

Office of the
Registrar of Titles
St. Louis County, Minnesota
Certified Filed on
06/04/2007 at 9:39 AM as
Document No. 837484.0
Affecting Certificate(s) of Title
306490.0 309850.0
Mark A. Monacelli
Registrar of Titles
By D Ide Deputy
TFR 219678



837484

DO NOT REMOVE

**TOWERING PINES SUBDIVISION
PINE ISLAND ON LAKE VERMILION
GREENWOOD TOWNSHIP, ST. LOUIS COUNTY, MINNESOTA**

DECLARATION OF COVENANTS, CONDITIONS AND DEED RESTRICTIONS

WHEREAS, Terence M. Fogarty, Trustee of the Terence M. Fogarty Trust, dated September 14, 2005 ("Declarant") is the owner of Lots 1 through 10, Towering Pines, according to the registered plat thereof, St. Louis County, Minnesota (the "Plat"); and

WHEREAS, Declarant intends to convey the Lots in the Plat subject to the covenants, conditions and restrictions recited hereinafter to the end that they shall inure to the benefit of the Declarant, his successors and assigns and to each and all of the future owners of any of the Lots in said Plat; and

WHEREAS, the Plat is not subject to Minnesota Statutes Chapter 515B by reason of the exemptions contained in Section 515B 1-102 (e) (1) and (e)(2).

NOW, THEREFORE, in consideration of the mutual benefits to be derived by the undersigned, successors, assigns and future owners of Lots comprising Towering Pines Subdivision, the Declarant publishes and makes known to all intending purchasers and future owners that lots within this subdivision shall be used, held and/or sold expressly subject to the following covenants, conditions and restrictions.

Terence Fogarty
TFR # 219678
Cash Chg
46
20

837484

LAND USE

The Plat is subject to the laws of Greenwood Township, St. Louis County and State of Minnesota affecting zoning, land use requirements and building codes.

Structures

Maximum structure heights to conform to Greenwood Township Zoning Ordinance.

All lots shall be used for single residence purposes only - meaning only one single-family dwelling may be erected on a single lot and such accessory buildings as permitted herein. The restrictions for accessory buildings and docks are more restrictive than current St. Louis County and Greenwood Township ordinances for the purpose of reducing the visual impact of structures observed from the lake and by adjacent landowners.

One bunkhouse (defined as a residential accessory structure used for sleeping quarters with no sanitation, cooking facilities or water under pressure) is allowed per lot, provided it does not exceed 260 square feet in size, 14' in height, has at least a 100-foot shoreline setback and at least a 50-foot side lot line setback.

A guest cottage (defined as a structure used as a dwelling unit that may contain sleeping spaces, kitchen and bathroom facilities, in addition to those provided in the primary dwelling unit) is allowed on Lots 3 through 7, provided it does not exceed 880 square feet in size, has at least a 100-foot shoreline setback and at least a 50-foot side lot line setback.

One bunkhouse or guest cottage is also allowed per lot, but not both.

A single boathouse is permitted per lot provided it conforms to Greenwood Township Zoning Ordinance size limits and has at least a 20-foot side lot setback.

Pole buildings or storage structures which exceeds 800 square feet per lot are not permitted, except one such structure is permitted on Lots 7 through 10 subject to the following restrictions:

- at least a 500-foot shoreline setback,
- at least a 50-foot side lot line setback,
- is not visible from the lake at any time of the year.

In order to preserve the character and beauty of the shoreline each lot is limited to one boat dock. Alternatively, and in order to facilitate safe boat access, a lot may have two docks with a boathouse, provided each dock is located adjacent to each side of the boathouse. Because the Greenwood Township Fire Department

relies on fireboat access to Pine Island, boat docks should have a minimum width of 6 feet and a minimum water depth of 3 feet at the end of the dock.

