

## RESTRICTIVE COVENANTS

These Restrictive Covenants are made and entered into as of this 30th day of June, 1995, by and between **LINCOLN MEMORIAL PARK CEMETERY ASSOCIATION**, a Nebraska corporation and its successors and assigns (collectively "Lincoln Memorial") and **Dale M. Jensen** and **Karen E. Jensen**, husband and wife as joint tenants with the right of survivorship and not as tenants in common and their successors and assigns (collectively "Jensen"). Lincoln Memorial and Jensen are sometimes collectively referred to herein as "Declarants".

WHEREAS, Lincoln Memorial is the fee owner of certain property ("Boundary Area") located in Lancaster County, State of Nebraska, more particularly described on Exhibit "A", which is attached hereto and incorporated herein by this reference;

WHEREAS, Jensen is the fee owner of certain property ("Neighboring Parcel") which abuts the Boundary Area and which is located in Lancaster County, State of Nebraska, more particularly described on Exhibit "B", which is attached hereto and incorporated herein by this reference;

NOW, THEREFORE, Declarants do hereby declare that these restrictive covenants shall run with the Boundary Area and Neighboring Parcel and shall bind the Declarants.

1. Restriction on Neighboring Parcel. Jensen, and their successors and assigns shall never make, establish, permit, or cause or suffer to be erected, made, established, in any manner, on any part of the Neighboring Parcel, a funeral home, cemetery or other similar operation. Jensen does further agree not to sell, lease or otherwise convey the Neighboring Parcel to any individual, corporation, partnership or other entity which is a competitor of Stewart Enterprises, Inc., a Louisiana Corporation and is engaged in any funeral, cemetery, funeral home floral shop, monument, vault manufacturing or related business.

2. Easement. Jensen hereby grants to Lincoln Memorial a permanent nonexclusive twenty (20) feet wide underground sanitary sewer easement located on a portion of Lot 44, Irregular Tracts in the North Half (N 1/2) of Section 24, Township 9 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska ("Lot 44"), more specifically defined as follows ("Easement Area") in order to construct, operate, repair or replace a public or private underground sanitary sewer line:

The centerline of the twenty (20) feet wide underground sanitary sewer line shall be located four hundred feet east of and parallel to the west property line of Lot 44 and shall run from the north property line to the south property line of Lot 44,

in order to construct, reconstruct, maintain, operate and replace a public or private underground sanitary sewer line, at Lincoln Memorial's or the City of Lincoln's expense in conformity with applicable building codes, regulations and design standards. Said easement is for the benefit of and held unto the owner of the real estate described in Exhibit "A" and their successors and assigns so long as said underground sanitary sewer line is maintained, together with the right of

ingress and egress to said Easement Area from the public streets. Said easement shall not divest Jensen of title and ownership of the rights to use and enjoy the above described Easement Area for any purpose except the construction thereon of a permanent building. Said easement is subject to any prior leases or easements of record heretofore granted to other parties. Jensen and its personal representatives, successors and assigns, at their expense, shall have the right for twenty (20) years from the date of this agreement to relocate said Easement Area (including any constructed underground sanitary sewer line that may be located therein) if Jensen or its personal representatives, successors and assigns deems it desirable in order to develop Lot 44 or any portion thereof; provided that the relocated Easement Area shall be filed of record and such relocated Easement Area provides potential gravity flow sanitary sewer service to the property described in Exhibit "A".

3. Restrictions on Boundary Area. The Boundary Area may be used for funeral home, cemetery or other similar operations so long as any building(s) are located a minimum of one hundred (100) feet away from the Neighboring Parcel boundaries and the buildings and uses comply with the City of Lincoln's land use ordinances and regulations. In the event all or any portion of the Boundary Area is used for residential purposes, then the following restrictions shall apply to the land:

- (a) Each lot shall be used for single family residential purposes;
- (b) Each lot shall have an average minimum width of seventy-five (75) feet;
- (c) Lincoln Memorial will utilize architectural review approval of the design of the home prior to construction of the home.
- (d) Lots with an average minimum width of seventy-five (75) to ninety (90) feet shall have the following requirements:
  - (i) Each such lot shall have a minimum front yard setback requirement of thirty (30) feet and a minimum side yard requirement of ten (10) feet.
  - (ii) Each home constructed on such a lot shall have a minimum square footage requirement of 1,600 square feet for ranch style homes, exclusive of all garages, patios, decks and terraces and a minimum square footage requirement of 2,000 square feet for two story style homes, exclusive of all garages, patios, decks and terraces.
- (e) Lots with an average width larger than ninety (90) feet shall have the following requirements:
  - (i) Each such lot shall have a minimum front yard setback requirement of thirty-five (35) feet and a minimum sideyard requirement of twelve and one-half (12 1/2) feet.

- (ii) Each home constructed on such a lot shall have a minimum square footage requirement of 1,800 square feet for ranch style homes, exclusive of all garage,s patios, decks and terraces and a minimum square footage requirement of 2,400 square feet for two story style homes, exclusive of garages, patios, decks and terraces.
- (iii) Each home shall have side entry garages wherever possible.

