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WAUKESHA COUNTY, WI  
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MICHAEL J. HASSLINGER  
REGISTER OF DEEDS

REC. FEE: 34.00  
REC. FEE-CO: 4.00  
REC. FEE-ST: 2.00  
TRAN. FEE:  
TRAN. FEE-STATE:  
PAGES: 16

REEL 3046 PAGE 0001

# DECLARATION OF RESTRICTIONS

FOR

## PAULY PRESERVE AT GOLDEN LAKE

RETURN TO: SIEMANN REALTY CORP  
W240 N1221 PEWAUKEE RD.  
WAUKESHA, WI 53188

KNOW ALL PERSONS BY THESE PRESENTS: that PAULY FARMS, INC. is a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin (herein referred to as "Developer," which term shall also include the duly authorized agent of Developer). Developer is the owner of Pauly Preserve at Golden Lake, being a subdivision of part of the NE 1/4, of Sec., 31, Town 7 North, Range 17 East, Town of Summit, Waukesha County, Wisconsin, (herein referred to as Pauly Preserve at Golden Lake") and intends to establish a general plan for the use, occupancy and enjoyment of Pauly Preserve at Golden Lake, and in furtherance of the general purpose set forth in Section A, below, does hereby declare, for the mutual benefit of present and future owners of lands in Pauly Preserve at Golden Lake and any future stages of development added as provided in Section D, below, (herein referred to individually as "Owner" and collectively as "Owners"), that Pauly Preserve at Golden Lake shall be subject to the following restrictions:

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### A. GENERAL PURPOSE

The general purpose of this Declaration is to promote the harmonious development of Pauly Preserve at Golden Lake into a residential district of the highest quality while protecting the natural beauty and quality of the environment. In addition, this Declaration is to help insure that Pauly Preserve at Golden Lake will become and remain an attractive community; to preserve the open space within Pauly Preserve at Golden

Lake; to guard against the erection therein of poorly designed or proportioned structures; to obtain harmonious use of materials; to insure the highest and best residential development of the property; to encourage and secure the erection of attractive homes in appropriate locations on building sites; to secure and maintain proper setbacks from streets, shorelines and wetlands and adequate free spaces between structures; and in general, to provide adequately for high quality improvements while remaining sensitive to preserving the natural environment and thereby maintain and enhance the value of investments made by purchasers of properties in Pauly Preserve at Golden Lake.

**B. BUILDING RESTRICTIONS**

1. All lots in Pauly Preserve at Golden Lake are restricted to the erection of a one story, story and one-half, or two story single family residence building with a minimum square footage of living space (without regard for basement level areas) as specified in Paragraphs B.2 through B.5, below, and with an attached garage which will accommodate at least two cars.
2. The minimum size of a one story residence shall be 2400 square feet on the first floor.
3. A story and one-half residence shall have a minimum of 2800 square feet on the upper two floors.
4. A two story residence shall have a minimum of 2800 square feet on the upper two floors.
5. A tri-level residence shall have a minimum of 2800 square feet on the upper two floors.
6. The garage must be attached to the residence directly or by breezeway, or built into the basement of the residence, and must be constructed with the residence. The maximum size of the garage shall conform to Town of Summit (hereinafter referred to as the "Town") ordinances. Garage entrances must be on the side of the building.

7. The exterior walls of the residence and attached garage must be constructed of brick, stone, stucco, solid wood siding, wood waferboard products of the type and quality of the innerseal lap siding product manufactured by Louisiana Pacific Corporation on the date hereof, Hardiplank siding, or their equivalents. Certain artificial stone products may be allowed if specifically approved by Developer. Siding materials such as aluminum, vinyl, steel, pressed board, masonite or plywood will not be permitted. Any exposed basement or foundation wall must be covered with masonry veneer, plaster or stucco. The exterior exposed portion of all chimneys shall be of full masonry construction or shall have a masonry veneer. All roof areas having an appropriate pitch shall be covered with wood shakes or 40 year textured shingles. Textured shingles must be in a "weatherwood" color.

8. All two story and story and one-half residence roofs shall have a minimum pitch of eight feet in height for each twelve feet in length (8/12), except for rear dormers on a story and one-half residence. All one story residence roofs shall have a minimum pitch of ten feet in height for each twelve feet in length (10/12). A lower minimum roof pitch may be allowed in special circumstances if approved in writing by Developer.

9. The residence with attached garage, a sodded or seeded lawn and a paved driveway must be completed within one year of the start of construction.

10. Only one residence may be erected on a lot.

11. The minimum setback from any abutting street right-of-way is 50 feet. Side yard and rear yard setbacks shall conform to the Town ordinances. Shoreline and wetland setbacks shall conform to the Waukesha County Shoreland and Floodland Protection Ordinance.

12. There shall be no outside storage of boats, trailers, buses, commercial trucks, recreational vehicles or other vehicles or items deemed to be unsightly by the Developer or the Pauly Preserve at Golden Lake Homeowners Association, created pursuant to Section C, below.

13. All building plans and the exterior design of each building to be constructed and all yard grades and stakeout surveys must be approved by Developer in writing prior to application for a building permit. In addition, basic site features such as fences (which shall be of a decorative style; in no event will chainlink or privacy fences be allowed), decks, swimming pools (which must be inground), retaining walls (which shall be constructed of natural stone or wood timbers only), additions and other temporary or permanent structures or elements contributing to the total environmental effect of Pauly Preserve at Golden Lake are subject to the prior written approval of Developer. Developer's approval shall be based upon the building and use restrictions contained in this Section B and the Guidelines for Plan Approval for Pauly Preserve at Golden Lake which Owner shall obtain from Developer prior to submitting plans to Developer for approval. Developer may withhold exterior design approval if the design is too similar in appearance to others in close proximity. Following such time that a principal residence has been constructed upon each lot in Pauly Preserve at Golden Lake, Developer may, but shall not be obligated to, delegate to the Committee of the Pauly Preserve at Golden Lake Homeowners Association the approval authority contained in this Paragraph 13. To be effective, notice of such delegation shall be recorded in the office of the Register of Deeds for Waukesha County, Wisconsin.

14. At the time of construction of a residence the Owner shall install at a location designated by Developer, one outdoor electric postlamp with an unswitched

photo-electric control. The design of the postlamp shall be subject to the approval of the Developer. The postlamp shall be maintained by the Owner in a proper operating manner. If the postlamp is not so maintained, maintenance shall be performed by the Pauly Preserve at Golden Lake Homeowner's Association, and the cost of such maintenance shall be an assessment against the Owner, payable within 10 days after the date of the assessment.

15. The design and location of each mailbox/newspaper box shall be subject to approval of the Developer.

16. There shall be no satellite dish antennas having a diameter in excess of 24 inches, no outbuildings, no boathouses, and no above ground swimming pools. No more than one gazebo or cabana shall be located on a lot. No antenna or satellite dish shall be mounted or installed on any roof. Any antenna or satellite dish shall be placed and screened so as to minimize its visibility from roadways, Golden Lake and neighboring lots. All swimming pool related pump, heater and filter equipment must be concealed in an enclosure to minimize noise and visibility.

17. The Developer, and no other, shall have the right and authority to modify the Building and Use Restrictions or to permit variances from application thereof, if in its opinion, the modification or variance is consistent and compatible with the overall scheme of development of Pauly Preserve at Golden Lake, provided that no such modification shall be in violation of local ordinances, or have the effect of revoking an approval previously granted in writing hereunder. Notwithstanding the foregoing, any such modifications or variances shall be at the sole and absolute discretion, aesthetic interpretation and business judgment of the Developer, and this paragraph and any modifications or variances granted hereunder shall not in any way be interpreted (i) as

preventing the Developer from requiring at any time, and from time to time, strict compliance with the Building and Use Restrictions, or (ii) as entitling any person to a modification or variance not approved and granted in writing by the developer.

18. The Developer, and no other, shall have the right and authority to modify the Building and Use Restrictions with respect to Lot 1 because of the improvements that exist on the lot as of the date of this Declaration.

19. Each Owner must strictly adhere to and finish grade its lot in accordance with the Master Grading Plan or any amendment thereto approved by the Town Engineer on file in the office of the Town Clerk. The Developer and/or the Town and/or their agents, employees or independent contractors shall have the right to enter upon any lot, at any time, for the purpose of inspection, maintenance and correction of any drainage condition, and the Owner is responsible for cost of the same. Each Owner, at the time of home construction, shall also be responsible for grading their lot so as to direct drainage toward the street or other established drainageway and to prevent an increase in drainage on to neighboring property. In addition, at the time of construction, erosion control measures shall be installed and maintained according to the standards and specifications set forth in the Wisconsin Construction Site Best Management Practices Handbook and/or local ordinances.

20. Any Owner violating the restrictions contained herein shall be personally liable for and shall reimburse Developer and the Association for all costs and expenses, including attorneys' fees, incurred by Developer or the Association in enforcing the restrictions contained in this Section B. The foregoing shall be in addition to any other rights or remedies which may be available to Developer and the Association.

21. The Developer, its successors and assigns, and all parties hereafter having an interest in the property, are subject to all rules, codes, statutes, regulations and ordinances of the Town, the County of Waukesha, the State of Wisconsin, and the federal government, and the same may be more restrictive than these restrictions. In the event there is a conflict between the requirements of these restrictions and any provision of any Town, County, State or federal law or regulation, the more restrictive provisions shall apply.

22. Siepmann Realty Corporation is the duly authorized agent of Pauly Farms, Inc. as of the date of this Declaration and may act in that capacity until such time as a notice is recorded in the office of the Register of Deeds for Waukesha County by Pauly Farms, Inc., its successors or assigns, which terminates the authority of said agent.

C. OWNERS ASSOCIATION

1. An unincorporated association (herein referred to as the "Association") of the Owners of land in Pauly Preserve at Golden Lake and all future stages of development as provided in Section D, below, is hereby created for purposes of managing and controlling subdivision Common Areas (as defined below) and performing other duties as set forth herein for the common benefit of the Owners. The Association shall be known as "Pauly Preserve at Golden Lake Homeowners Association".

2. The term "Common Area" shall include the following areas, plus any additional areas which may be added in accordance with Section D., below.

(a) Outlots of Pauly Preserve at Golden Lake and any outlots of any future stages of development added as provided in Section D., below. No improvements shall be allowed on the outlots except for landscaping, a gazebo, a