 5 of Survey Maps, Page 245; BEING A Part of the North One-half (N1/2) of the Northwest Quarter (NW1/4), Section Fourteen (14), Township Twenty-eight (28) North, Range Thirteen (13) West, CITY OF MENOMONIE, Dunn County, Wisconsin, AND BEING A Part of the Southwest Quarter (SW1/4) of the Southwest Quarter (SW1/4), Section Eleven (11), Township Twenty-eight (28) North, Range Thirteen (13) West, TOWN OF MENOMONIE, Dunn County, Wisconsin.

AND

Lot Four, (4), Certified Survey Map No. 1447, as recorded in Volume 5 of Survey Maps, Page 247; BEING A Part of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4), Section Fourteen (14), Township Twenty-eight (28) North, Range Thirteen (13) West, CITY OF MENOMONIE, Dunn County, Wisconsin.

The restrictions declarations and limitations run with the land and shall be binding on all parties and persons claiming under them.

The restrictions are designed for the purpose of keeping the development desirable, uniform and suitable in architectural design and use as specified therein.

Copies of the complete document of restrictive covenants are available from the following:

1. James Miller Associates Inc. - Developer
533 South Broadway, Menomonie, WI 54751
2. Miller Real Estate
Att: Elaine Lammer, Broker
533 South Broadway, Menomonie, WI 54751
(715) 235-3011
3. Skinner, Schofield & Higley, S.C.
Att: John K. Higley, Atty.
700 Wolske Bay Rd. #100, Menomonie, WI 54751

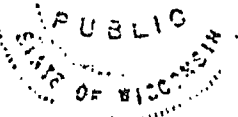
JAMES MILLER ASSOCIATES, INC.

By: *Bonnie Holt*
Bonnie Holt, President

By: *Elaine Lammer*
Elaine Lammer, Secretary

Subscribed and sworn to before me this 8th day of May, 1995.

Sonya Keck
Notary Public, State of Wisconsin
My commission expires 3-24-96



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481031DUNN COUNTY
REGISTER OF DEEDS
JAMES H. HRDUTT
RECORDED ON

05-13-2002 11:20 AM

REC FEE: 17.00
TRANS FEE:
FEE EXEMPT #:
PAGES: 4**MODIFICATION OF
DECLARATION OF COVENANTS**

This Modification of Declaration of Covenants is made as of the 30th day of April 2002 by the DESIGN REVIEW BOARD (the "Board") as constituted and existing pursuant to that certain Declaration of Covenants affecting certain lands located in Miller Junction, in the City of Menomonie, Dunn County, Wisconsin.

RECITALS

A. James Miller Associates, Inc. as Declarant, recorded that certain Declaration of Covenants dated recorded in the office of Register of Deeds for Dunn County, Wisconsin on May 8, 1995 in Volume 585 of Records at Page 40 as Document No 416723 (the "Declaration") affecting the lands described on Exhibit A, attached hereto and made a part hereof.

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The Title Co
Menomonie

B. On or about February 1, 2002, James Miller Associates, Inc. as owner of certain of the parcels of the land encumbered by the Declaration, entered into that certain Real Estate Purchase Contract with ALDI Inc. (Wisconsin) ("ALDI") as Buyer for the purchase and sale of Lots 5 and 6 of Miller Junction (the "Lots").

C. As a condition precedent to ALDI's obligation to purchase the Lots from James Miller Associates, Inc. granted ALDI the right to "opt out" from the terms, covenants, conditions and restrictions of the Declaration as it affects the Lots (the "Contingency").

D. The Board desire to modify the Declaration to satisfy the Contingency to allow the sale of the Lots to proceed to closing.

NOW, THEREFORE, in consideration of the foregoing recitals, and the sale of Lots 5 and 6 of Miller Junction to ALDI, from Declarant to ALDI and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Declarant and the Board hereby take the following actions:

1. The Board, by unanimous vote, hereby modifies the Declaration to remove Lots 5 and 6 from the encumbrance of the Declaration as follows:

AMENDMENT TO LEGAL DESCRIPTION.

