

97-01479

97-001479

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REGISTER OF DEEDS

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Cost
\$18.00
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AMENDMENT TO COVENANTS

DECLARATION OF RESTRICTIONS

WHEREAS, ROBERT M. SCHAEFER AND BEVERLY A. SCHAEFER, HUSBAND AND WIFE, KEN'S SALES AND SERVICE INC., A NEBRASKA CORPORATION, KEN SPAUSTAT, PRESIDENT, DOUGLAS COUNTY BANK AND TRUST, A NEBRASKA BANK AND ~~NORWEST BANK, N.A.~~, BEING THE SOLE OWNERS OF LOTS 1, 2, 3, 4, 5, AND 6 IN SCHAEFER'S I ADDITION, FORMERLY KNOWN AS CRESTVIEW HEIGHTS; AND

WHEREAS, IT IS THE DESIRE AND INTENTION OF THE OWNERS TO SELL THE PROPERTY DESCRIBED ABOVE AND TO IMPOSE ON IT MUTUAL, BENEFICIAL RESTRICTIONS UNDER A GENERAL PLAN OR SCHEME OF IMPROVEMENT FOR THE BENEFIT OF ALL THE LANDS IN THE TRACT AND THE FUTURE OWNERS OF THOSE LANDS;

NOW, THEREFORE, THE OWNERS HEREBY DECLARE THAT ALL OF THE PROPERTY DESCRIBED ABOVE IS HELD AND SHALL BE HELD, CONVEYED, HYPOTHECATED OR ENCUMBERED, LEASED, RENTED, USED, OCCUPIED, AND IMPROVED SUBJECT TO THE FOLLOWING LIMITATIONS, RESTRICTIONS, CONDITIONS, AND COVENANTS, ALL OF WHICH ARE DECLARED AND AGREED TO BE IN FURTHERANCE OF A PLAN FOR THE SUBDIVISION, IMPROVEMENT, AND SALE OF THE LANDS AND ARE ESTABLISHED AND AGREED UPON FOR THE PURPOSE OF ENHANCING AND PROTECTING THE VALUE, DESIRABILITY, AND ATTRACTIVENESS OF THE LANDS AND EVERY PART THEREOF ALL OF THE LIMITATIONS, RESTRICTIONS, CONDITIONS, AND COVENANTS SHALL RUN WITH THE LAND AND SHALL BE BINDING ON ALL PARTIES HAVING OR ACQUIRING ANY RIGHT, TITLE, OR INTEREST IN THE DESCRIBED LANDS OR ANY PART THEREOF:

(A) SO LONG AS LOT 1, SCHAEFER'S I ADDITION, IS USED AND OPERATED AS A SERVICE STATION, CONVENIENT TYPE FOOD MART, AND AUTOMOTIVE REPAIR, NO OTHER PORTION OF THE REMAINING LOTS IN SCHAEFER'S I ADDITION MAY BE UTILIZED FOR THE RETAIL SALE OF PETROLEUM PRODUCTS, AS A CONVENIENT TYPE FOOD MART, A SERVICE STATION AND AUTOMOTIVE REPAIR. THIS COVENANT SHALL NOT PRECLUDE THE SALE OF GROCERY ITEMS OR OTHER ITEMS NORMALLY SOLD IN A CONVENIENT TYPE FOOD MART AT FACILITIES OTHER THAN A CONVENIENT TYPE FOOD MART, OR THE SALE OF PETROLEUM PRODUCTS AT FACILITIES OTHER THAN A SERVICE STATION AND AUTOMOTIVE REPAIR OPERATION.


ROBERT M. SCHAEFER


BEVERLY A. SCHAEFER

KEN'S SALES AND SERVICE

NORWEST BANK
NEBRASKA, N. A.

DOUGLAS COUNTY
BANK AND TRUST


KEN SPAUSTAT, PRESIDENT

BY:


BY: DAVID E. HOLT, A.U.P.

ATTEST

ATTEST

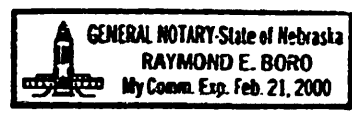
001479

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

ON THIS 23 DAY OF December, 1996, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY, PERSONALLY CAME ROBERT M. SCHAEFER AND BEVERLY A. SCHAEFER, HUSBAND AND WIFE, WHO ARE PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS WHOSE NAMES ARE AFFIXED TO THIS DECLARATION OF RESTRICTIONS, AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE THEIR VOLUNTARY ACT AND DEED. WITNESS MY HAND AND NOTARY SEAL AT Omaha IN SAID COUNTY THE DAY AND YEAR LAST ABOVE WRITTEN.

Raymond E. Boro
NOTARY PUBLIC



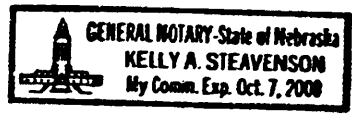
MY COMMISSION EXPIRES THE _____ DAY OF _____.

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

ON THIS 24th DAY OF December, 1996, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY, PERSONALLY CAME KEN SPAUSTAT, PRESIDENT OF KEN'S SALES AND SERVICE INC., WHO IS PERSONALLY KNOWN TO ME TO BE THE SAME PERSON WHOSE NAME IS AFFIXED TO THIS DECLARATION OF RESTRICTIONS, AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED AS PRESIDENT OF SAID CORPORATION. WITNESS MY HAND AND NOTARY SEAL AT Omaha IN SAID COUNTY THE DAY AND YEAR LAST ABOVE WRITTEN.

Kelly Steavenson
NOTARY PUBLIC

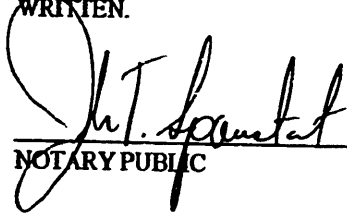


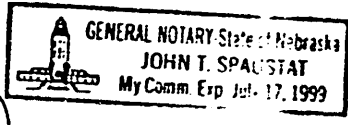
MY COMMISSION EXPIRES THE 7th DAY OF October, 2000.

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

ON THIS 30 DAY OF Dec, 1996, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY, PERSONALLY CAME Dave Holt OF THE DOUGLAS COUNTY BANK AND TRUST, WHO IS PERSONALLY KNOWN TO ME TO BE THE SAME PERSON WHOSE NAME IS AFFIXED TO THIS DECLARATION OF RESTRICTIONS, AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED AND THE VOLUNTARY ACT AND DEED OF SAID BANK. WITNESS MY HAND AND NOTARY SEAL AT _____ IN SAID COUNTY THE DAY AND YEAR LAST ABOVE WRITTEN.


NOTARY PUBLIC



MY COMMISSION EXPIRES THE 17 DAY OF July 1999

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

ON THIS ____ DAY OF _____, 1996, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY, PERSONALLY CAME _____ OF NORWEST BANK, NEBRASKA, N. A., WHO IS PERSONALLY KNOWN TO ME TO BE THE SAME PERSON WHOSE NAME IS AFFIXED TO THIS DECLARATION OF RESTRICTIONS, AND ACKNOWLEDGED THE EXECUTION THEREOF TO BE HIS VOLUNTARY ACT AND DEED AND THE VOLUNTARY ACT AND DEED OF SAID BANK. WITNESS MY HAND AND NOTARY SEAL AT _____ IN SAID COUNTY THE DAY AND YEAR LAST ABOVE WRITTEN.

NOTARY PUBLIC

MY COMMISSION EXPIRES THE ____ DAY OF _____