

476453

AGREEMENT AMENDING DECLARATION OF CONDITIONS,
COVENANTS, RESTRICTIONS AND EASEMENTS FOR
OVERLAND HEIGHTS DEVELOPMENT, FOND DU LAC, WISCONSIN

THIS AGREEMENT is made this 2nd day of April, 1990,
~~1989~~, by and between the members of the Overland Heights Community
Association, Inc., a Wisconsin nonstock corporation (the "Members
of the Association").

WITNESSETH:

WHEREAS, a Declaration of Conditions, Covenants, Restrictions
and Easements for Overland Heights Development (the "Declaration")
was made on July 26, 1979, and recorded on September 24, 1979, in
the office of the Register of Deeds for Fond du Lac County in
volume 802 of records as document number 353066 on pages 206-223;
and

WHEREAS, the Declaration of Conditions was amended on
March 30, 1982, and

WHEREAS, paragraph 4 of Article VI of the Declaration
provides that the Declaration may be amended at any time by the
written consent of the Members of the Association who own, legally
or beneficially, two-thirds of the Lots; and

WHEREAS, the Members of the Association desire to amend the
Declaration.

NOW, THEREFORE, in consideration of the premises, the mutual
covenants contained herein and other valuable consideration, the
parties hereto agree as follows:

1. Paragraph 5 of Article II of the Declaration is hereby
amended to read as follows:

5. Dwelling Size. Living area for any Dwelling is
defined as those areas, excluding garages, patios and
breezeways, that are to be heated and/or air-conditioned.
Basements, whether or not heated and/or air-conditioned,
shall also be excluded from the determination of living area;
however, any habitable portion of a basement which has
adequate natural light and ventilation and access at grade may
be included at the discretion of the Committee. No areas
with less than six feet (6'0") of headroom shall be included
in calculating the living area. The minimum living area for
any Dwelling is 1,800 square feet; however, the Committee may
grant a variance for smaller Dwellings at its complete
discretion. The maximum height of Dwellings and Dwelling



Accessory Buildings shall be twenty-four feet (24'0") measured from the highest point of contact between the natural grade and the structure.

However, the Architectural Review Committee may grant a variance to allow taller Dwellings or Dwelling Accessory Buildings if, in the opinion of the majority of the Committee, the variance would not violate the stated purposes of this Declaration as contained in Paragraph 1 of Article II nor obstruct view of any adjoining property or Dwelling.

2. Paragraph 6 of Article II of the Declaration is hereby amended to read as follows:

6. Building Location and Lot Area. The minimum setback from the street for any Dwelling or Dwelling Accessory Building on a Lot shall be thirty-five feet (35'0"). The minimum side yard restrictions for each Lot shall be twenty feet (20'0") and the minimum rear yard restriction for each Lot shall be sixty feet (60'0"). However, the Architectural Review Committee may grant a variance to allow smaller side yards, setbacks and rear yard restrictions if, in the opinion of the majority of the Architectural Review Committee, the variance would not violate the stated purposes of this Declaration as contained in Paragraph 1 of Article II nor obstruct view of any adjoining property or Dwelling. In the event one Owner owns two adjoining Lots, the Architectural Review Committee shall determine whether such adjoining Lots may be considered a single Lot in the application of side yard restrictions.

In addition, all side yards, setbacks and rear yards shall comply with all applicable restrictions described in Town of Empire's Zoning Code.

IN WITNESS WHEREOF, all of the Members of the Association have executed this Agreement as of the date first above written.

OVERLAND HEIGHTS DEVELOPMENT,
a partnership

By: Irring Koren
Irring Koren, Partner

By: G. Joseph Baumhardt
G. Joseph Baumhardt, Partner

Architectural Review Committee:

Stanley Ramaker
Stanley Ramaker

Bonnie Ramaker
Bonnie Ramaker, his wife

Curtis P. Law
Curtis P. Law

Delores Law
Delores Law, his wife

Tod Culver
Tod Culver

John Smedburg
John Smedburg

Colleen Smedburg
Colleen Smedburg, his wife

Lot Owners:

Jeff Alexander
Jeff Alexander

Joanee Alexander
Joanee Alexander, his wife

Robert Hartzheim
Robert Hartzheim

Ardena Hartzheim
Ardena Hartzheim, his wife

Jim Wolfe
Jim Wolfe
JAMES

Catherine Wolfe
Catherine Wolfe, his wife

John Leopold
John Leopold,

Janice F. Leopold
Janice Leopold, his wife

Arthur F. Steger
Arthur Steger

Beverly Steger
Beverly Steger, his wife

Donald Piechowski 3-11-90
Donald Piechowski

Jean Piechowski
Jean Piechowski, his wife

Neil Schueller
Neil Schueller
N.E.L.

Janet S. Schueller
Janet Schueller, his wife

Craig Wink
Craig Wink

Gerard Berna
Gerard Berna

Irene Berna
Irene Berna, his wife

Gary Flohr

Kathi Flohr, his wife

Herbert Hannam

Melanie Hannam, his wife

Herman Grohskopf

Diane Grohskopf, his wife

Robert Alexander

Lila Alexander, his wife

This instrument was drafted by John C. Zacherl, Attorney.

STATE OF WISCONSIN)
)SS
FOND DU LAC COUNTY)

Personally came before me this 2nd day of April, 1990, ~~1990~~ the above-named Irving Koren and G. Joseph Baumhardt, co-partners of Overland Heights Development, a partnership, to me known to be the persons who executed the foregoing instrument, and acknowledged the same.

[Signature]
NOTARY PUBLIC, State of Wisconsin
My commission: Permanent

This instrument was recorded in the Office of the Register of Deeds, Fond du Lac County, Wisconsin, on April 3, 1990.

RECORDED

VCL 1014 PAGE 210-213
APR 3 8 56 AM '90

Mary C. Schickel
REGISTER OF DEEDS
FOND DU LAC COUNTY WI

This document prepared by:
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