

DOCUMENT NUMBER

AMENDMENT TO
RESTRICTIONS AND COVENANTS

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OUTAGAMIE COUNTY
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RECORDING DATA ①

NAME AND RETURN ADDRESS

Michael H. Hagens
N319 Breezewood Drive
Appleton, Wisconsin - 54915

**AMENDMENT
FIRST ADDITION TO GLEN VALLEY SUBDIVISION**

WHEREAS, the owner contemplates the sale and transfer of various parcels and lots in the following described real estate situated in Outagamie County, Wisconsin, to wit:

Lots 152 through 204, inclusive are designated as FIRST ADDITION TO GLEN VALLEY SUBDIVISION, located in the Town of Greenville, Outagamie County, Wisconsin.

AND WHEREAS, such owner believes it is advisable to establish protective covenants and restrictions which will preserve and protect the beauty, value, and desirability of the above described property for the benefit of all the owners thereof and their heirs, personal representatives, successors and assigns.

AND WHEREAS, the restrictions and covenants governing THE FIRST ADDITION TO GLEN VALLEY SUBDIVISION were recorded in the office of the Register of Deeds for Outagamie County on May 31, 2006 as Document # 1712462.

NOW THEREFORE, in consideration of the aforementioned purposes, it is agreed that the following protective covenants and restrictions are established and binding upon the above described property.

REGARDING Lots 152 through 204 inclusive, the minimum square footage requirements are;

Single story residence shall contain a minimum of 1,400 square feet of living space, excluding breeze way and attached garage.

IN WITNESS WHEREOF, Michael H. Hagens, Managing Member, has set his hand this 27th day of March, 2012.

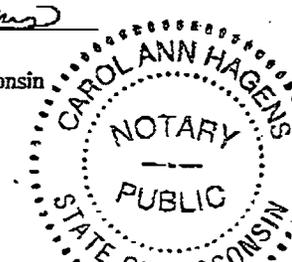
State of Wisconsin) ss
County of Outagamie)

Michael H. Hagens
Last Chance Investments, LLC
Michael H. Hagens

Personally came before me this 27th day of March, 2012, the above-named Michael H. Hagens, To me known to be the person executing this instrument.

Drafted by & return To:
Michael H. Hagens
N319 Breezewood Drive
Appleton, Wisconsin - 54915

Carol Ann Hagens
Carol Ann Hagens
Notary Public, Outagamie County, Wisconsin
My Commission expires 05/26/2013



DOCUMENT NUMBER

RESTRICTIONS AND COVENANTS

1st ADDITION TO GLEN VALLEY SUBDIVISION

WHEREAS, the owner contemplates the sale and transfer of various parcels and lots in the following described real estate situated in Outagamie County, Wisconsin, to wit:

Lots 126 through 204, inclusive are designated as;
FIRST ADDITION TO GLEN VALLEY SUBDIVISION,
located in the Town of Greenville, Outagamie County, Wisconsin.

AND WHEREAS, such owner believes it is advisable to establish protective covenants and restrictions which will preserve and protect the desirability, beauty and value of the above described property for the benefit of all the owners thereof and their heirs, personal representatives, successors and assigns

NOW THEREFORE, in consideration of the aforementioned purposes, it is agreed that the following protective covenants and restrictions are established and binding upon the above described property.

1. **PURPOSE.** The purpose of these restrictions is to insure the use of the property for attractive residential purposes only, to prevent nuisances, to prevent the impairment of the attractiveness of the property, and to maintain the desired tone of the community, and thereby, to insure to each site owner the full benefit and enjoyment of his /her home, with no greater restriction on the free and undisturbed use of the site than is necessary to insure the same advantages to the other site owners.

2. **LAND USE AND BUILDINGS.** All lots will be used for **SINGLE FAMILY** dwellings only. No building shall be erected, altered, placed, or permitted to remain on any lot other than one single family dwelling not to exceed two and one-half (2 ½) stories in height and a private attached garage with a minimum size according to Town specifications. **NOTE: Attached garages are not restricted to the number of cars parked inside. However, no more than three overhead garage doors are allowed to face roadway.** Roof pitch on each dwelling will be a minimum of 7/12 pitch. No three (3) story houses shall be allowed. The maximum height for dwelling is thirty-two (32) feet. All exposed concrete on porches must have brick or stone veneer face. Driveways must be paved within eighteen (18) months of occupancy. Each lot owner, as a part of the post home construction, is responsible to bring his/her lot into full compliance with the approved subdivision drainage plan. Sump pumps shall drain to the rear yard unless a storm sewer is located in the front.

