

**DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS**

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RE: See legal descriptions attached as "Exhibit A" & "Exhibit B."

**DECLARATION** made by Jeffery D. Herbrand and Nancy R. Herbrand (hereinafter jointly and severally referred to as "PARCEL A OWNER"), and Bradley A. Herbrand and Kari L. Herbrand (hereinafter jointly and severally referred to as "PARCEL B OWNER"), as follows:

**WHEREAS**, PARCEL A OWNER has an interest in a parcel of real estate (hereinafter referred to as "PARCEL A") which is described on Exhibit A attached hereto; and

**WHEREAS**, PARCEL B OWNER has an interest in a parcel of real estate (hereinafter referred to as "PARCEL B"), which is described on Exhibit B attached hereto; and,

**WHEREAS**, there are two (2) Development Rights attached collectively to PARCELS A and B; and,

**WHEREAS**, PARCEL A OWNER and PARCEL B OWNER wish to assign the two (2) Development Rights amongst them;

**NOW, THEREFORE**, PARCEL A OWNER and PARCEL B OWNER do hereby declare as follows:

1. One (1) Development Right is assigned to PARCEL A OWNER. Accordingly, with that transfer one (1) Development Right shall now be attributable to PARCEL A.
2. One (1) Development Right is assigned to PARCEL B OWNER. Accordingly, with that transfer one (1) Development Right shall now be attributable to PARCEL B.
3. If any owner of PARCEL A, or any owner of PARCEL B, shall at any time violate or attempt to violate this Declaration, the Town of Roxbury (hereinafter referred to as "Town"), Dane County, Wisconsin, shall have standing to bring proceedings at law or in equity against such owner or owners of the real estate to enjoin the violation and if the Town prevails, it shall be awarded reasonable attorney fees and costs. The remedies and penalties described herein are in addition to all other remedies and penalties set forth under the Town ordinances or as otherwise available to the Town at law or in equity. In the event the person or persons violating this Declaration fail to reimburse the Town for all of its costs incurred in enforcing the Declaration, in addition to any other remedies the Town may have, the Town shall have the right to assess all of the costs related to the enforcement as a special charge against PARCEL A OWNER or PARCEL B OWNER, as applicable, pursuant to Wisconsin Statutes.
4. The provisions of this Declaration may not be cancelled, released, amended or waived by any owner of PARCEL A or PARCEL B without the express written consent of the Town Board of the Town of Roxbury, Dane County, Wisconsin. This Declaration is to protect and promote the public interest. Accordingly, the Town is hereby recognized as an interested party and beneficiary of the covenants and restrictions set forth in this Declaration.
5. Should PARCEL A or PARCEL B be divided or split, the Owner shall designate in recordable form the allocation of the Development Right amongst the divided or split parcels.

Return to:  
Kirk & Graves LLC  
P.O. Box 9  
Prairie du Sac, WI 53578

Parcel No. See attached Exhibits A and B

6. This Declaration shall be binding upon PARCEL A OWNER and PARCEL B OWNER, and their heirs, personal representatives, successors and assigns. It shall remain an ongoing and perpetual restriction running with the title to PARCEL A and PARCEL B until it is cancelled, released, amended or waived with the written consent of the Town as provided herein.

IN WITNESS WHEREOF, the undersigned have executed this instrument on this date(s) set forth below.

PARCEL A OWNER:

Jeffery D. Herbrand  
Jeffery D. Herbrand

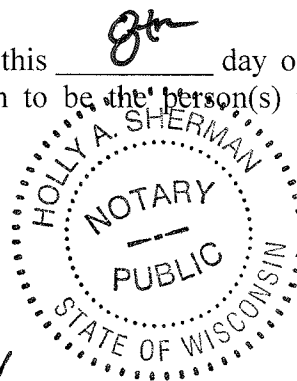
PARCEL A OWNER:

Nancy R. Herbrand  
Nancy R. Herbrand

ACKNOWLEDGMENT

STATE OF WISCONSIN )  
 ) ss.  
COUNTY OF Sauk )

Personally, came before me this 9th day of August, 2025, by Jeffery D. Herbrand and Nancy R. Herbrand, to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.