4. Binding. These Restrictive Covenants constitute covenants running with the above described real estate, shall be binding on and shall enure to the benefit of the Lincoln Memorial and Jensen, their respective personal representatives, heirs, and successors, assigns and transferees. These Restrictive Covenants shall be recorded against the Boundary Area as described in Exhibit "A" and the Neighboring Parcel as described in Exhibit "B". The obligations of the undersigned parties contained herein shall run with the land and shall become the obligation of any successor-owner of any piece of the properties described on Exhibit "A" and Exhibit "B".

5. Enforcement. The enforcement of these Restrictive Covenants may be by proceeding at law or in equity, including specific enforcement against any person violating or attempting to violate any provision hereof. These Restrictive Covenants are severable and the invalidation of one shall not invalidate any other covenant, term or condition herein contained.

6. Authority. All necessary partnership and corporate action to duly approve the execution, delivery and performance of these Restrictive Covenants have been taken by Lincoln and these Restrictive Covenants constitute a valid and binding agreement of the Declarants, enforceable in accordance with its terms.

"LINCOLN MEMORIAL"

LINCOLN MEMORIAL PARK CEMETERY  
ASSOCIATION, a Nebraska  
corporation

By: Richard B. Link  
Richard B. Link, President

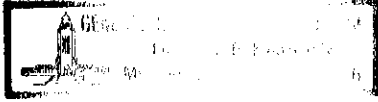
"JENSEN"

Dale M. Jensen  
Dale M. Jensen

Karen E. Jensen  
Karen E. Jensen

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF LANCASTER )

The foregoing instrument was acknowledged before me this 12 day of July, 1995 by Richard B. Link, as President of Lincoln Memorial Park Cemetery Association, a Nebraska corporation, on behalf of the corporation.



Richard F. Kepler  
Notary Public

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF LANCASTER )

The foregoing instrument was acknowledged before me this 30th day of June, 1995 by Dale M. Jensen, a married person.

Kent Seacrest  
Notary Public

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF LANCASTER )

The foregoing instrument was acknowledged before me this 27th day of July, 1995 by Karen E. Jensen, a married person.



K. Seacrest  
Notary Public

BOUNDARY AREA  
LEGAL DESCRIPTION

A LEGAL DESCRIPTION OF A TRACT OF LAND COMPOSED OF A PORTION OF LOT 38 I.T., AND A PORTION OF LOT 53 I.T., ALL LOCATED IN THE SOUTH HALF OF SECTION 13, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 13, THENCE ON AN ASSUMED BEARING OF SOUTH 89 DEGREES 33 MINUTES 33 SECONDS EAST ALONG THE SOUTH LINE OF SAID SECTION 13, A DISTANCE OF 1663.47 FEET TO THE SOUTHWEST CORNER OF SAID LOT 38 I.T., SAID POINT BEING THE TRUE POINT OF BEGINNING, THENCE NORTH 0 DEGREES 11 MINUTES 53 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 38 I.T., A DISTANCE OF 897.92 FEET TO A POINT, THENCE SOUTH 89 DEGREES 24 MINUTES 48 SECONDS EAST, A DISTANCE OF 954.78 FEET TO A POINT, THENCE SOUTH 5 DEGREES 11 MINUTES 38 SECONDS WEST, A DISTANCE OF 99.15 FEET TO A POINT, THENCE SOUTH 81 DEGREES 24 MINUTES 09 SECONDS EAST, A DISTANCE OF 130.00 FEET TO A POINT, THENCE AROUND A CURVE IN A COUNTERCLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 06 DEGREES 48 MINUTES 26 SECONDS, AN ARC DISTANCE OF 93.72 FEET, A RADIUS OF 788.89 FEET, AND A CHORD OF SOUTH 5 DEGREES 11 MINUTES 38 SECONDS WEST, A DISTANCE OF 93.67 FEET TO A POINT, THENCE NORTH 88 DEGREES 12 MINUTES 35 SECONDS WEST, A DISTANCE OF 130.00 FEET TO A POINT, THENCE SOUTH 1 DEGREES 36 MINUTES 48 SECONDS EAST, A DISTANCE OF 109.11 FEET TO A POINT, THENCE SOUTH 8 DEGREES 17 MINUTES 15 SECONDS EAST, A DISTANCE OF 104.85 FEET TO A POINT, THENCE SOUTH 15 DEGREES 11 MINUTES 31 SECONDS EAST, A DISTANCE OF 116.48 FEET TO A POINT, THENCE SOUTH 21 DEGREES 59 MINUTES 03 SECONDS EAST, A DISTANCE OF 104.86 FEET TO A POINT, THENCE SOUTH 26 DEGREES 34 MINUTES 41 SECONDS EAST, A DISTANCE OF 298.81 FEET TO A POINT, ON THE SOUTH LINE OF SAID LOT 53 I.T., THENCE NORTH 89 DEGREES 32 MINUTES 20 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 53 I.T., SAID LINE BEING THE SOUTH LINE OF SAID SECTION 13, A DISTANCE OF 185.27 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 13, THENCE NORTH 89 DEGREES 33 MINUTES 33 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 38 I.T., SAID LINE BEING THE SOUTH LINE OF SAID SECTION 13, A DISTANCE OF 969.19 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 20.79 ACRES MORE OR LESS; AND