Uses

No part of a lot may be used for commercial or manufacturing purposes. Home office-type businesses are permitted provided: the use is incidental to the residential use; does not involve observable business activity such as signs, advertising displays, does not involve employees; and does not otherwise involve activity which disturbs the quiet enjoyment of the other owners within the Plat.

No lot within the Plat shall be subdivided, partitioned or converted to other use. The time share form of ownership, or any comparable form of lease, occupancy rights or ownership which has the effect of dividing the ownership or occupancy of a Lot or Dwelling into separate time periods, is prohibited. In addition, no portion of the Property shall be included within a "Planned Unit Development" or within a Common Interest Community as defined in Minnesota Statutes Chapter 515B.

Construction and Setbacks

Mobile homes, trailer homes or camper trailers are not permitted, except temporarily (not to exceed 24 months) during construction of a permanent dwelling. After 24 months they must be removed from the property and may not be used for storage, bunkhouse or guest cottage.

Side lot line setback for a residence shall be 50 feet. Side lot line setback for all other structures including docks shall be 20 feet.

Environmental Restrictions

The Plat and all the Lots and any environmentally sensitive areas of the Property shall be used and maintained according to the following conditions and restrictions:

1. Ponds and wetlands, whether natural or otherwise, shall be maintained in substantially the same condition as originally established.
2. Excavating or filling wetlands on the Property is prohibited, without permits and/or approvals issued by the County, the Minnesota Department of Natural Resources and/or the US Army Corp of Engineers, as applicable.
3. Any aquatic vegetative removal from the waters of Lake Vermilion requires a permit from the Minnesota Department of Natural Resources. Owners of Lots are encouraged to leave a wide shoreline buffer zone of unmowed, natural vegetation and to plan the location of their dock prior to clearing their view

corridor from their building site so as to minimize alteration of aquatic vegetation and shallow water habitat along the frontage of the Lot.

4. Each Lot shall be maintained free from noxious weeds, debris, trash and other refuse. All trash and refuse shall be kept, stored and disposed of in accordance with local, state, federal and other applicable governmental regulation.

5. Improvements and access to, and alterations such as excavating, filling, grading or removal of vegetation within the Shore Impact Zone and below the ordinary high water mark of Lake Vermilion are subject to strict Town and County ordinances and regulations of the Minnesota Department of Natural Resources. Work within the Shore Impact Zone usually requires a special permit and/or Agency approval. Any alterations below the ordinary high water mark requires approval from the Minnesota Department of Natural Resources. Regulations and ordinances regarding removal of vegetation within the Shore Impact Zone must be adhered to minimize any potential runoff to Lake Vermilion and to protect the screening.

6. Because the Declarant wishes to preserve the natural character and beauty of the Plat, the following rules apply to the portions of the Plat outside of the shore impact zone. Vegetative removal is restricted no more than 25% of living trees, shrubs and plants. Intensive vegetation clearing is not permitted except where structures are located. Removal of dead, diseased, dangerous and storm or fire damaged trees, shrubs, and plants is permitted.

7. No improvement shall be erected or maintained, no excavation, grading or reshaping shall be undertaken, and no fill or other material shall be placed, on a Lot which may change or impede the natural or intended flow of water through any drainage area on the Property.

8. Only phosphorus free lawn fertilizers are allowed to be used on the yard areas of the Lots or other parts of the Lots and no fertilizers of any type may used within 100 feet of the ordinary high water level of Lake Vermilion. No other chemicals or other materials shall be used, stored or disposed of on any Lot which violate any County ordinances or other applicable governmental laws, codes and regulations or which may be damaging to Lake Vermilion or the Plat.

Outdoor Lighting

A dark sky is an important part of the Lake Vermilion outdoor experience. Light trespass or glare from a light appliance can detract from the tranquility of night. Outdoor lighting is limited with respect to glare, light trespass and sky glow.

1. Glare: Illumination is limited to only what needs to be seen. The source of illumination itself should not be visible.

2. Light Trespass: Illumination on one property should not extend to an adjacent property.
3. Sky Glow: Illumination appliances shall not direct light upward.

