

WAUKESHA COUNTY, WI  
REGISTER OF DEEDS  
James R Behrend

Recorded On: 11/17/2014 12:20:35 PM

Total Fee: \$30.00 Page(s): 7

Transfer Tax: \$0.00

AMENDMENT TO DECLARATION OF USE  
RESTRICTION

Document Number

Title of Document

This Amendment to Declaration of Use Restriction ("Amendment") is made by and between **JELIVANN WAUKESHA LLC**, a Wisconsin limited liability company ("JELIVANN") and **WAUKESHA STATE BANK**, a Wisconsin banking corporation ("WSB").

RECITALS

A. JELIVANN owns the real estate commonly known as 1640-1660 East Main Street, Waukesha, Wisconsin, legally described as Lots 6, 7 and 8 of Certified Survey Map No. 11104 recorded in Volume 109 of Certified Survey Maps, pages 34-39, as Document No. 4046895, in the city of Waukesha, Waukesha County, Wisconsin ("JELIVANN Property").

B. WSB has a leasehold interest in the real estate described as Lot 6 of Certified Survey Map No. 11104 recorded in Volume 109 of Certified Survey Maps, pages 34-38, as Document No. 4046895, in the city of Waukesha, Waukesha County, Wisconsin ("WSB Property").

C. JELIVANN and WSB entered into a Declaration of Use Restriction affecting the JELIVANN Property and the WSB Property which was recorded in the office of the Register of Deeds for Waukesha County on May 8, 2014, as Document Number 4078014 (the "Declaration of Use Restriction").

D. JELIVANN and WSB wish to amend the Declaration of Use Restriction as set forth below.

Now, therefore, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, JELIVANN and WSB agree as follows:

1. **Amendment to Section 7.** The first sentence of Section 7 of the Declaration of Use Restriction is amended by deleting said sentence and replacing it with the following:

7. **Termination.** If WSB does not construct a building and open for business as a branch of Waukesha State Bank on the WSB Property on or before February 1, 2015, this Declaration and the Restriction will cease on that date.

2. **Construction.** This Amendment shall be construed in conjunction with the Declaration of Use Restriction and, except as amended by this instrument, all of the terms, covenants, and conditions set forth in the Declaration of Use Restriction shall remain in full force and effect and are ratified and confirmed by this instrument. The Declaration of Use Restriction, as amended hereby, shall not be further altered, amended, or modified hereafter except by written instrument signed by the parties.

**SIGNATURES ON FOLLOWING PAGES**

Recording Area


Name and Return Address

Attorney Richard R. Kobriger  
Cramer, Multhaupt & Hammes, LLP  
P.O. Box 558  
Waukesha, WI 53187-0558

Part of WAKC 1007047

Parcel Identification Number (PIN)

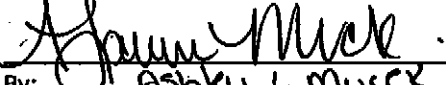
JELIVANN WAUKESHA LLC

By:   
Bret Backus, Manager

ACKNOWLEDGEMENT

STATE OF WISCONSIN     )  
  )ss.  
COUNTY OF DANE         )

Personally came before me on August 14,  
2014, Bret Backus, to me known to be the person who  
executed the foregoing instrument and acknowledged  
the same.

  
By: Ashley L. Mueck  
Notary Public, State of Wisconsin  
My Commission expires: 11/29/15

WAUKESHA STATE BANK

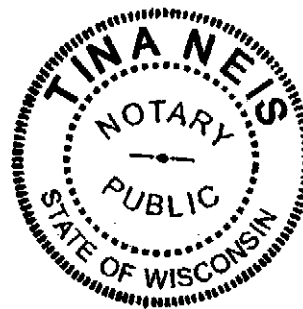
By: T. R. Taylor  
Name: Ty R Taylor  
Title: President

ACKNOWLEDGEMENT

STATE OF WISCONSIN )  
 )ss.  
COUNTY OF WAUKESHA)


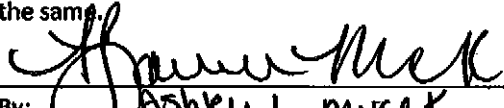
Personally came before me on JULY 14, 14  
2014, \_\_\_\_\_  
to me known to be the person who executed the  
foregoing instrument and acknowledged the same.