Holly A. Sherman  
\* Holly A. Sherman  
Notary Public, State of Wisconsin  
My Commission Expires: 5/29/2029

PARCEL B OWNER:

Bradley A. Herbrand  
Bradley A. Herbrand

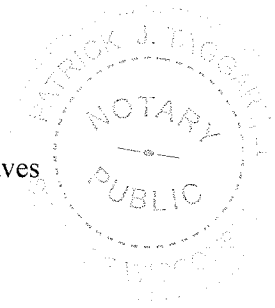
PARCEL B OWNER:

Kari L. Herbrand  
Kari L. Herbrand

ACKNOWLEDGMENT

STATE OF WISCONSIN )  
 ) ss.  
COUNTY OF Sauk )

Personally, came before me this 13th day of February 2026 by Bradley A. Herbrand and Kari L. Herbrand, to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.



Patrick J. Taggart, II  
\* Patrick J. Taggart, II  
Notary Public, State of Wisconsin  
My Commission Expires: is permanent

Drafted by Attorney Jama S. Graves  
Kirk & Graves LLC  
634 Water St. - PO Box 9  
Prairie du Sac, WI 53578-0009  
(608) 643-2456

## Exhibit A

A parcel of land located in the South  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of Section 26, Town 9 North, Range 7 East, Town of Roxbury, Dane County, Wisconsin, more particularly described as follows: Commencing at the South quarter corner of said Section 26; thence North  $00^{\circ}24'50''$  East along the North-South quarter line of said Section 26, 572.46 feet to the point of beginning; thence continuing North  $00^{\circ}24'50''$  East along the North-South quarter line of said Section 26, 748.78 feet to the Northwest corner of the Southwest quarter of the Southeast quarter of said Section 26; thence South  $89^{\circ}23'42''$  East along the North line of the Southwest quarter of the Southeast quarter, and the Southeast quarter of the Southeast quarter of said Section 26, 1927.65 feet; thence South  $00^{\circ}32'07''$  West along the West line of Lot 1, Certified Survey Map 3866, recorded in Vol. 16 of Certified Survey Maps, page 65, as #1729359, in the Town of Roxbury, Dane County, Wisconsin, and the Northerly extension thereof, 387.12 feet; thence South  $89^{\circ}27'53''$  East, along the South line of said Lot 1, 721.42 feet to a point in the East line of the Southeast quarter of said Section 26; thence South  $00^{\circ}32'07''$  West along the East line of the Southeast quarter of said Section 26, 138.54 feet; thence South  $82^{\circ}42'05''$  West, 2191.86 feet; thence North  $80^{\circ}09'42''$  West, 482.42 feet to the point of beginning.

EXCEPT Deed for Highway Purposes contained in instrument recorded on September 17, 1952, in Volume 251 of Misc., Page 15, as Document No. 841428, described as follows: A parcel of land in T9N, R7E, Section 26, the SE $\frac{1}{4}$  SE $\frac{1}{4}$  thereof, Town of Roxbury, Dane County, Wisconsin. The reference line of the highway is described as follows: Commencing at a point on the east line of said Section 26, 164.4 feet north of the Southeast corner; Thence S $80^{\circ}15'W$  (Mag.), 259.4 feet to the point of beginning of said reference line and the westerly limits of this parcel; Thence N $80^{\circ}15'E$  (Mag.), 148.6 feet to a point of curve; Thence easterly on a curve to the right, radius 1146.0 feet, 110.4 feet to a property line of the owner. Said parcel includes all land lying between the northerly limits of the existing right of way and a new highway right of way line located parallel to the above-described reference line and 45 feet southerly therefrom, from the point of beginning, easterly, 259 feet measured along said reference line to a property line of the owner. Said parcel, exclusive of all land already in use for highway purposes and encroachments, contains 0.07 of an acre, more or less.

