

PT NE-NE  
75.03.11.034823  
75.03.14.034824  
75.03.12.079104

PT NW-NE  
75.03.12.079105  
75.03.12.079106  
75.03.12.079104

PT SW-NE  
75.03.12.079104

PT SE-NE  
75.03.14.034824

PT NE-NW  
PT SW-NW  
PT SE-NW  
75.03.21.079101  
75.03.21.079100  
75.03.21.079103  
PT NW-NW  
75.03.22.079102  
75.03.21.079101

PT NE-SW  
PT NW-SW  
75.03.31.034843  
75.03.31.034844

PT NE-NE } 4-10-15  
PT SE-NE }

75.04.11.050891

PT SW-SW } 34-108-15  
PT SE-SW }

85.34.33.039014

PT L1+PT L2 B7 Village  
of Genoa  
85.34.34.039130



OFFICE OF COUNTY RECORDER  
Olmsted County, Minnesota

I hereby certify that this document was filed in this office  
on 2/18/2014 at 1:45 PM and was duly  
recorded as document number **A- 1341280**

W MARK KRUPSKI - Co Recorder, by \_\_\_\_\_ Deputy  
Well Certificate: \_\_\_\_\_ Received \_\_\_\_\_ Not Required  
Abstr. - yes \_\_\_\_\_ no \_\_\_\_\_ \$46.00

Received from/return to:  
**MILLER LEGAL STRATEGIC PLAN. CTRS PA**  
2518 SUPERIOR DRIVE NW  
SUITE 100  
ROCHESTER MN 55901

[This space reserved for recording data.]

13880

### DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS

THIS DECLARATION, made this 16 day of April, 2012, by  
Wayne M. Decklever and Rose Decklever, husband and wife, hereinafter referred to  
collectively as "Declarant."

WHEREAS, Wayne M. Decklever and Rose Decklever, husband and wife, are the  
fee owners of that certain parcel of real property more particularly described on the  
attached Exhibit "A", hereinafter the "Property", and

WHEREAS, Declarant desires to impose upon all of the Property the following  
terms, conditions, restrictions, reservations and covenants for the benefit of the Property  
and its present and future owners.

NOW, THEREFORE, Declarant hereby declares that all of the Property shall be  
held, sold and conveyed subject to the following restrictions, covenants and conditions,  
which are for the purpose of protecting the value and the desirability of, and which shall  
run with the title to the Property or any part thereof, and be binding on all parties having

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any rights, title or interest in the Property or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof.

**ARTICLE 1**  
**DEFINITIONS**

For the purpose of this Declaration, the following terms shall have the meanings here ascribed to them:

SECTION 1.1: "Living Unit" shall mean and refer to any portion of a building situated upon the Property designed and intended for use and occupancy as a residence by a single family.

SECTION 1.2: "Lot" shall mean and refer to any portion of the Property upon which a Living Unit is or could be situated.

SECTION 1.3: "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of fee simple title to any portion of the Property, including contract sellers and vendees, but excluding those having such interest merely as security for the performance of an obligation, and excluding those having a lien upon the Property by the provision of operation of law.

SECTION 1.4: "Property" shall refer to the property legally described on the attached Exhibit "A".

**ARTICLE 2**  
**BUILDING USE AND RESTRICTONS**

SECTION 2.1: Residential Use. No portion of the Property shall be used except for single-family residential purposes.

SECTION 2.2: Prohibited Structures. No structure of a temporary character, trailer, basement, tent, shack, or other building except a permanent residence shall be used on any portion of the Property at any time as a residence, either temporarily or permanently.

SECTION 2.3: Dwelling Size. No Living Unit or residence building shall be constructed on any portion of the Property containing less than a minimum of 1,200.00 square feet of finished livable area on the first or main floor of a split foyer or multi-level building other than a two-story building. A two-story residence building shall have at least 1,850.00 square feet total of finished livable area for the first floor and second floor with a minimum of 950.00 square feet of finished livable area on the first floor. A rambler or single story residence building shall have at least 1,300.00 square feet of finished livable area on the main floor. All basement areas and garage areas shall be excluded from the computation of the requisite square feet of livable area for all types of dwellings.

