

2002 3199  
STATE OF NEBRASKA COUNTY OF WASHINGTON  
ENTERED IN NUMERICAL INDEX AND FILED FOR RECORD  
THIS 24th DAY OF May A.D. 2002  
AT 2:41 O'CLOCK P M AND RECORDED IN BOOK  
365 AT PAGE 748-753  
COUNTY CLERK Charlotte & Peterson  
DEPUTY Karen Madson

Recorded   
General   
Numerical   
Photostat   
Fees

FILED

02 MAY 24 PM 2:41

CHARLOTTE L. PETERSEN  
WASHINGTON COUNTY, CLERK  
BLAIR, NEBR.

DECLARATION OF AMENDED COVENANTS

The undersigned, being all of the owners of all of the land and lots known as Fontanelle Oaks II, the legal description of which is attached hereto as EXHIBIT "A", do hereby rescind and revoke the Protective Covenants for Fontanelle Oaks II previously recorded in Book 321, Pages 356-365, in the Office of the Register of Deeds of Washington County, Nebraska, and do hereby covenant, declare and publish for the benefit of all persons now or hereafter owning real property in the Fontanelle Oaks II Subdivision, and specifically the real property as described in EXHIBIT "A" attached, that said real estate shall hereafter be subject to the DECLARATION OF COVENANTS as set forth on EXHIBIT "B" attached, which Declaration of Covenants replaces and supersedes the previous Declaration of Covenants aforementioned.

IN WITNESS WHEREOF, the Declarants have executed this instrument, which instrument incorporates by reference Exhibits "A" and "B" attached, this 23 day of May, 2002. The Declaration of Covenants attached hereto as Exhibit "A" shall run with the land and be binding upon the heirs, executors, assigns and successors of each tract or lot covered by these covenants. The undersigned represent and warrant that they are the owners of all of the property within the Fontanelle Oaks II Subdivision, and that they have executed this instrument and incorporate by reference Exhibits "A" and "B" thereto on the date or dates set forth below.

Dan Doty  
Dan Doty  
Pam Doty  
Pam Doty

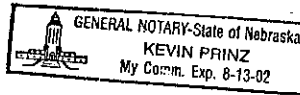
C. Ray Harmon  
C. Ray Harmon, Trustee, Trustee of the  
C. Ray Harmon Revocable Trust, UTA  
Executed August 27, 1996

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF WASHINGTON )

The foregoing instrument was executed and acknowledged before me on the 24 day of May, 2002, by C. Ray Harmon, Trustee, Trustee of the C. Ray Harmon Revocable Trust, UTA Executed August 27, 1996.

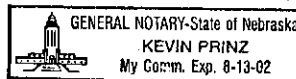
Kevin Prinz  
Notary Public

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF WASHINGTON )



The foregoing instrument was executed and acknowledged before me on the 23 day of May, 2002, by Dan Doty and Pam Doty, husband and wife.

Kevin Prinz  
Notary Public



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Exhibit A, Page 1

TRACT 1.

Part of Tax Lot 16 lying in the E½ NW¼ of Section 17, Township 18 North, Range 9 East of the 6th Principal Meridian, Washington County, Nebraska, and more particularly described as follows:

From the northwest corner of Section 17, Township 18 North, Range 9 East: thence N 90°00'00" E (assumed bearing) along the north line of said Section 17 a distance of 1599.03 feet; thence S 06°38'32" W a distance of 810.31 feet to the Point of Beginning; thence N 88°06'15" E a distance of 885.40 feet; thence S 01°30'35" W a distance of 59.23 feet to a point of curvature; thence along a 233.00 foot radius curve to the left an arc distance of 140.77 feet; thence S 59°48'55" W a distance of 1166.60 feet; thence N 06°38'32" E a distance of 754.94 feet to the Point of Beginning; and containing 10.01 Acres, more or less.

TRACT 2.