ALSO EXCEPT Deed for Highway Purposes contained in instrument recorded on March 14, 2002, as Document No. 3459953, described as follows: the following tract of land in the Town of Roxbury, Dane County, State of Wisconsin, described as a parcel of land in the South One-half of the Southeast Quarter (S $\frac{1}{2}$  SE $\frac{1}{4}$ ) of Section 26, and in the North One-half of the Northeast Quarter (N $\frac{1}{2}$  NE $\frac{1}{4}$ ) of Section 35, all of T.9 N., R.7 E. Said parcel includes land of the owner contained within the following traverse. Beginning at the South Quarter corner of said Section 26; Thence N $00^{\circ}04'50''W$  along the North – South Quarter line of said Section 26 for 50.49 feet; Thence S $57^{\circ}43'28''E$  for 121.20 feet; Thence S $72^{\circ}49'59''E$  for 1069.94 feet; Thence S $61^{\circ}31'40''E$  for 274.79 feet; Thence S $87^{\circ}52'34''E$  for 542.49 feet; Thence S $85^{\circ}08'54''E$  for 449.44 feet; Thence N $07^{\circ}30'09''W$  for 412.64 feet; Thence N $43^{\circ}55'41''E$  for 392.86 feet; Thence N $12^{\circ}23'28''E$  for 203.19 feet; Thence S $90^{\circ}00'00''E$  for 28.19 feet to the East line of said Section 26; Thence S $00^{\circ}02'39''W$  along said East line for 375.32 feet to the Southeast corner of said Section 26; Thence S $00^{\circ}53'21''E$  along the East line of Section 35 for 895.15 feet; Thence N $83^{\circ}50'34''W$  for 781.02 feet; Thence N $86^{\circ}02'39''W$  for 327.19 feet; Thence N $80^{\circ}55'49''W$  for 207.76 feet; Thence N $65^{\circ}35'14''W$  for 345.58 feet; Thence N $76^{\circ}11'43''W$  for 370.47 feet; Thence N $69^{\circ}40'01''W$  for 500.90 feet; thence N $78^{\circ}06'05''W$  for 210.69 feet to the North-South Quarter line of said Section 35; Thence N $00^{\circ}20'22''W$  along said Quarter line for 311.19 feet to the point of beginning. Said parcel contains 0.29 acres, more or less, of lands previously acquired or now used for highway purposes and 24.48 acres, more or less, of additional land. No right of access shall accrue between the right-of-way of the newly relocated Ballweg Road, and all of the abutting remaining property of the owner. "Except the right of access to Ballweg Road, from abutting lands on the west side of the highway by means of one (1) access point located at station 103 + 50, to be used for planting, maintaining and harvesting crops only.

SUBJECT TO Authorization for Access contained in instrument recorded on July 22, 1975, as Document No. 1436425.

ALSO SUBJECT TO Access easement and Maintenance Agreement, dated May 8, 2024, and recorded May 9, 2024, as Document No. 5961403; corrected by Correction Instrument, dated and recorded May 13, 2024, as Document No. 5962032.

AND

Being part of the Southeast Quarter of the Southeast Quarter of Section 26, Town 9 North, Range 7 East, Town of Roxbury, Dane County, Wisconsin, described as follows: Commencing at the East Quarter corner of Section 26; thence South 00°32'07" West along the east line of the Southeast Quarter of said Section 26, 1,319.55 feet to the northeast corner of the Southeast Quarter of the Southeast Quarter of said Section 26 and the point of beginning; thence continuing South 00°32'07" West along the east line of the Southeast Quarter of said Section 26, 69.87 feet to the northeast corner of Lot 1, Certified Survey Map No. 3866; thence North 89°27'53" West along the north line of said Lot 1, 721.42 feet to the northwest corner of said Lot 1; thence North 00°32'07" East, 70.75 feet to a point in the north line of the Southeast Quarter of the Southeast Quarter of said Section 26; thence South 89°23'42" East along the north line of the Southeast Quarter of the Southeast Quarter of said Section 26, 721.42 feet to the point of beginning. Containing 50,724 square feet, (1.16 acres) more or less. Being subject to Ballweg Road right-of-way along the easterly side thereof and servitudes and easements of use or record if any.

