

RELEASE OF DECLARATION OF COVENANTS AND RESTRICTIONS

Document Number

Document Title

Recording Area

Peter Turke
Turke & Steil S.C.
613 Williamson Street, Suite 201
Madison, WI 53703

Name and Return Address

See Exhibits A and B

Parcel Identification Number (PIN)

RELEASE OF DECLARATION OF COVENANTS AND RESTRICTIONS

THIS RELEASE OF DECLARATION OF COVENANTS AND RESTRICTIONS (this “Release”) is made as of this ___ day of _____, 2026, by and between Rozelle Investments, LLC, a Wisconsin limited liability company (“Rozelle Owner”), ECC Rentals, LLC, a Wisconsin limited liability company (“ECC Rentals Owner”), and the City of Whitewater, Wisconsin, a municipal corporation (the “City”). Rozelle Owner and ECC Rentals Owner shall hereinafter individually be referred to as an “Owner” and collectively referred to as the “Owners”.

WHEREAS, Rozelle is the current owner of certain real property more particularly described on Exhibit A attached hereto (the “Rozelle Property”);

WHEREAS, ECC Rentals Owner is the current owner of certain real property more particularly described on Exhibit B attached hereto (the “ECC Rentals Property”);

WHEREAS, The Rozelle Property and the ECC Rentals Property shall hereinafter individually be referred to as a “Property” and collectively referred to as the “Properties”;

WHEREAS, the City is a prior owner of all the Properties and at the time the City owned all the Properties, the City executed a certain Declaration of Covenants and Restrictions on December 19, 2005, and recorded as Document No. 663591 in the Office of the Register of Deeds for Walworth County, Wisconsin on December 22, 2005 (the “Declaration”);

WHEREAS, pursuant to Article VIII of the Declaration, any Owner or the City may seek to enforce the restrictions and covenants contained in the Declaration;

WHEREAS, pursuant to Articles IX of the Declaration, two-thirds (2/3) of the Owners may vote to terminate the covenants, restrictions and provisions contained in the Declaration, provided the Common Council of the City approves such termination (after review and recommendation by the Plan and Architectural Review Board of the City of Whitewater);

WHEREAS, all the Owners have voted to terminate the covenants, restrictions and provisions contained in the Declaration, the Common Council of the City has approved such termination (after review and recommendation by the Plan and Architectural Review Board of the City of Whitewater) via resolution # _____; and

WHEREAS, all the Owners and the City desire to execute and record this Release to provide notice that the Declaration has been terminated and the Owners and the City have released any and all rights in connection therewith.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby confirmed, the Owners and the City hereby terminate the Declaration, and the Owners and the City hereby release and forever discharge and release all rights, title, interests, and obligations created by or relating to the Declaration. The Declaration is of no further force or effect. This Release sets forth the entire agreement between the Owners and the City with respect to the matters set forth herein. There have been no additional oral or written representations or agreements. This Release shall bind the Owners, the City and their respective successors and assigns. This Release may be executed in any number of counterparts, each of such counterparts, for all purposes, shall be deemed an original but all of such counterparts taken together shall constitute but one and the same instrument.

Effective as of this ____ day of _____, 2026.

[Remainder of Page is Intentionally Blank; Signature Pages Follow]

Rozelle Investments, LLC, a Wisconsin limited liability company

By: _____
Name: _____
Title: _____

STATE OF WISCONSIN)
) ss.
COUNTY OF _____)

Personally came before me this ____ day of _____, 2026, the above-named _____ to me known to be the _____ of _____, a _____, who executed the foregoing instrument and acknowledge the same on behalf of said _____.

Name: _____
Notary Public, State of Wisconsin
My Commission _____

ECC Rentals, LLC, a Wisconsin limited liability company

By: _____
Name: _____
Title: _____

STATE OF WISCONSIN)
) ss.
COUNTY OF _____)

Personally came before me this ____ day of _____, 2026, the above-named _____ to me known to be the _____ of _____, a _____, who executed the foregoing instrument and acknowledge the same on behalf of said _____.

Name: _____
Notary Public, State of Wisconsin
My Commission _____

APPROVED:

City of Whitewater, Wisconsin, a municipal corporation

By: _____
Name: John Weidl
Title: City Manager

ATTEST:

By: _____
Name: Heather Boehm
Title: City Clerk

STATE OF WISCONSIN)
) ss.
COUNTY OF _____)

Personally came before me this ____ day of _____, 2026, the above-named _____ to me known to be the _____ of _____, a _____, who executed the foregoing instrument and acknowledge the same on behalf of said _____.

Name: _____
Notary Public, State of Wisconsin
My Commission _____

APPROVED AS TO FORM:

By: _____
Name: Steven T. Chesebro
Title: City Attorney

This document was drafted by:

Peter Turke
Turke & Steil S.C.
613 Williamson Street, Suite 201
Madison, WI 53703

EXHIBIT A

**ROZELLE PROPERTY
LEGAL DESCRIPTION**

Lots 1-3 of Certified Survey Map No. 4104 recorded in the Office of the Register of Deeds for Walworth County, Wisconsin on November 27, 2007 as Document No. 724337. [NEED TO CONFIRM LEGAL DESCRIPTION MATCHES LAST DEED OF RECORD]

Parcel Identification Number (PIN): /A410400001, /A410400002, and /A410400003.

EXHIBIT B

**ECC RENTALS PROPERTY
LEGAL DESCRIPTION**

Lot 4 of Certified Survey Map No. 4104 recorded in the Office of the Register of Deeds for Walworth County, Wisconsin on November 27, 2007 as Document No. 724337. [NEED TO CONFIRM LEGAL DESCRIPTION MATCHES LAST DEED OF RECORD]

Parcel Identification Number (PIN): /A410400004.