Part of Tax Lot 16 lying in the NE¼ NW¼ of Section 17, Township 18 North, Range 9 East of the 6th Principal Meridian, Washington County, Nebraska, and more particularly described as follows:

From the northwest corner of Section 17, Township 18 North, Range 9 East: thence N 90°00'00" E (assumed bearing) along the north line of said Section 17 a distance of 1599.03 feet; thence S 06°38'32" W a distance of 42.41 feet to the Point of Beginning; thence S 58°40'10" E a distance of 939.55 feet; thence S 01°30'35" W a distance of 245.00 feet; thence S 88°06'15" W a distance of 885.40 feet; thence N 06°38'32" E a distance of 767.90 feet to the Point of Beginning; and containing 10.01 Acres, more or less.

TRACT 3.

Part of Tax Lot 15 lying in the NE¼ NW¼ and the NW¼ NE¼ in Section 17, Township 18 North, Range 9 East of the 6th Principal Meridian, Washington County, Nebraska, and more particularly described as follows:

From the northwest corner of Section 17, Township 18 North, Range 9 East: thence N 90°00'00" E (assumed bearing) along the north line of said Section 17 a distance of 1599.03 feet to the Point of Beginning; thence continuing N 90°00'00" E along said north line a distance of 1285.07 feet; thence S 1°00'00" E a distance of 414.35 feet; thence S 90°00'00" W a distance of 494.37 feet; thence S 01°30'35" W a distance of 116.35 feet; thence N 58°40'10" W a distance of 939.55 feet; thence N 06°38'32" E a distance of 42.41 feet to the Point of Beginning; and containing 10.01 Acres, more or less.

TRACT 4.

Part of Tax Lot 16 and part of Tax Lot 18 lying in the NW¼ NE¼ of Section 17, Township 18 North, Range 9 East of the 6th Principal Meridian, Washington County, Nebraska, and more particularly described as follows:

From the northwest corner of Section 17, Township 18 North, Range 9 East: thence N 90°00'00" E (assumed bearing) along the north line of said Section 17 a distance of 2894.10 feet to the Point of Beginning; thence continuing N 90°00'00" E along said north line a distance of 536.75 feet to a point on the easterly right-of-way line of 6th Street as platted in the Village of Fontanelle, Washington County, Nebraska; thence S 00°22'38" E along said easterly right-of-way line a distance of 670.52 feet to a point in the centerline of Pennsylvania Street as platted in said Village of Fontanelle; thence S 89°38'05" W along said centerline a distance of 50.30 feet to a point in the centerline of said 6th Street; thence S 00°22'02" E along said centerline a distance of 452.70 feet to a point on the north right-of-way line of Maryland Street as platted in said City of Fontanelle; thence S 89°38'05" W along said north right-of-way line a distance of 245.39 feet; thence N 19°24'26" W a distance of 753.54 feet; thence N 00°00'00" E a distance of 414.35 feet to the Point of Beginning; and containing 11.44 Acres, more or less.

TRACT 5.

Part of Tax Lot 16 and part of Tax Lot 18 lying in the NE¼ NW¼ and the NW¼ NE¼ all lying in Section 17, Township 18 North, Range 9 East of the 7th Principal Meridian, Washington County, Nebraska, and more particularly described as follows:

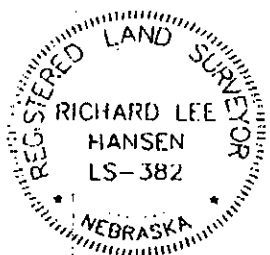
From the northwest corner of Section 17, Township 18 North, Range 9 East: thence N 90°00'00" E (assumed bearing) along the north line of said Section 17 a distance of 2894.10 feet; thence S 00°00'00" W a distance of 414.35 feet to the Point of Beginning; thence S 19°24'26" E a distance of 753.54 feet to a point on the north right-of-way line of Maryland Street as platted in the Village of Fontanelle, Washington County, Nebraska; thence S 89°38'05" W along said north right-of-way line a distance of 550.78 feet to a point of curvature; thence along a 183.00 foot radius curve to the right an arc distance of 178.94 feet to a point of tangency; thence N 34°20'27" W a distance of 70.06 feet to a point of curvature; thence along a 268.00 foot radius curve to the right an arc distance of 7.42 feet; thence N 58°48'55" E a distance of 33.04 feet to a point on a 233.00 foot radius curve to the right; thence along said 233.00 foot radius curve an arc distance of 140.77 feet; said curve having a chord bearing of N 15°47'54" W and a chord distance of 136.64 feet to a Point of tangency; thence N 01°30'35" E a distance of 420.56 feet; thence N 90°00'00" E a distance of 494.37 feet to the Point of Beginning; and containing 10.01 Acres, more or less.

