

Document No.

**THIRD AMENDMENT TO  
DECLARATION OF CONDOMINIUM FOR  
DELSART CONDOMINIUM**

**3109275**  
**CHERYL BERKEN**  
**BROWN COUNTY**  
**REGISTER OF DEEDS**  
**GREEN BAY, WI**  
**RECORDED ON**  
**10/22/2025 03:23 PM**  
**REC FEE: 30.00**  
**TRANS FEE:**  
**EXEMPT #**  
  
**PAGES: 11**

Return to:  
  
Attorney Katrina E. Cox  
Hager, Dewick & Zuengler, S.C.  
200 South Washington Street, Suite 200  
Green Bay, WI 54301  
  
11 VS

See attached\*  
Parcel Identification Numbers

THIS THIRD AMENDMENT (this "Amendment") is executed as of this 17<sup>th</sup> day of October, 2025, by the DE PERE MULTIFAMILY LLC ("DPM").

**RECITALS:**

A. The Declaration of Condominium for Delsart Condominium, dated September 1, 1981 and recorded on October 16, 1981 with the Brown County Register of Deeds in J 5060, I 26 as Document No. 968080, as amended by that certain Amended Declaration of Condominium for Delsart Condominium, dated March 5, 1982 and recorded on April 2, 1982 with the Brown County Register of Deeds in J 5318, I 28 as Document No. 975285, and as amended by that certain Amendment to Declaration of Condominium for Delsart Condominium, dated April 22, 1988, and recorded on May 23, 1988 with the Brown County Register of Deeds in J 13204, I 04 as Document No. 1154611 (collectively, the "Declaration") as set forth in the original Plat in Volume 1, Condominium Plats, Page 129 as Document No. 968079, as amended by that certain Amendment to Plat in J 5318, I 31 as Document No. 975286 and as legally described on **Exhibit A** attached hereto and incorporated herein.

B. Article XIV of the Declaration provides that the Declaration may be amended with the written consent of seventy-five percent (75%) of all Unit Owners and their mortgagees.

C. DPM is the Unit Owner of at least seventy-five percent (75%) of the Units, and desires to amend the Declaration as provided for in this Amendment.

D. All required consents and approvals for this Amendment have been received.

NOW, THEREFORE, the Declaration is amended as follows:

**1. Common Elements.** Paragraph 1.04 shall be revised to include the roof of the buildings and garage building as a Common Elements.

**2. Limited Common Elements.** Paragraph 1.08 shall be deleted in its entirety and replaced as follows:

“1.08 Limited Common Elements. Shall include such common property which is limited in usage to the exclusive use of one or more but less than all the Unit Owners. The property which is specified and determined to constitute a limited common element for use of the Unit and Garage Unit, as the case may be, but is not limited to, the following: The interior face of Unit or Garage Unit walls, doors and windows, including any window set in the wall of a Unit or Garage Unit, and certain parking spaces as set forth in Paragraph 4.01.”

**3. Description of Buildings.** The last sentence from Paragraph 3.01 shall be revised as follows:

“Ownership of a Unit, including a Garage Unit, if applicable, may be acquired by any individual, group or legal entity for residential purposes or residential lease purposes, as the case may be, as governed and set forth and defined in the Bylaws of the Association. In the event a Unit or Garage Unit is leased, rented or otherwise occupied by someone other than the Unit Owner, the Unit Owner shall remain solely liable for the obligations set forth in this Declaration, including, but not limited to the payment of all regular and special assessments, dues and fees levied by the Association, and under no circumstances may a Unit Owner delegate, transfer or assign their obligations under this Declaration to Tenant.”

**4. Use of Parking Spaces.** Paragraph 4.01 in the Declaration shall be deleted in its entirety and replaced as follows:

“4.01 Use of Parking Spaces. Each Unit shall have the exclusive right to the parking space and such spaces shall be limited common elements, and use shall be restricted to such Unit Owners or their guests. All other parking spaces shall be general common areas open for use by all Unit Owners and guests of Unit Owners. No Unit Owner shall have any right to assign the right to exclusive use of a parking space apart from the conveyance of a Unit.”