A LEGAL DESCRIPTION OF A TRACT OF LAND COMPOSED OF A PORTION OF LOT 42 I.T., LOCATED IN THE NORTH HALF OF SECTION 24, TOWNSHIP 9 NORTH, RANGE 6 EAST OF THE 6TH P.M., LANCASTER COUNTY NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

EXHIBIT "A"

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 24, THENCE ON AN ASSUMED BEARING OF SOUTH 89 DEGREES 33 MINUTES 33 SECONDS EAST ALONG THE NORTH LINE OF SAID SECTION 24, A DISTANCE OF 1316.33 FEET TO THE NORTHEAST CORNER OF LOT 34 I.T., SAID POINT BEING THE MOST NORTHERN AND WEST CORNER OF SAID LOT 42 I.T., AND THE TRUE POINT OF BEGINNING, THENCE SOUTH 89 DEGREES 33 MINUTES 33 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 42 I.T., SAID LINE BEING THE NORTH LINE OF SAID SECTION 24, A DISTANCE OF 1316.33 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 24, THENCE SOUTH 89 DEGREES 32 MINUTES 20 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 42 I.T., SAID LINE BEING THE NORTH LINE OF SAID SECTION 24, A DISTANCE OF 185.27 FEET TO A POINT, THENCE SOUTH 26 DEGREES 34 MINUTES 41 SECONDS EAST, A DISTANCE OF 70.62 FEET TO A POINT ON THE SOUTHEAST LINE OF SAID LOT 42 I.T., THENCE SOUTH 63 DEGREES 25 MINUTES 19 SECONDS WEST ALONG THE SOUTHEAST LINE OF SAID LOT 42 I.T., A DISTANCE OF 503.03 FEET TO A POINT OF CURVATURE, THENCE AROUND A CURVE IN A COUNTERCLOCKWISE DIRECTION HAVING A DELTA ANGLE OF 63 DEGREES 01 MINUTES 55 SECONDS, AN ARC DISTANCE OF 260.03 FEET, A RADIUS OF 236.37 FEET, AND A CHORD OF SOUTH 31 DEGREES 54 MINUTES 21 SECONDS WEST ALONG THE SOUTHEAST LINE OF SAID LOT 42 I.T., A DISTANCE OF 247.11 FEET TO A POINT OF TANGENCY, THENCE SOUTH 0 DEGREES 23 MINUTES 24 SECONDS WEST ALONG THE EAST LINE OF SAID LOT 42 I.T., A DISTANCE OF 375.56 FEET TO THE SOUTHEAST CORNER OF SAID LOT 42 I.T., SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF PINE LAKE ROAD, THENCE NORTH 89 DEGREES 36 MINUTES 36 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 42 I.T., SAID LINE BEING THE NORTH RIGHT-OF-WAY LINE OF PINE LAKE ROAD, A DISTANCE OF 2214.77 FEET TO THE SOUTHWEST CORNER OF SAID LOT 42 I.T., THENCE NORTH 0 DEGREES 06 MINUTES 37 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 42 I.T., SAID LINE BEING THE EAST RIGHT-OF-WAY LINE OF SOUTH 14TH STREET, A DISTANCE OF 155.45 FEET TO A POINT, THENCE SOUTH 89 DEGREES 53 MINUTES 23 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 42 I.T., SAID LINE BEING THE NORTH RIGHT-OF-WAY LINE OF SOUTH 14TH STREET, A DISTANCE OF 17.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 42 I.T., THENCE NORTH 0 DEGREES 06 MINUTES 37 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 42 I.T., SAID LINE BEING THE EAST RIGHT-OF-WAY LINE OF SOUTH 14TH STREET, A DISTANCE OF 639.55 FEET TO THE NORTHWEST CORNER OF SAID LOT 42 I.T., THENCE SOUTH 89 DEGREES 33 MINUTES 33 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 42 I.T., A DISTANCE OF 1283.34 FEET TO THE SOUTHEAST CORNER OF LOT 34 I.T., THENCE NORTH 0 DEGREES 07 MINUTES 06 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 42 I.T., A DISTANCE OF 85.00 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 45.38 ACRES MORE OR LESS.

NEIGHBORING PARCEL  
LEGAL DESCRIPTIONS

Lot 54, Irregular Tracts in the Southeast Quarter (SE 1/4) of Section 13, Township 9 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska, approximately 17.14 acres, more or less; and

Lot 44, Irregular Tracts in the North Half (N 1/2) of Section 24, Township 9 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska, approximately 21.81 acres, more or less; and

Attached Parcel 1.

BLOCK  
CODE  
3  
CHECKED  
ENTERED  
INST. NO 95  
EDITED

LANCASTER COUNTY, NEB  
*Doris J. Miller*  
REGISTER OF DEEDS

JUL 28 4 34 PM '95

22107

Exhibit "B"

36<sup>00</sup>

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*Cline*