RECORDING DATA

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Last Chance Investments, LLC N319 Breezewood Drive Appleton, Wisconsin - 54915

3. **NUISANCES.** No noxious or offensive activity shall be carried out upon any lot, nor shall anything be done thereon which may become an annoyance or nuisance to the neighborhood.
4. **MINIMUM SQUARE FOOTAGE REQUIREMENTS.**
 - A. Single Story Residences shall contain a minimum of 1,550 square feet of living space, excluding breeze way and attached garage. *Corner lots 1,400*
 - B. One and one-half (1 ½) Story Residences shall contain a total minimum living space of 1,850 square feet, excluding breeze way and attached garage.
 - C. Two (2) Story or Two one-half (2 ½) Story Residences shall contain no less than 1,000 square feet of living space on the ground floor, excluding breeze way, porch, sun room, and attached garage. Square footage of all floors shall contain a total minimum of living space of 1,850 square feet.
 - D. Split-levels, tri-levels, quad-levels shall contain no less than a total minimum of 1,900 square feet of living space, excluding breeze way, porch, sun room and attached garage.
 - E. Raised ranches, earth homes, geodesic domes, log homes, and manufactured homes are *not allowed* to be constructed nor moved onto any lot.
5. **SET BACKS.** All buildings must be set back a minimum of thirty (30) feet from the street right-of-way line and must have minimum side yards of ten (10) feet.
6. **SIGNS AND ANTENNAE.** No sign or antenna, including earth stations (satellite dishes) shall be displayed or exposed to the public view, except as follows:
 1. One professional sign of not more than one (1) square foot
 2. One sign of not more than five (5) square feet advertising the property for sale or rent
 3. One sign of not more than ten (10) square feet, used by the builder to advertise the property during the construction and sales period, except that the Developer may utilize signs of any size for advertising properties in said subdivision for sale.
 4. No antennae may extend more than five (5) feet above the roof line.
 5. No solar panels can be visible from the front yard.
 6. Satellite dishes, of no more than two (2) feet in diameter and attached directly to the dwelling, are allowed.
7. **GARAGE SIZE.** A *maximum* of three (3) car garage is allowed. No more than three (3) Garage doors are allowed to face the roadway..
8. **BASEMENT and GARAGE CONCRETE.** All homes shall have basements or footings extending a minimum of four (4) feet below grade and all garages shall have standard concrete/masonry footings and flooring.
9. **USED BUILDINGS.** No used buildings shall be moved onto any lot.

10. **COMPLETION.** All homes and garages shall be completed before home is occupied, except for the interior of the lower level of ranches, split-levels, and quad-levels.
11. **TEMPORARY STRUCTURE.** No structure of a temporary nature, trailer, tent, shack, barn or similar structure shall be permitted on any lot, either temporarily or permanently. No structure, other than a fully completed residence, shall be occupied.
12. **EASEMENTS.** Easements for the installation and maintenance of utilities and drainage facilities are reserved with the dedicated roadways, drainage and areas as designated on the recorded plat.
13. **TRASH.** All trash and waste shall be kept in sanitary containers. Each lot owner is required to perform maintenance and upkeep of their lot. No trash, waste, brush, weeds or long grass is permitted. Seller is not liable for any unauthorized dumping of lawn clippings, dirt, brush or other materials deposited on lot or in drainage way after closing.
14. **MINIMUM AND MAXIMUM GRADES.** Finished grade at building wall facing the street shall be not more than two (2) feet or less than one (1) foot above the elevation of the center line of the street at the center of the lot. On corner lots, finished grade at the building walls facing the streets shall be not more than two (2) feet, nor less than one (1) foot above the average elevation of the center lines of the two streets at the center of the lot. If the building is placed more than seventy-five (75) feet back from the street right-of-way, grade can vary from the restrictions, but must be approved by the developers. On a lot where the grade changes more than twelve (12) inches from one street lot corner to the other, the siding on the low side of the dwelling must be dropped an amount equal to the change in grade in excess of the above referenced twelve (12) inches. (Example: If one front lot corner is 24 inches below the other front lot corner, the siding must be dropped 12 inches on the low side.) No dwelling, house, structure, lawn, landscaping, or fence may be erected on any lot in the subdivision until the proper grades have been set in accordance with the approved drainage plan for the subdivision. Grades are to be set by a licensed land surveying firm with the costs and charges of this process borne by the lot owner.
15. **HOME EXTERIORS.** No green, blue, nor yellow siding shall be allowed on any residence or garage in *The First Addition to Glen Valley Subdivision*.
16. **PETS, LIVESTOCK, AND POULTRY.** No animals, livestock, poultry, fowl, reptiles, or pigeons of any kind shall be raised, bred, or kept on any lot with the exception of a dog or cat, which shall be limited in number to a total of two (2) in any one household, or goldfish, a parakeet, or a hamster, provided that said pets are not kept, bred, nor maintained for any commercial purpose. However, nothing contained herein shall be construed to permit the keeping of any dog, cat, or other pet which shall in any way constitute a nuisance.

