

Document No.

FIRST AMENDMENT TO THE DECLARATION
OF PROTECTIVE COVENANTS FOR FITCHBURG
BUSINESS AND RESEARCH PARK, CITY OF
FITCHBURG, WISCONSIN

Return to:
Jesse S. Ishikawa
Reinhart, Boerner, Van Deuren, Norris &
Rieselbach, s.c.
P.O. Box 2020
Madison, WI 53701-2020

SEE EXHIBIT B

Parcel Numbers

THIS FIRST AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS FOR FITCHBURG BUSINESS AND RESEARCH PARK (the "Amendment") is made as of this 10th day of September, 1998, by FITCHBURG RESEARCH PARK ASSOCIATES LIMITED PARTNERSHIP, a Wisconsin limited partnership ("Developer").

RECITALS:

A. Developer prepared and caused to be recorded a Declaration of Protective Covenants describing certain real property located in the City of Fitchburg, Dane County, Wisconsin as amended by a First Amendment to Declaration (the "Declaration"). The property covered by the Declaration is described on Exhibit A attached hereto and made a part hereof (the "Property"). The Declaration was recorded with the Dane County Register of Deeds on July 13, 1987 in Volume 10320 of Records, Page 26, as Document No. 2032194.

B. The Developer, pursuant to Section 6.05 of the Declaration, retains the right to amend the Declaration because less than 80% of the total square footage of the Property has been conveyed to persons other than the Developer.

C. Developer desires to amend the Declaration to subject additional property to the terms thereof.

NOW, THEREFORE, Developer hereby declares that the Declaration shall be, and the same hereby is, amended in the following manner.

1. Exhibit A to the Declaration shall be amended to add thereto Lot Three (3), Certified Survey Map No. 9025, recorded with the Dane County Register of Deeds in Vol. 50 of Certified Surveys, page 235 as Document No. 3018157 ("Lot 3"), and Lot 3 shall be included as part of the Property for all purposes under the Declaration as amended by this Amendment. Lot 3 is part of Tax Parcel No. 15-0609-104-8501-3.

2. Except as modified hereby, all remaining terms and conditions of the Declaration shall remain in full force and effect and are hereby ratified.

IN WITNESS WHEREOF, Developer has executed and delivered this Amendment as of the day and year first above written.

FITCHBURG RESEARCH PARK ASSOCIATES
LIMITED PARTNERSHIP, a Wisconsin limited
partnership ("Developer")

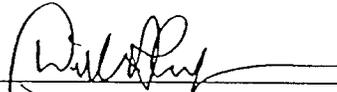
By: 
William A. Linton, General Partner

EXHIBIT A

Parcel I

All of the Northwest 1/4 of the Southwest 1/4 of Section 10, Town 6 North, Range 9 East, City of Fitchburg, Dane County, Wisconsin except the following:

- 1) Lands conveyed to Fitchburg Research Park Associates, a Limited Partnership in Warranty Deed recorded in Volume 5427 of Records, page 72 as #1823148.
- 2) Lands conveyed to Laurence E. Davies by land contract recorded in Volume 968 of Records, page 371 as #1580732 and quit claim deed recorded in Volume 3221 of Records, page 89 as #1724759. (Known as Air Comfort lands)
- 3) A parcel of land located in the Northwest 1/4 of the Southwest 1/4 of Section 10, Town 6 North, Range 9 East, City of Fitchburg, Dane County, Wisconsin to wit: Commencing at the West 1/4 corner of said Section 10; thence South 00°42'37" West, 662.30 feet; thence South 62°19'03" East, 127.74 feet to the point of beginning; thence North 00°19'24" East, 352.30 feet; thence South 89°40'36" East, 256.42 feet; thence South 00°25'59" West, 201.27 feet; thence North 89°39'37" West, 182.99 feet; thence South 00°25'17" West, 151.19 feet; thence North 89°35'40" West, 72.78 feet to the point of beginning. (Known as Promega lands)
- 4) Lands platted as "Fitchburg Research Park."
- 5) Lands platted as "First Addition to Fitchburg Research Park."
- 6) Lands platted as "Second Addition to Fitchburg Research Park."

