

MISC 2006080816



JUL 18 2006 13:52 P 3

Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE
7/18/2006 13:52:29.15



2006080816

DECLARATION OF RESTRICTIVE COVENANTS

THIS DECLARATION OF RESTRICTIVE COVENANT (the "Declaration") is made and entered into as of this 14 day of July, 2006, by GOTSCH LAND CO., a Nebraska corporation ("Declarant"), having an address of 20507 Nicholas Circle, Suite 100, Elkhorn, Nebraska 68022.

RECITALS:

Declarant is the owner of the land legally described on the attached Exhibit A, hereinafter referred to as the "Restricted Property".

In consideration of Menard, Inc. purchasing the real property adjacent to the Restricted Property and other good and valuable consideration hereby acknowledged, Declarant desires to place the following restrictive covenants on the Restricted Property for the benefit of Menard, Inc.

NOW, THEREFORE the following restrictive covenants are hereby placed on the Restricted Property,

No part of the Restricted Property shall be used for the operation of a business specializing in home improvement products, such as a flooring store, lighting store, hardware store, paint store, garden center or appliance store, that contains 8,000 or more gross square feet, or as a home center business by way of example, a Home Depot, Lowes, Ace Hardware, Farm and Fleet, Tractor Supply Company or Sears Hardware. This restrictive covenant shall terminate twenty (20) years following the date this instrument is recorded in the Office of the Douglas County Register of Deeds.

[Signature Page Follows]

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IN WITNESS WHEREOF, this instrument is executed by the following:

EXECUTED ON:
This 14 day of July, 2006

GOTTSCHELAND CO.

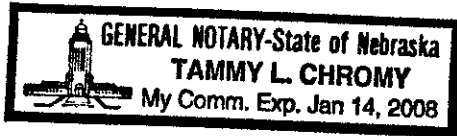
By: [Signature]

Its: Pres.

ACKNOWLEDGEMENTS

STATE OF STATE)
)ss.
COUNTY OF NEBRASKA)

On this 14 day of July, 2006, before me a Notary Public in and for the County and State aforesaid, personally appeared Brett Gottsch, ~~and as~~ president, who is/are personally known to me to be the same person(s) whose name(s) is/are subscribed to the foregoing instrument, and who acknowledged that he/she/they signed, sealed and delivered the said instrument as their/her/his free and voluntary act for the uses and purposes therein set forth.



[Signature]
Notary Public Douglas County
My Commission: 1-14-08

THIS INSTRUMENT DRAFTED BY:
Jonathan J. Mueller
Corporate Counsel
4777 Menard Drive
Eau Claire, WI 54703
Phone: (715) 876-2816
Fax: (715) 876-2868

EXHIBIT "A"
LEGAL DESCRIPTION
RESTRICTED PROPERTY

Lots 1 through 6, inclusive, Skyline Country West, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska.