



BK 0985 PG 503-508



MISC 1991 23554

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INDEXING
PAGE DOWN FOR BALANCE OF INSTRUMENT

RESTRICTIVE COVENANT

KNOW ALL MEN BY THESE PRESENTS,

THIS RESTRICTIVE COVENANT is made and entered into this 15th day of November, 1991, by KV-CENTER ASSOCIATES, for itself and its successors and assigns ("Grantor") to and for the benefit of FIRSTIER BANK, NATIONAL ASSOCIATION, OMAHA, NEBRASKA, and its successors and assigns ("Grantee").

WHEREAS, Grantor is the owner of the real estate described on Exhibit "A" attached hereto (the "Grantor Property"); and

WHEREAS, the Grantor Property includes three parcels of real estate depicted as Parcels D, H and I (the "Relevant Parcels") on Exhibit "B" attached hereto (the "Site Plan"); and

WHEREAS, Grantee is the owner of the real estate described on Exhibit "C" attached hereto.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby covenants and agrees as follows:

1. The Relevant Parcels shall not be used in whole or in part as, or for the operation of, a Financial Institution. For purposes of this Restrictive Covenant, the term "Financial Institution" shall mean any entity which accepts demand, savings or time deposits in the regular course of its business.
2. In the event Grantor shall modify the Site Plan so that, as a result, any parking spaces located on Parcels A, B, C or E (as depicted on the Site Plan) shall be converted to a separate free-standing building site, the covenants of Grantor herein shall extend to such separate free-standing building sites.
3. This Restrictive Covenant shall be binding upon Grantor and inure to the benefit of Grantee, and their respective successors and assigns. This Restrictive Covenant shall run with the land.

IN WITNESS WHEREOF, KV-Center Associates has executed this Restrictive Covenant as of the date and year first above written.

KV-CENTER ASSOCIATES, a Nebraska general partnership

BY: KVI, LTD., a Nebraska corporation, General Partner

By [Signature]
George W. Venteicher, President

BY: OLD MILL ASSOCIATES, a Nebraska general partnership, General Partner

By [Signature]
George W. Venteicher, General Partner

By [Signature]
Frank R. Krejci, General Partner

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On this 15th day of November, 1991, before me, a notary public in and for said county and state, personally came GEORGE W. VENTEICHER, President of KVI, LTD., a Nebraska corporation, as General Partner of KV-CENTER ASSOCIATES, a Nebraska general partnership, known to me to be the identical person who signed the foregoing Restrictive Covenant and acknowledged the execution thereof to be his voluntary act and deed and the voluntary act and deed of said partnership and corporation.

WITNESS my hand and notarial seal at Omaha, in said county and state, the day and year last above written.

[SEAL]



[Signature]
Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On this 15th day of November, 1991, before me, a notary public in and for said county and state, personally came GEORGE W. VENTEICHER and FRANK R. KREJCI, General Partners of OLD MILL ASSOCIATES, a Nebraska general partnership, as General Partner of KV-

CENTER ASSOCIATES, a Nebraska general partnership, known to me to be the identical person who signed the foregoing Restrictive Covenant and acknowledged the execution thereof to be his voluntary act and deed and the voluntary act and deed of said partnerships.

WITNESS my hand and notarial seal at Omaha, in said county and state, the day and year last above written.

[SEAL]



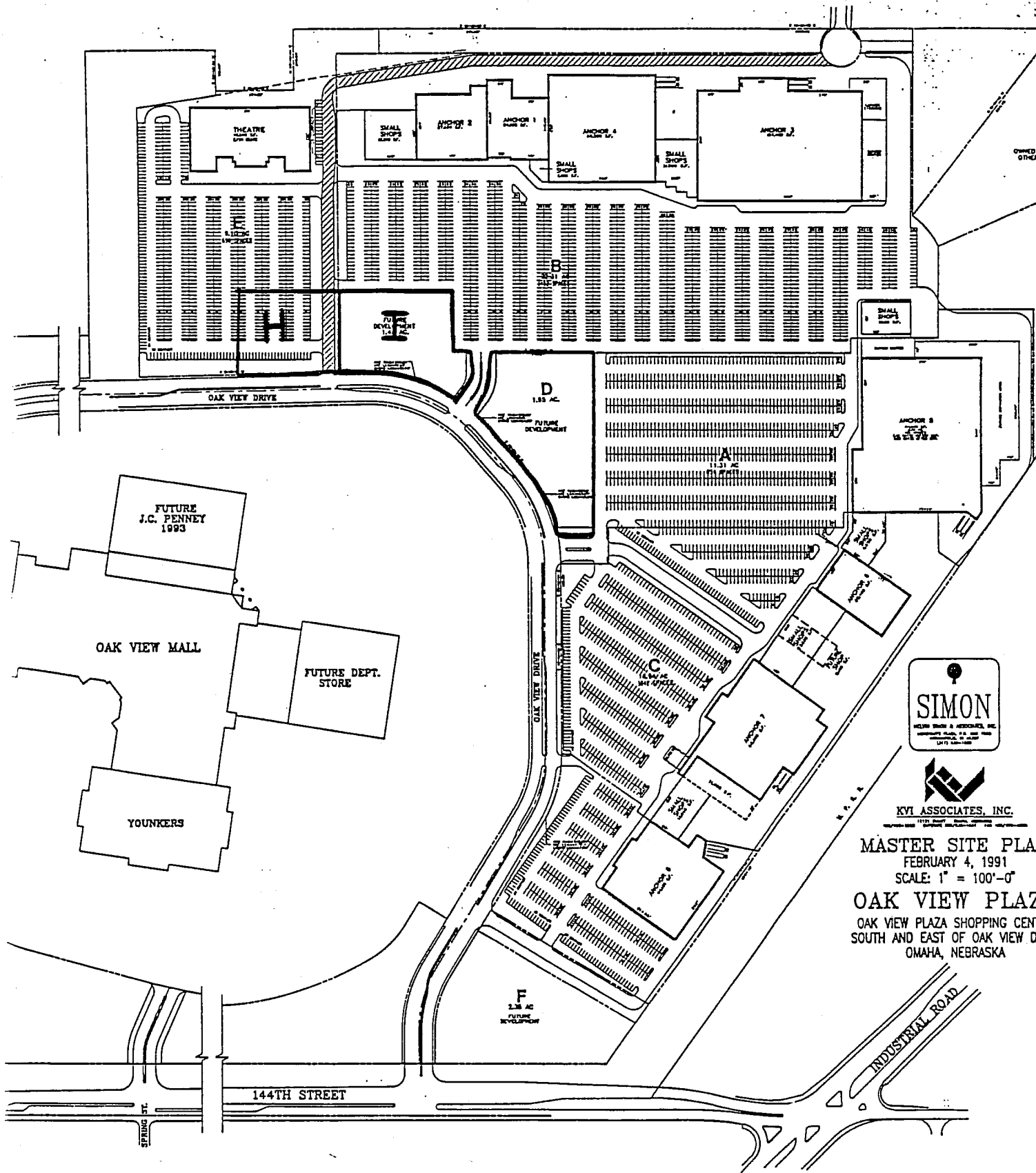
Susan Marie Heathoff
Notary Public

RWR:ces

EXHIBIT "A"

Lots Fifteen (15), Sixteen (16), Twenty (20) and Twenty-One (21), OAK VIEW, a Subdivision, as surveyed, platted and recorded in Douglas County, Nebraska.

EXHIBIT "B"



MASTER SITE PLAN
 FEBRUARY 4, 1991
 SCALE: 1" = 100'-0"
OAK VIEW PLAZA
 OAK VIEW PLAZA SHOPPING CENTER
 SOUTH AND EAST OF OAK VIEW DRIVE
 OMAHA, NEBRASKA

EXHIBIT "C"

THAT PART OF LOT 20, IN OAK VIEW, A SUBDIVISION, AS SURVEYED, PLATTED AND RECORDED IN DOUGLAS COUNTY, NEBRASKA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 20, SAID POINT ALSO BEING THE INTERSECTION OF THE EAST LINE OF 144TH STREET AND THE SOUTH LINE OF OAK VIEW DRIVE; THENCE ALONG THE NORTHERLY LINE OF SAID LOT 20 AND ALONG SAID SOUTH LINE OF OAK VIEW DRIVE, THE FOLLOWING THREE COURSES; SOUTH 90 DEGREES 00'00" EAST, 77.09 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; 2) ALONG SAID CURVE, HAVING A RADIUS OF 260.00 FEET AND A CHORD BEARING SOUTH 74 DEGREES 12'19" EAST, 141.54 FEET, AN ARC DISTANCE OF 143.34 FEET; 3) SOUTH 58 DEGREES 24'38" EAST, 128.59 FEET; THENCE SOUTH 30 DEGREES 02'33" WEST, 179.38 FEET; THENCE NORTH 59 DEGREES 57'27" WEST, 141.90 FEET; THENCE NORTH 90 DEGREES 00'00" WEST, 110.18 FEET TO THE EAST LINE OF 144TH STREET; THENCE ALONG SAID EAST LINE, NORTH 00 DEGREES 00'00" EAST, 190.13 FEET TO THE POINT OF BEGINNING

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PG 503-508 N DEC 11K ME
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Nov 18 1 32 PM '91
GEORGE J. BUGLEWICZ
REGISTER OF DEEDS
DOUGLAS COUNTY, NE