

DANE COUNTY
REGISTER OF DEEDS

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**FIRST AMENDMENT
TO THE DECLARATION OF CONDOMINIUM
OF ASHBURY WOODS CONDOMINIUMS**

301396

Return to:
Attorney Larry K. Libman
Axley Brynelson
Post Office Box 1767
Madison, Wisconsin 53701-1767

PIN: 251-0608-021-1401-1

THIS AMENDMENT is made this 9 day of June, 2005, by the Ashbury Woods Condominium Association, Inc. a Wisconsin nonstock corporation (the "Association").

WITNESSETH:

WHEREAS, a Declaration of Condominium of Ashbury Woods Condominiums (the "Condominium"), was recorded in the Office of the Register of Deeds for Dane County, Wisconsin on May 4, 2005 as Document Number 4049677 (the "Declaration"), which Declaration subjected certain property located in the City of Madison, Dane County, Wisconsin, as more particularly described on **Exhibit A** attached hereto, to the Wisconsin Condominium Ownership Act; and

WHEREAS, Section 16.1 of the Declaration requires that at least Seventy-Five Percent (75%) of the Unit Owners (as defined in the Declaration) consent in writing for an amendment to the Declaration to be effective, and further requires that the first mortgagee of a Unit approve the amendment before the Unit Owner's consent is effective; and

WHEREAS, more than Seventy-Five Percent (75%) of the Unit Owners have consented in writing to the amendment set forth below, and all the mortgagees with regard to each such Unit have approved the amendment in writing; and

WHEREAS, the Association desires to amend Article 10 of the Declaration relating to the restriction on tenants having pets.

NOW, THEREFORE, the Association, pursuant to the authority granted in Section 16.1 of the Declaration, hereby amends the Declaration as follows:

1. Article 10 of the Declaration shall be amended as follows:

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- a. The sentence in Article 10 which states "No person(s) leasing a Unit shall be permitted to have any Pets." is hereby stricken and replaced with "No persons leasing a Unit shall be permitted to have any pets on the Condominium, without the approval of the Board."
- b. The following sentence is hereby added to Article 10: Except for compliance with the Rules and Regulations, any tenants leasing Units at the time of the recording of this Declaration, and the leases in effect at the time of the recording of this Declaration pursuant to which such tenants are occupying such Units ("Existing Leases"), shall be exempt from the provisions of this Article 10, until the current terms of such Existing Leases (not including any future renewal periods) expire.

2. Except as amended herein, the provisions of the Declaration shall remain in full force and effect.

Executed as of the date and year first above written.

ASHBURY WOODS CONDOMINIUM ASSOCIATION,
INC.

By *Dawn Hendrickson*
Dawn Hendrickson, President

STATE OF WISCONSIN)
) SS.
COUNTY OF DANE)

Personally came before me this 9th day of June, 2005, the above-named Dawn Hendrickson, to me known to be the President of the Ashbury Woods Condominium Association, Inc., and who executed this document on its behalf.

Sarah E.C. Peterson
Print Name: *Sarah E.C. Peterson*
Notary Public, State of Wisconsin
My Commission: *expires March 23, 2008*

This Instrument Drafted By:
Attorney Larry K. Libman
Axley Brynson, LLP
Post Office Box 1767
Madison, WI 53701-1767

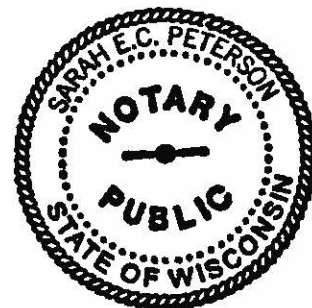


EXHIBIT A**Legal Description of the Original Property Included in the Condominium**

Being all of Lot 1, CSM #9644, being located in the Northwest Quarter of the Northeast Quarter of Section 2, Township 6 North, Range 8 East, City of Madison, Dane County, Wisconsin

