



DECLARATION OF COVENANTS AND RESTRICTIONS

Recorded  
JAN. 07, 2003 AT 01:45PM  
SHARON A. MARTIN  
REGISTER OF DEEDS  
WASHINGTON COUNTY, WI  
Fee Amount: \$19.00

Document No.:

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Atty. Jack A. Enea  
Schloemer, Alderson, Spella, Muehlbauer & Enea, S.C.  
P. O. Box 176  
West Bend, WI 53095

DECLARATION OF COVENANTS AND RESTRICTIONS  
FOR MUTH WOODS SUBDIVISION  
WEST BEND, WISCONSIN

19-5

KNOW ALL BY THESE PRESENTS, that this declaration of covenants and restrictions is made by the undersigned owner (the "Developer") for the purpose of establishing and maintaining harmony in the use and development of the plat known as Muth Woods Subdivision (the "Subdivision"), being a part of the NE-1/4 of the SE-1/4 together with Lot 13, Block 5, and Outlots 2 and 3, Block 5 all in Section 24, Town 11 North, Range 19 East, in the City of West Bend, Washington County, Wisconsin.

ARTICLE 1  
LAND USE

Section 1.1 - Use of Lands. The Subdivision shall be used for single-family residential dwelling purposes only and for such related purposes as are specifically permitted in this declaration.

Section 1.2 - Redivision Regulated. The lots created by the Subdivision shall not, during the time that the Developer owns any lot in the Subdivision, be redivided in any manner without the prior written consent of the Developer.

Section 1.3 - Developer's Agreement. The development and use of the Subdivision is subject to the terms and conditions of that certain Developer's Agreement entered into by and between the Developer and the City of West Bend as of DECEMBER 19, 2002 and recorded in Volume NA of Records at Page NA as Document No. 966547  
JANUARY 2, 2003,

ARTICLE 2

## CONSTRUCTION SPECIFICATIONS AND REQUIREMENTS

**Section 2.1 - Types of Buildings.** No buildings shall be erected or placed in the Subdivision other than single-family dwellings with attached garages for not less than two automobiles; and detached accessory structures as permitted and approved according to the ordinances of the City of West Bend.

**Section 2.2 - Building Sizes. DWELLINGS.** The minimum ground floor living area for one-story single-family dwellings in RS-4 zoning shall be at least 1,000 sq. ft. The minimum ground floor living area for one-story single-family dwellings in RS-3 zoning shall be at least 1,200 sq ft. If a building has more than one story or is a split-level building there shall be at least 900 sq. ft. on the main level.

**Section 2.3 - Type of Construction.** Every dwelling shall be constructed or erected on the site and no previously used building, panelized construction, mobile or modular home shall be moved onto or reassembled on any lot.

**Section 2.4 - Elevation of Buildings and Grading of Lots.** Each lot shall be graded to harmonize with the finished or proposed grade of adjoining lots and with the street elevation and in compliance with the grading plan dated ~~NOVEMBER 22, 2007~~ and approved by the City of West Bend. The final grade of each lot must provide drainage consistent with storm water management regulations of the City. Lots which are subject to a drainage easement must be graded and maintained so as to not restrict or otherwise disturb the free flow of surface water in the easement.

**Section 2.5 - Completion of Construction.** The exterior of every structure located in the Subdivision shall be completed within 12 months after the beginning of construction.

**Section 2.6 - Driveways.** Driveways shall be paved within one year from the date of issuance of an occupancy permit for the dwelling by the City of West Bend.

**Section 2.7 - Temporary Structures.** No structure of a temporary character, and no trailer, tent, camper, garage or outbuilding shall be used as a residence on any lot at any time, either temporarily or permanently; nor shall any building be occupied until it has been substantially completed.

**Section 2.8 Construction Material.** The exterior finish materials of any accessory structures must be substantially the same as the residence on the lot. Owners of lots are encouraged to construct the outer surface of exterior walls of all structures of brick, stone, wood or other natural materials, and one third of the front elevation shall be finished with these materials. Quality metal or vinyl siding products are permitted if used in combination with natural materials.

**Section 2.9 - Fences.** Fences located closer to the street than the front elevation of the residence must be constructed of decorative materials, such as stone, brick, vinyl coated wood, or

wood fencing. Chain link fencing no more than four feet in height may be used in rear yards only. Fences shall also be regulated in accordance with the ordinances of the City of West Bend.

**Section 2.10 - Landscaping.** Within twelve months of the issuance of the occupancy permit for a residence on a lot, the owner thereof shall complete the landscaping of the lot, including a minimum of two deciduous or three coniferous trees in the front yard, each the minimum height of 5 feet.

### ARTICLE 3 USE RESTRICTIONS

**Section 3.1 - Regulated Activities.** No business, commercial or industrial activity shall be conducted on any lot in the Subdivision, except those which may be conducted in strict compliance with this section. A home office is permitted so long as no stock or inventory is delivered to or stored at the home and no customers, clients or employees come to the home. No business activity shall be conducted which is or may become an annoyance or nuisance to the residents of the Subdivision. Activities shall also be regulated in accordance with the ordinances of the City of West Bend.

