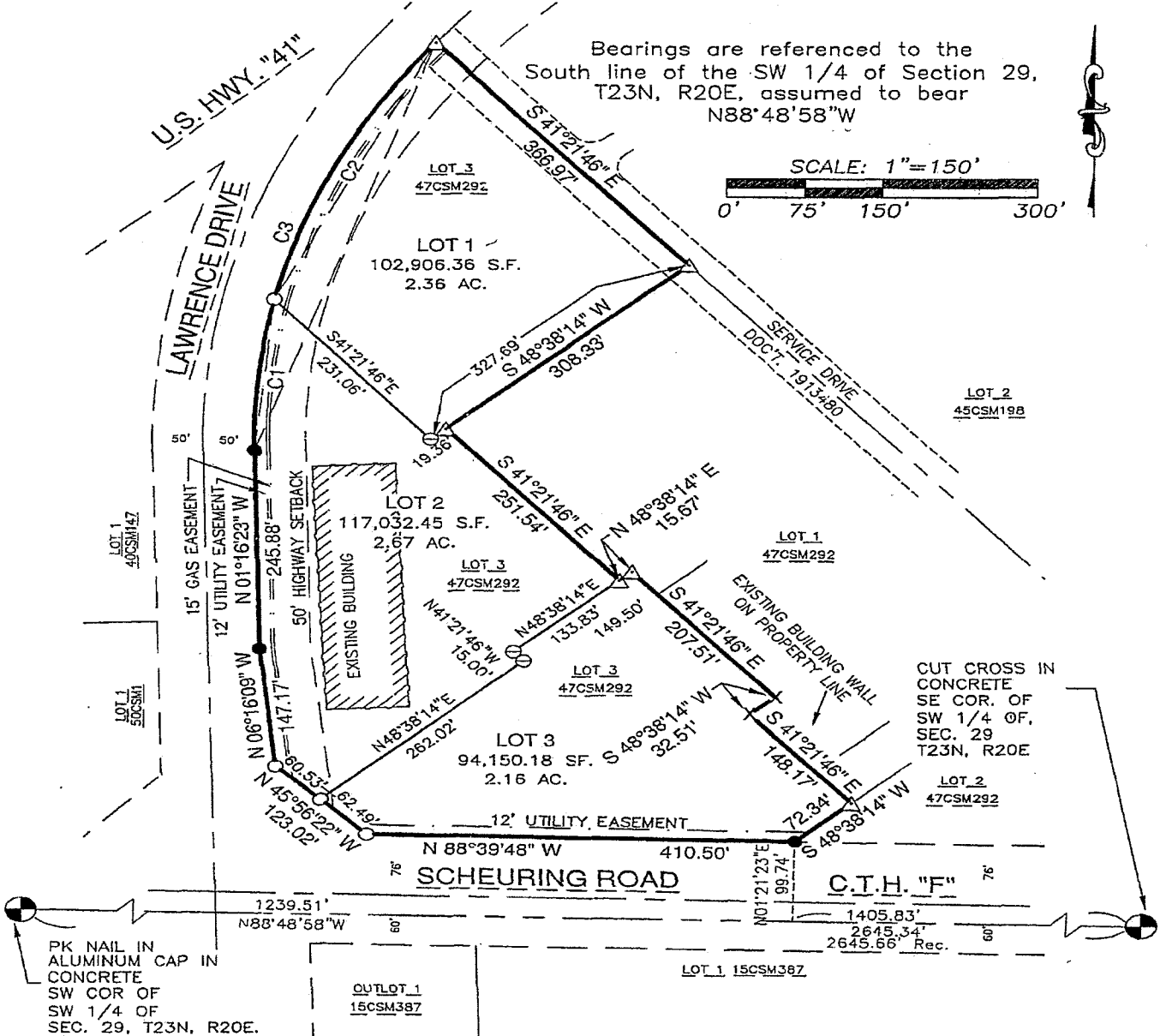


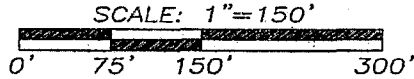
# 2343956 CERTIFIED SURVEY MAP

7741

ALL OF LOT 3, OF VOLUME 47, CERTIFIED SURVEY MAPS, PAGE 292, MAP NUMBER 7044  
 LOCATED IN PART OF THE SW 1/4 OF THE SW 1/4, SECTION 29, T23N, R20E,  
 IN THE CITY OF DE PERE, BROWN COUNTY, WISCONSIN.