The foregoing property is now described as Units 7201-101, 7201-103, 7201-104, 7201-105, 7201-106, 7201-107, 7201-109, 7201-110, 7201-111, 7201-112, 7201-113, 7201-201, 7201-203, 7201-204, 7201-205, 7201-206, 7201-207, 7201-209, 7201-210, 7201-211, 7201-212, 7201-213, 7201-301, 7201-303, 7201-304, 7201-305, 7201-306, 7201-307, 7201-309, 7201-310, 7201-311, 7201-312, 7201-313, 7203-101, 7203-103, 7203-104, 7203-105, 7203-106, 7203-107, 7203-109, 7203-110, 7203-111, 7203-112, 7203-113, 7203-201, 7203-203, 7203-204, 7203-205, 7203-206, 7203-207, 7203-209, 7203-210, 7203-211, 7203-212, 7203-213, 7203-301, 7203-303, 7203-304, 7203-305, 7203-306, 7203-307, 7203-309, 7203-310, 7203-311, 7203-312, 7203-313, Ashbury Woods Condominiums, in the City of Madison, Dane County, Wisconsin

ASHBURY WOODS CONDOMINIUM ASSOCIATION, INC.

RESOLUTIONS BY CONSENT

The undersigned, being the Incorporator and all the directors of Ashbury Woods Condominium Association, Inc., acting pursuant to Section 181.72 of the Wisconsin Statutes hereby adopt the following recitals and resolutions with the same force and effect as if adopted at a duly called and convened joint meeting of the Incorporator and Board of Directors:

WHEREAS, the Incorporator reported that he had caused to be prepared and filed with the office of the Department of Financial Institutions an original copy of the Articles of Incorporation of this corporation, of which a true and correct copy appears on the preceding pages of this record; and that he had paid the required filing fee to the Department of Financial Institutions and has received from the Department of Financial Institutions the Certificate of Incorporation, a true and correct copy of which appears on the preceding pages of this record. After a full examination of the Articles and Certificates, the following resolutions were adopted and ordered spread at length upon the records of this meeting.

BE IT RESOLVED, that the Articles of Incorporation of this corporation be, and the same are hereby approved and ordered made a part of the records of this corporation and that all action taken by the Incorporator in connection therewith be, and the same is hereby, ratified, approved and confirmed.

BE IT FURTHER RESOLVED, that this corporation shall pay any and all legal and other expenses incurred in connection with its incorporation and organization.

BE IT FURTHER RESOLVED, that the By-Laws which appear on the preceding pages of this corporate record book, be adopted as and for the By-Laws of this corporation.

BE IT FURTHER RESOLVED, that Rules and Regulations which are included in this corporate record book are adopted as the Rules and Regulations of this corporation and that the Checklist of Maintenance Responsibility is adopted as a reference for all Unit Owners concerning their maintenance obligations and the maintenance obligations of this corporation.

BE IT FURTHER RESOLVED, that the estimated First Year Annual Operating budget of the corporation, which is attached hereto, is hereby adopted as the budget of the corporation for the period of the corporation's first year of operation, subject to the provisions of the Declaration of Condominium for Ashbury Woods Condominiums.

BE IT FURTHER RESOLVED, that the initial officers of the corporation shall be as follows:

Joseph R. Gallina – President
Dawn Hendrickson – Vice President
Thomas Brooke – Secretary
Thomas Brooke – Treasurer

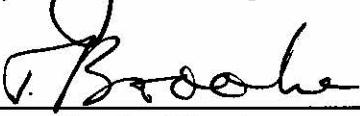
Such officers shall serve until their successors are elected.

BE IT FURTHER RESOLVED, that the Management Contract between this corporation and Gallina Management Inc. dated effective as of the 30th day of April, 2005 which has been reviewed by the directors and a copy of which is in this corporation record book is hereby approved, and the president of the corporation is hereby authorized and directed to execute said Management Contract on behalf of this corporation.

Dated as of this 25th day of April, 2005.



Larry K. Libman, Incorporator



Thomas Brooke, Director



Joseph R. Gallina, Director



Dawn Hendrickson, Director

**CONSENT TO AMENDMENT OF
CONDOMINIUM DECLARATION OF
ASHBURY WOODS CONDOMINIUMS**

The undersigned Elver Associates, LLC and Ashbury Corporation (collectively the "Declarant") which is, as of the date hereof, the owner of the condominium units described on **Exhibit A**, attached hereto, which constitute 54 of the 66 Units of Ashbury Woods Condominiums, located in the City of Madison, Dane County, Wisconsin (the "Condominium"), hereby consent, acknowledge, understand and agree as follows:

