

DECLARATION OF COVENANTS AND RESTRICTIONS

This Declaration is made this 28th day of March, 1991 by SANITARY AND IMPROVEMENT DISTRICT NO. 81 of Sarpy County, Nebraska, hereinafter referred to as the "Owner".

W I T N E S S E T H

WHEREAS, Sanitary and Improvement District No. 81 of Sarpy County, Nebraska (the "Owner") is the Owner of the real property described as follows:

Lot 1, Replat of Lots 8, 9 and 10, Fairview Heights, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska ("Lot 1, Replat"), and

WHEREAS, on August 20, 1975, Jess J. Moore, Jr. and Mary Ann Moore, husband and wife, as the owners, and Jess J. Moore, Jr., as the developer, recorded a Declaration of Covenants and Restrictions in the Register of Deeds, Sarpy County, Nebraska, in Book 48 of the Miscellaneous Records at Page 454, dated August 18, 1975 (the "Covenants"), against the real property described as follows:

Lots 1 through 6, inclusive, and Lots 11 through 71, inclusive, Fairview Heights, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska, and

WHEREAS, an Assignment (the "Assignment") relating to Article X of the Covenants was recorded in the Register of Deeds, Sarpy County, Nebraska, in Book 57, Page 433, of the Miscellaneous Records on June 26, 1984, and

NOW, THEREFORE, the Owner hereby declares that Lot 1, Replat shall be held, transferred, sold, conveyed and occupied subject to the terms set forth in the Covenants, including the terms of the Assignment.

That for the purposes of this Declaration, the term "The Properties" set forth in Article I, Section 1(a) of the Covenants and the term "Lot" set forth in Section 1(b) of Article I of the Covenants shall include Lot 1, Replat.

The invalidity or inapplicability of any one of the terms, covenants or restrictions set forth in the Covenants as to Lot 1, Replat, by judgment or Court Order shall in no way effect the validity or applicability of the remaining terms, covenants and restrictions set forth in the Covenants as to Lot 1, Replat.

WITNESS MY HAND and notarial seal the day and year last above written.



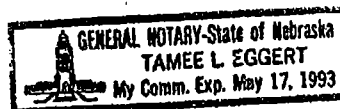
Kathleen A. Ingram
Notary Public

STATE OF NEBRASKA)
) SS.
COUNTY OF SARPY)

On this 28th day of March, 1991, before me, the undersigned, a Notary Public, duly commissioned and qualified in said County and State, personally came THOMAS BUFFINGTON, Clerk of Sanitary and Improvement District No. 81 of Sarpy County, Nebraska ("SID 81"), who is known to me to be the identical person whose name is affixed to the foregoing instrument and acknowledged the same to be his voluntary act and deed and the voluntary act and deed of SID 81.

WITNESS MY HAND and notarial seal the day and year last above written.

James L. Eggert
Notary Public



FILED SARPY CO. NE.
INSTRUMENT NUMBER
91-05405

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Carol A. Savin
REGISTER OF DEEDS

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