SECTION 2.4: Garages. All Living Units erected or constructed on any portion of the Property shall have, at a minimum, a two (2) car attached garage or two (2) car tuck-under garage.

SECTION 2.5: Erection of Garages or Basements and Use of Such Structures. No garages or basements shall be erected upon any portion of the Property before a contract is let for the erection of the residence, and no basement, garage, vehicle, trailer or other building shall be used temporarily for residential purposes.

SECTION 2.6: Pre-Fabricated Housing Units. No pre-cut, pre-fabricated, manufactured or paneled housing units shall be constructed on the Property.

SECTION 2.7: Transfer of Building. No building of any kind intended to be used for habitation or residence shall be moved onto the Property.

SECTION 2.8: Hazardous Activities Prohibited. No owner shall engage in or permit any activities on the Property, or maintain or permit any conditions in his Living Unit which would be considered extra hazardous by fire insurance companies or would adversely affect the insurability of the Living Unit or the Living Units of any other Owner.

SECTION 2.9: No Noxious Activity. No noxious or offensive activities, including but not limited to, the use of any portion of the Property as a feedlot, shall be conducted on any lot, nor shall any thing be done thereon which may be or become any annoyance or nuisance to the neighborhood; and no materials shall be stored or kept on or in front of a Living Unit, except for the purpose of immediate incorporation into an approved structure on the Property or any portion thereof.

SECTION 2.10: Garbage and Refuse Removal. No portion of the Property shall be used or maintained as a dumping ground for rubbish. Trash, garbage, or other waste shall be placed or maintained on the Property so as not to be exposed to view or to become a nuisance to either the public or an adjoining Owner.

### **ARTICLE 3**


#### **GENERAL PROVISIONS**

SECTION 3.1: Enforcement. Enforcement of these covenants, conditions, restrictions and reservations shall be by proceedings in law or in equity against any person or persons violating or attempting to violate any covenant, either to restrain such violation or attempted violation or to recover damages.

SECTION 3.2: Amendments. The above conditions, restrictions, reservations and covenants shall run with the land and be binding upon all parties hereto and all persons claiming by, through, and under them, for a period of fifteen (15) years. Said covenants shall be automatically extended for successive periods of ten (10) years; provided, however, that at any time during the terms above stated, a two-thirds (2/3)

majority of the record owners and contract for deed vendees of the Property may modify, amend or terminate these provisions, in whole or in part, by the execution and recording of an instrument in writing duly acknowledged, but no such modification or amendment shall be effective to prohibit a then existing use.

IN WITNESS WHEREOF, the said Declarant has caused these presents to be executed on the day and year first above written.

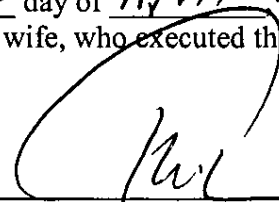
  
Wayne M. Decklever

  
Rose Decklever

State of Minnesota    )  
                                  )ss  
County of Olmsted    )

Subscribed and sworn to before me this 16 day of April, ~~2009~~<sup>2012</sup>, by Wayne M. Decklever and Rose Decklever, husband and wife, who executed the foregoing instrument as their free act and deed.



  
Notary Public

This instrument was drafted by:  
  
Timothy J. Hansen, Attorney at Law  
2518 Superior Drive NW, Suite 100  
Rochester, MN 55901  
507-252-0123

## Exhibit "A" (1 of 4)

## Legal Descriptions

The North 40 acres of the SW  $\frac{1}{4}$  of Section 3, Township 107, Range 15, Olmsted County, Minnesota

And

That part of the North 100 acres of the NE $\frac{1}{4}$ , Section 3, T107N, R15W, lying west of the township road, except the following described three tracts of land:

Tract "A"

