



Office of the Registrar of Titles  
St. Louis County, Minnesota  
Recorded on 04/07/2021  
At 10:53AM

Document No. 1038925.0

Affecting Certificate(s) of Title

311251.0 312964.0 313167.0 313168.0 315960.0 338716.0 338717.0 338718.0 355098.0  
355125.0

Wendy Levitt  
Registrar of Titles

By R MacDonell Deputy  
TFR 272559

Document: AMENDMENT  
Grantor: MARTIN STEVENS L  
Grantee: PUBLIC

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Auditor

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Recording Fee: \$226.00  
Well Certificate Fee: \$0.00

This page has been added by the St. Louis County Recorder/Registrar of Titles to add the recording information to the attached document.

Notes:

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

**RESTATED DECLARATION OF COVENANTS, CONDITIONS AND  
DEED RESTRICTIONS**

WHEREAS, the following as the Restated Declaration of Covenants, Conditions, and Deed Restrictions of the plat of Towering Pines have been approved by no less than 70% of the lot owners of the ten lots in said plat;

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

WHEREAS, by Declaration dated May 11, 2007, filed June 4, 2007 as Document No. 837484 with the Registrar of Titles, the original declaration was adopted. Said Covenants, Conditions and Restrictions were amended by First Amendment to Declaration filed October 15, 2012 as Document No. 921098.

WHEREAS, Terence M. Fogarty, Trustee of the Terence M. Fogarty Trust, dated September 14, 2005 transferred title to his interests in platted lots to Bonita J. Fogarty, Trustee of the Bonita J. Fogarty Revocable Trust UTA dated September 14, 2005 by Trustees Deed dated April 7, 2016, filed as Document No. 969918

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

*Terence M. Fogarty*  
 TFR # 272559  
 Cash Chg 46  
20X9

Towering Pines Subdivision, the Declarant publishes and makes known to all current and future owners that lots within this subdivision shall be used, held and/or sold expressly subject to the following covenants, conditions and restrictions. These Restated declarations are hereby adopted for the benefit of all owners in said Plat.

## LAND USE

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

### Section 1. Structures

1.1 Primary and accessory dwellings must be permitted and are subject to the jurisdiction of St Louis County Planning and Community Development. Except as stated herein, structures shall conform to St Louis County zoning standards. However, shoreline setback for accessory dwellings shall be 100' minimum and side lot setback for houses and accessory dwellings shall be 50 feet minimum, even if St Louis County requires lessor setbacks. Side lot set back for all other structures including docks shall be 20 feet.

1.2 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.

1.3 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.

1.4 Docks are subject to the jurisdiction of the DNR. Because 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 dept of 3 feet at the end of the dock.

### Section 2. Uses

2.1 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.

2.2 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.

### 2.3 Temporary Structures

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.

## Section 3 Environmental Restrictions

3.1 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:

a. Ponds and wetlands, whether natural or otherwise, shall be maintained in substantially the same condition as originally established.

b. 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.

c. 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.

d. 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.

e. 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.

f. 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.

g. 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.

h. 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.

#### Section 4. Outdoor Lighting

4.1 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.

- a. Glare: Illumination is limited to only what needs to be seen. The source of illumination itself should not be visible.
- b. Light Trespass: Illumination on one property should not extend to an adjacent property.
- c. Sky Glow: Illumination appliances shall not direct light upward.

4.2 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.

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

Section 5. Quiet Enjoyment.

5.1 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.

Section 6. Compliance with Law; Liability.

6.1 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.

Section 7. Animals and Household Pets

7.1 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.

Section 8. Prohibition Against Firearms and Explosives

8.1 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.

**Section 9. DURATION OF DECLARATION**

9.1 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 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.

**Section 10. AMENDMENTS TO DECLARATION**

10.1 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) recording of amendments with the St. Louis County Registrar 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.

**Section 11. ENFORCEMENT**

11.1 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 undersigned owners of lot(s) in Towering Pines do hereby approve this declaration this 5<sup>th</sup> day of January, 2021. The declaration shall be affective upon approval by the owners of at least 7 of the 10 lots in said plat.

Name:

Stevens L. Martin & Winifred E. Martin

Lots Owned:

Lot 1, Block 1, COT 355098

Lot 2, Block 1, COT 355125

[Signature]  
Stevens L. Martin

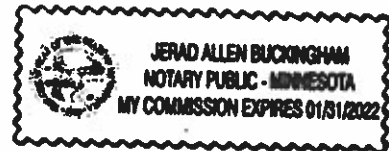
[Signature]  
Winifred E. Martin

STATE OF Minnesota )  
COUNTY OF Hennepin ) ss

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of January, 2021, by Stevens L. Martin and Winifred E. Martin, husband and wife

[Signature]  
Notary Public

This instrument drafted by:  
Scott C. Neff  
Attorney at Law  
Trenti Law Firm  
225 North 1<sup>st</sup> Street, Ste 1000 Lincoln Bldg.  
PO Box 958  
Virginia MN 55792





**EXECUTION OF DECLARATION**

IN WITNESS WHEREOF, the undersigned owners of lot(s) in Towering Pines do hereby approve this declaration this 29 day of December 2020. The declaration shall be affective upon approval by the owners of at least 7 of the 10 lots in said plat.

Name:

Lots Owned:

Bonita J. Fogarty Revocable Trust UTA dated  
September 14, 2005

Lot 4, Block 1 (COT 338716)  
Lot 5, Block 1 (COT 338717)  
Lot 8, Block 1 (COT 338718)

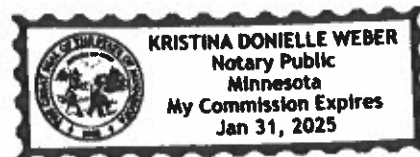
By: *Terence M. Fogarty*  
Terence M. Fogarty, Successor Trustee

STATE OF MINNESOTA )  
  ) ss  
COUNTY OF WASHINGTON )

The foregoing instrument was acknowledged before me this 29 day of December, 2020, by Terence M. Fogarty, Successor Trustee of the Bonita J. Fogarty Revocable Trust UTA dated September 14, 2005

*Kristina Donielle Weber*  
Notary Public

This instrument drafted by:  
Scott C. Neff  
Attorney at Law  
Trenti Law Firm  
225 North 1<sup>st</sup> Street, Ste 1000 Lincoln Bldg.  
PO Box 958  
Virginia MN 55792





**EXECUTION OF DECLARATION**

IN WITNESS WHEREOF, the undersigned owners of lot(s) in Towering Pines do hereby approve this declaration this 26<sup>th</sup> day of MARCH, 2021. The declaration shall be affective upon approval by the owners of at least 7 of the 10 lots in said plat.

Name:	Lots Owned:
Terence M. Fogarty Trustee of the Terence M. Fogarty Trust dated September 14, 2005 (owner/contract for deed vendor)	Lot 10, Block 1 (COT 311251)

By:  TTE  
Terence M. Fogarty, Trustee

STATE OF Minnesota )  
  ) ss  
COUNTY OF Washington )

The foregoing instrument was acknowledged before me this 26 day of March, 2021, by Terence M. Fogarty, Trustee of the Terence M. Fogarty Trust UTA dated September 14, 2005



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

This instrument drafted by:  
Scott C. Neff  
Attorney at Law  
Trenti Law Firm  
225 North 1<sup>st</sup> Street, Ste 1000 Lincoln Bldg.  
PO Box 958  
Virginia MN 55792

**EXECUTION OF DECLARATION**

IN WITNESS WHEREOF, the undersigned owners of lot(s) in Towering Pines do hereby approve this declaration this 23 day of February, 2020. The declaration shall be affective upon approval by the owners of at least 7 of the 10 lots in said plat.

Name:

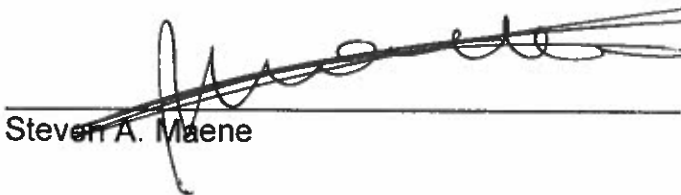
Lots Owned:

Rebecca L. Maene and Steven A. Maene, contract for deed purchasers/vendees

Lot 10, Block 1 (COT 311251)



Rebecca L. Maene



Steven A. Maene

STATE OF MN )  
 ) ss  
COUNTY OF Hennepin )

The foregoing instrument was acknowledged before me this 23<sup>rd</sup> day of February, 2021, by Rebecca L. Maene and Steven A. Maene, married couple.



Notary Public

This instrument drafted by:  
Scott C. Neff  
Attorney at Law  
Trenti Law Firm  
225 North 1<sup>st</sup> Street, Ste 1000 Lincoln Bldg.  
PO Box 958  
Virginia MN 55792



STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF ST. LOUIS

SIXTH JUDICIAL COURT

## CERTIFICATE OF EXAMINER OF TITLES

I, Kimberly E. Brzezinski, Examiner of Titles for St. Louis County, Minnesota, do hereby certify that I have examined the Certificate of Trust regarding the Bonita J. Fogarty Revocable Trust UTA dated September 14, 2005 recorded as Document No. 1036121, and the following documents presented by Trenti Law, namely:

Certificate of Trust regarding the Terence M. Fogarty Trust dated September 14, 2005; Affidavit of Trustee regarding same; Affidavit of Trustee regarding the Bonita J. Fogarty Revocable Trust UTA dated September 14, 2005; and Restated Declaration of Covenants, Conditions and Deed Restrictions regarding Towering Pines Subdivision Pine Island on Lake Vermilion.

I do further certify that said documents are legally sufficient to authorize execution of the above-described document affecting the premises described in Certificate of Title Nos. 311251, 338716, 338717 and 338718;

and under the provisions of Minnesota Statutes, § 508.62, the Registrar of Titles of St. Louis County, Minnesota, is authorized to **memorialize** this certificate and said documents on said Certificates of Title.

Dated: April 3, 2021.

KIMBERLY E. BRZEZINSKI  
EXAMINER OF TITLES

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