SURVEYOR'S CERTIFICATION:

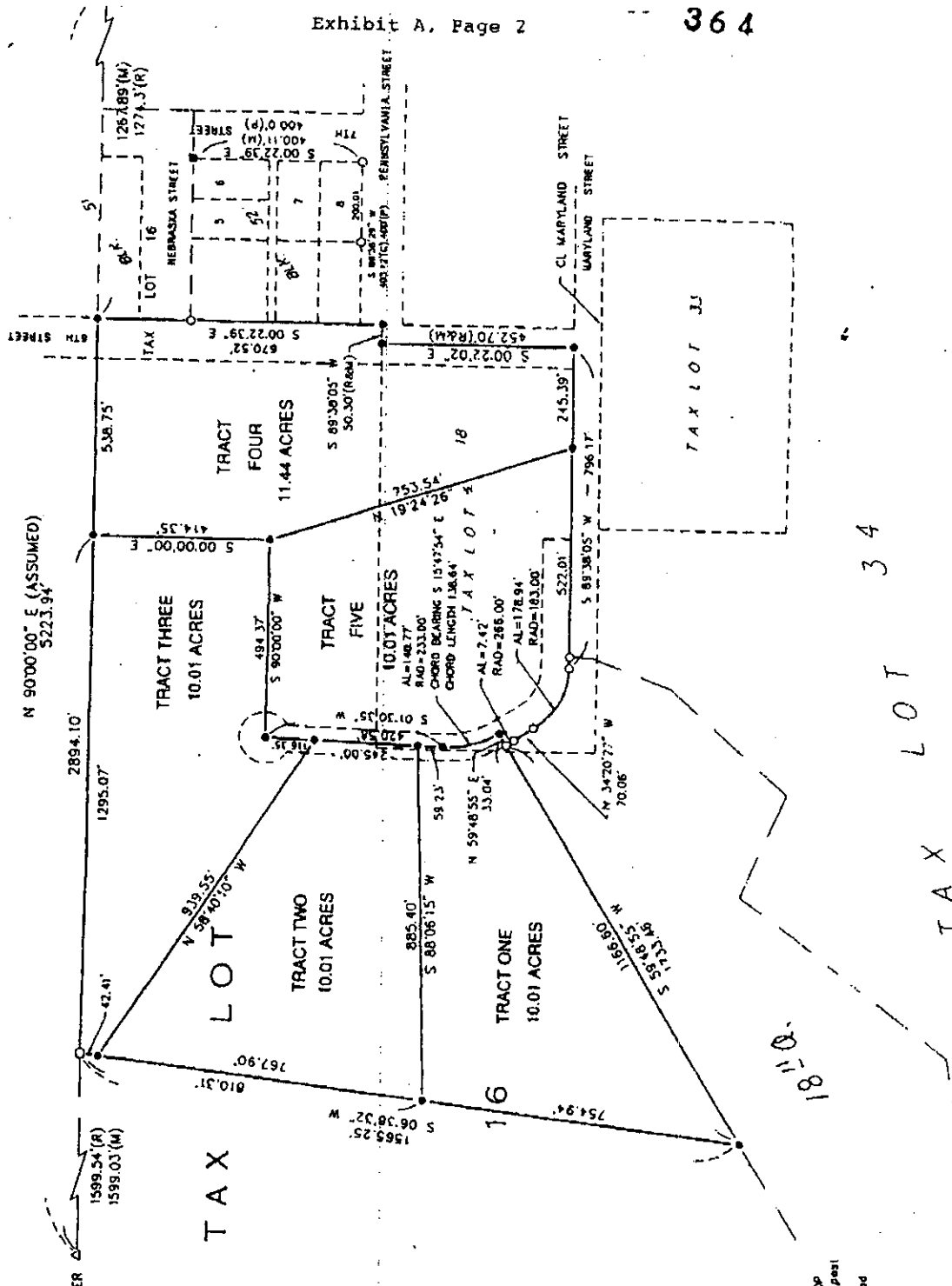
I hereby certify that the Survey shown and described hereon was made under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Nebraska.

*Richard L. Hansen*  
Richard L. Hansen

Registered Land Surveyor  
Registration No. LS-382  
Date: September 29, 1998  
Client: C. Roy Hermon  
Job No: 95-255



750



N 90°00'00" E (ASSUMED)  
5223.94'

2894.10'

1295.07'

42.41'

1599.54' (R)  
1595.03' (M)

767.90'

810.21'

1565.25'

1565.25'

1565.25'

1565.25'

1565.25'

1565.25'

TRACT THREE  
10.01 ACRES

TRACT FOUR  
11.44 ACRES

TRACT FIVE  
10.07 ACRES

TRACT TWO  
10.01 ACRES

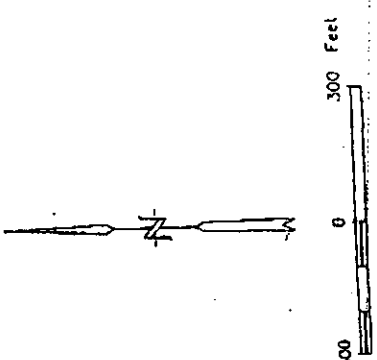
TRACT ONE  
10.01 ACRES

TAX LOT 16

TAX LOT 34

TAX LOT 35

TAX LOT 18



LEGEND

1 INCH = 300 FEET

- △ - SUBDIVISION CORNER FOUND (SEE TIES)
- - 2-1/2" OPEN TOP PIPE FOUND
- - 5/8" PUNCH TOP PIPE FOUND
- - 1/2" REBAR FOUND
- - COMPUTED POINT (NOT SET)
- - 1/2" x 24" REBAR SET
- (M) - MEASURED DISTANCE
- (R) - DISTANCE OF RECORD
- (C) - COMPUTED DISTANCE
- (P) - DISTANCE AS PLATTED
- AL - ARC LENGTH

TIES TO SUBDIVISION CORNERS

Northwest Corner of Section 17-18-9  
 FOUND IRON BURIED 0.5' WITH "X" STAMPED ON TOP  
 68.98' NME to duplex nail in stop checked sign post  
 94.37' SSE to duplex nail in power pole  
 2' W to centerline North-South county road

Northeast Corner of Section 17-18-9  
 FOUND 2" OPEN TOP PIPE BURIED 1.0'  
 7' S to East-West fence line  
 138.21' SE to duplex nail in power pole  
 129.33' SW to duplex nail in power pole