That part of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 3, T107N, R15W, described as follows: Beginning at the northwest corner of the NE $\frac{1}{4}$  of said Section 3; thence North 89 degrees 41 minutes 02 seconds East, assumed bearing, along the north line of said NE $\frac{1}{4}$ , 1730.83 feet to the center line of the Township Road; thence South 12 degrees 07 minutes 16 seconds East along said center line 850.15 feet; thence South 11 degrees 34 minutes 02 seconds East along said center line 286.56 feet; thence South 89 degrees 41 minutes 02 seconds West parallel with the north line of said NE $\frac{1}{4}$ , 718.60 feet; thence North 59 degrees 22 minutes 20 seconds West 715.97 feet; thence South 89 degrees 41 minutes 02 seconds West, parallel with the north line of said NE $\frac{1}{4}$ , 140.00 feet; thence North 00 degrees 18 minutes 58 seconds West 383.72 feet; thence South 89 degrees 41 minutes 02 seconds West, parallel with the north line of said NE $\frac{1}{4}$ , 488.90 feet to the west line of said NE $\frac{1}{4}$ ; thence North 00 degrees 11 minutes 24 seconds West along said west line 361.37 feet to the point of beginning.

Tract "B"

That part of the NE $\frac{1}{4}$ , Section 3, T107N, R15W, described as follows: Commencing at the northwest corner of the NE $\frac{1}{4}$  of said Section 3; thence North 89 degrees 41 minutes 02 seconds East, assumed bearing, along the north line of said NE $\frac{1}{4}$ , 1730.83 feet to the center line of the Township Road; thence South 12 degrees 07 minutes 16 seconds East along said center line 850.18 feet; thence South 11 degrees 34 minutes 02 seconds East along said center line 353.85 feet for a point of beginning; thence South 89 degrees 41 minutes 02 seconds West, parallel with the north line of said NE $\frac{1}{4}$ , 750.00 feet; thence North 59 degrees 22 minutes 20 seconds West 419.72 feet; thence South 50 degrees 25 minutes 29 seconds West 293.48 feet; thence South 60 degrees 01 minute 47 seconds East 330.00 feet; thence North 89 degrees 41 minutes 02 seconds East 234.05 feet; thence South 55 degrees 30 minutes 18 seconds East 192.69 feet; thence North 89 degrees 41 minutes 02 seconds East, parallel with the north line of said NE $\frac{1}{4}$ , 700.00 feet to the center line of the Township Road; thence North 11 degrees 34 minutes 02 seconds West along said center line 244.70 feet to the point of beginning.

Tract "C"

That part of the NW $\frac{1}{4}$ NE $\frac{1}{4}$  and of the S $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 3, T107N, R15W, described as follows: Commencing at the northwest corner of the NE $\frac{1}{4}$  of said Section 3; thence North 89 degrees 41 minutes 02 seconds East, assumed bearing, along the north line of said NE $\frac{1}{4}$ , 1730.83 feet to the center line of the Township Road; thence South 12 degrees 07 minutes 16 seconds East along said center line 850.18 feet; thence South 11 degrees 34 minutes 02 seconds East along said center line 598.55 feet for a point of beginning; thence South 89 degrees 41 minutes 02 seconds West, parallel with the north line of said NE $\frac{1}{4}$ , 700.00 feet; thence North 55 degrees 30 minutes 18 seconds West, 192.69 feet; thence South 89 degrees 41 minutes 02 seconds West 234.05 feet; thence South 00 degrees 18 minutes 58 seconds East 350.00 feet to the south line of the North 100 acres of said NE $\frac{1}{4}$ ; thence North 89 degrees 41 minutes 02 seconds East along said south line 1140.00 feet to the center line of the Township Road; thence North 11 degrees 34 minutes 02 seconds West along said center line 244.70 feet to the point of beginning.

