

FILED SARPY CO. NE.
INSTRUMENT NUMBER
2003-74312
2003 DEC 30 A 9:16 PM
Glenn J. Dowling
REGISTER OF DEEDS

COUNTER 500 D.E. 100
VERIFY AM D.E. 100
PROOF LM
FEES \$ 11.50
CHECK# 137531
CHG _____ CASH _____
REFUND _____ CREDIT SEC 4.00
SHORT _____ NCR _____

RESTRICTIVE COVENANT

THIS RESTRICTIVE COVENANT ("Covenant") is made effective this 23rd day of December, 2003 by and between Roland F. Waite ("Grantor") and Northridge, L.L.C., a Nebraska limited liability company, ("Grantee").

WHEREAS, Grantor has entered into a Purchase Agreement to purchase from Grantee Lot 1, Northridge Estates Replat Four, a subdivision in Sarpy County, Nebraska; and

WHEREAS, Grantee is the owner of adjacent Lot 2, Northridge Estates Replat Four and Lot 74, Northridge Estates Replat Two, and Grantee operates multifamily housing on said adjacent lots and as part of the consideration for the sale and conveyance of Lot 1, Northridge Estates Replat Four to Grantor, Grantor has agreed to place this covenant upon Lot 1, Northridge Estates Replat Four.

NOW, THEREFORE, in consideration of the sale and conveyance of Lot 1, Northridge Estates Replat Four to Grantor, and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged by Grantor and Grantee, the parties agree as follows:

1. **Grant of Restrictive Covenant.** The Grantor hereby irrevocably covenants that the real estate legally described as follows:

Lot 1, in Northridge Estates Replat Four, a subdivision in Sarpy County, Nebraska

shall not be used for any "for rent" single family or multi-family housing except retirement facilities and/or assisted living facilities.

2. **Duration.** All provisions of this Covenant shall be perpetual and shall run with the land. This Covenant shall automatically inure to the benefit of all current or future owners, including Grantee, and their respective successors and assigns in title of the real estate legally described as follows:

Lot 2, Northridge Estates Replat Four, a subdivision in Sarpy County, Nebraska and Lot 74, Northridge Estates Replat Two, a subdivision in Sarpy County, Nebraska,

without the necessity of any further specific assignment of this Covenant.

3. **Enforcement.** In the event of any violation or threatened violation of this Covenant, any current or future owner, including Grantee, or their respective successors and assigns in title of the real estate legally described in paragraph 2 above shall be entitled to any and all remedies provided at law and at equity, including but not limited to injunctive relief and/or actual damages.

~~ROSS~~

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IN WITNESS WHEREOF, the parties hereto have executed this Covenant to be effective as of the date first above written.

Roland F. Waite
Roland F. Waite, Grantor

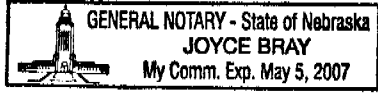
NORTHRIDGE, L.L.C.,
a Nebraska limited liability company, Grantee

By: Michael F. Kisset
Title: Member

By: Mark A. Spurgeon
Title: Member

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

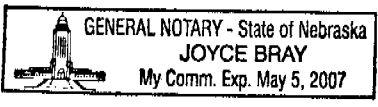
This instrument was acknowledged before me, a Notary Public, this 23rd day of December, 2003, by Roland F. Waite.



Joyce Bray
Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

This instrument was acknowledged before me, a Notary Public, this 23rd day of December, 2000, by Michael F. Kisset and Mark A. Spurgeon, Members of Northridge, L.L.C., a Nebraska limited liability company.



Joyce Bray
Notary Public