364

34

LOT

TAX

750

751

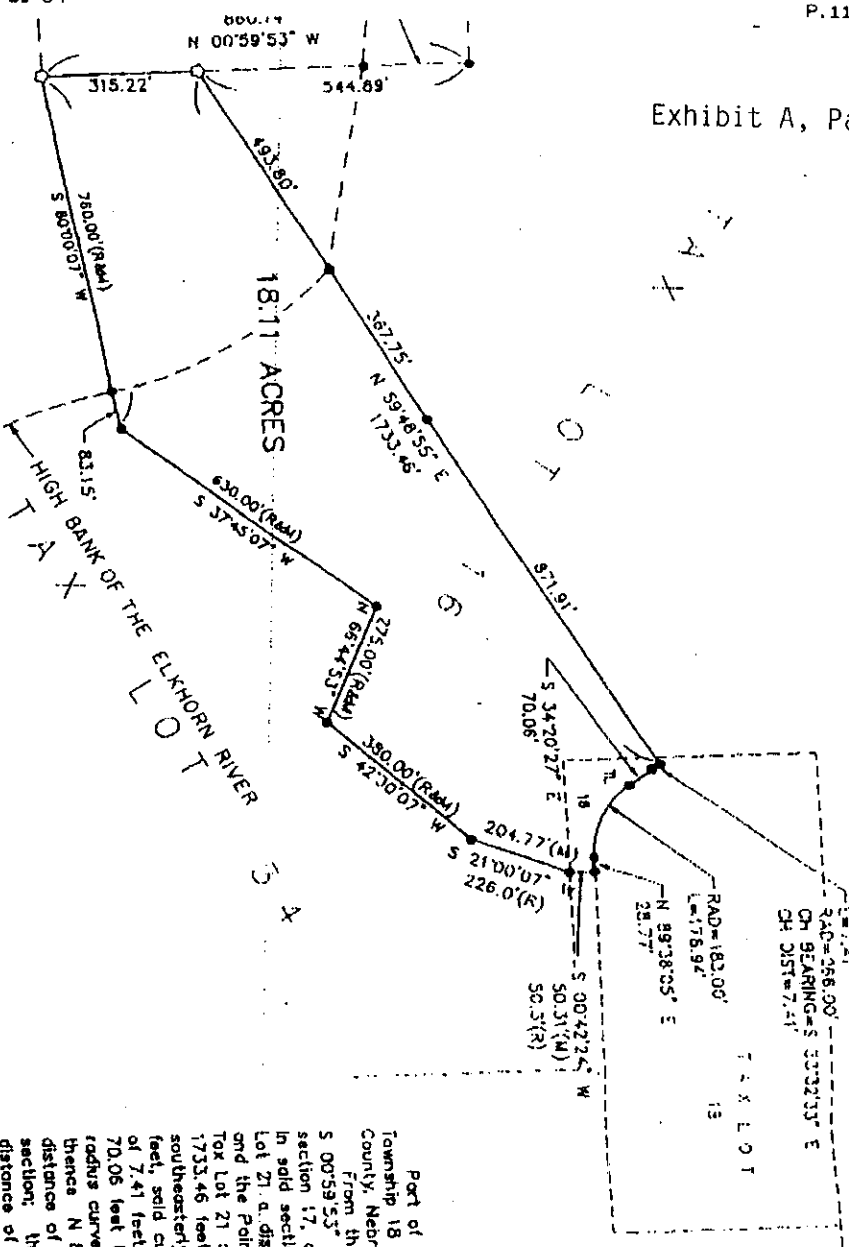
Exhibit A, Page 3

9. WITH "X" STAMPED

TIES TO SUBDIVISIONAL CORNERS

(C)

W 1/4 Corner of Sec. 17-18-9 FOUND 1/2" REBAR WHITNESS 70.44' SOUTH OF THE WEST 1/4 CORNER ON LINE BETWEEN THE WEST 1/4 CORNER AND THE SW CORNER OF SECTION 17 50' ± N to top of river bank



CH BEARING = S 33°22'33" E  
 CH DIST = 7.41'  
 RAD = 256.00'  
 CH DIST = 7.41'  
 RAD = 182.00'  
 L = 176.94'  
 N 89°38'05" E  
 L = 28.77'  
 S 00°42'24" W  
 S 0.31'(M)  
 S 0.31'(R)

LEGAL DESCRIPTION

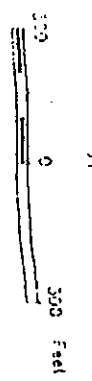
Part of Tax Lot 16, and part of Tax Lot 18, lying in Section 17, Township 18 North, Range 9 East of the Sixth Principal Meridian, Washington County, Nebraska and more particularly described as follows:

From the Northwest corner of section 17, T-18-N, R-9-E; thence S 00°59'53" E (assumed bearing) along the west line of the NW 1/4 of said section 17, a distance of 2228.45 feet to the southwest corner of Tax Lot 23; thence N 86°15'46" E along the south line of said Tax Lot 23, a distance of 867.94 feet to the southeast corner of said Tax Lot 21; thence N 80°59'53" W along the east line of said Tax Lot 21, a distance of 315.22 feet; thence N 59°48'55" E a distance of 1733.46 feet to a point on a 266.00 foot radius curve to the left; thence southeasterly along said 266.00 foot radius curve, an arc distance of 7.41 feet, to a point of tangency; thence southeasterly along a 182.00 foot radius curve having a chord bearing of S 33°22'33" E and a chord distance of 7.41 feet, to a point of curvature; thence S 34°20'27" E a distance of 70.06 feet to the left an arc distance of 178.94 feet to a point of tangency; thence N 89°38'05" E a distance of 28.77 feet; thence S 00°42'24" W a distance of 50.31 feet to a point on the northerly line of Tax Lot 34 in said section; thence along said northerly line as follows: S 21°00'07" W a distance of 204.77 feet; thence S 42°30'07" W a distance of 380.00 feet; thence N 66°44'53" W a distance of 275.00 feet; thence S 37°45'07" W a distance of 630.00 feet; thence S 80°00'07" W a distance of 760.00 feet to the Point of Beginning and containing 18.11 acres more or less.

