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COMP: PN

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Register of Deeds, Douglas County, NE  
12/16/2013 08:31:54.00



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*(Space above reserved for Recorder of Deeds certification)*

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR 6801 MERCY DEVELOPMENT  
OMAHA, DOUGLAS COUNTY, NEBRASKA

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*Return to:*  
Max J. Burbach  
Koley Jessen P.C., L.L.O.  
1125 South 103<sup>rd</sup> Street, Suite 800  
Omaha, NE 68124

DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS FOR 6801 MERCY DEVELOPMENT

THIS DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR 6801 MERCY DEVELOPMENT ("Declaration") is made and entered into as of March 9, 2012 (the "Effective Date"), by and among the AK-SAR-BEN FUTURE TRUST, a Nebraska non-profit corporation ("AFT") and 6801 MERCY ROAD, LLC, a Nebraska limited liability company ("Mercy").

WHEREAS, Mercy is the record owner of that certain real property commonly known as 6801 Mercy Road in Omaha, Douglas County, Nebraska, as legally described on Exhibit A attached hereto and incorporated herein by this reference ("Mercy Property");

WHEREAS, AFT is the master developer of that certain real property commonly known as Aksarben Village in Omaha, Douglas County, Nebraska, as legally described on Exhibit A attached hereto and incorporated herein by this reference ("Village Project"), which Village Project is adjacent to the Mercy Property;

WHEREAS, Village Project, as well as other surrounding property, is governed by that certain Declaration of Covenants, Conditions and Restrictions dated as of August 2, 2007 and recorded August 15, 2007 as Instrument Number 2007093504 in the Office of the Register of Deeds, Douglas County, Nebraska, as amended by that certain First Amendment to Declaration of Covenants, Conditions and Restrictions for Aksarben Village, dated June 8, 2009 and recorded June 12, 2009 as Instrument Number 2009061484 in the Office of the Register of Deeds, Douglas County, Nebraska (collectively, "Declaration");

WHEREAS, Mercy has agreed that the Mercy Property shall be subject to the terms of the Declaration except as expressly set forth herein.

NOW, THEREFORE, in consideration of the foregoing promises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. Terms. All terms capitalized herein and not otherwise defined shall have the meanings ascribed to them in the Declaration.

2. Declaration. The Mercy Property shall be subject to the Declaration and all the terms and conditions in the Declaration shall apply to the Mercy Property as if it was part of the Village Area (as defined in the Declaration). In addition, the following specific provisions shall apply to the Mercy Property:

a. Permitted Uses. Subject to applicable zoning and other laws, the Mercy Property may be used only for any of the designated uses provided for the University North Area or the Village Area (both as defined in the Declaration).

b. Association. Unless agreed to by the record owner of the Mercy Property, it is understood that the Mercy Property shall not be deemed to be part of the Village Area for purposes of the Master Property Owners Association (as

defined in the Declaration) (the "Association") and, accordingly, the Mercy Property shall not be a Voting Owner of the Association and shall not be subject to general or special assessments assessed to the members of the Association.

3. Counterpart Execution. This Declaration may be executed in multiple counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same agreement and shall become effective when one or more counterparts have been signed by each of the parties hereto.

**[Remainder of Page Intentionally Left Blank and Signature Page Follows.]**

IN WITNESS WHEREOF, the parties hereto have signed this Declaration the day and year first above written.

AK-SAR-BEN FUTURE TRUST

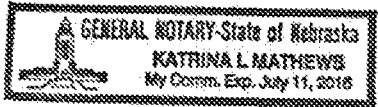
By: [Signature]

Name: Ken Stinson

Title: Chairman and President

STATE OF NEBRASKA     )  
  ) SS.  
COUNTY OF DOUGLAS    )

I, the undersigned, a Notary Public in and for the County and State aforesaid, do hereby certify that the foregoing Declaration of Covenants, Conditions and Restrictions for 6801 Mercy Development was acknowledged before me this 9<sup>th</sup> day of December, 2013 by Ken Stinson, Chairman and President of Ak-Sar-Ben Future Trust, a Nebraska non-profit corporation, on behalf of said corporation.



[Signature]  
Notary Public

My commission expires on July 11 2016

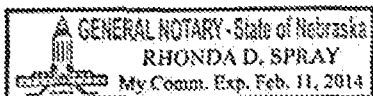
6801 MERCY ROAD, LLC, a Nebraska limited liability company

By: Brian F. Hastings  
Brian F. Hastings, Manager

By: Terry Moore  
Terry Moore, Manager

STATE OF NEBRASKA     )  
  ) SS.  
COUNTY OF DOUGLAS    )  
                                  Lancaster

I, the undersigned, a Notary Public in and for the County and State aforesaid, do hereby certify that the foregoing Declaration of Covenants, Conditions and Restrictions for 6801 Mercy Development was acknowledged before me this 25 day of July, 2013 by Brian F. Hastings, Manager of 6801 Mercy Road, LLC, a Nebraska limited liability company, on behalf of said company.

