

2154198

CATHY WILLIQUETTE  
BROWN COUNTY RECORDER  
GREEN BAY, WI

RECORDED ON  
10/29/2004 11:22:02AM

REC FEE: 13.00  
TRANS FEE:  
EXEMPT #:  
PAGES: 2

**BAY TITLE**

Return to:  
Soletski Surveying, LLC  
3225 Finger Road  
Suite C  
Green Bay, WI 54311

Parcel Identification Number

The undersigned developers and owners having an interest in the hereinafter described real estate for the purpose of enhancing and protecting the attractiveness and value of said real estate, hereby declare that all the real property herein described and each part thereof shall only be held, sold, and conveyed subject to the following covenants, conditions and restrictions. These covenants shall run with the land and be binding upon all parties having any right, title or interest in the hereinafter described property or any part thereof, their heirs, personal representatives, successors or assigns, and the covenants contained herein shall inure to the benefit of each owner thereof.

Premises:

The Restrictive Covenants set forth below apply to lots One (1) through Twenty-One (21), inclusive, the Mackinaw Estates, according to the Plat recorded Volume 22-Page 156, Document 2125124 thereof, City of Green Bay, West side of Fox River, Brown County, Wisconsin.

Enforcement:

The owner of any covered lot, or the owner of any interest, therein, is authorized to commence and maintain legal proceedings, either at law, or in equity, against any party or person who shall violate any of these Restrictive Covenants, for the purpose of barring, enjoining or terminating such violation, and for the additional purposes of recovering damages for such violation if damages are appropriate.

Partial Invalidity:

The invalidation of any of these Restrictive Covenants by final order or final judgment of a court of competent jurisdiction shall not affect the enforceability of the remaining covenants, all of which shall be in full force and effect.

Restrictive Covenants:

1. No lot may be divided by plat, survey or otherwise to create an additional buildable lot.
2. All lots are zoned "first residential." No building may be erected, occupied or used for anything other than residential purposes.
3. No temporary or partially completed structure of any kind shall be permitted for dwelling purposes, including trailer homes.
4. All homes must be site constructed. No building erected or assembled elsewhere shall be moved onto any lot. No manufactured or mobile homes shall be placed or erected on any lot.
5. Lots #1 & #21: Single story (ranch) homes must contain a minimum of 1,600 square feet. Split level, 1½ story and 2 story homes must contain a minimum of 1,800 square feet. Lots #2, #18 #19 & #20: Single story (ranch) homes must contain a minimum of 1,800 square feet. Split level, 1½ story and 2 story homes must contain a minimum of 2,000 square feet. Lots #3 - #17: Single story (ranch) homes must contain a minimum of 2,000 square feet. Split level, 1½ story and 2 story homes must contain a minimum of 2,300 square feet. All such minimum footage requirements exclude basement, breezeway or attached garage.
6. All homes must have a minimum of 2-stall attached garage.
7. Lots #1 & #21: All ranch homes must have a minimum 30% brick, stone or drivit face. Lots #2, #18, #19 & #20: All ranch homes must have a minimum 50% brick, stone or drivit face. Lots #3 - #17: All ranch homes must have a minimum 100% brick, stone or drivit face. All other style homes require 50% brick, stone or drivit face. Other non-vinyl building materials (other than brick, stone and drivit) may be used on the front at the discretion and with written permission of the developer.
8. All dwellings shall have a basement and a foundation to below the frost line.
9. Solar heating panels on the home or in the yard are not permitted.
10. Each lot must be graded and maintained by the abutting property owners to provide adequate drainage of surface water. In addition, Lots #3 - #9 require a 25' rear yard buffer and existing yard grade must be maintained and may not be disturbed with the exception of routine maintenance.
11. Each property owner and his/her contractors are responsible for maintaining all surveyed markers.
12. All construction must be complete in 350 days of the granting of a building permit on each specific lot, including hard-surface driveway from home to curb.
13. All landscaping must be completed within one year of the occupation of a structure for residential purposes.
14. Plan approval by developer required before construction.
15. Lots #1, #2, #18, #19, #20 & #21: All homes must have a minimum 7/12 roof pitch, minimum, or more if gabled. Lots #3 - #17: All homes must have 8/12 roof pitch, minimum, or more if gabled. All homes must have minimum 18" front eave overhang, 12" on ends. Any other style must have written approval from developer.
16. No outbuilding shall be permitted.
17. Lots #3 - #17: Require a brick or masonry lamp-post with address stone each front yard.
18. All wire, cables, or conduits providing electrical, cable or other service to any dwelling or outbuilding, or from dwelling to outbuilding, shall be placed underground, and no trees may be planted or wall constructed which will interfere with said wires, cables or conduits.
19. No noxious or offensive activity shall be permitted on any lot, nor shall any activity be undertaken on any lot which may be considered a nuisance.
20. All woodpiles or dog kennels placed on any lot must be enclosed and must not be visible from the road.
21. No retail or high profile business shall be conducted on any lot or in any residence.

22. The only professional or business signs allowed will be a "For Sale" sign pertaining to the sale of said premises
23. Two (2) dogs and three (3) cats per residence shall be permitted on the premises, all of which must be contained by leash or compound at all times.
24. No sheep, goats, swine, horses or other cattle shall be kept or stabled, and no pets shall be bred, raised or otherwise dealt with as a hobby or for commercial purposes on any lot within Mackinaw Estates.
25. Other than conventional vehicles, all other types of vehicles such as, but not limited to, recreational campers, buses, boats and service vehicles of all types, shall not be parked or stored overnight on any part of the premises for a continuous period to exceed 10 days.
26. No fill shall be removed without the written approval of developer.

Dated this 25th day of October, 2004.

By: John J. Bunker  
John J. Bunker Owner/Developer  
Managing Member, Red Fox Development

## ACKNOWLEDGEMENT

State of Wisconsin      }  
County of Brown      } SS.

Personally came before me this 21st day of October, 2004, the above named John J. Bunker, to be known to be the person who executed the foregoing instrument and acknowledged the same.

Christine A. McGinn Papers  
Notary Public, State of Wisconsin

My Commission Expires: 12-4-05

John J. Bunker  
Drafted by: Red Fox Development, LLC  
3225 Finger Road, Suite A  
Green Bay, WI 54311

