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**AMENDMENT TO DECLARATION OF PROTECTIVE  
COVENANTS, CONDITIONS AND RESTRICTIONS**

This Amendment to Declaration of Protective Covenants, Conditions and Restrictions is made this \_\_\_\_\_ day of May, 2017, by Wayne M. Decklever and Rose Decklever, husband and wife, hereinafter referred to collectively as “Declarant” and Steven Berhens and Savay Berhens, husband and wife, hereinafter referred to as “Behrens”.

WHEREAS, is the fee owner of that certain real property more particularly described on the attached Exhibit “A”, hereinafter the “Property”, and

WHEREAS, Declarant recorded that certain Declaration of Protective Covenants, Conditions and Restrictions dated April 16, 2012 and recorded February 18, 2014 as Document Number A-1341280 affecting the Property, hereinafter the “Declaration” and

WHEREAS, Declarant sold a five-acre tract of the Property to Behrens under contract for deed dated January 31, 2014 and recorded February 18, 2014 as Document Number A-1341281 more particularly described on the attached Exhibit “B”, and

WHEREAS, Declarant and Behrens wish to amend the Declaration.

NOW, THEREFORE, Declarant and Behrens hereby declare that the Declaration of Protective Covenants, Conditions and Restrictions dated April 16, 2012 and recorded February 18, 2014 as Document Number A-1341280 is hereby amended as follows:

1. Section 2.1 of the Declaration shall be restated as follows:

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

2. Section 2.1 of the Declaration shall be restated as follows:

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. For purposes of interpreting the Declaration and any amendments thereto, controlled burning and/or typical uses appurtenant to crop farming, including, but not limited to, the use of fertilizers, shall not be construed as “noxious or offensive activities” for purposes of interpreting the Declaration.

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.

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3. The remaining terms of the Declaration shall remain unchanged in all other respects and shall be given full force and effect.

\_\_\_\_\_  
Wayne M. Decklever

\_\_\_\_\_  
Rose Decklever

State of Minnesota    )  
                                  )ss  
County of Olmsted    )

Subscribed and sworn to before me this \_\_\_\_ day of May, 2017, by Wayne M. Decklever and Rose Decklever, husband and wife, who executed the foregoing instrument as their free act and deed.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Steven Berhens

\_\_\_\_\_  
Savay Berhrens

State of Minnesota    )  
                                  )ss  
County of Olmsted    )

Subscribed and sworn to before me this \_\_\_\_\_ day of May, 2017, by Steven Berhens and Savay Berhrens, husband and wife, who executed the foregoing instrument as their free act and deed.

\_\_\_\_\_  
Notary Public

This instrument was drafted by:

Hansen Title & Legal Services, LLC  
Timothy J. Hansen, Attorney at Law  
2518 Superior Drive NW, Suite 100  
Rochester, MN 55901  
507-252-0123

**CONSENT OF MOTGAGEE**

AgStar Financial Services, FLCA, being the holder and owner of that certain Mortgage dated February 26, 2009 and recorded March 6, 2009 in the office of the Olmsted County Recorder as Document Number A-1192680, hereby consents to this Amendment to Declaration of Protective Covenants, Conditions and Restrictions.

AgStar Financial Services, FLCA

By: \_\_\_\_\_

Its: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

State of Minnesota )

)

County of Olmsted )

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by  
\_\_\_\_\_ and \_\_\_\_\_, the  
\_\_\_\_\_ and \_\_\_\_\_,  
respectively, of AgStar Financial Services, FLCA.

\_\_\_\_\_  
Notary Public

Exhibit "A" - Decklever Property

(Page 1 of 4)

The North 40 acres of the SW ¼ of Section 3, Township 107, Range 15, Olmsted County, Minnesota

And

That part of the North 100 acres of the NE¼, Section 3, T107N, R15W, lying west of the township road, except the following described three tracts of land:

Tract "A"