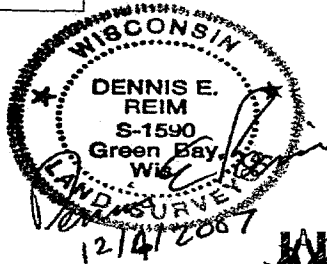
Bearings are referenced to the South line of the SW 1/4 of Section 29, T23N, R20E, assumed to bear N88°48'58\"W



PK NAIL IN ALUMINUM CAP IN CONCRETE SW COR OF SW 1/4 OF SEC. 29, T23N, R20E.

## LEGEND

- Existing 1"  $\varnothing$  Iron Pipe, Unless otherwise noted
- Set 1" x 24" Iron Pipe weighing 1.38 lbs./lin. ft.
- ⊕ Recorded County Monument
- x Existing Cut Cross
- △ Existing PK Nail in Bit.
- ⊖ Set PK Nail in Bituminous



**Robert E. Lee & Associates, Inc.**  
 ENGINEERING, SURVEYING, ENVIRONMENTAL SERVICES  
 4664 GOLDEN POND PARK COURT  
 ONEIDA, WI 54155  
 INTERNET: www.releainc.com  
 PHONE: (920) 682-9641  
 FAX: (920) 662-9141

File: R:\4200\4271\4271052\DWG\4271052CSM.dwg  
 Plot Date: Dec 06, 2007 - 11:02am

SHEET 1 OF 3

VOL 53 PAGE 171

| CURVE TABLE |           |            |        |               |              |             |             |
|-------------|-----------|------------|--------|---------------|--------------|-------------|-------------|
| CURVE       | DELTA     | ARC LENGTH | RADIUS | CHORD BEARING | CHORD LENGTH | TANGENT BRG |             |
| C1          | 14°07'36" | 189.48     | 768.51 | N05°42'13.5"E | 189.00       |             |             |
| C2          | 26°41'22" | 357.99     | 768.51 | N26°06'42"E   | 354.76       |             |             |
| C3          | 40°48'58" | 547.47     | 768.51 | N19°02'54"E   | 535.96       | N01°21'35"E | N39°27'23"E |

### SURVEYOR'S CERTIFICATE

I, Dennis E. Reim., Registered Land Surveyor, do hereby certify that by the order and under the direction of Midwest Expansion, LLP (Owner), I have surveyed, divided and mapped a parcel of land being all of Lot 3, Volume 45 Certified Survey Maps, Page 292, Map #7044, located in the Southwest 1/4 of the Southwest 1/4, Section 29, T23N, R20E, City of De Pere, Brown County, Wisconsin, described as follows:

Commencing at the SE Corner of the SW 1/4, Section 29, T23N, R20E, an existing cross cut in concrete;  
 thence N88°48'58"W, 1405.83 feet to a point on the south line of the SW 1/4, Section 29; thence N01°21'23"E, 99.74 feet to the POINT OF BEGINNING;  
 thence N88°39'48"W, 410.50 feet along the northerly right of way line of Scheuring Road;  
 thence N45°56'22"W, 123.02 feet;  
 thence N06°16'09"W, 147.17 feet along the easterly right of way line of Lawrence Drive;  
 thence N01°16'23"W, 245.88 feet along said right of way line;  
 thence 547.47 feet along the arc of a 768.51 foot radius curve to the right, having a long chord which bears N19°02'54"E, 535.96 feet;  
 thence S41°21'46"E, 366.97 feet;  
 thence S48°38'14"W, 308.33 feet;  
 thence S41°21'46"E, 251.54 feet;  
 thence N48°38'14"E, 15.67 feet;  
 thence S41°21'46"E, 207.51 feet;  
 thence S48°38'14"W, 32.51 feet;  
 thence S41°21'46"E, 148.17 feet;  
 thence S48°38'14"W, 72.34 feet to the Point of Beginning.

Said parcel contains 314,394 Sq. Ft. (7.22 acres) of land, more or less

That the within map is a true and correct representation of the exterior boundaries of the land surveyed and the division of it and that I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes and with Chapter 14 of the General Ordinances of the City of De Pere in the surveying, dividing and mapping of the same.

Dated this 4 day of DECEMBER, 2007.

*Dennis E. Reim*

Dennis E. Reim RLS #1590  
 ROBERT E. LEE & ASSOCIATES, INC.



THE REAL ESTATE PROPERTY DESCRIBED WITHIN THIS CSM IS SUBJECT TO THE TERMS AND CONDITIONS OF THE DECLARATION OF COVENANTS, RESTRICTIONS AND EASEMENTS BY BOULDER VENTURE 14, LLC DATED MARCH 14, 2003 AND RECORDED ON MARCH 14, 2003 AT THE BROWN COUNTY REGISTER OF DEEDS AS DOCUMENT # 1991177, AS FURTHER AMENDED ON APRIL 15, 2004.

### RESTRICTIVE COVENANTS

- 1) The land on all side and rear lot lines of all lots shall be graded by the property owner and maintained by the abutting property owners to provide for adequate drainage of surface water.
- 2) Each lot owner shall grade the property to conform to the adopted sidewalk grade elevation and maintain said elevation for future sidewalks.
- 3) No poles, pedestals or buried cables are to be placed so as to disturb any survey stake or obstruct vision along any lot lines or street line, a disturbance of a survey stake by anyone is a violation of section 236.32 of the Wisconsin Statutes.

SHEET 2 OF 3

File: R:\4200\4271\4271052\DWG\4271052CSM.dwg  
 Plot Date: Dec 06, 2007 - 11:01am

**Robert E. Lee & Associates, Inc.**  
 ENGINEERING, SURVEYING, ENVIRONMENTAL SERVICES  
 4664 GOLDEN POND PARK COURT  
 ONEIDA, WI 54155 PHONE: (920) 662-9641  
 INTERNET: www.releeinc.com FAX: (920) 662-9141

WCT 53 N172

2343956

**CORPORATE OWNER'S CERTIFICATE**

Midwest Expansion, LLP, a limited liability partnership duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, certify that said company caused the land described on this map to be surveyed, divided and mapped as represented on this map.

Midwest Expansion, LLP, does further certify that this map is required by S.236.10 or 236.12 to be submitted to the following for approval or objection:

City of De Pere


Witness the hand and seal of Midwest Expansion, LLP, has caused these presents to be signed by Jeff Noeldner, it's Managing Partner, this 5 day of DECEMBER, 2007.

Midwest Expansion, LLP

  
Jeffrey Noeldner, Managing Partner

STATE OF WISCONSIN)  
BROWN COUNTY) SS

Personally came before me this 5 day of DECEMBER, 2007, the above ~~named~~ Jeffrey Noeldner, Midwest Expansion, LLP, to me known to be the same person who executed the foregoing instrument and acknowledged the same.

 MATTHEW KRAMER  
Notary Public, BROWN COUNTY, State of WI

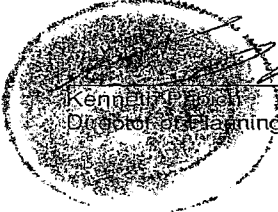
My commission expires 3-20-11



**PLANNING COMMISSION APPROVAL**

Approved by the Planning Commission of the City of De Pere, on this 5 day of DECEMBER, 2007.

  
Kenneth P. ...  
Director of Planning Commission



Office of the Register of Deeds  
Brown County, Wisconsin  
Received for Record December 10<sup>th</sup>, 2007  
at 11:35 o'clock A M and recorded as  
Document # 2343956 in  
Volume 53 of CSM's on Page 171  
Cathy Williquette  
Cathy Williquette, Register of Deeds

# 15<sup>02</sup>



 **Robert E. Lee & Associates, Inc.**  
ENGINEERING, SURVEYING, ENVIRONMENTAL SERVICES  
4664 GOLDEN POND PARK COURT  
ONEIDA, WI 54155  
INTERNET: www.releinc.com  
PHONE: (920) 662-9641  
FAX: (920) 662-9141

File: R:\4200\4271\4271052\DWG\4271052CSM.dwg  
Plot Date: Dec 06, 2007 - 11:02am

SHEET 3 OF 3

VOL 53 PAGE 173



8 0 0 6 5 9 2 9

Tx:40045716

**2551282**

**CATHY WILLIQUETTE LINDSAY  
BROWN COUNTY RECORDER**

**GREEN BAY, WI  
RECORDED ON**

**12/12/2011 2:33 PM**

**REC FEE: 30.00**

**EXEMPT #**

**PAGES: 9**

|              |                                |
|--------------|--------------------------------|
| DOCUMENT NO. | RESTRICTIVE COVENANT AGREEMENT |
|--------------|--------------------------------|

This Restrictive Covenant Agreement (the "Agreement") is made and entered into as of this 26<sup>th</sup> day of October, 2011, by and among Midwest Expansion, LLP ("Midwest"), Woodridge Holdings, Inc. ("Woodridge"), and DK Holdings of Wisconsin, LLC ("DK") (collectively, Midwest, Woodridge and DK shall be the "Owners").

