

FILED SARPY CO. NE.
INSTRUMENT NUMBER
2000-000641

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Lloyd J. Dowding
REGISTER OF DEEDS

Counter SS
Verify AK
D.E. a
Proof D
Fee \$ 17.50
Ck Cash Chg

SEC



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FOR RECORDING
INFORMATION.**

**DOCUMENT STARTS ON
NEXT PAGE.**

LLOYD J. DOWDING
SARPY COUNTY REGISTER OF DEEDS
1210 GOLDEN GATE DRIVE, #1109
PAPILLION, NE 68046-2895
402-593-5773

SEC

RESTRICTIVE COVENANT

THIS RESTRICTIVE COVENANT ("Covenant") is made effective this ^{5th} day of January, 2000 by and between Sedlacek Enterprises, L.L.C., a Nebraska limited liability company ("Grantor") and Northridge, L.L.C., a Nebraska limited liability company, ("Grantee").

WHEREAS, Grantee is the owner of Lots 72, 73 and 74 and is in the process of purchasing Lots 75 and 76, all in Northridge Estates Replat Two, Sarpy County, Nebraska; and

WHEREAS, Grantor has entered into a Purchase Agreement to purchase from Grantee Lots 72 and 73 in Northridge Estates Replat Two, Sarpy County, Nebraska; and

WHEREAS, Grantee intends to construct multifamily housing on Lots 74, 75 and/or 76 and as part of the consideration for the sale and conveyance of Lots 72 and 73 to Grantor, Grantor has agreed to place this Covenant upon Lots 72 and 73.

NOW, THEREFORE, in consideration of the sale and conveyance of Lots 72 and 73 to Grantor, and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged by Grantor and Grantee, the parties agree as follows:

1. **Grant of Restrictive Covenant.** The Grantor hereby irrevocably covenants that the real estate legally described as follows:

Lots 72 and 73, Northridge Estates Replat Two, a subdivision in Sarpy County, Nebraska

shall not be used for multifamily housing nor shall any multifamily housing be constructed upon or operated on Lots 72 and 73, except a retirement facility and/or assisted living facility and/or "for sale" single family townhomes. Any such retirement facility, assisted living facility or "for sale" single family townhomes shall not exceed two stories (exclusive of the basement).

Any "for sale" single family townhomes may be configured as duplexes or four plexes provided, however, all townhomes shall be constructed for sale only and shall not be held by Grantor or its successors or assigns for lease or rent.

2. **Duration.** All provisions of this Covenant shall be perpetual and shall run with the land. This Covenant shall automatically inure to the benefit of all current or future owners, including Grantee, and their respective successors and assigns in title of the real estate legally described as follows:

Lots 74, 75 and 76, Northridge Estates Replat Two, a subdivision in Sarpy County, Nebraska

without the necessity of any further specific assignment of this Covenant.

3. **Enforcement.** In the event of any violation or threatened violation of this Covenant, any current or future owner, including Grantee, or their respective successors and assigns in title of the real estate legally described as Lots 74, 75 and 76, Northridge Estates Replat Two, a subdivision in Sarpy County, Nebraska, shall be entitled to any and all remedies provided at law and at equity, including but not limited to injunctive relief and/or actual damages.

IN WITNESS WHEREOF, the parties hereto have executed this Covenant to be effective as of the date first above written.

C99-5720

000641

SEC

SEDLACEK ENTERPRISES, L.L.C.,
a Nebraska limited liability company, Grantor

By: [Signature]
Title: MANAGER

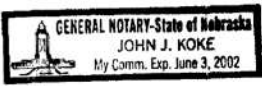
NORTHRIDGE, L.L.C.,
a Nebraska limited liability company, Grantee

By: [Signature]
Title: Member

By: [Signature]
Title: Member

STATE OF NEBRASKA)
) ss.
COUNTY OF SARPY)

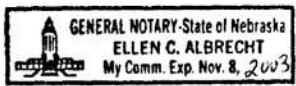
This instrument was acknowledged before me, a Notary Public, this 28th day of December ~~1999~~ ²⁰⁰⁰ by EDWARD J. SEDLACEK of Sedlacek Enterprises, L.L.C., a Nebraska limited liability company.



[Signature]
Notary Public

STATE OF)
) ss.
COUNTY OF)

This instrument was acknowledged before me, a Notary Public, this 5th day of January 2000, by Michael F. Kivett & Randy Sump, members of Northridge, L.L.C., a Nebraska limited liability company.



[Signature]
Notary Public