**Section 3.2 - Tree Removal.** Trees are a valuable resource which enhance the value of the entire Subdivision. Existing trees shall be preserved whenever possible. Buildings shall be placed to minimize the destruction of trees.

**Section 3.3 - Commercial Signs.** No commercial sign of any type shall be erected in any part of the Subdivision, except that reasonable signs indicating properties for sale shall be permitted during periods of construction or sale. Signs shall also be regulated in accordance with the regulations of the City of West Bend.

**Section 3.4 - Animals and Poultry.** No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot except that dogs, cats and other household pets may be kept provided that they are not kept, bred or maintained for any commercial purpose or allowed to annoy neighbors. There shall be a limit of 2 adult dogs or 2 adult cats or a combination of 2 per household. This limitation does not apply to fish, birds, hamsters, and other similar animals which are kept indoors at all times. No animal shall be permitted to run at large within the Subdivision. The property owners shall be responsible to restrain their animals when outdoors and also to remove all animal waste promptly.

**Section 3.5 - Tanks, Towers and Antennae.** No bulk fuel storage tanks, whether above ground or underground, shall be placed anywhere in the Subdivision at any time. No radio tower or tower of any type shall be erected or installed anywhere in the Subdivision. Satellite dish antennae, not to exceed 36" in diameter, may be installed on a residence. Conventional television antennae may be installed only in the attic area of the residence. There shall be no dish antennae placed in the front yards of residences.

**Section 3.6 - Commercial Vehicles.** No trucks, other than panel trucks, vans, or pick-up trucks no larger than one-half ton gross weight, and no commercial-type vehicles shall be stored or parked on any lot unless parked in a closed garage or except while engaged in transporting to or from a residence in the Subdivision.

**Section 3.7 - Abandoned Vehicles; Junk.** Unregistered motor vehicles (or parts thereof) discarded machinery and equipment, off-road vehicles, bicycles, trailers, scrap wood or metal and other junk and debris of any type whatsoever shall not be accumulated or stored on any lot.

**Section 3.8 - Recreational Vehicles; Boats.** Campers, boats, snowmobiles and other recreational vehicles, equipment and transport trailers kept within the Subdivision shall be stored in a closed garage. No snowmobile, motorized off-street bike, all-terrain vehicle or other such vehicle shall be operated within the Subdivision. Boats and campers shall not be parked or stored on driveways or on the street adjacent to any lot.

**Section 3.9 - Trash and Garbage Disposal.** Trash and garbage shall be kept in sanitary containers. All trash containers shall be kept in a clean and sanitary condition and shall be kept in a garage or suitably screened from view from the street and dwellings.

#### ARTICLE 4 OUTLOT 1

**Section 4.1 - Ownership and Association of Owners.** Outlot 1 of the Plat is owned equally by each lot on the Plat and, therefore, each owner of the lots by a 1/55th interest in the Outlot. The owners of the lots in the Plat shall establish an Association to administer and maintain Outlot 1. Each owner of a lot in the Plat shall be a member of the Association and entitled to one vote with respect to Outlot 1.

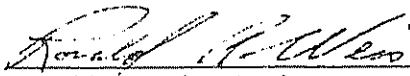
**Section 4.2 - Maintenance.** The Owners of the Plat shall be responsible for maintenance of Outlot 1.

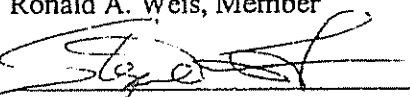
**Section 4.3 - Assessment.** The Owners shall equally be assessed for the ownership of Outlot 1 and should the City have to provide any maintenance to Outlot 1, the costs of said maintenance shall be assessed to each of the lots in the Plat equally in accordance with the Developer's Agreement referenced in Section 1.3 herein.

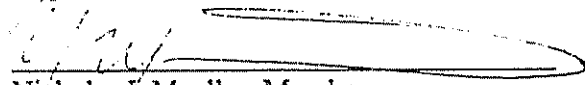
The foregoing Covenants are binding upon the Developer and the Owners of all lots within the Plat and may be enforced by the City of West Bend, the Developer or any Owner of a lot within the Plat.

IN WITNESS WHEREOF the undersigned, being the owner of the lands [and mortgagees] described herein, has caused this Declaration to be executed this 7<sup>th</sup> day of JANUARY, 2003.

WLM DEVELOPMENT, LLC

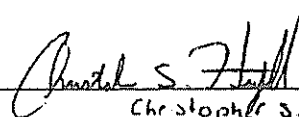
By:   
Ronald A. Weis, Member

By:   
Stephen Lentz, Member

By:   
Nicholas J. Mueller, Member

STATE OF WISCONSIN )  
  : SS.  
WASHINGTON COUNTY )

Personally came before me this 7<sup>th</sup> day of January, 2003, the above Ronald A. Weis, Stephen Lentz and Nicholas J. Mueller, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

  
Christopher S. Hartzell  
Notary Public, Washington Co., Wis.  
My Commission 1 Feb 2004

This document was drafted by:  
Atty. Jack A. Enea  
West Bend, WI 53095

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