The Legal Description of the property set forth Article I, Section A. is deleted in its entirety and rewritten as follows:

Lots One (1), Two (2) and Three (3), Certified Survey Map No. 1445, as recorded in Volume 5 of Survey Maps, Page 245; BEING A PART of the North One-half (N $\frac{1}{2}$) of the Northwest Quarter (NW $\frac{1}{4}$), Section Fourteen (14), Township Twenty-eight (28) North, Range Thirteen (13) West, City of Menomonie, Dunn County, State of Wisconsin

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AND

BEING A PART of the Southwest Quarter (SW¼) of the Southwest Quarter (SW¼) Section Eleven (11), Township Twenty-eight (28) North, Range Thirteen (13) West, TOWN of Menomonie, Dunn County, State of Wisconsin

AND

Lot Four (4), Certified Survey Map No. 1447, as recorded in Volume 5 of Survey Maps, Page 247, BEING A PART of the Northwest Quarter (NW¼) of the Northwest Quarter (NW¼), Section Fourteen (14), Township Twenty-eight (28) North, Range Thirteen (13) West, CITY of Menomonie, Dunn County, State of Wisconsin

EXCEPTING THEREFROM

Lots Five (5) and Six (6) of the Plat of Miller Junction being part of Lot 3 of Certified Survey Map No. 1445, as recorded in Volume 5 of Survey Maps, Page 245; located in the Northwest Quarter (NW¼) of the Northwest Quarter (NW¼), Section Fourteen (14), Township Twenty-eight (28) North, Range Thirteen (13) West, City of Menomonie, Dunn County, State of Wisconsin.

2. All other terms and conditions of the Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, this Instrument has been duly executed as of the date and year first above written.

DESIGN REVIEW BOARD:

James Miller Associates, Inc.

By: Elaine Lamm
[print name/title] ELAINE LAMMER, Secy

Hills Court Mall LLC
[print name]

By: Charlene Boots
[print name/title] Member/Owner Charlene Boots

MARY Solberg
[print name]

By: Mary Solberg
[print name/title] MARY Solberg Design Professional

STATE OF WISCONSIN

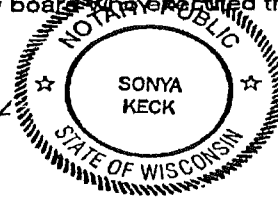
))
SS

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DUNN COUNTY)

Personally came before me this 2nd day of May 2002, the above-named SLAINE LAMM to me known to be the Secretary of James Miller Associates, Inc. ~~and~~ member of the Design Review board who executed the foregoing instrument and acknowledged the same.

Sonya Keck
Notary Public, State of Wisconsin
My Commission: 3-14-2004



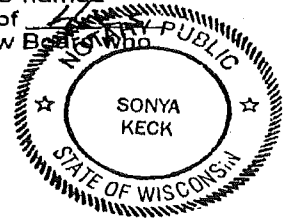
STATE OF WISCONSIN)

)SS

DUNN COUNTY)

Personally came before me this 2nd day of May 2002, the above-named Charlene Bost to me known to be the member/owner of Court Mall LLC a member of the Design Review Board who executed the foregoing instrument and acknowledged the same.

Sonya Keck
Notary Public, State of Wisconsin
My Commission: 3-14-2004

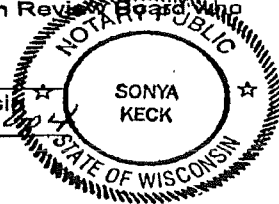


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STATE OF WISCONSIN)
)SS
 DUNN COUNTY)

Personally came before me this 2nd day of May, 2002, the above-named
Mary Salas to me known to be the Design Professional and
 a member of the Design Review Board who
 executed the foregoing instrument and acknowledged the same.

Sonya Keck
 Notary Public, State of Wisconsin
 My Commission: 3-14-2004



STATE OF WISCONSIN)
)SS
 DUNN COUNTY)

Personally came before me this _____ day of _____, 2002, the above-named
 _____ to me known to be the _____ of JAMES
 MILLER ASSOCIATES, INC. who executed the foregoing instrument and acknowledged the
 same.

 Notary Public, State of Wisconsin

My Commission: _____

This instrument was drafted by
 and after recording should be returned to:
 Paul G. Sherburne
 Domnitz, Mawicke & Goisman, S.C.
 1509 North Prospect Avenue
 Milwaukee, Wisconsin 53202