

FIFTH AMENDMENT TO DECLARATION OF CONDOMINIUM
FOR HOYT PARK COMMONS, A CONDOMINIUM

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Hoyt Park Commons is a condominium located in the City of Madison, Dane County, Wisconsin, declared and existing by virtue of the following:

- (1) Declaration of Condominium as dated February 5, 1981, and recorded in the office of the Register of Deeds for Dane County on February 5, 1981, in Volume 2570 of Records, page 38 as Document #1696847;
- (2) Condominium Plat recorded in the office of the Register of Deeds for Dane County on February 5, 1981, in Volume 1 of Condominium Plats, page 34 as Document #1696848;
- (3) First Amendment to Declaration as dated March 17, 1981, and recorded in the office of the Register of Deeds for Dane County on April 2, 1981, in Volume 2683 of Records, page 20 as Document #1701578;
- (4) Second Amendment to Declaration as dated April 16, 1981, and recorded in the office of the Register of Deeds for Dane County on April 21, 1981, in Volume 2723 of Records, page 1 as Document #1703339;
- (5) Third Amendment to Declaration as dated June 17, 1981, and recorded in the office of the Register of Deeds for Dane County on June 29, 1981, in Volume 2891 of Records, page 30 as Document #1710640;
- (6) Fourth Amendment to Declaration as dated July 31, 1981, and recorded in the office of the Register of Deeds for Dane County on August 3, 1981, in Volume 2993 of Records, page 17 as Document #1714765.

By execution hereof, the undersigned, constituting at least seventy-five (75%) percent of the unit owners of all units in Hoyt Park Commons and at least seventy-five (75%) percent of the Mortgagees (and/or Land Contract Vendors, as the case may be) of all such units, hereby consent to and make the following amendments to the above-stated Declaration as previously amended:

1. Section 4 of the Declaration is amended by inserting the following sentence at the end of the twelfth paragraph of said Section 4:

"With regard to 316-318 Palomino, the perimeters of those units also consist of the unfinished interior surfaces of the walls, floor and ceiling of the respective basements."

Return to:

ROSS & STEVENS, S.C.

801 FIRST WISCONSIN PLAZA

ONE SOUTH PINCKNEY STREET

MADISON, WISCONSIN 53703-2889

Attn: Amanda Kaiser

2600

2. Section 5 of the Declaration is amended as follows:

A. Delete the present first paragraph of Section 5 and insert in its place the following:

"The basement (and all mechanical equipment, pipes, conduits, heating ducts, furnaces, gaslines, water heaters, water softeners, electrical lines, circuit breakers, water and sewer pipes, sinks and plumbing fixtures located therein) in each building, except the building containing units 316-318, is a limited common element reserved for the exclusive use of the owners of units in that building. The basements (and all of the aforesaid items located therein) for units 316-318 are part of those units unless specific items located in said basements are hereinafter otherwise defined as limited common elements."

B. Add the following sentence at the end of the fifth paragraph of Section 5:

"All parts of each building which are not specifically defined as part of a unit or as a common element are limited common elements reserved for the exclusive use of the owners of units in the particular unit."

C. Insert the following as the eighth paragraph of Section 5:

"Notwithstanding any other provision of this Condominium Declaration, the following items located in the basements of units 316-318 shall be limited common elements reserved for the exclusive use of the owners of 316-318: All pipes, conduits, heating ducts, gaslines, electrical lines and water and sewer pipes."

3. Insert the following as Section 15:

"Section 15
Association

All unit owners shall be entitled to become and shall be required to become members of the Association and shall be subject to its Articles of Organization, By-Laws and Rules and Regulations adopted by it for the use and management of the Condominium."

Except as above provided, the Declaration and all previous Amendments thereto are hereby ratified and confirmed.

DATED as of the 1st day of October, 1984.