Parcel II

All of the Southwest 1/4 of the Northwest 1/4 of Section 10, Town 6 North, Range 9 East, City of Fitchburg, Dane County, Wisconsin except the following:

- 1) A 7 acre parcel of land conveyed to Pete Plaas aka H.P. Plaas by deed recorded in Volume 435 of Deeds, page 283 as #673450.

- 2) One acre parcel, more or less, deeded to John Eaton and wife by deed recorded in Volume 501 of Deeds, page 539 as #750292.
- 3) Lands conveyed to Orrin D. Lokken and Mary J. Lokken in Volume 250 of Records, page 433 as #1291012 and Volume 5443 of Records, page 10 as #1823763. Subject to and together with access easement and right of way set forth therein and subject to agreement recorded in Volume 250 of Records, page 434 as #1291013.
- 4) Lot One (1) Certified Survey Map #3021 recorded in Volume 11 of Certified Survey Map, page 465 as #1598275 including lands shown thereon as "Reserved for Future Road," City of Fitchburg, Dane County, Wisconsin.
- 5) Lands platted as the "Fitchburg Center -- North Plat."

Parcel III

Lot One (1) Certified Survey Map #3021 recorded in Volume 11 of Certified Survey Map, page 465 as #1598275 including lands shown thereon as "Reserved for Future Road," City of Fitchburg, Dane County, Wisconsin.

Parcel IV

Part of the Northeast 1/4 of the Northwest 1/4 of Section 10, Town 6 North, Range 9 East, City of Fitchburg, Dane County, Wisconsin described as follows:
Commencing at the Southwest corner of said 40 acres; thence North 40 rods along the West line of said 40 acres; thence East 64 rods; thence South 40 rods; thence West 64 rods to the place of beginning (containing 16 acres more or less).
Excluding therefrom lands platted as "Fitchburg Center -- North Plat."

Parcel V

The Southeast 1/4 of the Northwest 1/4 of Section 10, Town 6 North, Range 9 East, City of Fitchburg, Dane County, Wisconsin.

The Southwest 1/4 of the Southwest 1/4 of the Northeast 1/4 of Section 10, Town 6 North, Range 9 East, City of Fitchburg, Dane County, Wisconsin.

Parcel VI

The Northwest 1/4 of the Southwest 1/4 of the Northeast 1/4 of Section 10, Town 6 North, Range 9 East, City of Fitchburg, Dane County, Wisconsin.

The East 1/2 of the Southwest 1/4 of the Northeast 1/4 of Section 10, Town 6 North, Range 9 East, City of Fitchburg, Dane County, Wisconsin.

Excepting therefrom lands platted as "Fitchburg Center -- North Plat."

Parcel VII

A parcel of lands located in the Northwest 1/4 of the Southwest 1/4 of Section 10 and in the Northeast 1/4 of the Southeast 1/4 of Section 9, Town 6 North, Range 9 East, City of Fitchburg, Dane County, Wisconsin, to wit:

Commencing at the West 1/4 corner of said Section 10; thence South 00°42'37" West, 211.10 feet to the point of beginning; thence South 89°17'23" East, 180.00 feet; thence South 00°42'37" West, 30.00 feet; thence South 82°35'42" East, 484.35 feet; thence North 89°38'20" East, 330.61 feet; thence South 82°23'00" East 347.42 feet; thence South 01°04'28" West, 893.19 feet; thence South 86°25'30" West, 1334.56 feet; thence South 89°47'30" West, 99.77 feet; thence North 02°08'51" East, 400.00 feet; thence South 89°47'33" West, 285.05 feet; thence North 02°08'51" East, 261.61 feet; thence North 89°23'06" East, 368.28 feet; thence South 62°19'03" East, 127.74 feet; thence North 00°19'24" East, 352.30 feet; thence South 89°40'36" East, 256.42 feet; thence South 00°25'59" West, 352.67 feet; thence North 89°35'40" West, 255.74 feet; thence North 62°19'03" West, 127.74 feet; thence North 00°42'37" East, 451.20 feet to the point of beginning.

