

290906

AFFIDAVIT OF COVENANTS

VERA K. JOYCE, JACK E. JOYCE, CARL L. PETERSON, AND KATHLEEN M.
PETERSON

-TO-

THE PUBLIC

RECITES: VERA K. JOYCE, JACK E. JOYCE, CARL L. PETERSON, and
KATHLEEN M. PETERSON, being first duly sworn on oath, depose and
say that they are the sole owners of SKYLINE ADDITION, To the
Town of Menomonie, Dunn County, Wisconsin, more particularly des-
cribed as follows:

LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15,
16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29,
30, 31, 32, 33, 34, 35, 36, 37; Skyline Addition, located in
the East half of Section three (3) Township twenty-seven (27)
North, Range thirteen (13) West, Dunn County, Wisconsin;

That the affiants as such owners make this affidavit for the
purpose of setting forth certain protective covenants running with
the land, said covenants being intended to promote the sound
development of the proposed residential area above described and
give assurance to the owners of said lots that no other lot owner
within the protected area can use property in a way that will destroy
values, lower the character of the neighborhood, or create a nuisance.
Affiants therefore intend that the covenants hereinafter set forth
shall be incorporated by reference to this affidavit in each of the
deeds of conveyance and shall bind the heirs, executors, administra-
tors, successors and assigns of the grantor and to inure to the
benefit of the heirs, executors, administrators, successors and assigns
of the grantee in the same manner as if specifically named in such
covenants.

That the affiants therefore will convey said premises subject to the following covenants;

1. No lot shall be used except for residential purposes; and no building shall be erected, altered, placed or permitted to remain on any lot other than a single-family detached dwelling not to exceed Two and one-half (2 - 1/2) stories in height and a private garage for not more than Three (3) automobiles.

2. No building shall be erected on any lot until the design and location thereof on said lot shall have been approved in writing by a committee consisting of Jack E. Joyce, Judith A. Joyce, and Carl L. Peterson, or a majority thereof; or by a representative that is designated by a majority of the members of said committee. In the event of the death or resignation of any member of said committee, he or she shall be replaced by a new member selected by the remaining members of said committee. No changes or alterations shall be made in the exterior design of any building on said lot or building plot after the original construction thereof without the written approval by the said committee, nor shall any fences or walls be erected on said property without the written consent of said committee. However, in the event that such committee fails to approve or disapprove such design or location of the new dwelling within Thirty (30) days after submission of the plans to it, thence such approval will not be required, provided the cost of said building is not less than Eighteen Thousand and 00/100 Dollars (\$18,000.00), and occupies an area of not less than Eight Hundred (800) square feet, if a one and one half story, two story, or two and one-half story building; or Twelve Hundred (1200) square feet if a one story building. If said committee fails to approve or disapprove any application for change in design or the erection of fences or walls within Thirty (30) days after the submission to it of such application, then such approval shall be deemed to have been granted. The powers and duties of said committee or its duly authorized representative shall cease on and after

January 1, 1985, Thereafter the approval described in this covenant shall not be required unless prior to said date, and effective thereon, a written instrument shall be executed by the then record owners of a majority of the lots in this subdivision, and duly recorded, appointing a representative or representatives who shall thereafter exercise the same powers previously exercised by said committee.

3. The front foundation of every residence and garage which is directly attached to said residence shall not be closer than Forty (40) feet from the front lot line. The foundation of any residence or garage shall not be nearer than Twenty (20) feet from side property line, nor nearer than Twenty (20) feet from any street adjoining the side property line.

4. Not more than one residence or dwelling house shall be erected on any of the said lots.

5. The committee mentioned in paragraph Two (2) hereof, in addition to all other powers, rights and authority granted to it, shall have the power to prescribe restrictions for the location of residences, garages and other buildings to be built on the odd shaped lots in this subdivision, where because of such odd shape or where the topography is such that this restriction may seem reasonable.

6. No noxious or offensive trade or activity shall be carried on upon any lot nor shall anything be done thereon which may be, or become, an annoyance or nuisance to the neighborhood.

7. The following specific prohibitions shall be observed:

(a) No tank for the storage of fuel shall be maintained above the surface of the ground,

(b) No shedding poplars, boxelders, cottonwoods, or other objectionable trees shall be planted,

(c) No garbage, ashes or refuse or refuse receptacles shall be placed or left on any lot so as to be exposed to view or to become a nuisance,

(d) No sign larger than 480 inches square in square inch area shall be displayed or placed on any lot, except for the purpose of sale by the affiants, their heirs, executors, administrators,

successors, assigns or agents.