1. The Directors of the Ashbury Woods Condominium Association, Inc. (the "Association") desire to amend Article 10 of the Declaration of Condominium of the Condominium (the "Declaration") relating to the restrictions on tenants having pets.
2. The Declaration may only be amended with the written consent of at least Seventy-Five Percent (75%) of the Unit owners of the Condominium (which constitutes at least 50 of the 66 Units), and since the Declarant owns more than 50 Units, the consent of no other Unit owner is necessary.
3. The Declarant's, or any other unit owner's, consent to an amendment to the Declaration is effective only if it is approved in writing by the first mortgagee of the applicable Unit.
4. The Declarant hereby consents to the following amendment of the Declaration:

Article 10 of the Declaration shall be amended as follows:

- a. The sentence in Article 10 which states "No person(s) leasing a Unit shall be permitted to have any Pets." is hereby stricken and replaced with "No persons leasing a Unit shall be permitted to have any pets on the Condominium, without the approval of the Board."
- b. The following sentence is hereby added to Article 10: Except for compliance with the Rules and Regulations, any tenants leasing Units at the time of the recording of this Declaration, and the leases in effect at the time of the recording of this Declaration pursuant to which such tenants are occupying such Units ("Existing Leases"), shall be exempt from the provisions of this Article 10, until the current terms of such Existing Leases (not including any future renewal periods) expire.

Dated this 9 day of June, 2005


(SIGNATURES ARE ON THE FOLLOWING PAGE)

ELVER ASSOCIATES, LLC

By: Gallina Real Estate, Inc. Manager

By: 
Dawn Hendrickson, Secretary/Treasurer

ASHBURY CORPORATION

By: 
James L. Wiechmann, President

APPROVAL OF MORTGAGEE

Approved this 9th day of June, 2005, by M&I Marshall & Ilsley Bank, mortgagee of the Condominium Units at Ashbury Woods Condominiums described on **Exhibit A**.

M&I MARSHALL & ILSLEY BANK

By: 
Title: J.P.

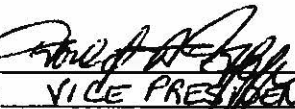
By: 
Title: VICE PRESIDENT

EXHIBIT A

**The following is the list of Units at Ashbury Woods Condominiums which are
owned by the Declarant as of the date hereof**

RESOLUTION BY CONSENT

The undersigned, being all of the directors of the Ashbury Woods Condominium Association, Inc., acting pursuant to Section 181.72 of the Wisconsin Statutes, hereby adopt the following resolution with the same force and effect as if adopted at a duly called and convened joint meeting of the directors:

RESOLVED, that the Unit Owners be requested to approve the following amendment to the Declaration of Condominium (the "Declaration") of Ashbury Woods Condominiums (the "Condominium"):

Article 10 of the Declaration shall be amended as follows:

- a. The sentence in Article 10 which states "No person(s) leasing a Unit shall be permitted to have any Pets." is hereby stricken and replaced with "No persons leasing a Unit shall be permitted to have any pets on the Condominium, without the approval of the Board."
- b. The following sentence is hereby added to Article 10: Except for compliance with the Rules and Regulations, any tenants leasing Units at the time of the recording of this Declaration, and the leases in effect at the time of the recording of this Declaration pursuant to which such tenants are occupying such Units ("Existing Leases"), shall be exempt from the provisions of this Article 10, until the current terms of such Existing Leases (not including any future renewal periods) expire.

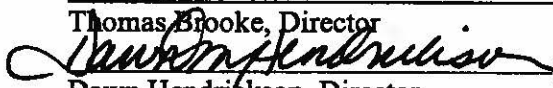
FURTHER RESOLVED, that upon the written approval of at least 75% of the Unit Owners of the Condominium and the approval of the first mortgagee of each such approving Unit Owner, the President of the Association, Dawn Hendrickson, is hereby authorized and directed to execute and to record with the office of the Dane County, Wisconsin Register of Deeds the appropriate instrument amending the Declaration as provided herein.

FURTHER RESOLVED, that if the amendment to the Declaration set forth above is approved by at least 75% of the Unit Owners and their first mortgagees, then Section 6 of the Rules and Regulations of the Association shall also be amended to be consistent with the amendment to the Declaration.

Dated as of this 9th day of June, 2005.



Thomas Brooke, Director



Dawn Hendrickson, Director



Joseph R. Gallina, Director