Subject to an easement for ingress and egress over the following described parcel:

A parcel of land located in the Northeast 1/4 of the Southeast 1/4 of Section 9, Town 6 North, Range 9 East and in the Northwest 1/4 of the Southwest 1/4 of Section 10, Town 6 North, Range 9 East, City of Fitchburg, Dane County, Wisconsin to wit:

Commencing at the East 1/4 corner of said Section 9; thence along the East line of said Section 9, South 00°42'37" West, 629.29 feet to the point of beginning;

thence North 89°23'06" East, 113.25 feet; thence South 00°19'24" West, 66.01 feet; thence South 89°23'06" West, 482.80 feet to the centerline of Fish Hatchery Road; thence along said centerline North 02°08'51" East, 33.04 feet; thence North 89°23'06" East, 368.28 feet; thence North 00°42'37" East, 33.01 feet to the point of beginning.

Excepting therefrom lands deeded to Dane County for highway purposes in Volume 5366 of Records, page 57 as #1820546.

Excepting therefrom lands platted as "Fitchburg Center-- North Plat."

Excepting therefrom lands platted as "First Addition to Fitchburg Research Park."

Excepting therefrom lands platted as "Second Addition to Fitchburg Research Park."

Parcel VIII

Part of the Southwest 1/4 of Section 10, Township 6 North, Range 9 East, Town of Fitchburg, and part of the Southeast 1/4 of the Southeast 1/4 of Section 9, Township 6 North, Range 9 East, City of Fitchburg, all in Dane County, Wisconsin, more fully described as follows:

Beginning at the Southwest corner of said Section 10; thence North 85°54' East along the South line of said Section, 936.3 feet; thence North 330.0 feet; thence North 85°54' East, 421.0 feet; thence South 330 feet; thence North 85°54' East, 230 feet more or less to a point South 85°54' West, 1056 feet from the South 1/4 corner of said Section 10; thence North 330 feet; thence North 85°54' East, 396 feet; thence North 33 feet; thence North 85°54' East, 132 feet; thence South 33 feet; thence North 85°54' East, 478 feet; thence South 330 feet; thence North 85°54' East, 50 feet to the South 1/4 corner of said Section 10; thence North 2640 feet more or less along the North-South quarter line of said Section 10 to the center of said Section 10; thence West along the East-West quarter line of said Section 10, 1320 feet more or less to the Northwest corner of the Northeast 1/4 of the Southwest 1/4 of said Section 10; thence South 1320 feet more or less along the West line of said Northeast 1/4 of the Southwest 1/4; thence West 1320 feet more or less along the North line of the Southwest 1/4 of the Southwest 1/4 of said Section 10; thence West 400 feet more or less along the North line of the Southeast 1/4 of the Southeast 1/4 of said Section 9 to the centerline of Fish Hatchery Road; thence South 1320 feet more or less along the centerline of said

road to the South line of said Section 9; thence East 400 feet more or less along the South line of said Section 9 to the point of beginning of this description.

EXCEPTING FROM THE ABOVE:

- 1) Lots 1 and 2 of Certified Survey Map No. 2379 recorded in the Office of the Register of Deeds for Dane County, Wisconsin on May 11, 1997 in Volume 9 of Certified Survey Maps, Page 259, as Document No. 1516966, located in the City of Fitchburg.
- 2) Land conveyed to County of Dane set forth in Warranty Deed recorded September 9, 1983 in Volume 4908 of Records, Page 42, as Document No. 1799796.
- 3) Lands platted as "Fitchburg Center -- North Plat."
- 4) Lands platted as "First Addition to Fitchburg Research Park."
- 5) Lands platted as "Second Addition to Fitchburg Research Park."