8. No trailer, basement, tent, shack, garage, barn or outbuilding erected on the premises, shall be at any time used as a residence, either temporarily or permanently, nor shall any structure of a temporary character be erected, used, or occupied for any residential purpose; and all structures commenced shall be completed and finished on the exterior within One (1) year after the commencement of the excavation or the construction thereof, whichever is commenced earlier. No garage or other structure shall be erected on any lot before the residence thereon is constructed.

9. No horses, cows, goats, sheep, or any domestic animals, poultry, or farm animals, of any kind, except dogs and cats for domestic purposes will be permitted to be kept on any of the said lots.

10. Enforcement shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any of these covenants, either to restrain the violation or to recover damages for such violation.

11. Invalidation of any one of these covenants by judgment or court order shall in no way effect any of the other provisions or covenants which shall remain in full force and effect.

IN WITNESS WHEREOF, the affiants have hereunto set their hands and seals this 9th day of September, 1970.

IN THE PRESENCE OF:

Carl E. Peterson
Annis Schwager

Judith A. Joyce
JUDITH A. JOYCE

Vera K. Joyce
VERA K. JOYCE

Jack E. Joyce
JACK E. JOYCE

Carl L. Peterson
CARL L. PETERSON

Kathleen M. Peterson
KATHLEEN M. PETERSON

STATE OF WISCONSIN)
COUNTY OF DUNN) ss.

Personally came before me this 9th day of September, 1970,
Judith A. Joyce, his wife
the above named Vera K. Joyce, Jack E. Joyce, / Carl L. Peterson, and
Kathleen M. Peterson, to me known to be the persons who executed the
foregoing instrument and acknowledged the same.

Carl E. Peterson
Notary Public, Dunn County, Wisconsin
My Commission is Permanent

This instrument drafted by Carl L. Peterson.

11:50

Lots 1 through 37,
Skyline add.

290906

JACK E., VERA K. JOYCE
CARL L., KATHLEEN M., PETERSON

---To---
The Public

290906

REGISTER'S OFFICE

DUNN COUNTY, WISCONSIN

Received for record the 22 day
of September A.D., 19 70
at 11:50 AM. and recorded in
Vol. 217 of Records on page 701-705

H. Schmitt
HERB D. SCHMITZ, Register of Deeds

Chas. Peterson

303979

A F F I D A V I T

RE: Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37; Skyline Addition, located in the East One-half (E $\frac{1}{2}$), Northeast Quarter (NE $\frac{1}{4}$), Section Three (3), Township Twenty-seven (27) North, Range Thirteen (13) West, Dunn County, Wisconsin.

STATE OF WISCONSIN

County of Dunn

} ss.

Jack E. Joyce and Judith A. Joyce, being first duly sworn on oath, depose and say as follows:

1. That they are members of the committee designated under Paragraph 2 of that certain affidavit of covenants regarding the lots hereinbefore described, dated September 9, 1970, and recorded in the office of the Register of Deeds for Dunn County, Wisconsin, on September 22, 1970 in Volume 217 of Records at Page 701 as Document No. 290906.


2. That Carl L. Peterson is also a member of said committee, and has submitted to them his resignation from said committee dated the 19th day of February, 1974.

3. That said affidavit of covenants provides that should any member of said committee die or resign as a member of said committee, that he or she shall be replaced by a new member selected by the remaining members of said committee.

4. That your affiants have met and discussed the selection of an individual to replace said Carl L. Peterson on said committee, and have selected as such replacement member Tom Harris, who is by occupation a real estate broker and resides at 815 Sixth Avenue in the City of Menomonie, Dunn County, Wisconsin.


5. That this affidavit is made for the purpose of complying with the selection procedures hereinbefore referred to, and for the purpose of recording this affidavit to place the public on notice of the membership of said committee.

Dated at Menomonie, Wisconsin, this 20th day of February, 1974.


Jack E. Joyce


Judith A. Joyce

Subscribed and sworn to before me
this 21 day of February, 1974.


Notary Public, Dunn County, Wisconsin
My commission is permanent

REGISTER'S OFFICE

DUNN COUNTY, WISCONSIN

Received for record the 25th day
of February A. D., 19 74

at 9:30 A. M. and recorded in

Vol 241 of Records on page 511