

DOC#: 706732



Document Number

Document Title

Recorded
MAY 25, 2007 AT 04:20PM

**FOURTH AMENDMENT TO CONDOMINIUM DECLARATION
OF TOP OF THE HILL CONDOMINIUM**

CAREY PETERSILKA
REGISTER OF DEEDS
DOOR COUNTY, WI

Fee Amount Paid: \$19.00

Tract Included

Recording Area

Name and Return Address:

**TOFT LAW FIRM
45 South Third Avenue
Sturgeon Bay, WI 54235-2288**

014-07-0001 - 014-07-0033

Parcel Identification Number (PIN)

**FOURTH AMENDMENT
TO
CONDOMINIUM DECLARATION
OF
TOP OF THE HILL CONDOMINIUM
(Revised April, 2007)**

WHEREAS, Top of the Hill Development, Inc., is a Wisconsin Corporation and as original Declarant, caused to be recorded a condominium declaration and condominium plat subjecting certain property located in Door County, Wisconsin to a Condominium plan known as Top of the Hill Condominium (the "Condominium"), said declaration (the "Declaration") having been recorded at Vol. 412 of Records, Page 443, Document No. 468795, Door County Records;

WHEREAS, Section 25 of the Declaration provides that the Declaration may be amended with the consent of at least three-quarters (3/4) of all votes entitled to be cast by the unit owners and their mortgagees;

WHEREAS, Section 25 of the Declaration further provides that copies of amendments shall be certified by the President and Secretary of the Association in a form suitable for recording;

WHEREAS, Wis. Stats. Section 703.09(2) provides that amendments to a declaration require the written consent of the required percentage of unit owners and the approval of the mortgagees of the units, if any;

WHEREAS, The Board of Directors of Top of the Hill Condominium Owner's Association, Inc. is desirous of changing Section 13, Prohibited and Restricted Uses, of said Declaration;

WHEREAS, the Managing Agent for the Condominium has as part of the permanent file written consent of the unit owners and approval of the mortgagees of the units confirming approval of said Fourth Amendment as hereafter set forth of at least three-quarters (3/4) of all votes entitled to be cast.

NOW, THEREFORE, the Declaration of Top of the Hill Condominium as it pertains to Section 13, is hereby amended as follows:

SECTION 13. PROHIBITED AND RESTRICTED USES. The Top of the Hill COA, Inc., (the "Association"), permits retail uses only in commercial units. The following uses and businesses are prohibited: arcades, adult bookstores, massage parlors and thrift shops. The Association reserves the right to prohibit restaurants and carry-out food stores which use open cooking or deep frying to prepare food. Any prospective buyer, or current owner who wants to change their retail use of a commercial unit, is required to submit a description of their retail activity to the Board of Directors for approval prior to establishing the activity. The use of any unit is further restricted to those uses permitted by the conditional use permit issued by the Door County Resource Planning Committee for the development. In addition, the Association limits the use of the units to no more than one grocery store/supermarket or convenience mart. The Association further reserves the exclusive right to apply for and obtain a license or licenses to allow consumption and/or sale of alcoholic and fermented malt beverages on the premises including licenses for "carry-out" or "package" sales of wines, liquors, beer and other alcoholic and fermented malt beverages. The Association further reserves the exclusive right to assign such license or licenses to the restaurant, grocery store, and/or package good outlet which may be located in the condominium. The terms "outlet store" and "discount store" may not be used along or in conjunction with the other words, names or term as the name of a store or shop for any sign or other advertising of said store or shop.

IN WITNESS THEREOF, the undersigned officers of the Top of the Hill
Condominium Owner's Association, Inc. have caused this document to be executed
this 23RD day of May, 2007.

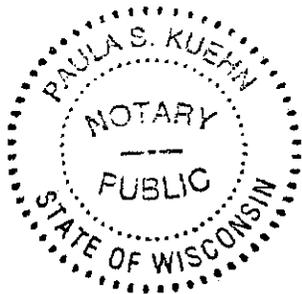
TOP OF THE HILL CONDOMINIUM OWNER'S ASSOCIATION, INC.

BY: *Mary Stephens*
Mary Stephens, President

BY: *Julia Frater*
Julia Frater, Secretary

STATE OF WISCONSIN)
)ss.
COUNTY OF DOOR)

Personally came before me this 23RD day of May, 2007, the
above named **Mary Stephens**, as President and **Julia Frater**, as Secretary of the Top
of the Hill Condominium Owner's Association, Inc. to me known to be the persons who
executed the foregoing instrument and acknowledged the same.



Paula S. Kuehn
*(Print Name)

Notary Public, State of Wisconsin
My commission expires: 9/26/2010