17. **STORAGE.** No unlicensed vehicles will be permitted on any lot unless stored within a garage. No campers, recreational vehicles, boats, trailers, garden tractors, nor lawn maintenance equipment will be permitted to be stored on any lot unless stored within a garage or shed. **All wood piles are to be stored where it can not be seen by the public.**
18. **ACCESSORY BUILDING.** No accessory building can be more than thirteen (13) feet wide at any point and be at least six-sided. The building shall be constructed of 2x4 construction, or equal. It must be covered with the same siding, roofing, soffit and fascia as used in the construction of the residence and must have the same roof pitch as the residence. All accessory buildings must have a concrete floor.
19. No contractor, expediter, nor realtor may buy two (2) lots side by side, unless house plans are submitted to the Developer for approval. When two (2) lots are purchased with the intent of building one home with the second lot being used for yard, the owner shall conform to the grading plan of the subdivision. The empty lot shall be graded as if residence had been constructed on it. In no case can the grade from the lot with the residence on it be projected over the empty lot creating a steep drop-off in grade at the property line of the adjoining lots owned by others.
20. During construction, no access to the building site shall be allowed over adjacent lots. If any damage is done to the adjacent lots or ditches, the owner of the residence under construction shall restore or pay Developer for the restoration of said property to its pre-damaged condition.
21. **FENCING and SWIMMING POOLS.** Chain link fencing will be allowed as lot line dividers. Wood fencing, no more than six (6) feet in height, is allowed as long as said fence does not restrict, limit, nor interfere with view. Constructed side of fence must face the lot owner of the fence and not the lot of the adjoining neighbor. Above ground pools are **NOT ALLOWED.**
22. **DIVISION OF LOTS.** No lots shall be re-subdivided to create a larger number of lots and not more than one residence shall be erected nor constructed upon any lot.
23. **EXCESS MATERIAL.** No excess material shall be removed from the subdivision without the consent of the Developer.
24. **TERMS.** The covenants and restrictions herein contained, shall be in effect until January 1, 2026, after which time they shall be automatically extended for successive periods of ten (10) years, unless an instrument terminating or reducing the term shall be executed and recorded in accordance with the requirements and procedures set forth in the following paragraph.

- 25. **AMENDMENT.** The Developer shall have the right to remove, modify, annul, waive, change and/or amend, at any time and in any manner by a written declaration setting forth such amendment as long as the Developer owns any lot or parcel of the Subdivision.
- 26. **ENFORCEMENT.** Enforcement of these covenants and restrictions shall be by proceedings at law or in equity against any person or person violating or attempting to violate any covenant or restriction, either to restrain a violation or to recover damages.
- 27. **SEVERABILITY.** Invalidation of any one of these covenants or restrictions, by judgement or court order, shall in no way affect any of the other provisions which shall remain in full force and effect.

LAST CHANCE INVESTMENTS, LLC, OWNER, Member listed below;
IN WITNESS WHEREOF, Michael H. Hagens, Carl A. Bowers, and David M. Schmalz
 owners/developers have hereto set their hand this 30th day of May, 2004.

Michael H. Hagens
 Michael H. Hagens

Carl A. Bowers
 Carl A. Bowers

David M. Schmalz
 David M. Schmalz

STATE OF WISCONSIN)

SS

COUNTY OF CALUMET)

Personally came before me this 20th day of May 2006, the above-named Michael H. Hagens, Carl A. Bowers, and David M. Schmalz to me known to be the persons who executed the foregoing instrument and acknowledge the same.

Carol Ann Hagens
 Carol Ann Hagens, Notary Public
 Outagamie County, Wisconsin
 My commission expires July 12, 2009

Drafted by and Return to:
 Carol Ann Hagens

N 319 Breezewood Drive
 Appleton WI 54915