



239128

Doc#. 239128

OFFICE OF COUNTY RECORDER  
WADENA COUNTY, MINNESOTA

Fee: \$46.00  
Pages: 8

Certified, Filed, and/or Recorded on: August 07, 2014 9:50 AM

SOLEDAD HENRIKSEN, COUNTY RECORDER

Well Certificate [ ] Received

Received from: BERNARD MCGARTY

Returned To: BERNARD MCGARTY  
109 S 14TH ST  
LA CROSSE, WI 54601

State of Minnesota

SUSTAINABLE FOREST INCENTIVE ACT COVENANT

Minnesota Statutes, Chapter 290C

This covenant is made on 7-29-2014 (date) by the person signing on page 2, who will be referred to as "the claimant" for the purpose of this covenant.

- This covenant is in accordance with Minnesota Statutes, section 290C.04, paragraph (a), of the Sustainable Forest Incentive Act (SFIA). It must be recorded in the office of the county recorder (or registrar for registered land) in each county where any of the land is located. The recording may be done in person or by mail. Contact your county recorder if you have any questions on the recording procedures.
- The SFIA is administered by the Department of Revenue on behalf of the state of Minnesota.
- By signing this covenant, the claimant certifies that they have the consent of all owners of the property. All of the owners of the property are responsible for complying with the terms of this covenant, even if they do not sign the covenant. Owners include lienholders and others with an interest in the property.
- If you do not leave a 1 inch margin on this covenant, and on all attachments, you may be assessed an additional recording fee.
- This covenant pertains to all or part of the real property in Wadena County, (159) Minnesota, which is legally described on the attached "Exhibit A." A map of the property is in the attachment marked "Exhibit B." This property will be referred to as "the property" for the purpose of this covenant.
- Any person purchasing or acquiring an interest in the property during the time this covenant is in effect must also abide by the terms of the covenant.
- This covenant is not a contract; it is a condition of the SFIA. The conditions of the SFIA and of this covenant are requirements of current law that could change in the future. All references in this covenant to "sections" and "chapter" are to sections and chapters of the Minnesota Statutes as currently in effect and as amended or renumbered in the future.
- Under the SFIA law, this covenant shall run with the property for a period of at least eight years from the date listed above or for the period that the property is in the SFIA program, whichever is longer, unless the claimant qualifies for an earlier termination.

- If the claimant applies to the SFIA program but is not accepted into the program or if the property otherwise becomes no longer subject to the restrictions of the SFIA program, then the commissioner of Revenue shall issue a document releasing the claimant and the property from the terms and restrictions of this covenant.

**RESTRICTIONS**

As the claimant, on behalf of all the owners and myself, I accept all of the following restrictions on the property. These restrictions shall run with the property and bind me, all other owners, our heirs, and any future owners as provided under the SFIA law. The restrictions are a condition for entrance into the SFIA program and are required in order to receive an annual incentive check from the Department of Revenue. The restrictions are:

The property is not and will not be developed in violation of the provisions of the SFIA. This means that the property is not and will not be:

- used for residential purposes;
- used for agricultural purposes;
- enrolled in the Reinvest in Minnesota (RIM) program or in a state or federal conservation reserve or easement reserve program (CRP or CREP) under sections 103F.501 to 103F.531;
- enrolled in the Minnesota Agricultural Property Tax Law (also known as Green Acres) under section 273.111;
- subject to agricultural land preservation controls or restrictions as defined in section 40A.02 or the Metropolitan Agricultural Preserves Act (also known as Ag Preserves) under chapter 473H;
- improved with a structure, pavement, sewer, permanent campsite, or any road (other than a township road), that are used for purposes not prescribed in the forest management plan for the property;
- classified as 2c Managed Forest Land under section 273.13; or
- enrolled in the Rural Preserve Program under section 273.114.

**SIGNATURES**

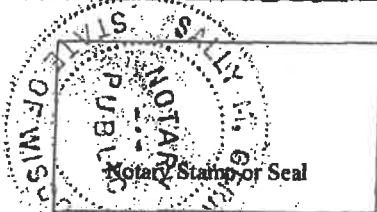
By signing below I hereby accept the restrictions of this covenant.

Bernard M. Garty, Partner  
Signature of Claimant

McGARTY-FLYNN FAMILY LIMITED PARTNERSHIP  
Print name of Claimant

This covenant was acknowledged before me this 29<sup>th</sup> day of July, 2014 by

Bernard McGarty, Partner (name of claimant).



Sally M. Gerba  
Notary Public

Commission Expires: 4-12-2015

## **EXHIBIT A**

### **Legal Description of Real Property or Certificate of Title Number for Real Property**

**List each legal description or certificate of title number for all lots, parcels or tracts of land in this county for which you wish to place under this covenant. If you need additional space, attach a separate sheet of paper.**

Exhibit A

208437

The East ½ of Section 35, Township 137, Range 34 West, Wadena County, Minnesota.

07.035.1010

Lot No. 2, being part of the SW¼ of the NW¼, and the SE¼ of the NW¼ of Section 30, Township 137, Range 34, Wadena County, Minnesota.

07.030.2030

The SW¼ of the SE¼, less the South 70 feet of the West 400 feet, of Section 7, Township 137, Range 33 West, Wadena County, Minnesota.

09.007.4010

The SW¼ of the SW¼ of Section 8, Township 137 North, Range 33 West, Wadena County, Minnesota.

09.008.3010

The NW¼, and the NW¼ of the SW¼, EXCEPT the West 50 feet of the South 900 feet (SW¼ of the NW¼ and EXCEPT the West 50 feet of the NW¼ of the SW¼), Section 17, Township 137, Range 33, Wadena County, Minnesota.

