



\$131.50

03069160

2003 JUL 17 P 4: 27

INST NO 2003

069160

LANCASTER COUNTY, NE

~~BLOCK~~  
~~CODE~~  
ASHLEY  
~~RECORD~~  
ASHLEY  
~~ENTER~~  
3  
~~DATE~~  
K

**RESTATEMENT OF  
ASHLEY HEIGHTS DECLARATION OF  
MAINTENANCE COVENANTS**

The undersigned are the respective Homeowners Association, Townhome Association and fee simple owner of certain real property being developed for single family residential and townhome residential purposes located in Ashley Heights 2<sup>nd</sup> and 3<sup>rd</sup> Addition, Lincoln, Nebraska, and legally described as follows:

**Lots 1, 2, 3, 4, 5, 6, 7 and 8, Block 1; Lot 1, Block 2; Lot 1, Block 3; Lots 1, 2, 3, 4, 5, 6 and 7, Block 4, and Outlots A & D, all in Ashley Heights 2<sup>nd</sup> Addition, Lincoln, Lancaster County, Nebraska.**

**Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20; Block 1; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, Block 2; Lots 1, 2, 3, 4, 5, 6, 7 and 8, Block 3, and Outlot A, all in Ashley Heights 3<sup>rd</sup> Addition, Lincoln, Lancaster County, Nebraska.**

herein referred to as "Property"

**EXISTING DECLARATION OF MAINTENANCE COVENANTS**

Declaration of Protective Covenants, Conditions and Restriction of Ashley Heights Homeowners Association dated November 20, 2001 have been established, which were recorded in the office of the Register of Deeds of Lancaster County on November 20, 2001 as Instrument No. 2001-68968 (the "Covenants"). Ashley Heights Declaration of Maintenance Covenants dated April 11, 2002 have been established and were recorded in the office of the Register of Deeds of Lancaster County on April 16, 2002 at Instrument No. 2002-24908 (the "Maintenance Covenants").

**ADDITION OF PROPERTIES**

Pursuant to the Covenants and Maintenance Covenants, additional phases of the Ashley Heights Addition continue to be final platted and lots in such additional phases shall also be subject to the Covenants and Maintenance Covenants through the Ashley Heights Homeowners Association.

**PURPOSE OF RESTATEMENT**

The following Restatement of Ashley Heights Declaration of Maintenance Covenants are intended by the title holder to restate the existing Maintenance Covenants which have been recorded and give notice of the same.

**RESTATED MAINTENANCE COVENANTS**

Ashley Heights Homeowners Association has been incorporated in Nebraska for the purposes of enforcing the Restrictive Covenants established upon the properties and administering and maintaining any Commons, Outlots, and the Detention Cell.

*Derry Guthrie*  
HAASE

The undersigned hereby declares that all of the Property described above shall be held, sold and conveyed subject to the Ashley Heights Declaration of Maintenance Covenants attached hereto as Exhibit "A".

Dated this 16<sup>th</sup> day of July, 2003.

M & S CONSTRUCTION, INC., Declarant and Owner

By: Paul J Muff  
Paul J. Muff, President

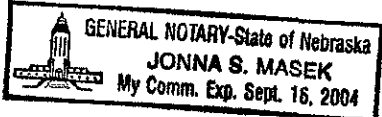
ASHLEY HEIGHTS HOMEOWNERS ASSOCIATION, a Nebraska nonprofit corporation

By: Paul J Muff  
Paul J. Muff, President

ASHLEY HEIGHTS TOWNHOME ASSOCIATION, a Nebraska nonprofit corporation

By: Paul J Muff  
Paul J. Muff, President

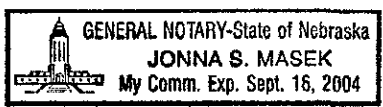
STATE OF NEBRASKA )  
  ) ss:  
COUNTY OF LANCASTER )



The foregoing instrument was acknowledge before me this 16<sup>th</sup> day of July, 2003, by **Paul J. Muff, President of M & S Construction, Inc.**, a Nebraska corporation, on behalf of the corporation.

Jonna S. masek  
Notary Public

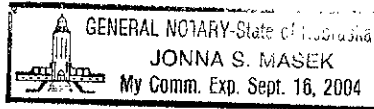
STATE OF NEBRASKA )  
  ) ss:  
COUNTY OF LANCASTER )



The foregoing instrument was acknowledge before me this 16<sup>th</sup> day of July, 2003, by Paul J. Muff, President of **Ashley Heights Homeowners Association**, a Nebraska nonprofit corporation, on behalf of each respective nonprofit corporation.

Jonna S. masek  
Notary Public

STATE OF NEBRASKA )  
 ) SS:  
COUNTY OF LANCASTER )



The foregoing instrument was acknowledge before me this 16<sup>th</sup> day of July, 2003, by Paul J. Muff, President of **Ashley Heights Townhome Association**, a Nebraska nonprofit corporation, on behalf of each respective nonprofit corporation.

