

DECLARATION OF RESTRICTIONS

LOTS 4, 5, 7 AND 29, BRANDON PARK, AN ADDITION TO THE CITY OF OMAHA, DOUGLAS COUNTY, NEBRASKA

This Declaration is made effective this 1st day of July, 1987 by MARY ANN KINNEY, a single person, owner of Lot 4, Brandon Park, an Addition to the City of Omaha, Douglas County, Nebraska; BRANDON PARK PARTNERSHIP, of Douglas County, Nebraska, owner of Lots 5 and 29 in Brandon Park, an Addition to the City of Omaha, Douglas County, Nebraska; and JEANNE M. BELITZ, owner of Lot 7 in Brandon Park, an Addition to the City of Omaha, Douglas County, Nebraska, collectively referred to hereafter as "Declarant."

WITNESSETH:

WHEREAS, Declarant owns the following described real property in Douglas County, Nebraska, to-wit:

Lots 4, 5, 7 and 29, Brandon Park, an Addition to the City of Omaha, Douglas County, Nebraska, as surveyed, platted and recorded; and

WHEREAS, Declarant desires to restrict access to and from the private street known as Mayberry Plaza and as 118th Street, which street lies upon Outlot 8, Wedgewood Town Homes Addition; and

WHEREAS, Declarant intends that this Declaration shall serve as a modification of and supplement to the Brandon Park-Wedgewood Agreement dated November 14, 1983, and recorded on December 28, 1983 in Book 702 of Miscellaneous Records at Page 381 in the office of the Register of Deeds of Douglas County, Nebraska;

NOW, THEREFORE, Declarant does hereby declare that all of the lots described above shall be held, sold and conveyed subject to the following restrictions and conditions which are for the purpose of protecting the value and desirability of, and which shall run with the real property above described, and shall be binding upon all parties having any right, title or interest in or to the above-described property, or any part thereof, their heirs, successors and assigns and shall inure to the benefit of each owner thereof, in perpetuity.

1. Access to Outlot 8. No driveway, passageway, sidewalk, road, or other hard surfaced pathway which would or could provide any access to or any connection with Outlot 8, Wedgewood Town Homes Addition, by passing over or in conjunction with the common ground of Brandon Park Addition lying adjacent, shall be created, allowed, constructed, established or permitted upon, over or across the westerly lot lines of Lots 4, 5 and 7, Brandon Park, an Addition to the City of Omaha. Vehicular traffic shall not be allowed to gain access to Lots 4, 5 and 7 Brandon Park by traveling upon, over or across the boundary line which is the easterly lot line of Lot 29, Brandon Park, an Addition to the City of Omaha and the westerly lot lines of Lots 4, 5 and 7 Brandon Park, an Addition to the City of Omaha. Notwithstanding any of the foregoing to the contrary, this restriction shall not restrict the use by pedestrians or pedestrian traffic from walking over said lot lines and the common ground of Brandon Park, an Addition to the City of Omaha.

2. Enforcement. Wedgewood Owners Association, Inc., a Nebraska Non-profit Corporation, as the owner of Outlot 8, Wedgewood Town Homes Addition, shall have the right to enforce, by any proceedings in law or in equity, the restrictions and conditions imposed and created by this Declaration. The failure to enforce any restriction or condition herein contained shall not be deemed a waiver of the right to do so thereafter.

3. Amendment. This Declaration may be amended only with the written consent of Wedgewood Owners Association, Inc.

IN WITNESS WHEREOF, Declarant has executed this Declaration to be effective the 1st day of July, 1987.

BRANDON PARK PARTNERSHIP

By: Mel Stoney
General Partner

Jeanne M Belitz
Jeanne M. Belitz

Mary Anne Kinney
Mary Anne Kinney

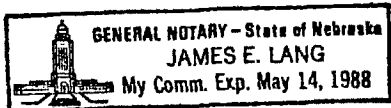
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GEORGE J. JUREWICZ
REGISTER OF DEEDS
DOUGLAS COUNTY, NEBR.

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

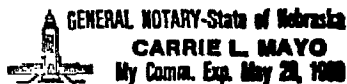
The foregoing instrument was acknowledged before me this 13th day of July, 1987 by Mel Storing, General Partner on behalf of Brandon Park Partnership.



James E. Lang
Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

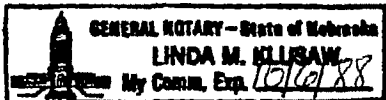
The foregoing instrument was acknowledged before me this 15th day of July, 1987 by Jeanne M. Belitz.



Carrie L. Mayo
Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 21st day of July, 1987 by Mary Anne Kinney.



Linda M. Husaw
Notary Public

APPROVAL AND CONSENT OF LIENHOLDER

FIRST NATIONAL BANK OF OMAHA, TRUSTEE under a Deed of Trust dated December 22, 1983 and recorded on December 28, 1983 in the office of the Register of Deeds of Douglas County, Nebraska in Book 2637 of Mortgages at Page 691, does hereby approve, consent to and join in the above and foregoing Declaration of Restrictions.

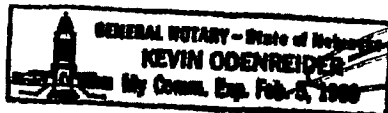
Executed at Omaha, Nebraska this 16th day of July, 1987.

FIRST NATIONAL BANK OF OMAHA,
Trustee,

By: Robert J. Horak

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 16th day of July, 1987, by Robert J. Horak, Vice President of First National Bank of Omaha, Trustee.



Kevin Odenreider
Notary Public

ACCEPTANCE


Wedgewood Owners Association, Inc., a Nebraska Non-profit Corporation, the owner of Outlot 8, Wedgewood Town Homes Addition, an Addition to the City of Omaha, Douglas County, Nebraska, as surveyed, platted and recorded, does hereby accept the above and foregoing Declaration this 21st day of July, 1987.

WEDGEWOOD OWNERS ASSOCIATION, INC.

By: Richard L. Denton
Its President

STATE OF NEBRASKA)
)ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 21st day of July, 1987, by Richard L. Denton, President of Wedgewood Owners Association, Inc., a Nebraska corporation, on behalf of the corporation.

 GENERAL NOTARY-State of Nebraska
CARRIE L. MAYO
My Comm. Exp. May 28, 1989

Carrie L Mayo
Notary Public