09.017.2010

The NE¼ of the NE¼, less 1.13 acres deeded to the County, of Section 18, Township 137 North, Range 33 West, Wadena County, Minnesota.

09.018.1010

## **EXHIBIT B**

### **Map or Survey of the Property**

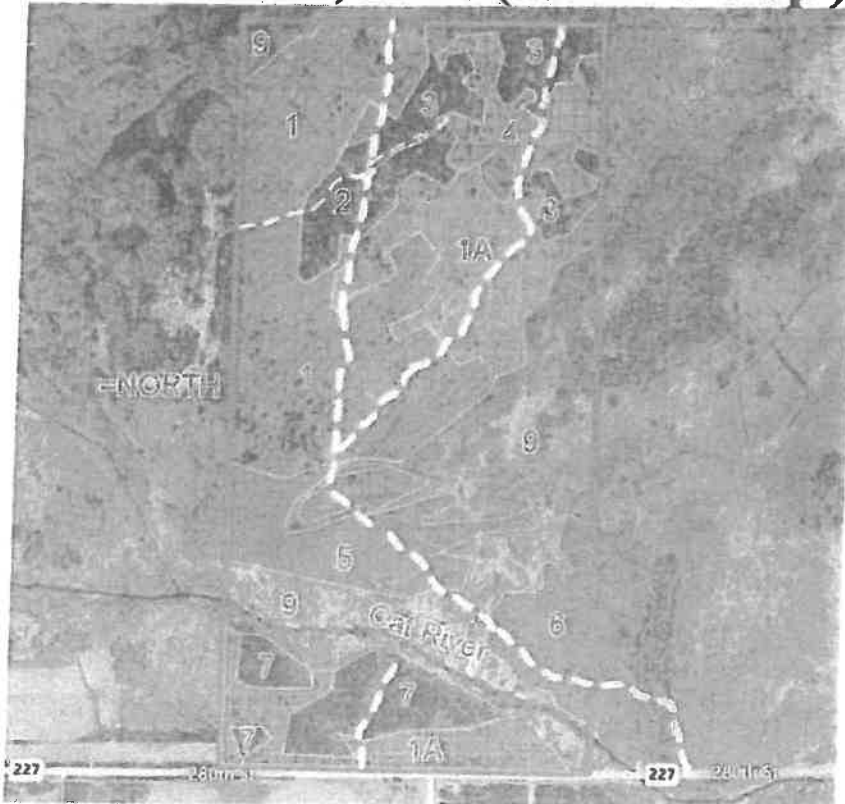
Clearly indicate on this map all portions of the property described in Exhibit A that are restricted by this covenant. A building or structure used exclusively for management activities may be included. An example would be a shed or building that *only* houses equipment used during management activities. You must subtract three acres for any other structure (house, barn, hunting cabin, etc.). Open water of less than three acres in size may be included. If you need additional space, attach a separate sheet of paper.

**WOODLAND STEWARDSHIP PLAN  
ITASCA WOODLAND SERVICES, INC.**

218-252-8572

*Exhibit B (1)*

**Sec. 35 T.137, R. 34 (Meadow Twp.)**



Scale approximately = 4 inches per mile

**MC GARTY-FLYNN FAMILY LIMITED PARTNERSHIP**

**LEGEND**

Forest Type #	Name	Acre
1	Aspen saplings	80
1A	Aspen seedlings	49
2	Red pine poletimber	12
3	Jack pine poletimber	22
4	Conifer plantation	16
5	Aspen large saplings	28
6	Aspen small saplings	15
7	Red pine plantation	20
9	Wetlands	78
<b>Total</b>	<b>Stewardship Acres</b>	<b>320</b>
	Total Non-Stewardship acres	0
	Total 2c tax eligible acres	320
	Total SFIA eligible acres	320

**WOODLAND STEWARDSHIP PLAN  
ITASCA WOODLAND SERVICES, INC.**

218-252-8572

Exhibit B (2)

**Sec. 30 T.137, R. 34 (Meadow Twp.)**



Scale approximately = 9 inches per mile

**MC GARTY-FLYNN FAMILY LIMITED PARTNERSHIP**

**LEGEND**

Forest Type #	Name	Acre
8	Red pine plantation	27
10	Aspen saplings	23
11	Lowland Forest	33
<b>Total</b>	<b>Stewardship Acres</b>	<b>83</b>
	Total Non-Stewardship acres	0
	Total 2c tax eligible acres	83
	Total SFIA eligible acres	83

**WOODLAND STEWARDSHIP PLAN  
ITASCA WOODLAND SERVICES, INC.**

218-252-8572

*Exhibit B (3)*

**Sec. 7,8,17,18, Twp. 137, Rge. 33 (Orton Twp.)**



Scale = 4.3 inches per mile

--Black Polygon in NW parcel excluded from SFIA enrollment--  
**MC GARTY-FLYNN FAMILY LIMITED PARTNERSHIP**

**LEGEND**

Forest Type #	Name	Acre
6	Aspen small saplings	4.5
12	Red pine large poletimber	6
13	Aspen seedlings	39
14	Red Pine small sawtimber	42
15	Red pine plantation poletimber	28
16	Aspen poletimber	6
17	Mature Oak	17
18	Aspen saplings	41
19	Jack pine Cutover	1.5
20	Jack pine poletimber	18
21	Wetlands	106
<b>Total</b>	<b>Stewardship Acres</b>	<b>309</b>
	<b>Total Non-Stewardship acres (Field)</b>	<b>8</b>
	<b>Total 2c tax eligible acres</b>	<b>309</b>
	<b>Total SFIA eligible acres</b>	<b>306</b>

--Previously described--