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Conservation area
Maintenance Association

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Ordendum "B"

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PHEASANT RUN SUBDIVISION CONSERVATION AREA MAINTENANCE ASSOCIATION

Nett Land & Development, Inc., a Wisconsin Corporation, (hereinafter "Owner") is the owner of Lots 1-22 as indicated on the proposed plat for the Pheasant Run Subdivision, being located in the Southwest 1/4 of the Northeast 1/4, of Section 29, T15N, R18E., Town of Empire, Fond du Lac County, Wisconsin.

As a condition of approval of the Plat for the Pheasant Run Subdivision, the Town of Empire, a municipal corporation located in Fond du Lac County, Wisconsin (hereinafter "Town") seeks assurance that the Conservation Area shall be adequately maintained by the owners of the lots so benefited from the Conservation Area.

NOW, THEREFORE, BE IT KNOWN by all persons to whom these presents come:

1. An Association is hereby created and named the Pheasant Run Subdivision Conservation Area Maintenance Association (hereinafter "Association") the purpose of which is to provide for the maintenance of the Conservation Area.

2. The Association shall consist of the owners of Lots 1 - 22 (inclusive) as shown on the final plat of the Pheasant Run Subdivision including one lot owner to serve as chairperson. The initial chairperson shall be Nett Land & Development, Inc., until the initial transfer of all of the lots in the Subdivision. At that time, Nett Land & Development, Inc., shall appoint a lot owner as Chairperson of the association. Thereafter, a Chairperson shall be appointed by a majority of the lot owners. Every owner of a lot shall be a member of the Association. Membership shall be appurtenant to ownership.

3. Each owner of said Lots shall be responsible for an undivided 1/22 share in any and all expenses (including real estate taxes) associated with the care, maintenance and ownership of the Conservation Area.

4. Duties of the Association shall be the on-going maintenance of the Conservation Area as required by the Town of Empire Ordinances or such other municipality exercising control over the Conservation Area. The Association shall be responsible to assure the implementation of the proper maintenance of the Conservation Area, and shall cause said Conservation Area to be maintained as needed from time to time. Any costs associated with the maintenance of the Conservation Area shall be borne in equal undivided shares by the owners of the Lots. Each lot owner, by acceptance of the deed of conveyance, protective covenants and promises to pay any and all such charges as may be incurred in the maintenance of the Conservation Area.

5. Duties of the Chairperson shall be to oversee, initiate and implement the duties and responsibilities of the Association as listed under item number four (4) above and serve as the Association spokesperson. The Chairperson shall be responsible for compiling any and all of the expenses (including real estate taxes) associated with the care, maintenance and ownership of the Conservation Area, notifying each lot owner and collecting from them their

1/22 share of said expenses and then paying said expenses. Should any lot owner or owners fail to pay their share of the expenses in a timely manner, the Chairperson shall proceed to collect said expenses and it shall be the responsibility of the delinquent lot owner to pay all costs, including attorney fees, needed to remedy said delinquency.

6. The conveyance of each lot shall include conveyance of said interest in the Association regardless of whether or not the instrument of conveyance so states. No interest in the Association may be conveyed to any party separate from the interest in the lot to which said undivided interest appertains.

7. The right is hereby reserved to the Town of Empire, or such other municipality exercising control over the Conservation Area, to enter upon and inspect at anytime deemed appropriate by it, using its employees or contracting with others. In the event that the Conservation Area is not being adequately maintained, the Town of Empire, or such other municipality exercising control over the Conservation Area, shall notify the Association of maintenance deficiencies and establish a date certain for correction of such deficiencies. Should the Association fail to correct the deficiencies within the time allotted, the Town of Empire, or such other municipality exercising control over the Conservation Area, may enter upon the Conservation Area and perform such maintenance work as necessary. Any and all costs associated with such maintenance work shall be deemed a Special Charge for Current Service which shall be charged back to all benefiting lot owners in equal shares. Any such charge which remains unpaid 90 days after billing, therefore, shall be extended on the current or next succeeding tax roll as an unpaid special charge.

8. This agreement shall include the maintenance of the storm water detention area described as a part of the Northeast 1/4 corner of the Northwest 1/4 of Section 29, T.15N-R. 18E., Town of Empire, Fond du Lac County, Wisconsin and being more particularly described as follows: Commencing at the Northeast corner of the Northwest 1/4 of said Section 29; thence South 00°-36'-38" East along the East line of the Northwest 1/4 of said Section 29, 650.45 feet to the point of beginning; thence continuing South 00°-36'-38" East along said line, 330.00 feet; thence South 89°-23'-22" West, 500.00 feet; thence North 00°-36'-38" West, 330.00 feet; thence North 89°-23'-22" East, 500.00 feet to the point of beginning and containing 3.788 acres (165,000 Sq. Ft.) of land more or less.

9. This Declaration shall inure to the benefit of and be binding upon the Owner, his successors and assigns until such time as it is released by the Town of Empire, or such other municipality exercising control over the Conservation Area, and all of the owners of all of the lots.

Dated this 31 day of May, 2000.

Michael J. Nett
Michael J. Nett, President

Neal A. Nett
Neal A. Nett, Vice President

STATE OF WISCONSIN)
SS
FOND DU LAC COUNTY)

Personally came before me this 31 day of May, 2000, the above named Michael J. Nett and Neal A. Nett to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Lori L. Burbach
LORI L. BURBACH
Notary Public, Fond du Lac County, WI

My commission expires 3-14-04

This instrument was drafted by Michael J. Nett and Neal A. Nett