Parcel IX

Lot Two (2), Certified Survey Map No. 2379 recorded in the Office of the Register of Deeds for Dane County, Wisconsin on May 11, 1977 in Volume 9 of Certified Survey Maps, Page 259, as Document No. 1516966, located in the City of Fitchburg.

Parcel X

Lots One (1) through Fifteen (15) Fitchburg Research Park, in the City of Fitchburg, Dane County, Wisconsin.

Parcel XI

Lot Sixteen (16), First Addition to Fitchburg Research Park, in the City of Fitchburg, Dane County, Wisconsin.

Parcel XII

Lots Seventeen (17) through Twenty (20), inclusive, Fitchburg Research Park, in the City of Fitchburg, Dane County, Wisconsin.

Parcel XIII

Lots One (1) through Thirteen (13) and Outlots One (1) through Nine (9), Fitchburg Center -- North Plat, in the City of Fitchburg, Dane County, Wisconsin.

Lot #	Current Parcel #
Fitchburg Research Park Plat:	
01	15-0609-103-3001-9
01	15-0609-103-3002-8
01	15-0609-103-3003-7
02	15-0609-103-3012-6
03	15-0609-103-3023-3
04	15-0609-103-3034-0
05	15-0609-103-3045-7
06	15-0609-103-3056-4
07	15-0609-103-3067-1
08	15-0609-103-3078-8
09	15-0609-103-3089-5
10	15-0609-103-3100-9
11	15-0609-103-3111-6
12	15-0609-103-3122-3
13	15-0609-103-3133-0
14	15-0609-103-3144-7
15	15-0609-103-3155-4
East of 13-15	15-0609-103-8000-0
East of 13-15	15-0609-103-8001-9
East of 13-15	15-0609-103-8002-8
15	15-0609-103-3156-3
16	15-0609-103-3166-1
	15-0609-103-9011-5
17	15-0609-103-4501-2
18	15-0609-103-4532-5
19	15-0609-103-4563-8
20	
Fitchburg Center North Plat:	
	15-0609-103-8004-6
	15-0609-102-8190-2
	15-0609-094-8410-6
	15-0609-094-8350-9
	15-0609-103-8500-5
	15-0609-103-8501-4
	15-0609-103-8665-7
	15-0609-103-9000-8
	15-0609-103-9500-3
	15-0609-101-9000-0
	15-0609-102-9000-9
	15-0609-102-9065-2
	15-0609-101-8070-6
	15-0609-101-9190-1
	15-0609-102-9500-4
01	15-0609-102-4001-8
02	15-0609-102-4152-6

Lot #	Current Parcel #
03	15-0609-102-6003-2
04	15-0609-102-6154-0
05	15-0609-103-0005-1
06	15-0609-103-0156-9
07	15-0609-101-4007-3
08	15-0609-103-2008-4
09	15-0609-103-2159-2
10	15-0609-103-2310-7
11	15-0609-103-2461-5
12	15-0609-103-2612-2
13	15-0609-103-2763-0
0-1	15-0609-102-4301-5
0-2	15-0609-102-6302-0
0-3	15-0609-102-6453-8
0-4	15-0609-101-4154-5
0-5	15-0609-102-6605-4
0-6	15-0609-102-4456-9
0-7	15-0609-103-0307-6
0-8	15-0609-103-2908-5
0-9	15-0609-102-4609-4
Other Lands:	15-0609-103-8003-7 15-0609-104-8501-3 15-0609-103-9142-7 15-0609-103-8153-4 15-0609-103-9244-4 15-0609-094-9500-5 15-0609-103-9770-7 15-0609-103-9650-2 15-0609-103-9001-7 15-0609-103-9501-2 15-0609-103-9280-0