

FILED

774

RETURN TO:
James E. Lang
11306 Davenport St.
Omaha, NE 68154

98 OCT -1 PM 12:41

~~CHARLOTTE L. PETERSEN~~
RESERVATION OF LANDSCAPE EASEMENTS
~~PLATTED MAP~~

THIS RESERVATION OF LANDSCAPE EASEMENTS made this 11th day of September, 1998 by JCM Investments, Inc., a Nebraska Corporation (referred to herein as ("JCM"),

WHEREAS, JCM owns all of the lots in Deerfield, an addition to the City of Blair, Washington County, Nebraska, as surveyed, platted and recorded ("Deerfield"), and

WHEREAS, on certain lots in Deerfield JCM desires to reserve permanent landscaping easements as shown herein,

NOW, THEREFORE, in consideration of One Dollar and other valuable consideration, the following easements are hereby reserved:

1. Reservation of Easements. JCM hereby reserves for itself, and its successors and assigns, and all of the owners of Lots 23 through 83, inclusive, in Deerfield, and their successors and assigns, permanent landscaping easements on those properties described as follows:

Permanent landscaping easements over the north 15 feet of Lots 55, 56, 57 and 58 of Deerfield (the "Easement Area").

2. Purpose of Easements. JCM shall install the initial trees and landscaping within the Easement Area. The scope and purpose of said permanent easements is for the care and maintenance of the trees and landscaping within the Easement Area. Each owner of a Lot on which there is said easement shall be responsible at his or her cost for the care and maintenance of the trees and/or landscaping on his or her Lot and for the replacement of any dead trees or landscaping on his or her Lot with new trees and landscaping of the same size or type as the dead trees and landscaping. Provided, however, during the first year after the date this document is executed, JCM shall at its expense, replace dead trees and landscaping within the Easement Area on all of the lots with the same type and size of the dead trees and landscaping. In addition, the owner of said Lot shall be responsible at his or her sole expense for mowing the grass on the easement on his or her lot within the Easement Area.

3. Fences. No fences shall be installed on said permanent easements within the Easement Area.

4. Right of JCM and Its Successors. JCM and its successors and assigns, and any Homeowners' Association whose membership includes no less than fifty percent of the owners of Lots 23 through 83, inclusive, in Deerfield, shall have the full and continuing right to enter upon said easements for the purpose of caring for and maintaining such trees and landscaping and replacing the dead trees or landscaping. In the event such entry is made, then care and maintenance of the trees and landscaping and the replacement of dead trees done during such entry shall be at the expense of the entering party, i.e., JCM and its successors or assigns or the Homeowners' Association and its successors and assigns. However such action shall not be construed to relieve the owner of any responsibility created by this easement.

5. Description of Trees. When a description of each of the trees and landscaping presently on, or to be installed on, the easement area of each Lot is prepared, it shall be deemed to be attached to and become a part of this Reservation of Landscape Easements even though this Reservation of Landscape Easements is already recorded in the Register of Deeds office of Washington County, Nebraska. Said description shall be also recorded in the Register of Deeds office, Washington County, Nebraska, and shall be deemed to be attached hereto upon the date it is so recorded.

Recorded _____
General _____
Numerical _____
Photostat _____
Proofer _____

STATE OF NEBRASKA COUNTY OF WASHINGTON) SS 984736
ENTERED IN NUMERICAL INDEX AND FILED FOR RECORD
THIS 1st DAY OF October A.D. 19 98
AT 12:41 O'CLOCK P M AND RECORDED IN BOOK
289 AT PAGE 774-775
COUNTY CLERK Charlotte L. Petersen
Jared Madson

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6. Term of Easements. The term of said easements shall continue forever.

7. Amendment. This Reservation of Easements document may be amended as follows:

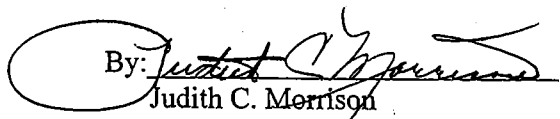
a. By JCM. For a period of five (5) years following the date this Reservation of Landscape Easements was executed, it may be amended by JCM and its successors and assigns.

b. By Lot Owners. Commencing on the date this Reservation of Landscape Easements was executed and during its entire term it may be amended by an affirmative vote of at least 75% of the owners of all of Lots 23 through 83, inclusive, in Deerfield, with the owners of each lot being collectively entitled to one (1) vote. In the event a lot is subsequently split or replatted there shall be only one (1) vote allocated to said lot as it existed on the date this document was executed.

8. Binding Effect. This document shall be binding upon the JCM, its successors and assigns, and all of the owners of lots on which said permanent easements are located, and their successors and assigns.

Dated the date above written.

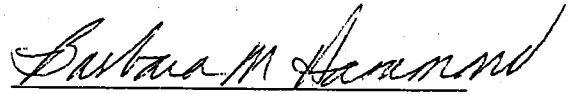
JCM INVESTMENTS, INC., a
Nebraska Corporation

By: 
Judith C. Morrison

STATE OF NEBRASKA)
)ss.
COUNTY OF DOUGLAS)

On this 11th day of September, 1998, before me the undersigned, a Notary Public in and for said County and State, personally came Judith C. Morrison, known to me to be the President of JCM Investments, Inc., a Nebraska Corporation, and acknowledged that she executed the same as her voluntary act and deed and the voluntary act and deed of said corporation.

Witness my hand and official seal the day and year last above written.


Notary Public