

DECLARATION

OF COVENANTS, CONDITIONS AND RESTRICTIONS

THIS DECLARATION, made on the date hereinafter set forth by DOUGLAS DAVIDSON and MARGARET A. DAVIDSON, and KENT E. BURKHOLDER and DEBRA L. BURKHOLDER, hereinafter referred to as "Declarants":

02 JAN 29 PM 2:01
FILED
CHARLOTTE L. PETERSEN
WASHINGTON COUNTY CLERK
BLAIR, NEBR.

WITNESSETH:

WHEREAS, Declarants are the owners of the following described real estate, to-wit:

<u>Name</u>	<u>Description</u>
Douglas L. Davidson and Margaret A. Davidson	Lot 1, Block 17 of the Replat of Lot 1, Block 17 and Lot 9, Block 16, and the cul-de-sac of Oak Park Third Addition, Washington County, Nebraska, ("Lot 1").
Kent E. Burkholder and Debra L. Burkholder	Lot 9, Block 16 of the Replat of Lot 1, Block 17 and Lot 9, Block 16, and the cul-de-sac of Oak Park Third Addition, Washington County, Nebraska, ("Lot 9").

WHEREAS, the Declarants desire to create on the above-described parcels of real estate, certain protective Covenants, Conditions and Restrictions in regard to the prohibition of vehicular traffic or access of ingress and egress to any real estate located outside the boundaries of Oak Park Third Addition as surveyed and platted as of January 1, 2001.

NOW, THEREFORE, Declarants hereby declare that Lot 1, Block 17 and Lot 9, Block 16 of the Replat of Lot 1, Block 17 and Lot 9, Block 16, and the cul-de-sac of Oak Park Third Addition, Washington County, Nebraska ("Subject Real Estate"), shall be held, sold and conveyed subject to the following Covenants, Conditions and Restrictions, all of which are for the purpose of enhancing and protecting the value, desirability and attractiveness of said Subdivision known as Oak Park Third Addition, to-wit:

1. Prohibition of Motor Vehicle Traffic: No right-of-way, easement or other access of ingress and egress shall be allowed or granted over and across any portion of the Subject Real Estate to or from any real estate located outside of the boundaries of Oak Park Third Addition, Washington County, Nebraska, as surveyed and platted as of January 1, 2001. It is the intent of the Declarants to prevent the use of the Subject Real Estate for purposes of gaining access to and

Recorded ✓
General ✓
Numerical ✓✓
Photostat _____
Prootec _____

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20020722
STATE OF NEBRASKA COUNTY OF WASHINGTON)SS
ENTERED IN NUMERICAL INDEX AND FILED FOR RECORD
THIS 29th DAY OF January A.D. 2002
AT 2:01 O'CLOCK p M AND RECORDED IN BOOK
356 AT PAGE 659-603
COUNTY CLERK Charlotte L. Petersen
DEPUTY Karen Madsen

from Oak Valley Road for any real estate located outside the existing boundary of Oak Park Third Addition.

2. Benefit: This Declaration shall be for the benefit of and may be enforced by the Board of Trustees of SID No. 4 of Washington County, Nebraska and the owners of Lots 1 through 9, Block 16, Oak Park Third Addition and the owners of Lots 1 through 9, Block 17, Oak Park Third Addition, Washington County, Nebraska.

3. Enforcement: Enforcement of this Declaration and the covenants, conditions and restrictions contained herein, shall be by any proceeding at law or in equity against any person or persons violating or attempting to violate any Covenant, Condition or Restriction contained herein, either to restrain violation or to recover damages. For purposes of this Declaration, any entity or person to whom this Declaration is deemed to benefit, shall be entitled to bring such proceeding at law or in equity to enforce any Covenant, Condition or Restriction set forth hereinabove. It is the specific intent of the Declarants that the parties designated in Paragraph 2 hereinabove, shall be deemed to be beneficiaries to whom the benefits of this Declaration shall inure. The Covenants, Conditions and Restrictions of this Declaration shall be binding upon the owners of Lot 1, Block 17 and Lot 9, Block 16 of the Replat of Lot 1, Block 17 and Lot 9, Block 16, and the cul-de-sac of Oak Park Third Addition, Washington County, Nebraska.

