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DECLARATION OF EASEMENT

This Declaration of Easement is made by MAENNER/HORGAN DEVELOPMENT COMPANY, a Nebraska corporation (hereinafter the "Declarant").

PRELIMINARY STATEMENT

Declarant is the owner and developer of two hundred fifty (250) lots situated in Barrington Park Subdivision, which is situated west of 156th Street and north of West Dodge Road in Douglas County, Nebraska. Declarant has constructed a brick and wrought iron boundary fence between 156th Street and Barrington Park Subdivision (herein the "Boundary Fence"). The Boundary Fence extends west approximately 160 feet from 156th Street on each side of the Webster Street entrance to the Barrington Park Subdivision. The Boundary Fence is situated on the east boundary of Lots 20, 21, 22, 23, 24, 25, 27, 28 and 29 (herein collectively the "Boundary Lots") and extends onto the south side of Lot 24 and the north side of Lot 25.

Declarant desires to impose certain easements on the Boundary Lots to enable Declarant and the Barrington Park Homeowners Association, a Nebraska corporation (the "Association") to maintain, repair and replace the Boundary Fence.

NOW, THEREFORE, the Declarant hereby declares that each of the Boundary Lots shall be held, sold and conveyed subject to the following easements which shall run with each of the Boundary Lots and shall be binding upon all parties having or acquiring any right, title or interest in such Boundary Lots:

1. Declarant hereby declares that the Boundary Lots are subject to a permanent and exclusive right and easement in favor of Declarant and the Association to maintain, repair and replace the Boundary Fence. Without limitation of the rights and easements granted by this Declaration, the Declarant or Association may come upon any of the Boundary Lots for the purpose of constructing, installing, repairing, maintaining, removing, and replacing the Boundary Fence.

2. No owner of a Boundary Lot shall plant any trees or shrubbery between 156th Street and the Boundary Fence or between Webster Street and the Boundary Fence.

3. No owner of a Boundary Lot shall construct, install or permit any fence on or within twenty-five (25) feet of the Boundary Fence which is more than three (3) feet in height and which runs generally parallel to the Boundary Fence.

4. The rights and easements granted by this Declaration shall run with the land perpetually until this Declaration is terminated in writing by the Association, at which time the rights and easements granted by this Declaration shall fully and finally terminate. In addition, the rights and easements granted in this Declaration shall fully and finally terminate as to any Boundary Lot if: (i) the owner of the Boundary Lot gives written notice to the Association that the Association has failed to maintain the Boundary Fence on the Owner's Lot in neat and orderly condition and in good repair; and (ii) the Association fails to place the Boundary Fence on the Owner's Lot into good order and repair within ninety (90) days after the written notice.

IN WITNESS WHEREOF, the Declarant has executed this Declaration of Easement on the 17 day of MAY, 1989.

RECEIVED

MAENNER/HORGAN DEVELOPMENT COMPANY,
a Nebraska corporation

1989 MAY 18 PM 3:17

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

By

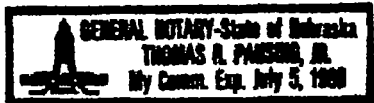
Robert Horgan
President

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STATE OF NEBRASKA)
) ss.:
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 17 day of MAY, 1989, by Robert P. Horgan, President of Maenner/Horgan Development Company, a Nebraska corporation, on behalf of the corporation.



Thomas R. Parsons, Jr.

Notary Public