

PROTECTIVE COVENANTS AND RESTRICTIONS

THE UNDERSIGNED, BEING THE OWNERS AND CONTRACT PURCHASERS OF HILL ACRES, A SUBDIVISION IN SARPY COUNTY, NEBRASKA, DO HEREBY DECLARE THAT THESE PROTECTIVE COVENANTS, AND RESTRICTIONS MADE THIS 23rd DAY OF May 1990, ARE TO RUN WITH THE LAND AND SHALL BE BINDING UPON ALL PRESENT AND FUTURE OWNERS OF ALL OR ANY PART OF THE LOTS CONTAINED THEREIN UNTIL MARCH 1, 2025, AT WHICH TIME SAID COVENANTS SHALL BE AUTOMATICALLY EXTENDED FOR SUCCESSIVE PERIODS OF TEN (10) YEARS. (UNLESS BY VOTE OF A MAJORITY OF THE THEN OWNERS OF THE LOTS) IT IS AGREED AT ANY TIME TO CHANGE SAID COVENANTS IN WHOLE OR IN PART:

1. IF THE PRESENT OR FUTURE OWNERS OF ANY OF SAID LOTS, OR THEIR GRANTEEES, HEIRS, OR ASSIGNS, SHALL VIOLATE OR ATTEMPT TO VIOLATE ANY OF THESE PROTECTIVE COVENANTS OR RESTRICTIONS, IT SHALL BE LAWFUL FOR THE OTHER PERSON OR PERSONS OWNING ANY PART OF SAID REAL ESTATE TO PROSECUTE ANY PROCEEDINGS AT LAW OR IN EQUITY AGAINST THE PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY SUCH COVENANTS AND EITHER TO PREVENT HIM OR THEM FROM SO DOING OR TO RECOVER DAMAGES OR OTHER DUES FOR SUCH VIOLATION.

2. INVALIDATION OF ANY OF THESE PROTECTIVE COVENANTS OR RESTRICTIONS BY JUDGMENT OR COURT ORDER SHALL IN NO WAY AFFECT ANY OF THE OTHER PROVISIONS, WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

3. SAID LOTS SHALL PRIMARILY BE USED FOR RESIDENTIAL PURPOSES VOID OF ANY NOXIOUS OR OFFENSIVE TRADE OR ACTIVITY WHICH MAY BE OR BECOME AN ANNOYANCE OR NUISANCE TO THE NEIGHBORHOOD. IF LOT ONE (1) IS REZONED, IT'S USE MAY BE A DAYCARE, CHURCH OR SCHOOL FACILITY.

4. NO STRUCTURE OF A TEMPORARY CHARACTER, TRAILER, BASEMENT, TENT, SHACK, BARN OR OTHER OUTBUILDING SHALL BE ERECTED ON SAID LOT FOR USE AS A RESIDENCE, TEMPORARILY OR PERMANENTLY. NO PREFABRICATED OR FACTORY-BUILT HOUSE OR RESIDENTIAL DWELLING BUILT ELSEWHERE SHALL BE MOVED ONTO OR ASSEMBLED ON ANY OF SAID LOTS. NO PRE-CUT DWELLING SHALL BE ASSEMBLED ON ANY OF SAID LOTS. NO FULL OR PARTIAL SUBTERRANEAN DWELLINGS OR LOG HOUSES SHALL BE CONSTRUCTED OR ERECTED ON ANY LOT. NO DWELLING SHALL BE MOVED FROM OUTSIDE OF THE PROPERTIES ONTO ANY OF SAID LOTS.

5. NO STRUCTURES SHALL BE ERECTED, ALTERED, PLACED OR PERMITTED TO REMAIN ON ANY RESIDENTIAL BUILDING PLOT AS HEREINAFTER, DEFINED OTHER THAN ONE DETACHED DWELLING OF ONE LIVING UNIT FOR LOTS TWO (2) THROUGH FIVE (5) INCLUSIVE AND MAXIMUM TWO LIVING UNITS FOR LOT ONE (1), NOT TO EXCEED TWO (2) STORIES IN HEIGHT, A PRIVATE GARAGE, ATTACHED BREEZEWAYS AND OTHER OUT BUILDINGS INCIDENTAL TO RESIDENTIAL USES. NO BUILDINGS OR APPURTENANCES SHALL BE ERECTED ON ANY LOT OR LOTS EXCEPT IN ACCORDANCE WITH THE PRESENT EXISTING ZONING REGULATIONS APPLICABLE TO SAID LOTS.

6. RESTRICTIONS FOR SINGLE FAMILY RESIDENTIAL DWELLINGS SHALL CONFORM AND BE EXCLUSIVELY LIMITED TO THE FOLLOWING REQUIREMENTS WITH NO SPLIT ENTRY (BI-LEVEL), OR TRI-LEVEL (SPLIT LEVEL) DWELLINGS PERMITTED:

TYPE OF DWELLING	MINIMUM AREA	LOCATION OF AREA
A. ONE-STORY HOUSE ATTACHED GARAGE	1700 SQ. FT.	ON THE MAIN FLOOR, EXCLUSIVE OF GARAGE AREA (GARAGE MUST BE APPROXIMATELY AT THE SAME LEVEL AS THE MAIN FLOOR)
B. ONE-STORY HOUSE BASEMENT GARAGE	1700 SQ. FT.	ON THE MAIN FLOOR

FILED FOR RECORD 5-24-90 AT 1143 AM INSTRU # 90-06921

Charles J. Douch
HILL ACRES

REGISTER OF DEEDS, SARPY COUNTY, NE

06921

SEARCHED
SERIALIZED
INDEXED
FILED

2750

PROTECTIVE COVENANTS AND RESTRICTIONS

- C. ONE AND ONE-HALF 2200 SQ. FT. TOTAL AREA ABOVE THE BASEMENT
AND TWO STORIES LEVEL, AND 1600 SQ. FT. MINIMUM
AREA ON THE MAIN.

7. FOR THE PURPOSES OF THESE RESTRICTIONS, TWO-STORY HEIGHT SHALL, WHEN THE BASEMENT WALL IS EXPOSED ABOVE FINISH GRADE, BE MEASURED FROM THE BASEMENT CEILING ON THE EXPOSED SIDE(S) TO THE EAVE OF THE STRUCTURE ON THE SAME SIDE(S). AREA MEANS FINISHED HABITABLE SPACE, MEASURED TO THE EXTERIOR OF THE ENCLOSING WALLS, BUT DOES NOT INCLUDE PORCHES, STOOPS, BREEZEWAYS, COURTYARDS, PATIOS, DECKS EASEMENTS, GARAGES OR CARPORTS. THE BASEMENT IS NOT CONSIDERED A STORY EVEN THOUGH IT IS ONE HUNDRED PERCENT ABOVE GRADE ON ONE SIDE, SO LONG AS IT IS AT LEAST FIFTY PERCENT (50%) BELOW GRADE ON THE OTHER THREE (3) SIDES. ALL DWELLINGS SHALL HAVE AN ATTACHED, ENCLOSED, SIDE-BY-SIDE, OR DETACHED TWO-CAR GARAGE MINIMUM WHICH MUST CONTAIN AN AREA OF AT LEAST FOUR-HUNDRED (400) SQUARE FEET. CONSTRUCTION OF ANY DETACHED GARAGES OR OTHER STRUCTURES SHALL BE TO THE REAR OF THE DWELLING HOUSE AND SHALL BE BUILT OF SIMILAR MATERIAL AS THE DWELLING HOUSE AND BE OF A CHARACTER TO ENHANCE THE VALUE OF THE PROPERTY, NO FLAT OR MANSARD ROOFS PERMITTED.

8. ALL DWELLINGS SHALL BE LOCATED AT LEAST ONE HUNDRED FEET (100') FROM THE FRONT CURB. AT LEAST SEVEN FEET (7') FROM THE SIDE LOT LINES, AND AT LEAST TWENTY-FIVE FEET (25') FROM THE REAR LOT LINE.

9. EXPOSED PORTIONS OF THE FOUNDATION ON THE FRONT AND SIDES OF EACH DWELLING ARE TO BE COVERED WITH CLAY-FIRED BRICK OR STONE. THE EXPOSED PORTIONS OF THE FOUNDATION ON THE REAR OF EACH DWELLING SHALL BE COVERED WITH CLAY-FIRED BRICK, STONE, SIDING, OR SHALL BE PAINTED. THE EXPOSED PORTION OF THE FOUNDATION OF THE FRONT, SIDES, AND REAR OF EVERY OTHER STRUCTURE SHALL BE COVERED WITH CLAY-FIRED BRICK, STONE, SIDING, OR SHALL BE PAINTED.

