

25650

R: July 30, 1987
87-25650

RESTRICTIVE COVENANTS

The undersigned (Owners) are the Owners of the Properties described following their respective names.

Buckingham South, Inc. (Corporation) has been incorporated in Nebraska for the purpose of administering and maintaining the commons which consist of an easement upon a portion of Lot 1, except the West 10' thereof, Block 1, Buckingham South 2nd Addition and a portion of Outlot B, Buckingham South 1st Addition and a portion of Outlot B, Buckingham South 2nd Addition described on Exhibit "A" attached to these Restrictive Covenants. These Restrictive Covenants are established upon the Properties.

1. HOMEOWNERS ASSOCIATION: Every person or entity who becomes a titleholder of a fee or undivided fee interest in any lot within the properties shall be a member of the corporation. However, any person or entity who holds such interest merely as security for the performance of an obligation shall not be a member.

2. MEMBERSHIP: Each member of the corporation shall be entitled to all the rights of membership and to one vote for each lot in which the interest requisite for membership is held. However, no more than one vote shall be cast with respect to any lot.

3. USE OF COMMONS: Each member of the corporation shall have the right to use and enjoy the commons, appurtenant to the interest requisite for membership.

4. MAINTENANCE OF COMMONS: The corporation covenants and each member of the corporation, by the acceptance of a deed by which the interest requisite for membership is acquired, shall be deemed to covenant to maintain the commons, which covenants by the members shall be satisfied by the payment of annual or special assessments for the administration, maintenance or improvement of the commons. Annual and special assessments shall

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be uniform as to each lot within the properties. Each assessment shall be the personal obligation of the member who is, or was, the titleholder of the lot assessed at the time of the assessment, shall bear interest at the rate of 10 percent per annum until paid and, when shown of record, shall be a lien upon the lot assessed.

5. LIEN OF ASSESSMENTS: The lien of any annual or special assessment, until shown of record, shall be subordinate to the lien of any mortgage placed upon the lot against which the assessment is levied.

6. ANNUAL AND SPECIAL ASSESSMENTS: Annual and special assessments may be levied by the Board of Directors of the corporation.

7. AMENDMENTS: These Restrictive Covenants shall run with the land and shall be binding upon and enforceable by the Owner and all persons claiming under the Owner. These Restrictive Covenants may be terminated or modified, in writing, by the owners of two-thirds of the lots within the properties, at any time. However, the provisions of these Restrictive Covenants governing membership in the Association and the maintenance of the commons shall not be terminated or modified without the consent of the City of Lincoln, Nebraska.

8. ENFORCEMENT: The enforcement of these Restrictive Covenants may be by proceedings at law or in equity against any person violating or attempting to violate any provision hereof. The proceedings may be to restrain the violation, or to recover damages and, by the corporation, may be to enforce any lien or obligation created hereby.

9. SEVERABILITY: The invalidation of any one of these Restrictive Covenants shall not affect the validity of the remaining provisions hereof.

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EXHIBIT "A"

A tract of land located in Lot 1, Block 1, Buckingham South 2nd Addition, in the NE $\frac{1}{4}$ of Section 17, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska, more particularly described as follows:

Commencing at the Southeast corner of Lot 14, Block 1, Buckingham South Addition; thence in a Westerly direction along the South line of Block 1 on a bearing of N77°55'56"W a distance of 134.21 feet to the point of beginning; thence Northerly on a bearing of N0°42'09"E a distance of 24.72 feet to the point of curvature of a 171.47 feet radius curve to the left having a central angle of 15°06'00" and a tangent of 22.23 feet a distance of 45.19 feet (chord distance of 45.06 feet) to the point of curvature of a 70.33 feet radius curve to the right having a central angle of 37°43'29" and a tangent of 24.03 feet a distance of 46.31 feet (chord distance of 45.47 feet); thence Westerly along the North line of Lot 1, Block 1, on a bearing of N77°48'28"W a distance of 20.07 feet to the point of curvature of a 90.33 feet radius curve to the left having a central angle of 36°16'06" and a tangent of 29.58 feet a distance of 57.18 feet (chord distance of 56.23 feet) to the point of curvature of a 151.47 feet radius curve to the right having a central angle of 14°44'31" and a tangent of 19.59 feet a distance of 38.97 feet (chord distance of 38.86 feet); thence Southerly on a bearing of S0°42'09"W a distance of 20.05 feet to a point on the South line of Lot 1, Block 1, thence Easterly along the South line of Lot 1 on a bearing of S77°55'56"E a distance of 20.40 feet to the point of beginning, and containing a calculated area of 0.053 acres more or less, AND

A tract of land located in Buckingham South 1st and 2nd Additions, in the NE $\frac{1}{4}$ of Section 17, Township 9 North, Range 7 East of the 6th P.M., Lancaster County, Nebraska, more particularly described as follows:

Commencing at the Northeast corner of Lot 1, Block 2; Buckingham South 1st Addition; thence in a Westerly direction along the North line of Lot 1, Block 2, on a bearing of N77°55'56"W a distance of 122.15 feet to the point of beginning; thence Southerly on a bearing of S0°42'09"W a distance of 20.51 feet; thence on a bearing of S11°46'48"W a distance of 229.60 feet to the point of curvature of a 538.04 feet radius curve to the left having a central angle of 26°27'01" and a tangent of 126.45 feet a distance of 248.38 feet (chord distance of 246.18 feet); thence on a bearing of S18°00'22"E a distance of 58.67 feet; thence on a bearing of S5°01'52"W a distance of 22.74 feet; thence on a bearing of S50°24'11"W a distance of 12.93 feet to a point on the line between Lots 12 and 13, Block 5, Buckingham South 2nd Addition; thence Northerly on a bearing of N53°11'08"W a distance of 10.83 feet; thence on a bearing of N5°01'52"E a distance of 18.29 feet; thence on a bearing of N18°00'22"W a

distance of 58.87 feet to a point of curvature of a 558.04 feet radius curve to the right having a central angle of 26°30'01" and a tangent of 131.40 feet a distance of 258.10 feet (chord distance of 255.81 feet); thence on a bearing of N11°46'48"E a distance of 228.14 feet; thence on a bearing of N0°42'09"E a distance of 22.59 feet to a point on the North line of Lot 1, Block 5, Buckingham South 2nd Addition; thence Easterly along the North line of Lot 1, Block 5, on a bearing of S77°55'56"E a distance of 20.40 feet to the point of beginning, containing a calculated area of 0.269 acres more or less.

(D46:23)

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LANCASTER COUNTY, MISSOURI

Don Jakes

REGISTER OF DEEDS

1987 JUL 30 AM 9:44

ENTERED IN THE
MICROFILM INDEX
FILED FOR RECORD AS

INST. NO. 87 25650 -2-

#77.50
held for #100
Pierson Ackerman
530 8013 #B
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