And

That part of the NW  $\frac{1}{4}$  of Section 3 and the NE  $\frac{1}{4}$  of Section 4, Township 107 North, Range 15 West, Olmsted County, Minnesota described as follows: Commencing at the Northeast corner of the NW  $\frac{1}{4}$  of said Section 3 and running thence due West along the North line thereof a distance of 2548 feet to a point in the center of the South middle branch of the Zumbro River; thence along the center of said South middle branch of said river South 0 degrees 56 minutes East a distance of 251.6 feet; thence South 65 degrees 7 minutes West a distance of 249.35 feet; thence South 78 degrees 46 minutes West a distance of 132.4 feet; thence North 78 degrees 35 minutes West a distance of 152.68 feet; thence South 77 degrees 45 minutes West a distance of 209.2 feet; thence North 88 degrees 26 minutes West a distance of 216.8 feet; thence South 70 degrees 25 minutes West a distance of 99.8 feet; thence South 55 degrees 55 minutes West a distance of 134.03 feet; thence South 20 degrees 24 minutes West a distance of 136.55 feet; thence South 50 degrees 36 minutes East a distance of 60.04 feet; thence South 74 degrees 24 minutes East a distance of 142.76 feet; thence South 36 minutes 44 minutes East a distance of 111.68 feet; thence South 4 degrees 33 minutes West a distance of 192.7 feet; thence South 10 degrees 33 minutes East a distance of 218.9 feet; thence South 35 degrees 15 minutes East a distance of 231.45 feet; thence South 78 degrees East a distance of 77 feet; thence North 76 degrees 19 minutes East a distance of 180.10 feet; thence South 43 degrees East a distance of 86.65 feet; thence South 35 degrees 45 minutes East a distance of 123.78 feet; thence South 31 degrees 42 minutes East a distance of 133.17 feet; thence South 53 degrees West a distance of 124 feet; thence South 24 degrees 26 minutes West a distance of 168.24 feet; thence South 14 degrees 15 minutes West a distance of 136.60 feet; thence South 34 degrees 20 minutes East a distance of 84.65 feet thence South 21 degrees 15 minutes East a distance of 105.36 feet; thence South 84 degrees 30 minutes East a distance of 98.15 feet; thence North 43 degrees 45 minutes East a distance of 88.2 feet; thence South 72 degrees 23 minutes East a distance of 107.3 feet; thence south 30 degrees 47 minutes East a distance of 330.25 feet; thence South 43 degrees 35 minutes East a distance of 294 feet, more or less to the south line of said NW  $\frac{1}{4}$ ; thence East along the South line of said NW  $\frac{1}{4}$  a distance of 2392.6 feet to the southeast corner thereof; thence North along the East line of said NW  $\frac{1}{4}$  a distance of 2624 feet to the place of beginning; The above surveyed description formerly described as: The NW  $\frac{1}{4}$  of Section 3, except such portions thereof in the Northwest corner lying on the North and West bank of the South Middle Branch of the Zumbro River; ALSO All that part of the E  $\frac{1}{2}$  NE  $\frac{1}{4}$  of Section 4, Township 107 North, range 15 West, lying South and East of the center of the South Middle Branch of the Zumbro River; a portion thereof being also described by metes and bounds as follows: (measurements of which do not close), to-wit: Commencing at the Northeast corner of the Southeast Quarter of the Northwest Quarter of Section 4 and running thence South 10 chains; thence West 6 chains and 50 links; thence North 43  $\frac{1}{2}$  degrees East 4 chains and 50 links; thence North 37 degrees West 7 chains and 50 links; and thence East 7 chains and 50 links to the place of beginning, EXCEPTING from the above described premises the following: that part of the Northwest Quarter of Section 3, Township 107 North, Range 15 West, Olmsted County, Minnesota described as follows: Beginning at a point in the North line of said Northwest Quarter of Section 3, a distance of 833.29 feet westerly from the Northeast corner of said Northwest Quarter of Section 3; thence North 88 degrees 22'23" West, along said North line of Northwest Quarter (for purposes of this described bearings are assumed), a distance of 360.70 feet; thence South 45 degrees 32'07" West, 584.31 feet; thence South 39 degrees 53'29" West, 498.60 feet; thence South 23 degrees 42'01" West, 168.78 feet; thence South 0 degrees 12'30" West, 400.56 feet; thence South 89 degrees 36'54" East 327.81 feet; thence North 0 degrees 12'01" East 33.00 feet; thence North 8 degrees 06'15" East 472.52 feet; thence North 36 degrees 07'12" East 559.08 feet; thence South 69 degrees 04'38" East, 433.97 feet; thence North 3 degrees 55'56" East, 542.87 feet to said point of beginning; together with and subject to an easement for driveway purposes 20 feet wide, lying 10 feet on each side of all the courses in the above description which have a South-West bearing; containing 13.36 acres more or less.