Dated 10-16-84 Carola Souris
 CAROLA SOURIS
 316 Palomino Lane

Dated 10-20-84 Stephen Souris
 STEPHEN SOURIS
 316 Palomino Lane

Dated 10-20-84 Shirley R. Puls
 SHIRLEY PULS
 318 Palomino Lane

Dated 10/16/84 Joan Krikelas
 JOAN KRIKELAS
 321 Palomino Lane, Unit 1S

Dated _____
 JAMES KRIKELAS
 321 Palomino Lane, Unit 1S

Dated 10/16/84 Roger Scharmer
 ROGER SCHARMER
 321 Palomino Lane, Unit 1N

Dated 10-16-84 Lora Mermin
 LORA MERMIN
 321 Palomino Lane, Unit 2S

Dated 10/16/84 Samuel Mermin
 SAMUEL MERMIN
 321 Palomino Lane, Unit 2S

Dated 10/24/84 Tuncer Edil
 BERRIN EDIL
 321 Palomino Lane, Unit 2N

Dated 10/20/84 Brian Edil
 TUNCER EDIL
 321 Palomino Lane, Unit 2N

Dated _____
 TAREE TIM GIANUNZIO
 401 Palomino Lane, Unit 1S

Dated _____
 JOHN GIANUNZIO
 401 Palomino Lane, Unit 1S

Dated 10-20-84

[Signature]
401 Palomino Lane, Unit 1N

Dated 10-20-84

[Signature]
401 Palomino Lane, Unit 1N

Dated 10-20-84

[Signature]
401 Palomino Lane, Unit 2S

Dated 10-20-84

[Signature]
401 Palomino Lane, Unit 2S

Dated 10/20/84

[Signature]
JAMES CHRISTENSEN
401 Palomino Lane, Unit 2N

Dated 10-20-84

[Signature]
402 Palomino Lane, Unit 1S

Dated 10-20-84

[Signature]
402 Palomino Lane, Unit 1S

Dated 10/20/84

[Signature]
BERRIN EDIL
402 Palomino Lane, Unit 1N

Dated 10/24/84

[Signature]
TUNCER EDIL
402 Palomino Lane, Unit 1N

Dated _____

FREDERICK SCHULTZ
402 Palomino Lane, Unit 2S

Dated _____

JUDY CHASKA
402 Palomino Lane, Unit 2N

Dated _____

DIRK BERGSGAARD
402 Palomino Lane, Unit 2N

Dated 10-20-84

[Signature]
405 Palomino Lane, Unit 1S

Dated 10-20-84

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405 Palomino Lane, Unit 1S

Dated 10-20-84

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405 Palomino Lane, Unit 1N

Dated 10-20-84

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405 Palomino Lane, Unit 1N

Dated 10-20-84

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405 Palomino Lane, Unit 2S

Dated 10-20-84

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405 Palomino Lane, Unit 2S

Dated 10-20-84

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405 Palomino Lane, Unit 2N

Dated 10-20-84

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405 Palomino Lane, Unit 2N

Dated 10-16-84

[Signature]
KLAREEN NOTTESTAD
406 Palomino Lane, Unit 1S

Dated 10/16/84

[Signature]
LOIS ALBRECHT
406 Palomino Lane, Unit 1N

Dated 10-20-84

[Signature]
406 Palomino Lane, Unit 2S

Dated 10-20-84

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406 Palomino Lane, Unit 2S

Dated 10-20-84

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406 Palomino Lane, Unit 2N

Dated 10-20-84


[Signature]
406 Palomino Lane, Unit 2N

Dated 10-22-84

[Signature]
RALPH KAMPS
409 Palomino Lane

AUTHENTICATION

Signatures of Carola Souris, Stephen Souris, Shirley Puls, Joan Krikelas, Roger Scharmer, Lora Mermin, Samuel Mermin, Berrin Edil, Tuncer Edil, Ronald G. Fedler, Ralph Kamps, James Christensen, Klareen Nottestad, Lois Albrecht, Linda Dietrick, Susan Muntz, and Robert Isenberg authenticated this 1st day of November, 1984.



William P. Schmeisser
Member of State Bar of Wisconsin

Fifth Amendment to Declaration as dated as of October 1st,
1984, hereby ratified and confirmed.

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HILLDALE APARTMENTS JOINT VENTURE

By: Theo. J. Greenfield
Title:

Managing Partner, temp.

STATE OF WISCONSIN)
) SS.
COUNTY OF DANE)

Personally came before me this 11th day of December,
1985, Theodore J. Greenfield, to me known to be the
same person who executed the foregoing instrument and acknowl-
edged that he/she executed the foregoing instrument as his/her
free and voluntary act for the uses and purposes therein set
forth.

Jan E. Revenig
Notary Public, State of Wisconsin
My commission: *expires: 11-29-87*