**5. Garages.** The following Paragraph 4.03 shall be added to the Declaration:

“4.03 Garages. Units 1-8 represent garages that can be purchased by a Unit Owner from Association or from another Unit Owner, as the case may be (“Garage Unit”). Upon the purchase of the Garage Unit, Unit Owner shall be solely responsible, including, but not limited to, the maintenance, upkeep, and responsibilities of Unit Owner for a Unit set forth in Paragraphs 5.04 and 5.05 for the Garage Unit, other than the Common Elements and Limited Common Elements which shall be governed as set forth in this Declaration. Restrictions on the Unit Owner of the Garage Unit shall be the same as the restrictions of a Unit owned by Unit Owner as set forth in Paragraph 5.07. In no event may a Garage Unit be sold or owned by a non-Unit Owner. The

Garage Units are as further described on the Addendum of Condominium Plat attached hereto and incorporated herein as **Exhibit B.**”

**6. Counterparts.** This Amendment may be executed in any number of counterparts and in separate counterparts, each of which, when so executed, shall constitute an original, but all of which, taken together, shall be one and the same instrument. Signatures of the parties transmitted by facsimile transmission or electronic pdf. format (via email) shall be deemed to be original signatures for all purposes.

**7. Reaffirmation.** Except as otherwise set forth in this Amendment, all other terms and conditions of the Declaration shall remain in full force and effect.

*(Signature Pages Follow)*

CONSENT OF MORTGAGEE

The undersigned, being the holder of a Mortgage, recorded in the Office of the Register of Deeds for Brown County, Wisconsin, on July 9, 2025, as Document No. 3098903, does hereby consent to all of the terms and conditions of the foregoing Amendment, and agrees that its interest in the property described below shall be subject in all respects to the terms thereof.

Units A, B, C, D, E, F, G and H in Building 1, and Units I, J, L, M and N in Building 2, all in the Delsart Condominium(s) created by a "Declaration of Condominium" recorded on October 16, 1981, in the Office of the Register of Deeds for Brown County, Wisconsin, as Document No. 968080, and any amendments and/or corrections thereto, and by its Condominium Plat and any amendments and/or corrections thereto. Said land being in the Village of Ashwaubenon, County of Brown, Wisconsin.

For informational purposes only:

Property Address: 2130 Elm View Drive, Units A-H, 2120 Elm View Drive, Units I, J, L, M & N, Green Bay, WI 54304  
Tax Key Number: VA-228-U-501 (Unit A), VA-228-U-502 (Unit B), VA-228-U-503 (Unit C), VA-228-U-504 (Unit D), VA-228-U-505 (Unit E), VA-228-U-506 (Unit F), VA-228-U-507 (Unit G), VA-228-U-508 (Unit H), VA-228-U-509 (Unit I), VA-228-U-510 (Unit J), VA-228-U-512 (Unit L), VA-228-U-513 (Unit M) and VA-228-U-514 (Unit N)

Dated this 17 day of October, 2025.

WEST POINTE BANK

By: [Signature]  
Name: Addison Altman  
Title: Vice President

ACKNOWLEDGMENT

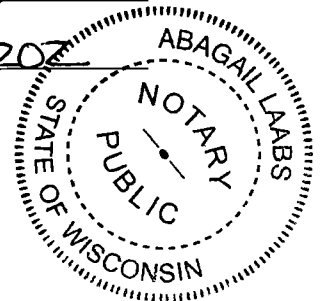
STATE OF WISCONSIN )  
 ) ss.  
COUNTY OF Waunakee )

Personally came before me this 17 day of October, 2025, the above named Addison Altman no acknowledged himself or herself to be the Vice President of West Pointe Bank and to me known to be the person who executed the foregoing instrument and acknowledged the same.

[Signature]  
Name: Abigail Laabs  
Notary Public, State of Wisconsin  
My Commission: 11/07/2027

THIS DOCUMENT DRAFTED BY  
AND SHOULD BE RETURNED TO:

Attorney Katrina E. Cox  
Hager, Dewick & Zuengler, S.C.  
200 South Washington Street, Suite 200  
Green Bay, WI 54301



IN WITNESS WHEREOF, the undersigned have executed this Amendment as of the date first above written.

DE PERE MULTIFAMILY LLC

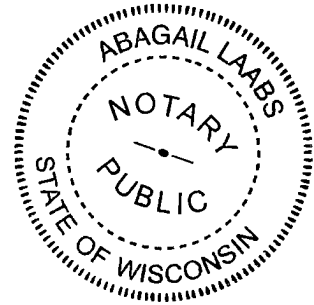
By: [Signature]  
Kevin J. Gracyalny, Member

**ACKNOWLEDGMENT**

STATE OF WISCONSIN        )  
  ) ss.  
COUNTY OF Winnebago

Personally came before me this 17 day of October, 2025, the above named Kevin J. Gracyalny, who acknowledges himself as sole Member of De Pere Multifamily LLC, and to me known to be the persons who executed the foregoing instrument and acknowledged the same.