## Exhibit "A" (3 of 4)

6279-ABSTRACT C  
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AND EXCEPT THAT PART OF THE Northwest Quarter of Section 3, Township 107 North, Range 15 West, Olmsted County, Minnesota described as follows: Commencing at the northeast corner of the Northwest Quarter of said Section 3; thence North 88 degrees 22 minutes 23 seconds West (assumed bearing) along the north line of said Northwest Quarter, a distance of 1193.99 feet; thence South 45 degrees 32 minutes 07 seconds West, a distance of 584.31 feet; thence South 39 degrees 53 minutes 29 seconds West, a distance of 483.53 feet to the point of beginning of the land to be described; thence continue South 39 degrees 53 minutes 39 seconds West, a distance of 15.07 feet; thence South 23 degrees 42 minutes 01 second West, a distance of 168.78 feet; thence South 00 degrees 12 minutes 30 seconds West a distance of 327.87 feet; thence South 89 degrees 14 minutes 02 seconds West, a distance of 661.81 feet to the west line of the Northwest Quarter of said Section 3, thence North 01 degrees 47 minutes 24 seconds East, along said west line a distance of 339.55 feet; thence North 11 degrees 36 minutes 56 seconds East, a distance of 157.33 feet; thence North 89 degrees 14 minutes 02 seconds East, a distance of 698.22 feet to the point of beginning. AND that part of the Northeast Quarter of Section 4, Township 107 North, Range 15 West, Olmsted County, Minnesota described as follows: Commencing at the northeast corner of the Northwest Quarter of Section 3, Township 107 North, Range 15 West, thence North 88 degrees 22 minutes 23 seconds West, (assumed bearing), along the north line of said Northwest Quarter, a distance of 1193.99 feet; thence South 45 degrees 32 minutes 07 seconds West, a distance of 584.31 feet; thence South 39 degrees 59 minutes 29 seconds West, a distance of 498.60 feet; thence South 23 degrees 42 minutes 01 second West, a distance of 168.78 feet; thence South 00 degrees 12 minutes 30 seconds West, a distance of 327.87 feet; thence South 89 degrees 14 minutes 02 seconds West, a distance of 661.81 feet to the east line of the Northeast Quarter of said Section 4 being the point of beginning of the land to be described; thence North 01 degree 47 minutes 24 seconds East, along said east line a distance of 339.55 feet; thence South 11 degrees 36 minutes 56 seconds West, a distance of 347.29 feet to the intersection with a line bearing South 89 degrees 14 minutes 02 seconds West, from the point of beginning; thence North 89 degrees 14 minutes 02 seconds East, a distance of 59.32 feet to the point of beginning.

And

## Exhibit "A" (4 of 4)

**PARCEL A:** That part of the S  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of Section 34, Township 108 North, Range 15 West of the 5<sup>th</sup> Principal Meridian, described as follows: Commencing at the southwest corner of said Section 34; thence East, assumed bearing, along the south line of said Section 34 a distance of 663.86 feet to the point of beginning of the land to be described; thence East along said south line a distance of 757.59 feet to the center line of the public road; thence North 46 degrees 18'00" East along said center line a distance of 301.70 feet; thence North 59 degrees 35'30" East along said center line a distance of 366.00 feet; thence North 56 degrees 37'30" East along said center line a distance of 202.27 feet to the west line of Lot 1, Block 7 of the plat of Genoa, Olmsted County, Minnesota; thence North 00 degrees 26'00" West along said west line of Lot 1, Block 7, and the west line of Lot 8, Block 6 a distance of 128.31 feet to a point in the westerly extension of the center line of Main Street, (as platted in the Village of Genoa) thence North 85 degrees 18'00" West along said center line extension a distance of 300 feet more or less to the center line of the Zumbro River; thence westerly along said Zumbro River center line to the east line of the West 20 acres of said S  $\frac{1}{4}$ ; thence South 01 degrees 05'36" East along said east line 480 feet more or less to the point of beginning.

**PARCEL B:** That part of the Village of Genoa located in Section 34, of Township 108 North of Range 15 west described as follows: That part of Lots 1 and 2, lying northerly of a line drawn from the northwest corner of Lot 3, South 57 degrees 18 minutes 30 seconds West to west line of Lot 1, all located in Block 7, and other lands.