By: Tina Neis TINA NEIS  
Notary Public, State of Wisconsin  
My Commission expires: 12-6-15



CONSENT OF MORTGAGEE

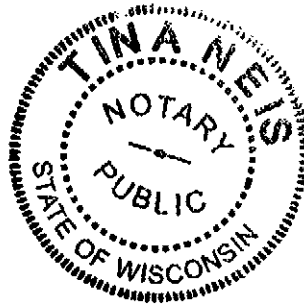
Undersigned Woodman's Food Market, Inc., the mortgagee of Lot 8 of Certified Survey Map No. 11104 being a part of the JELIVANN Property, hereby consents to this Amendment.

<p>WOODMAN'S FOOD MARKET, INC.</p> <p>By:  Bret Backus, Vice President-Real Estate</p>	<p>ACKNOWLEDGEMENT</p> <p>STATE OF WISCONSIN    )                                   )ss. COUNTY OF DANE        )</p> <p>Personally came before me on <u>August 14</u>, 2014, Bret Backus, to me known to be the person who executed the foregoing instrument and acknowledged the same.</p> <p> By: <u>Ashley L. Mueck</u> Notary Public, State of Wisconsin My Commission expires: <u>11/29/15</u></p>
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**CONSENT OF LAND LESSEE**


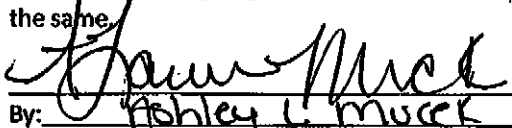
Undersigned Beres Foods, LLC, has a leasehold interest in Lot 7 of Certified Survey Map No. 11104 being a part of the JELIVANN Property, hereby consents to this Declaration.

<p>BERES FOODS, LLC</p>  <p>By: <u>Gary J Beres</u></p> <p>Name: <u>Gary J Beres</u></p> <p>Title: <u>President</u></p>	<p>ACKNOWLEDGEMENT</p> <p>STATE OF WISCONSIN    )                                      )ss. COUNTY OF WAUKESHA)</p> <p>Personally came before me on <u>November, 17,</u> 2014, <u>Gary Beres</u> to me known to be the person who executed the foregoing instrument and acknowledged the same.</p> <p>By: <u>Tina Neis</u> Tina Neis Notary Public, State of Wisconsin My Commission expires: <u>12-6-15</u></p>
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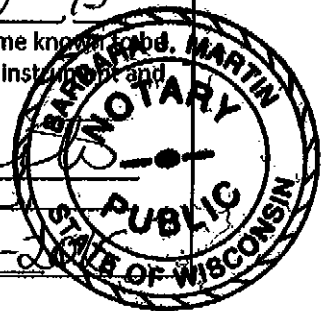
CONSENT OF MORTGAGEE

Undersigned Dealar Properties, Inc. the mortgagee of Lots 6 and 7 of Certified Survey Map No. 11104 being a part of the JELIVANN Property, hereby consents to this Amendment and further subordinates the lien of its mortgage to this Amendment.

<p>Dealar Properties, Inc.</p>  <p>By: _____ Bret A. Backus, Vice President</p>	<p>ACKNOWLEDGEMENT</p> <p>STATE OF WISCONSIN     )   )ss. COUNTY OF DANE         )</p> <p>Personally came before me on <u>August 14</u>, 2014, Bret Backus, to me known to be the person who executed the foregoing instrument and acknowledged the same.</p>  <p>By: _____ Notary Public, State of Wisconsin My Commission expires: <u>11/29/15</u></p>
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CONSENT OF MORTGAGEE

Undersigned BMO Harris Bank, N.A., the mortgagee of the Beres Parcel, hereby consents to this Agreement and further subordinates the lien of its mortgage to this Agreement.

<p>BMO Harris Bank, N.A.</p> <p>By: <u>[Signature]</u></p> <p>Name: <u>Michael Goedheer</u></p> <p>Title: <u>VP- Business Banking</u></p>	<p>ACKNOWLEDGEMENT</p> <p>STATE OF WISCONSIN     )   )ss. COUNTY OF DANE         )</p> <p>Personally came before me on <u>Nov 13</u> 2014, <u>Michael Goedheer</u> to me known and the person who executed the foregoing instrument and acknowledged the same.</p> <p>By: <u>[Signature]</u> Notary Public, State of Wisconsin My Commission expires: <u>5-10-2015</u></p> 
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This document drafted by:  
Attorney Richard R. Kobriger  
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