10. IN THE EVENT THAT A FIREPLACE IS CONSTRUCTED AS A PART OF A DWELLING ON ANY LOT, EXCEPT A CORNER LOT, AND SAID FIREPLACE AND/OR THE ENCLOSURE FOR THE FIREPLACE FLUE, IS CONSTRUCTED IN SUCH A MANNER SO AS TO PROTRUDE BEYOND THE OUTER PERIMETER OF THE FRONT OR SIDE OF THE DWELLING, OR IS EXPOSED ABOVE THE ROOF, THE ENCLOSURE OF THE FIREPLACE AND FLUE SHALL BE CONSTRUCTED OF OR FINISHED WITH, CLAY-FIRED BRICK OR STONE. IF THE FIREPLACE AND/OR THE ENCLOSURE FOR THE FIREPLACE FLUE IS CONSTRUCTED IN SUCH A MANNER SO AS TO PROTRUDE BEYOND THE OUTER PERIMETER OF THE REAR OF THE DWELLING, THE ENCLOSURE OF THE FIREPLACE AND FLUE MAY BE CONSTRUCTED OF, OR FINISHED WITH, THE SAME MATERIALS AS IS THE DWELLING AT THE POINT FROM WHICH THE FIREPLACE AND/OR THE FLUE PROTRUDES. NOTWITHSTANDING THE FOREGOING, WHEN FIREPLACE IS CONSTRUCTED AS A PART OF A DWELLING ON ANY CORNER LOT, AND SAID FIREPLACE AND/OR THE ENCLOSURE FOR THE FIREPLACE FLUE IS CONSTRUCTED IN SUCH A MANNER SO AS TO PROTRUDE BEYOND THE OUTER PERIMETER OF THE DWELLING, OR IS EXPOSED ABOVE THE ROOF, THE ENCLOSURE OF THE FIREPLACE AND FLUE SHALL BE CONSTRUCTED OF, OR FINISHED WITH, CLAY-FIRED BRICK OR STONE. NO FURNACE FLUE MAY PROTRUDE MORE THAN FIVE FEET (5') FROM THE ROOF OF THE DWELLING, AS MEASURED FROM THE TOP CAP OF THE FLUE TO THE POINT FROM WHICH THE FLUE EMERGES FROM THE ROOF. IN THE EVENT THAT A DWELLING IS

PROTECTIVE CONVENANTS AND RESTRICTIONS

CONSTRUCTED WITHOUT A FIREPLACE, THE FURNACE FLUE MUST THEN BE FACED WITH CLAY-FIRED BRICK OR STONE ABOVE ROOF LEVEL. ALL FURNACE FLUES MUST BE LOCATED ON THE REAR SIDE OF THE ROOF RIDGE.

11. A DWELLING ON WHICH CONSTRUCTION HAS BEGUN MUST BE COMPLETED WITHIN ONE (1) YEAR FROM THE DATE THE FOUNDATION WAS DUG FOR SAID DWELLING.

12. NO RESIDENTIAL DWELLING SHALL BE OCCUPIED BY ANY PERSON AS A DWELLING FOR SUCH PERSON UNTIL THE CONSTRUCTION OF SUCH DWELLING HAS BEEN COMPLETED, EXCEPT FOR MINOR FINISH DETAILS.

13. NO OUTSIDE RADIO, TELEVISION, HAM BROADCASTING OR ANY OTHER ELECTRONIC ANTENNA OR AERIAL SHALL BE ERECTED OR PLACED ON ANY STRUCTURE OR ON ANY LOT EXCLUSIVE OF SATELLITE DISHES WHICH SHALL BE ERECTED TO THE REAR OF THE DWELLING HOUSE.

14. NO STABLE OR OTHER SHELTER FOR ANY ANIMAL, LIVESTOCK, FOWL OR POULTRY SHALL BE ERECTED, ALTERED, PLACED OR PERMITTED TO REMAIN ON ANY LOT, EXCLUSIVE OF DOG RUNS OUT OF PUBLIC VIEW. NO ANIMALS, LIVESTOCK, FOWL OR POULTRY OF ANY KIND SHALL BE RAISED, BRED OR KEPT ON ANY LOT, EXCEPT THAT DOGS, CATS, OR OTHER HOUSEHOLD PETS MAINTAINED WITHIN THE DOG RUNS OR THE DWELLING MAY BE KEPT, PROVIDED THAT THEY ARE NOT KEPT, BRED OR MAINTAINED FOR ANY COMMERCIAL PURPOSE AND, PROVIDED THAT THEY ARE KEPT CONFINED TO THE LOT OF THEIR OWNER AND ARE NOT PERMITTED TO RUN LOOSE OUTSIDE THE LOT OF THEIR OWNER.