WITNESSETH

THIS SPACE RESERVED FOR RECORDING DATA

RETURN TO:  
 Attorney Terence P. Fox  
 P.O. Box 1180  
 Manitowoc, WI 54221-1180

WD-D0020, WD-D0020-6, WD-D0020-4,  
WD-D0020-5

PARCEL IDENTIFICATION NUMBER (PIN)

WHEREAS, Midwest is the owner of that certain tract or parcel of land lying and being in De Pere, Wisconsin and more particularly described on **Exhibit A** (the "Midwest Property");

WHEREAS, Woodridge is the owner of that certain tract or parcel of land lying and being in De Pere, Wisconsin and more particularly described on **Exhibit B** (the "Woodridge Property");

WHEREAS, DK is the owner of that certain tract or parcel of land lying and being in De Pere, Wisconsin and more particularly described on **Exhibit C** (the "DK Property");

WHEREAS, Midwest and Woodridge entered into an Offer to Purchase dated February 13, 2004 (the "Offer to Purchase"), pursuant to which Woodridge purchased and developed the Woodridge Property;

WHEREAS, Paragraph 2 of Addendum A to the Offer to Purchase indicates that the Offer to Purchase is subject to the Midwest Property, the Woodridge Property and the DK Property being affected by certain restrictive covenants, as more particularly described in Paragraph 1, below;

WHEREAS, the restrictive covenants referenced in Paragraph 2 of Addendum A to the Offer to Purchase were not recorded in connection with the purchase by Woodridge of the Woodridge Property; and

WHEREAS, the Owners desire to execute this Agreement for the purpose of recording the restrictive covenants referenced in Paragraph 2 of Addendum A to the Offer to Purchase.

NOW, THEREFORE, in consideration of the mutual covenants set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties, intending to be legally bound, hereby agree as follows:

1. Restrictions on Use. The Midwest Property and the DK Property shall be subject to the following restrictive covenant:

The Midwest and DK property shall be prohibited from containing any business on its respective property that contains the following restaurants: Culver's, McDonald's, Burger King, Wendy's, Sonic, Cold Stone Creamery, A & W and/or any other ice cream or custard restaurant or one that sells yogurt or smoothies.

2. Successors and Assigns. This Agreement shall be binding upon and shall inure to the benefit of the Owners and their respective successors and assigns.

IN WITNESS WHEREOF, the parties hereto have executed this Restrictive Covenant Agreement as of the date and year first written above.

MIDWEST EXPANSION, LLP

By: \_\_\_\_\_

Name: JEFFREY NOBLONAC

Its: MANAGING PARTNER

STATE OF WI )  
BROWN COUNTY ) SS

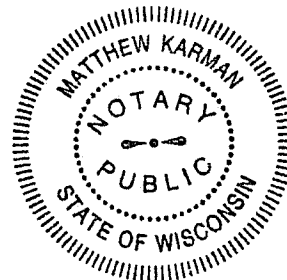
Personally came before me on NOVEMBER 7, 2011, the above-named JEFF NOBLONAC, on behalf of Midwest Expansion, LLP, to me known to be the person who executed the foregoing instrument and acknowledged the same on behalf of Midwest Expansion, LLP.

By: \_\_\_\_\_

Name: MATTHEW KARMAN

Notary Public, State of WISCONSIN

My Commission Expires: 1-4-15



WOODRIDGE HOLDINGS, INC.

By: *Terri L. Fote*

Name: Terri L. Fote

Its: President

STATE OF WISCONSIN )  
  ) SS  
MANITOWOC COUNTY )

Personally came before me on 26<sup>TH</sup> day of October, 2011, the above-named Terri L. Fote, on behalf of Woodridge Holdings, Inc., to me known to be the person who executed the foregoing instrument and acknowledged the same on behalf of Woodridge Holdings, Inc..

By: *Terence P. Fox*

Name: Terence P. Fox

Notary Public, State of Wisconsin

My Commission Expires is permanent.

