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REGISTER OF DEEDS
BROWN COUNTY

MAY 18 1995

DECLARATION OF COVENANTS AND RESTRICTIONS
FOR
THORNBERRY CREEK ESTATES

AT 2:01 O'CLOCK P.M.
CATHY WILLIQUETTE
REGISTER OF DEEDS
BROWN COUNTY, WIS.

5400

THIS DECLARATION OF COVENANTS AND RESTRICTIONS (the "Declaration") is hereby made and established as of the 17th day of May, 1995, by Trout Creek, L.L.C., a Wisconsin limited liability company (hereinafter the "Developer").

RECITALS

WHEREAS, Developer owns all those lands located in the Town of Hobart, Brown County, Wisconsin, as legally described on Exhibit A attached hereto (the "Land");

WHEREAS, Developer intends to develop the Land as a residential subdivision containing approximately one hundred (100) lots known as "THORNBERRY CREEK ESTATES" (the "Subdivision"); and

WHEREAS, Developer desires to subject all of the Land (except dedicated streets and utilities), to the conditions, restrictions, covenants, reservations and easements hereinafter set forth, for the benefit of the Subdivision as a whole and for the benefit of each Lot Owner.

DECLARATION

NOW, THEREFORE, DEVELOPER hereby declares that the real estate described on the attached Exhibit A (except for dedicated streets and utilities), shall be used, held, leased, transferred, sold, and conveyed subject to the conditions, restrictions, covenants, reservations and easements hereinafter set forth, which shall inure to the benefit of and shall pass with each Lot as covenants running with the land and shall apply to and bind all successors in interest, users and owners.

DEFINITIONS, PURPOSE AND USE RESTRICTIONS

1.01 DEFINITIONS

(a) "Association" shall mean the THORNBERRY CREEK HOMEOWNERS ASSOCIATION, an unincorporated association which may be created under this Declaration.

(b) "Developer" shall mean TROUT CREEK, L.L.C., as well as any Successor-Developer.