With anticipated advances in lighting technology, it is impractical to specify lighting appliances or techniques at any point in time that could later be archaic. Lighting appliances should be evaluated periodically to determine if they are state of the art for achieving compliance with these limitations.

Current technology (2006) includes sodium (warm color) illumination and shaded appliances that are less prone to light pollution than mercury vapor security lighting.

Quiet Enjoyment.

All owners and occupants and their guests shall have a right of quiet enjoyment in their respective Lots, subject to the rights of other owners and occupants to reasonable use of their respective Lots and the normal and customary sights, sounds and activity generated thereby given the existing and contemplated future use of the Property. The Property shall be occupied and used in such a manner as will not cause a nuisance, nor unduly restrict, interfere with or impede the use and quiet enjoyment of the Property by other owners and occupants and their guests.

Compliance with Law; Liability.

No use shall be made of the Property which would violate any then existing municipal codes or ordinances, or state or federal laws, including without limitation Town and County ordinances and regulations of the Minnesota Department of Natural Resources, nor shall any act or use be permitted which could cause waste to the Property, cause a material increase in insurance rates on other Lots, or otherwise cause any unusual liability, health or safety risk, or expense, for any owner or occupant.

Animals and Household Pets

No animals, livestock or poultry of any kind shall be raised, bred or kept upon any lot in the Plat. However, dogs, cats or other common household pets may be kept thereon if they are not kept, bred or maintained for any commercial purpose.

Prohibition Against Firearms and Explosives

No firearms of any kind shall be discharged on any portion of the property except during legal hunting seasons. No fireworks or pyrotechnic devices may be exploded on any portion of the property.

DURATION OF DECLARATION

The covenants and restrictions set forth in this declaration shall run with the Plat and shall be binding on all parties or persons holding title to lots in Towering Pines. The duration of this declaration shall be thirty years from the date of recording with the St. Louis County Registrar of Deeds and Registrar of Titles. After such period, the provisions set forth in this declaration shall be automatically extended for successive periods of ten years each, unless a seventy-percent majority of Lot owners vote against renewal.

AMENDMENTS TO DECLARATION

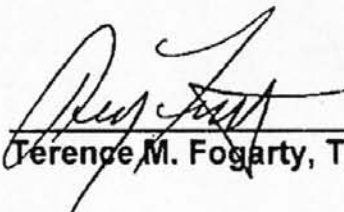
Amendments to this declaration may be initiated by a Lot owner and shall become effective only upon 1) approval by a seventy-percent majority of the Lot owners within Towering Pines Subdivision; 2) subsequent approval of the St. Louis County Planning Commission; and 3) recording of amendments with the St. Louis County Registrar of Deeds and Examiner of Titles. Lot owners shall be entitled to one vote for each lot. Multiple owners of any given lot shall designate a single voting owner.

ENFORCEMENT

Individual lot owners, who benefit by these covenants, conditions and deed restrictions, have the right to enforce compliance.

EXECUTION OF DECLARATION

IN WITNESS WHEREOF, the Declarant, as Trustee of the Terence M. Fogarty Revocable Trust dated September 14, 2005, does hereby cause this declaration to be executed on this 11 day of MAY, 2007.

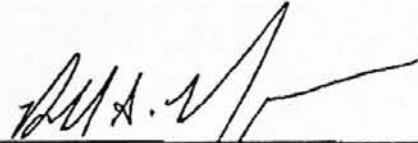


Terence M. Fogarty, Trustee and Declarant

837484

STATE OF WISCONSIN)
) ss
COUNTY OF St Croix)

The foregoing instrument was acknowledged before me this 11th day of May, 2008, by: Terence M. Fogarty Trustee of the Terence M. Fogarty Revocable Trust dated September 14, 2005.



Notary Public

This instrument drafted by:

Terence M. Fogarty
1830 River Ridge Road
Hudson, WI 54016-2270