SURVEYORS CERTIFICATION

I hereby certify that the Survey shown and described hereon was made under my direct supervision and is a true and correct copy of the original as duly Registered.

- LEGEND
- 1" = 300 FEET
- △ - SUBDIVISIONAL CORNER FOUND (SEE TIES)
  - - COMPUTED POINT (NOT SET)
  - - 1/2" x 24" REBAR SET
  - - MEASURED DISTANCE
  - - RECORDED DISTANCE
  - - COMPUTED DISTANCE



751

**DECLARATION OF COVENANTS**

The purpose of these covenants is to provide for the preservation of the values of Fontanelle Oaks II, and for maintenance of the lots. These covenants shall be binding by all lot owners.

1. All lots shall be known and described as residential, one family dwellings. Not more than one home shall be built on any one lot.
2. Complete plans and specifications for all structures must be approved by the Developer prior to commencement of construction. A plot plan must be included with specifications.
3. No home shall be constructed with less than 1,500 square feet except in the building of a two-story home; then a minimum of 1,200 square feet will be required on the main floor (1<sup>st</sup> floor) exclusive of porch, breezeway, garage and patio. The home shall not obstruct the view of another dwelling.
4. All homes must include at least a two-car attached garage with a minimum size of 22 feet by 22 feet.
5. The front boundary of a home shall be no less than 40 feet from the road, and no closer than 15 feet from the rear or side boundary. Grading and destruction of trees is subject to approval of Developer.
6. All Major improvements must be approved by Developer before construction begins, to assure harmony and style of the area and home.
7. A maximum of 2 horses will be allowed on Lots 4 & 5. No other animals of any type will be allowed except for dogs and cats, and a homeowner will have no more than 2 dogs and 3 cats. No animal shall be kept, bred or maintained for commercial use.
8. Fencing will be allowed with a maximum height of 6 feet. It should be harmonious with the natural setting. There will be no solid wood fence enclosing the front of property.
9. All wells and sewer systems shall be installed to comply with the existing State of Nebraska and Washington County health code.
10. Travel trailers, campers, boats, etc. may be parked temporarily for a maximum of 14 days, and at all other times should be stored in a covered building.
11. There will be no hunting or shooting of firearms in Fontanelle Oaks II.

**EXHIBIT B**

12. Homeowners will be responsible for maintenance and care of their own driveway. Main roads will be maintained by Homeowners Association which consists of Developer and Lot owners.
13. Exterior lighting shall be controlled so it does not disturb residents of other lots.
14. All approved construction must be completed no later than 12 months after commencement.
15. Any outside fuel tanks and/or unsightly obstacle must be buried beneath ground level or concealed from view of street by approved fence or hedge. Air conditioning condenser unit shall not be visible from front of home.
16. All lots shall be neatly maintained at all times. In lots 4 & 5 all grass and weeds shall be kept to a maximum height of 8 inches. There shall be no accumulating of debris, machinery, disabled automobiles or offensive material of any kind.
17. No temporary structures will be allowed.
18. There will be no excessive noise or vehicle speeding.
19. No fires shall be permitted without prior permission of the local fire department.
20. No advertising signs or unsightly objects shall be permitted, except advertising a lot "For Sale".
21. These covenants shall run with the land, and each person, taking title to the above described property, or any part thereof agrees to be bound by said covenants, the same as if written in the instrument under which said person acquires title to said real property or any part thereof. These covenants may be altered, amended or modified by an instrument in writing executed by all of the owners of the land above described, which instrument shall be recorded in the manner provided by law.