[Signature]  
Name: Abigail Laabs  
Notary Public, State of Wisconsin  
My Commission: 11/07/2026



*Signature Page – Third Amendment to Condominium Declaration*

VA-228-U-501  
VA-228-U-502  
VA-228-U-503  
VA-228-U-504  
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VA-228-U-506  
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VA-228-U-508  
VA-228-U-509  
VA-228-U-510  
VA-228-U-512  
VA-228-U-513  
VA-228-U-514  
VA-228-U-511

EXHIBIT A

LEGAL DESCRIPTION OF CONDOMINIUM

An Addendum to Delsart Condominium, recorded as Document No 968079, in Volume 1 of Condominium Plats, Page 129, being all of Lot 4, Certified Survey Map 667, recorded in Volume 2 of Certified Survey Maps 635, as Document No. 678807; being part of being part of Parcel E, Certified Survey Map 541, Volume 2 of Certified Survey Maps, Page 381, recorded as Document No. 659661 located in the South 1/2 of Private Claim 17, West Side of the Fox River, Village of Ashwaubenon, Brown County Wisconsin.

EXHIBIT B

ADDENDUM TO CONDOMINIUM PLAT

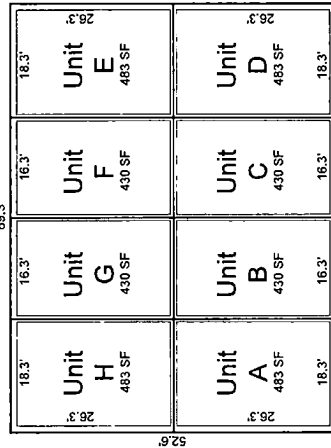
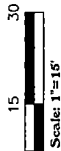
See attached.



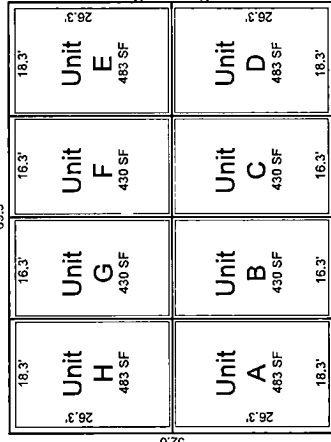
# 1st Addendum to Delsart Condominium

An Addendum to Delsart Condominium, recorded as Document No 968079, in Volume 1 of Condominium Plats, Page 129, being all of Lot 4, Certified Survey Map 667, recorded in Volume 2 of Certified Survey Maps, Page 635, as Document Number 678807; being part of Parcel E, Certified Survey Map 641, Volume 2 of Certified Survey Maps, Page 381, recorded as Document Number 659661 located in the South 1/2 of Private Claim 17, West Side of the Fox River, Village of Ashwaubenon, Brown County Wisconsin.

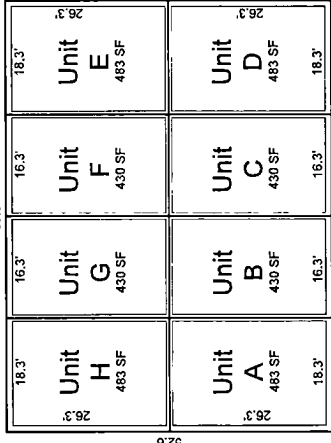
- Notes
- All dimensions are shown based on field locates of exterior of the building and are measured from exterior wall to center of walls between units.
  - The total includes all 3 floors of the Units. The areas shown are as noted may differ from other noted areas.



Second Floor



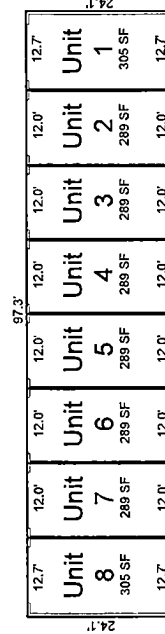
First Floor



Basement

**Total Area for Units A-H**

- Unit A: 1,449 SF
- Unit B: 1,209 SF
- Unit C: 1,209 SF
- Unit D: 1,449 SF
- Unit E: 1,449 SF
- Unit F: 1,209 SF
- Unit G: 1,209 SF
- Unit H: 1,449 SF



Garage Units

**TINT**  
SURVEYORS, Inc.  
Professional Land  
2165 S. Broadway  
Green Bay, WI 54504  
(920)406-1477  
Job # 0725-110  
1/22/2015-10:38am 5/4/2015 11:00am 5/4/2015

James R. Schloff, PLS 2692

