



Register of Deeds
Calumet County, WI

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Ellen Propson

STATEMENT OF RESTRICTIVE COVENANTS

Document Number

Gerhard P. Matenaer, as Trustee of the G.P. Matenaer Trust, dated June 14, 1989, ("Owner") being the owner of all of the Lots described on attached Exhibit "A" in the Matenaer Heights Subdivision, Second Addition, (hereinafter referred to as the "Lots"), located in the City of New Holstein, Calumet County, Wisconsin, does hereby establish the covenants, conditions, reservations, and restrictions ("*covenants*") upon which and subject to which the Lots and portions of such Lots shall be maintained. Each and every one of these covenants is for the benefit of the owners and any subsequent owner of any Lot. All covenants shall benefit and pass with each parcel of the property, and shall bind the respective successors in interest of the present owner. These covenants are imposed upon such Lots, all of which are to be construed as restrictive covenants running with the title to such Lots and with each and every part thereof:

Record this document with the Register of Deeds

Name and return address:

Gerhard P. Matenaer
1412 Melissa Lane
New Holstein, WI 53061

SECTION 1: SUBDIVIDING

Lots contained in the subdivision shall not be redivided or subdivided in any way to create an additional buildable lot.

SECTION 2: DWELLING SIZE

Homes constructed in said subdivision shall contain a minimum ground floor square feet of living space, exclusive of garages, breezeways, open porches or covered patios, as follows:

- A. **One-story dwelling.** 1,300 square feet, plus two-car attached garage or larger.
- B. **Split-level dwelling.** 1,000 square feet on the ground floor, plus two-car attached garage or larger.
- C. **Two-story and 1½-story dwelling.** 900 square feet on the first floor and 600 square feet on the second floor plus two-car attached garage or larger.
- D. **Duplex/Condo/Townhouse/Apartment.** 900 square feet per dwelling unit, plus single car, attached garage or larger, per dwelling.

SECTION 3: ARCHITECTURAL DRAWINGS

Prior to any construction, written approval must be obtained from the Architectural Control Committee approving the final drawings. "*Architectural Control Committee*" shall mean the body designated to review plans and to grant or withhold certain other approvals in connection with improvements and developments within the Subdivision. The Committee shall be composed of three (3) members, who shall be appointed by the Owner.

SECTION 4: OUTBUILDING

Only one accessory building per lot shall be permitted on any Lot and the accessory building shall comply with the city ordinance. Any outbuildings for condominiums must be specified on the original plat. Outbuildings must be finished on the exterior with a similar finish and color to that of the house. All outbuildings must be on a concrete slab or foundation.

SECTION 5: CONSTRUCTION/RESIDENCE

A. All dwellings must be completed within one (1) year of the initiation of construction and have a permanent finish on the exterior within six (6) months of the initiation of construction.

B. All dwellings must have a foundation below the frost line.

C. All dwellings, including component supplied housing, must be site assembled. No modular, manufactured housing or mobile homes may be moved or located on any Lot or Lots temporarily or permanently.

D. The land on all sites and real Lot lines of all Lots shall be graded by the Contractor and maintained by the abutting property owners to provide for adequate drainage of surface water.

E. Each Lot owner shall grade the property abutting the street to conform to the adopted sidewalk grade elevation and maintain said elevation for future sidewalks.

F. All lawn landscapes must be completed within one year of occupancy of the residential dwelling.

SECTION 6: EXTERIORS AND ROOFS

The exterior of all structures shall be brick, stone, stucco, cedar, vinyl, aluminum, steel siding or refinished manufactured siding. No roof pitches shall be less than 3" rise per foot.

SECTION 7: DRIVEWAYS

Driveways must be blacktop, concrete or paving blocks and installed within one (1) year of the initiation of construction or within one (1) year of when the street is paved and blacktopped, whichever is later.

SECTION 8: STORAGE AND RECREATIONAL VEHICLES

No recreational vehicles, bus, trailer, boat, unlicensed or inoperable automobile, machinery, construction materials (other than during construction or remodeling of a dwelling) or any other debris, junk, or unsightly material shall be stored, kept, or maintained on any Lot in the subdivision other than in the dwelling or the residential garage. A recreational vehicle, boat, trailer, snowmobile,

or similar recreation item may be kept on the property for temporary periods incidental to their usage as long as in compliance with the City of New Holstein zoning codes and/or ordinances applicable to residential property.

SECTION 9: FENCES

No stockade type fence shall be erected upon any Lot in the subdivision. Decorative, wood or stone fences shall be permitted only with approval by the Architectural Control Committee.

SECTION 10: SURVEY MARKERS

A. No poles, pedestals or buried cable 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.

B. All property owners and their contractors are responsible for maintaining all survey markers.

SECTION 11: ANIMALS

No livestock, poultry, or animals other than household pets shall be kept on any Lot. In no event shall any animal be kept, bred or maintained for commercial purposes, nor allowed to annoy or injure neighbors.

SECTION 12: LIGHTING

Exterior lighting shall be soft and indirect. No light sources shall be located so that they are offensive to a neighboring property.

SECTION 13: SATELLITE DISHES/ANTENNAS

Large satellite dishes or amateur radio antennas are not allowed. Small (24-inch or less) satellite dishes will be allowed.

SECTION 14: ENVIRONMENT

No Lot owner in the subdivision shall engage in any activity which might reasonably be considered to constitute a threat to the environment. No Lot owner shall be permitted to place any underground storage tanks, oil tanks or gasoline tanks upon a Lot. The operation of any "customary home occupation" upon properties in the subdivision shall be done in compliance with applicable City of New Holstein ordinances.

SECTION 15: SIGNS

Placement of signs in the subdivision shall only be permitted if in compliance with City of New Holstein ordinances.

EXHIBIT "A"

Lots 26, 27, 28, 29, 30 and 31 of Matenaer Heights Subdivison, Second Addition, City of New Holstein, Calumet County, Wisconsin.

AND

Lots 1 and 2 of Certified Survey Map No. 2601, recorded in the Office of the Register of Deeds for Calumet County, Wisconsin, which is part of the Northwest Quarter of the Southwest Quarter and part of the Northeast Quarter of the Southwest Quarter, Section 14, Township 17 North, Range 20 East, City of New Holstein, Calumet County, Wisconsin.