That part of the NW¼NE¼, Section 3, T107N, R15W, described as follows: Beginning at the northwest corner of the NE¼ of said Section 3; thence North 89 degrees 41 minutes 02 seconds East, assumed bearing, along the north line of said NE¼, 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 286.56 feet; thence South 89 degrees 41 minutes 02 seconds West parallel with the north line of said NE¼, 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 NE¼, 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 NE¼, 488.80 feet to the west line of said NE¼; 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 NE¼, Section 3, T107N, R15W, described as follows: Commencing at the northwest corner of the NE¼ of said Section 3; thence North 89 degrees 41 minutes 02 seconds East, assumed bearing, along the north line of said NE¼, 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 353.05 feet for a point of beginning; thence South 89 degrees 41 minutes 02 seconds West, parallel with the north line of said NE¼, 730.00 feet; thence North 59 degrees 22 minutes 20 seconds West 419.72 feet; thence South 50 degrees 25 minutes 29 seconds West 283.48 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 13 seconds East 192.69 feet; thence North 89 degrees 41 minutes 02 seconds East, parallel with the north line of said NE¼, 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 NW¼NE¼ and of the S¼NE¼, Section 3, T107N, R15W, described as follows: Commencing at the northwest corner of the NE¼ of said Section 3; thence North 89 degrees 41 minutes 02 seconds East, assumed bearing, along the north line of said NE¼, 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 590.55 feet for a point of beginning; thence South 89 degrees 41 minutes 02 seconds West, parallel with the north line of said NE¼, 700.00 feet; thence North 55 degrees 30 minutes 13 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 NE¼; 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

Exhibit "A" - Decklever Property

(Page 2 of 4)

That part of the NW ¼ of Section 3 and the NE ¼ of Section 4, Township 107 North, Range 15 West, Olmsted County, Minnesota described as follows: Commencing at the Northeast corner of the NW ¼ 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 ¼; thence East along the South line of said NW ¼ a distance of 2392.6 feet to the southeast corner thereof; thence North along the East line of said NW ¼ a distance of 2624 feet to the place of beginning; The above surveyed description formerly described as: The NW ¼ 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 ½ NE ¼ 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 ½ 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

Exhibit "A" - Decklever Property

(Page 3 of 4)

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.

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 28 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" - Decklever Property

(Page 4 of 4)

**PARCEL A:** That part of the S ½ of the SW ¼ 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 ½; 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.

**Exhibit "B" - Behrens Property**

**(Page 1 of 2)**

That part of the East One-Half 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  $S00^{\circ}11'24''E$ , assumed bearing, along the east line of said Northwest Quarter, 778.09 feet for a point of beginning; thence continue  $S00^{\circ}11'24''E$ , along said east line, 300.00 feet; thence  $S47^{\circ}20'51''W$ , 467.35 feet; thence  $N48^{\circ}35'42''W$ , 249.89 feet; thence northeasterly 123.47 feet along a curve, concave to the northwest, not tangent to the last described course, central angle of  $15^{\circ}43'15''$ , radius of 450.00 feet and chord of said curve bears  $N33^{\circ}32'40''E$ , 123.08 feet; thence  $N25^{\circ}41'02''E$ , 104.04 feet; thence northeasterly 502.65 feet along a curve, concave to the southeast, central angle of  $64^{\circ}00'00''$ , radius of 450.00 feet and chord of said curve bears  $N57^{\circ}41'02''E$ , 476.93 feet; thence  $N89^{\circ}41'02''E$ , 14.00 feet to the point of beginning. Containing 4.29 acres, more or less.

And:

That part of the Northwest Quarter of the Northeast Quarter of Section 3, Township 107 North, Range 15 West, Olmsted County, Minnesota described as follows:

Commencing at the northwest corner of the Northeast Quarter of said Section 3; thence  $S00^{\circ}11'24''E$ , assumed bearing, along the west line of said Northeast Quarter, 778.09 feet for a point of beginning; thence continue  $S00^{\circ}11'24''E$ , along said west line, 300.00 feet; thence  $N82^{\circ}57'43''E$ , 105.62 feet; thence  $N00^{\circ}11'24''W$ , parallel with the west line of said Northeast Quarter, 287.64 feet; thence  $S89^{\circ}41'02''W$ , parallel with the north line of said Northeast Quarter, 104.86 to the point of beginning. Containing 0.71 acres, more or less.

Containing in all 5.00 acres, more or less.

# Exhibit "B" - Behrens Property

(Page 2 of 2)

AT NE CORNER  
NW1/4 SEC. 3  
T107N R15W