15. A PERPETUAL LICENSE AND EASEMENT IS HEREBY RESERVED IN FAVOR OF AND GRANTED TO THE NORTHWESTERN BELL TELEPHONE COMPANY, THE SARPY COUNTY FRANCHISED CABLE TELEVISION FIRM, AND TO OMAHA PUBLIC POWER DISTRICT, THEIR SUCCESSORS AND ASSIGNS, TO ERECT AND OPERATE, MAINTAIN, REPAIR, AND RENEW CABLES CONDUITS, AND OTHER INSTRUMENTALITIES AND TO EXTEND WIRES FOR THE CARRYING AND TRANSMISSION OF ELECTRIC CURRENT FOR LIGHT, HEAT AND POWER AND FOR ALL TELEPHONE AND TELEGRAPH AND MESSAGE SERVICES AND CABLE TELEVISION UNDER AND OVER SIX-FOOT WIDE STRIP OF LAND LOCATED TWO HUNDRED THIRTY-FIVE FEET (235') FROM THE FRONT CURB. AND A FIVE FOOT (5') WIDE STRIP OF LAND ADJOINING LOTS FOUR (4) AND FIVE (5) AND A FIVE FOOT (5') WIDE STRIP OF LAND ADJOINING LOTS TWO (2) AND THREE (3). NO PERMANENT BUILDINGS SHALL BE PLACED IN A PERPETUAL EASEMENTWAY, BUT THE SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING AND OTHER PURPOSES THAT DO NOT NOW OR LATER INTERFERE WITH THE AFORESAID USES OR RIGHTS HEREIN GRANTED.

16. ALL TELEPHONE. CABLE TELEVISION AND ELECTRIC POWER SERVICE LINES FROM PROPERTY LINE TO DWELLING SHALL BE UNDERGROUND.

17. ANY EXTERIOR AIR-CONDITIONING CONDENSER UNIT SHALL BE PLACED IN THE REAR YARD OR ANY SIDE YARDS AS NOT TO BE VISIBLE FROM PUBLIC VIEW.

18. VACANT LOTS WHERE CAPITAL IMPROVEMENTS HAVE NOT YET BEEN CONSTRUCTED SHALL NOT BE USED FOR DUMPING OF ANY WASTE MATERIAL AND SHALL BE MAINTAINED LEVEL AND SMOOTH ENOUGH FOR MACHINE MOWING. NO VEGETATION ON VACANT LOTS WHERE CAPITAL IMPROVEMENTS HAVE NOT BEEN CONSTRUCTED SHALL BE ALLOWED TO REACH A MAXIMUM HEIGHT OF MORE THAN 12 INCHES (12").

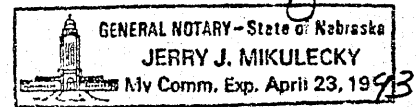
19. A COPY OF PLANS AND SPECIFICATIONS IS TO BE SUBMITTED TO ARCHITECTURAL CONTROL COMMITTEE OR PRESENT OWNERS OF SAID HILL ACRES LOTS FOR APPROVAL IN CONSIDERING GENERAL APPEARANCE OF THE PURPOSED HOUSE, ARCHITECTURAL CHARACTER AND HARMONY OF EXTERNAL DESIGN.

PROTECTIVE CONVENANTS AND RESTRICTIONS

STATE OF NEBRASKA)
) SS. :
COUNTY OF *Douglas*)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 23rd
DAY OF May, 1990. BY DOUGLAS A. HASSELL AND RAYE D.
HASSELL.

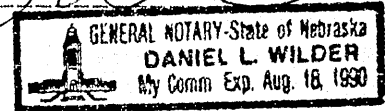
Jerry J. Mikulecky
NOTARY PUBLIC



STATE OF NEBRASKA)
) SS. :
COUNTY OF *Sarpy*)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 23rd
DAY OF March, 1990. BY JERRY J. MIKULECKY.

Daniel L. Wilder
NOTARY PUBLIC



STATE OF NEBRASKA)
) SS. :
COUNTY OF *Sarpy*)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 23rd
DAY OF May, 1990. BY LESLIE J. HASSELL AND LORRAINE L.
HASSELL.

Jerry J. Mikulecky
NOTARY PUBLIC

