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BRANDY MACUMBER, COUNTY RECORDER
MADISON COUNTY IOWA

DEED RESTRICTIONS

Preparer Information:

Jennifer J. O'Brien
917 N 14th Ave.
Winterset, Iowa 50273
(515) 975-8317

Taxpayer Information:

The Jennifer J. O'Brien Trust
917 N 14th Ave.
Winterset, Iowa 50273

Return Document to:

Jennifer J. O'Brien
917 N 14th Ave.
Winterset, Iowa 50273

Grantor:

Jennifer J. O'Brien, as Trustee of the Jennifer J. O'Brien Revocable Trust

Grantee:

N/A

Legal Descriptions:

Lot One (1), Birchwood Estates Plat No. 3, an Addition to the City of Winterset, Madison County, Iowa, **AND** Lot One (1), Block Five (5), Birchwood Estates Plat No. 1, an Addition to the City of Winterset, Madison County, Iowa.

Document or instrument number of previously recorded documents:

N/A

**DEED RESTRICTIONS
FOR LOT ONE (1), BIRCHWOOD ESTATES PLAT NO. 3,
AN ADDITION TO THE CITY OF WINTERSSET, MADISON COUNTY, IOWA**

KNOW ALL MEN BY THESE PRESENTS:

That The Jennifer J. O'Brien Trust ("Declarant") of Madison County, Iowa, being the owner of the following premises situated in Winterset, Madison County, Iowa, to wit:

Lot One (1), Birchwood Estates Plat No. 3, an Addition to the City of Winterset, Madison County, Iowa.

does hereby establish and place the following building restrictions and protective covenants upon said premises, to wit:

1. Said Lot described herein shall be known, described and used solely as a residential building lot, and no structure shall be erected on said building lot other than a detached single-family dwelling not to exceed two and one-half stories in height. All dwellings must have a minimum of 1,200 square feet of finished area directly under the roof, exclusive of attached garages, breezeways, porches and finished basement areas.
2. All dwellings must have a minimum of a 5/12 pitched roof.
3. Building setback lines, as shown on the plat of record, shall be strictly followed and public easements, as shown on the recorded plat, are hereby reserved for installation and maintenance of such facilities as may be located within, on, under or over said easements.
4. No trailer, camper, bus, boat, motor home or other similar type of recreational vehicle shall be parked or stored on said lot unless screened from view from the public.
5. No trailer, basement, tent, shack, garage, barn or other building erected on any lot shall, at any time, be used as a residence, either temporarily or permanently, nor shall any residence of a temporary character be permitted. No residence shall be occupied until the exterior thereof has been completed and all exterior wood painted or finished.
6. No structure shall be moved onto any lot in said plat. This specifically prohibits "modular" homes or any such homes not built on site.
7. Titleholder(s) of said lot, vacant or improved, shall keep the lot free of weeds and debris.

8. No obnoxious or offensive trade shall be carried on upon said lot nor shall anything be done therein which may be or become an annoyance or nuisance to the neighborhood.
9. No exterior towers or antennas of any kind shall be constructed, modified, or permitted on the ground of said lot, except as provided for herein. Reasonable television and radio antennas may be attached to the dwelling or garage provided the antenna's location shall be restricted to the rear of the house or garage, or to the rear of the roof ridgeline so as to be hidden from sight when viewed from the front street. A satellite dish antenna having a diameter of one meter or less may be placed on the rear of said lot provided it is totally screened and not visible from street view.
10. Reasonable shrubbery or decorative fence or both shall properly screen any dog run or trash receptacle.
11. Any tool sheds or other outbuildings of like nature are limited to 200 square feet in size.
12. These covenants, restrictions and provisions are to run with the land and shall be binding upon all parties and all persons claiming under them for a period of twenty-one years after the date they are recorded in the Madison County Recorder's Office, and may be renewed for successive twenty-one year periods by recording a written notice as provided in Iowa Code § 614.24, as amended. This Declaration may be amended by an instrument signed (i) by the Declarant herein named as long as the Declarant owns said Lot One (1), Birchwood Estates Plat No. 3, an Addition to the City of Winterset, Madison County, Iowa, or (ii) by the owner of said Lot One (1), Birchwood Estates Plat No. 3, an Addition to the City of Winterset, Madison County, Iowa, AND the then current owner of Lot One (1), Block Five (5), Birchwood Estates Plat No. 1, an Addition to the City of Winterset, Madison County, Iowa. Any amendment must be recorded.
13. If any owner of said Lot One (1), Birchwood Estates Plat No. 3, an Addition to the City of Winterset, Madison County, Iowa, shall violate any of the covenants or restrictions herein, it shall be lawful for any person or persons owning any other lots in said plat or adjoining Plat, including Lot One (1), Block Five (5), Birchwood Estates Plat No. 1, an Addition to the City of Winterset, Madison County, Iowa, to prosecute any proceedings at law or in said equity against the person or persons violating or attempting to violate any such covenant or restriction and either to prevent him from so doing or to recover damages or other dues for such violations.
14. Invalidity of anyone of these covenants by judgment or court order shall in no way affect any of the other provisions, which shall remain in full force and effect.
15. The purpose of these building restrictions and protective covenants is to enhance and protect the value, attractiveness, and desirability of the premises.

Dated this 13 day of October, 2025.

Jennifer J. O'Brien, Trustee
Jennifer J. O'Brien, Trustee

STATE OF IOWA)
) ss.
County of Madison)

This instrument was acknowledged before me, the undersigned Notary Public, by
Jennifer J. O'Brien _____, on this 13 day of
October _____, 2025.

Connor Corcoran
Notary Public

My commission expires: 1/19/2026
(Affix Notary Seal/Stamp)

