

STATE OF NEBRASKA COUNTY OF WASHINGTON) SS
ENTERED IN NUMERICAL INDEX AND FILED FOR RECORD
THIS 21st DAY OF August A.D. 1997
AT 11:09 O'CLOCK AM AND RECORDED IN BOOK
270 AT PAGE 331-333
COUNTY CLERK Charlotte S. Peterson
DEPUTY

FILED

97 AUG 21 AM 11:09

Approved _____
General _____
Notary _____
Recorder _____

CHARLOTTE L. PETERSON
WASHINGTON COUNTY, CLERK
PLAID, NEBR

DECLARATION OF RESTRICTIVE COVENANT

WHEREAS, Wayne L. Goetz and Mary D. Goetz, Husband and Wife, (hereinafter "Declarants") are the owners in fee simple of that real estate located in Washington County, Nebraska, more particularly described on Exhibit "A", attached hereto, and by this reference made a part hereof.

NOW, THEREFORE, for the purpose of enhancing and protecting the value, attractiveness, and desirability of the real estate described on Exhibit "A", Declarants declare that all of the described real property and each part of said real property shall be held, sold, hypothecated, and conveyed only subject to the following restrictive covenant, which constitutes a covenant running with the land and shall be binding on all parties having any right, title, or interest in the described property, or any part of such property, their heirs, successors, and assigns, and shall inure to the benefit of each owner of such property. By accepting the delivery of a deed to any of said described real estate, a grantee shall bind himself, his heirs, personal representatives, administrators, successors, assigns, and grantees, to observe and perform the restrictive covenant set forth hereinbelow, as fully as if they had joined in this Declaration.

The restrictive covenant contemplated by this Declaration is herewith stated to be as follows:

No residential building or structure, whether temporary or permanent shall be constructed or located on any part of the real estate described on Exhibit "A", attached hereto, and by this reference made a part hereof.

This Declaration and the restrictive covenant contained herein shall remain binding and in full force and effect from the date hereof until the date that a certain easement described in a Roadway Easement and Covenants Agreement dated as of September 19, 1996, and recorded in Record Book 260, Pages 674-688 of the records of the County Clerk of Washington County, Nebraska, ex officio Register of Deeds, is recognized by Washington County, Nebraska, as a legal access. Upon the filing in the deed records of an acknowledgement by Washington County, Nebraska, that said easement road is, in fact, recognized as a legal access, this Declaration and the restrictive covenant set forth hereinabove shall automatically terminate and shall be of no further force and effect, without the necessity of further action by Declarants or their successors in title or assigns.

IN WITNESS WHEREOF, the Declarants have caused this Declaration to be duly executed the date and the year first aforesaid.

Wayne L. Goetz
Wayne L. Goetz

Mary D. Goetz
Mary D. Goetz

STATE OF KANSAS)
) :ss:
COUNTY OF MIAMI)

NOW ON this 12th day of August, 1997, before me the undersigned, a Notary Public in and for said county and state, personally appeared Wayne L. Goetz and Mary D. Goetz, Husband and Wife, known by me to be the identical persons who executed the foregoing instrument and acknowledged the execution thereof to be their voluntary act and deed.

WITNESS my hand and notarial seal the date and year last above written.

Doreen A. News
Notary Public

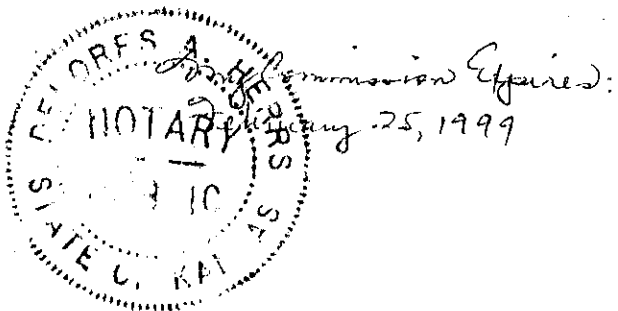


Exhibit "A"

THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4, SECTION 36, TOWNSHIP 17 NORTH, RANGE 12 EAST OF THE 6TH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, NEBRASKA, EXCEPT THAT PART MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 36; THENCE S 89°54'58" E ALONG THE NORTH LINE OF SAID SOUTHEAST 1/4 OF THE NORTHEAST 1/4 A DISTANCE OF 317.11 FEET; THENCE S 51°02'35" E A DISTANCE OF 500.08 FEET; THENCE S 24°46'30" E A DISTANCE OF 433.00 FEET; THENCE S 84°24'25" W A DISTANCE OF 185.17 FEET; THENCE N 45°59'23" W A DISTANCE OF 682.19 FEET; THENCE N 2°22'09" W A DISTANCE OF 105.45 FEET; THENCE N 67°48'15" W A DISTANCE OF 225.22 FEET TO A POINT ON THE WEST LINE OF SAID SOUTHEAST 1/4 OF THE NORTHEAST 1/4; THENCE ALONG SAID WEST LINE N 00°21'21" E A DISTANCE OF 61.66 FEET TO THE POINT OF BEGINNING,
SAID TRACT OF LAND CONTAINS 34.278 ACRES MORE OR LESS.