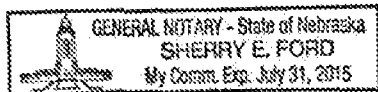


Rhonda D. Spray  
Notary Public

My commission expires on 2-11-2014.

STATE OF NEBRASKA     )  
  ) SS.  
COUNTY OF DOUGLAS    )

I, the undersigned, a Notary Public in and for the County and State aforesaid, do hereby certify that the foregoing Declaration of Covenants, Conditions and Restrictions for 6801 Mercy Development was acknowledged before me this 11<sup>th</sup> day of October, 2013 by Terry Moore, Manager of 6801 Mercy Road, LLC, a Nebraska limited liability company, on behalf of said company.



Sherry E. Ford  
Notary Public

My commission expires on 7-31-2015.

Exhibit A

Mercy Property Legal Description

THAT PART OF THE SOUTHEAST QUARTER (SE1/4 SW1/4) OF SECTION 25, TOWNSHIP 15 NORTH, RANGE 12 EAST OF THE 6TH P.M., IN THE CITY OF OMAHA, IN DOUGLAS COUNTY, NEBRASKA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, 33.0 FEET SOUTH OF THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE SOUTH 89°44' EAST, ON THE SOUTH RIGHT-OF-WAY LINE OF MERCY ROAD, 397.53 FEET, TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF THE C&NW RAILWAY TRACKS; THENCE SOUTH 22°03'15" EAST, ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID RAILWAY, 25.65 FEET, TO A POINT OF CURVE; THENCE ON A CURVE TO THE LEFT, AND ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID RAILWAY (RADIUS BEING 5,779.58 FEET), CHORD BEARING SOUTH 23°41'45" EAST, A CHORD LENGTH OF 331.15 FEET, TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF CENTER STREET CUT-OFF; THENCE SOUTH 66°06'05" WEST, ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID CENTER STREET, 164.62 FEET; THENCE NORTH 28°16'10" WEST, ON SAID RIGHT-OF-WAY LINE OF CENTER STREET, 30.0 FEET; THENCE SOUTH 66°07'04" WEST, ON SAID RIGHT-OF-WAY LINE OF CENTER STREET, 411.23 FEET, TO THE WEST LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER; THENCE NORTH, ON THE WEST LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, 535.31 FEET, TO THE POINT OF BEGINNING ((WEST LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 25-15-12 ASSUMED NORTH-SOUTH IN DIRECTION)).

Exhibit B

Village Project Legal Description

**55-00231**

Lots One (1), Two (2), Six (6) and Nine (9), Aksarben Village, an addition to the City of Omaha, Douglas County, Nebraska;

**55-00233**

Lot One (1), Aksarben Village Replat 2, an addition to the City of Omaha, Douglas County, Nebraska;

**55-00234**

Lots One (1) and Two (2), Aksarben Village Replat 3, an addition to the City of Omaha, Douglas County, Nebraska;

**55-00235**

Lots One (1) and Two (2), Aksarben Village Replat 4, an addition to the City of Omaha, Douglas County, Nebraska;

**55-00239**

Lots One (1), Three (3) and Four (4), Aksarben Village Replat 6, an addition to the City of Omaha, Douglas County, Nebraska;

**55-09430**

Units AKV1, AKV2 and AKV3 in DLR AKV Condominium Property Regime, pursuant to Declaration and Master Deed of DLR AKV Condominium Property Regime recorded April 28, 2011 as Instrument No. 2011036810 in the Office of the Register of Deeds, Douglas County, all being a part of the City of Omaha, Douglas County, Nebraska;

**55-09430**

Lot One (1), Aksarben Village Replat 9, an addition to the City of Omaha, Douglas County, Nebraska;

**55-00242**

Lot Two (2), Aksarben Village Replat 10, an addition to the City of Omaha, Douglas County, Nebraska;

**55-00245**

Units 1 and 2, Aksarben Village Garage Condominium, a condominium created by Condominium Declaration recorded in the office of the Register of Deeds of Douglas County, Nebraska on October 19, 2010, as Instrument No. 2010096524;

**55-00243**

Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6) and Seven (7), Aksarben Village Replat 11, an addition to the City of Omaha, Douglas County, Nebraska;

**55-00244**

Lots One (1) and Two (2), Aksarben Village Replat 12, an addition to the City of Omaha, Douglas County, Nebraska;

**55-00246**

Lots One (1) and Two (2), Aksarben Village Replat 13, an addition to the City of Omaha, Douglas County, Nebraska;

**55-00249**

Lots One (1) and Two (2), Aksarben Village Replat 14, an addition to the City of Omaha, Douglas County, Nebraska.