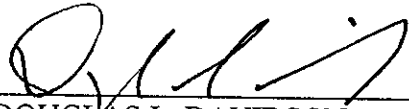
4. Revocation of Declaration/Right of First Refusal: In the event that the Lot owner(s) of Lot 1 and/or Lot 9 receive a bona fide offer to purchase an easement or other authority for ingress and egress over and across either said Lot 1 or Lot 9, or both, to any real estate located outside the boundaries of Oak Park Third Addition, as surveyed and platted as of January 1, 2001, and desire to accept the offer, then and in that event, the Lot owner(s) receiving such bona fide offer shall notify, in writing, all owners of the remaining property contained in Oak Park Third Addition, Washington County, Nebraska, that they shall have a right of first refusal to match such bona fide offer and pay the compensation set forth therein, within thirty (30) days of the date of written notification of such bona fide offer. In the event any combination of the owners of the remaining property contained in Oak Park Third Addition, Washington County, Nebraska, do not timely exercise their right of first refusal, then such right of first refusal shall terminate and the owner(s) of the Lot(s) shall be entitled to sell such easement or other authority for ingress and egress pursuant to the terms of the bona fide offer, and the purchaser thereof shall be entitled to revoke, amend or modify the Covenants, Conditions and Restrictions of this Declaration either in part or in its entirety. In the event the right of first refusal is exercised within such thirty (30) day period, then the full compensation shall be paid within thirty (30) days after date of execution of such right of first refusal. To exercise the right of first refusal, written notice of such exercise shall be delivered to the owner(s) of the Lot(s) subject to the right of first refusal, either by certified mail, return receipt requested, or by personally delivering such written exercise to the respective owner(s).

In the event that the bona fide offer received by the owner(s) of the Lot(s) consists of an offer to purchase not only the easement or other authority for ingress and egress but also for the

purchase of the fee simple title to such Lot(s), then the dollar amount allocated to the right of first refusal shall be the difference between the total purchase price set forth in the bona fide offer, less the fair market value of the Lot(s) and any improvements thereon (excluding any value attributed to the easement). The difference of the two shall be deemed to be the right of first refusal price to be paid by any combination of the owners of the remaining property contained in Oak Park Third Addition, Washington County, Nebraska. For purposes of determining the "fair market value" of the Lot(s), the combination of owners of the remaining property shall appoint a licensed real estate appraiser, the owner(s) of the Lot(s) desiring to sell such Lot(s) shall appoint a licensed real estate appraiser and those two appraisers shall appoint a third licensed real estate appraiser. The average of the three appraisals shall be deemed to be the fair market value of the Lot(s). The cost of all appraisals shall be done at the expense of the parties desiring to exercise the right of first refusal.

5. Severability: Invalidation of any of these Covenants, Conditions and Restrictions by judgment or court shall in no way affect any other provision, which shall remain in full force and effect.

IN WITNESS WHEREOF, the Declarants have caused this Declaration to be executed this 25 day of January, 2002


DOUGLAS L. DAVIDSON,
Declarant


MARGARET A. DAVIDSON,
Declarant


KENT E. BURKHOLDER,
Declarant


DEBRA L. BURKHOLDER,
Declarant

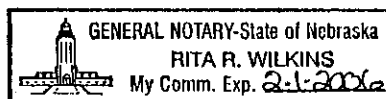
STATE OF NEBRASKA)
) :ss:
COUNTY OF WASHINGTON)

On this 25th day of January, 2002, before me, the undersigned a Notary Public, duly commissioned and qualified for in said county, personally came Douglas L. Davidson and Margaret A. Davidson, to me known to be the identical persons whose names are affixed to the foregoing instrument and acknowledged the execution thereof to be their voluntary act and deed.

Witness my hand and Notarial Seal the day and year last above written.

Rita R. Wilkins
Notary Public

STATE OF NEBRASKA)
) :ss:
COUNTY OF WASHINGTON)

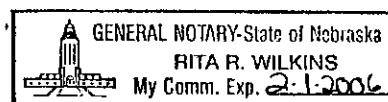


On this 25 day of January, 2002, before me, the undersigned a Notary Public, duly commissioned and qualified for in said county, personally came Kent E. Burkholder and Debra L. Burkholder, to me known to be the identical persons whose names are affixed to the foregoing instrument and acknowledged the execution thereof to be their voluntary act and deed.

Witness my hand and Notarial Seal the day and year last above written.

Rita R. Wilkins
Notary Public

CONSENT



SID No. 4 of Washington County, Nebraska, does hereby consent to and agree with the terms and provisions of the Declaration.

Date: January 25, 2002

SID NO. 4 OF WASHINGTON
COUNTY, NEBRASKA

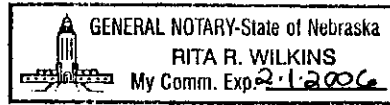
By Kent E. Burkholder
Chairman

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STATE OF NEBRASKA)
) :ss:
COUNTY OF WASHINGTON)

The foregoing instrument was acknowledged before me this 25th day of January, 2001, by Kent E. Burkholder, President of SID No. 4 of Washington County, Nebraska, on behalf of the SID.

Rita R. Wilkins
Notary Public



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