Tax Parcel Nos.: 050/0907-264-9002-0 and 050/0907-264-9530-0

## Exhibit B

A parcel of land located in the South  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of Section 26, Town 9 North, Range 7 East, Town of Roxbury, Dane County, Wisconsin, more particularly described as follows: Commencing at the South quarter corner of Section 26; thence North  $00^{\circ}24'50''$  East along the North-South quarter line of said Section 26, 51.02 feet to a point in the North right-of-way line of US Highway 12, and the point of beginning; thence continuing North  $00^{\circ}24'50''$  East along the North-South quarter line of said Section 26, 521.44 feet; thence South  $80^{\circ}09'42''$  East, 482.42 feet; thence North  $82^{\circ}42'05''$  East, 2191.86 feet to a point in the East line of the Southeast quarter of said Section 26; thence South  $00^{\circ}32'07''$  West along the East line of the Southeast quarter of said Section 26; 419.17 feet; thence North  $89^{\circ}30'39''$  West, 28.17 feet to a point in the North right-of-way line of US Highway 12; thence South  $12^{\circ}52'49''$  West along the North right-of-way line of US Highway 12, 203.19 feet; thence South  $44^{\circ}25'02''$  West along the North right-of-way line of US Highway 12, 392.86 feet; thence South  $07^{\circ}00'48''$  East along the North right-of-way line of US Highway 12, 412.64 feet; thence North  $84^{\circ}39'33''$  West along the North right-of-way line of US Highway 12, 449.44 feet; thence North  $87^{\circ}23'13''$  West along the North right-of-way line of US Highway 12, 542.49 feet; thence North  $61^{\circ}02'19''$  West along the North right-of-way line of US Highway 12, 274.79 feet; thence North  $72^{\circ}20'38''$  West along the North right-of-way line of US Highway 12, 1069.94 feet; thence North  $57^{\circ}14'07''$  West along the North right-of-way line of US Highway 12, 121.13 feet to the point of beginning.

AND

A parcel of land located in the North  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of Section 35, Town 9 North, Range 7 East, Town of Roxbury, Dane County, Wisconsin, more particularly described as follows: Commencing at the Northeast corner of Section 35; thence South  $00^{\circ}24'22''$  East along the East line of the Northeast quarter of said Section 35, 894.88 feet to a point in the South right-of-way line of US Highway 12 and the point of beginning; thence continuing South  $00^{\circ}24'22''$  East along the East line of the Northeast quarter of said Section 35, 419.58 feet to the Southeast corner of the Northeast quarter of the Northeast quarter of said Section 35; thence North  $89^{\circ}27'15''$  West along the South line of the North half of the Northeast quarter of said Section 35, 2658.87 feet to the Southwest corner of the Northwest quarter of the Northeast quarter of said Section 35; thence North  $00^{\circ}08'37''$  East along the North-South quarter line of said Section 35, 1004.72 feet to a point in the South right-of-way line of US Highway 12; thence South  $77^{\circ}36'44''$  East along the South right-of-way line of US Highway 12, 210.61 feet; thence South  $69^{\circ}10'41''$  East along the South right-of-way line of US Highway 12, 500.90 feet; thence South  $75^{\circ}42'21''$  East along the South right-of-way line of US Highway 12, 370.41 feet; thence South  $65^{\circ}05'53''$  East along the South right-of-way line of US Highway 12, 345.58 feet; thence South  $80^{\circ}26'28''$  East along the South right-of-way line of US Highway 12, 207.76 feet; thence South  $85^{\circ}33'18''$  East along the South right-of-way line of US Highway 12, 327.19 feet; thence South  $83^{\circ}21'13''$  East along the South right-of-way line of US Highway 12, 781.09 feet to the point of beginning.

Tax Parcel Nos.: 050/0907-264-9200-0 and 050/0907-351-8200-0