Jonna S. Masek  
Notary Public

\$ 8690

*Dan Jolte*

REGISTER OF DEEDS

2002 APR 16 P 4 21

LANCASTER COUNTY, NE

INST NO 2002

024908

BLOCK  
CODE  
ASHLEY  
CHECKED  
ENTERED  
SIGNED

**ASHLEY HEIGHTS DECLARATION OF MAINTENANCE COVENANTS**

The undersigned (collectively, the "Declarant") are the respective property associations and fee simple owners of certain real property being developed for (i) single family residential, (ii) townhome residential, (iii) commercial property, and (iv) highway property, located in Ashley Heights Addition, Lincoln, Nebraska, and legally described as follows:

Single Family Residential: (herein referred to as "Single Family Property")

- Lots 9 - 21 Inclusive, Block 3;
- Lots 1 - 14 inclusive, Block 4;
- Lot 1, Block 5;
- Lots 1 and 2, Block 6;
- Lots 1 and 2, Block 7;
- Lots 1 - 10 inclusive, Block 8;
- Lots 1 - 27 inclusive, Block 9, all located in Ashley Heights Addition, Lincoln, Lancaster County, Nebraska.

Outlot D, Ashley Heights Addition, Lincoln, Lancaster County, Nebraska.

Townhome Residential: (herein referred to as "Townhome Property")

- Lots 1 - 22 inclusive, Block 1;
- Lots 1 - 10 inclusive, Block 2;
- Lots 1 - 8 inclusive, Block 3, all located in Ashley Heights Addition, Lincoln, Lancaster County, Nebraska.

Commercial (B-2 Zone): (hereinafter referred to as "B-2 Property")

Lot 1, Block 11, Ashley Heights Addition, Lincoln, Lancaster County, Nebraska.

Highway (H-4 Zone): (hereinafter referred to as "H-4 Property")

- Lot 1, Block 10, Ashley Heights Addition, Lincoln, Lancaster County, Nebraska
- Outlot E, Ashley Height Addition, Lincoln, Lancaster County, Nebraska
- (owned by Allen D. Schulz and Beth A. Schulz, Husband and Wife, as joint tenants)

(Collectively the Single Family Property, Townhome Property, B-2 Property and H-4 Property are herein referred to as "Property." Additional phases of the Ashley Heights Addition will be final platted in the future and such additional phases shall also be subject to this maintenance covenant through the Ashley Heights Homeowners Association).

**WHEREAS**, the Property has been platted via the appropriate platting process through the City of Lincoln, Nebraska, said Final Plat known as "Ashley Heights Addition", filed on September 13, 2001 as Inst. No. 01-52826 with the Lancaster County Register of Deeds (the "Plat"); and



*Deery Guthrey*  
*Harrel*

**WHEREAS**, the Declarant intends by this instrument to establish certain maintenance covenants to allocate costs associated with maintenance of the Common Detention Cell area, as shown on "1" attached hereto and incorporated herein by this reference;

**NOW THEREFORE**, the Declarant does hereby establish and grant, for itself, and all future owners within the Property, the following maintenance covenants:

**COVENANT TO MAINTAIN and ALLOCATION OF COSTS**

Any Lot Owner by acceptance of a deed to any Lot within the Property, and the undersigned Associations, hereby covenant to maintain the Common Detention Cell area. This covenant shall run with the land. Such covenant shall include the obligation either to pay directly, or to contribute by and through their respective Associations, the following proportions of the costs of maintenance of the Common Detention Cell area:

	Homeowners' Association	Commercial Property Owners' Association
Detention Cell	57.6%	42.4%

Dated this 11<sup>th</sup> day of April, 2002.

M & S CONSTRUCTION, INC., Declarant and Owner

By:

Paul J. Muff  
Paul J. Muff, President

Declarant and Owner Lot 1, Block 10, Ashley Heights Addition

By:

Allen D. Schulz  
Allen D. Schulz, Husband

By:

Beth A. Schulz  
Beth A. Schulz, Wife

ASHLEY HEIGHTS HOMEOWNERS ASSOCIATION, a Nebraska nonprofit corporation

By:

Paul J. Muff  
Paul J. Muff, President

ASHLEY HEIGHTS COMMERCIAL PROPERTY OWNERS' ASSOCIATION, a Nebraska nonprofit corporation

By:

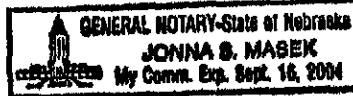
Paul J. Muff  
Paul J. Muff, President

STATE OF NEBRASKA )  
 ) ss:  
COUNTY OF LANCASTER )

The foregoing instrument was acknowledge before me this 11<sup>th</sup> day of April, 2002, by **Paul J. Muff, President of M & S Construction, Inc.**, a Nebraska corporation, on behalf of the corporation.

Jonna S. Masek  
Notary Public

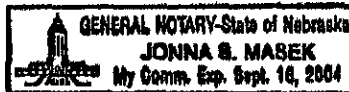
STATE OF NEBRASKA )  
 ) ss:  
COUNTY OF LANCASTER )



The foregoing instrument was acknowledge before me this 11<sup>th</sup> day of April, 2002, by **Allen D. Schulz and Beth A. Schulz, Husband and Wife, Declarant and Owner of Lot 1, Block 10, Ashley Helghts Addition.**

Jonna S. Masek  
Notary Public

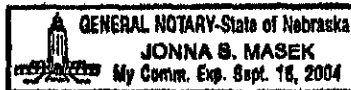
STATE OF NEBRASKA )  
 ) ss:  
COUNTY OF LANCASTER )



The foregoing instrument was acknowledge before me this 11<sup>th</sup> day of April, 2002, by Paul J. Muff, President of **Ashley Helghts Homeowners Association**, a Nebraska nonprofit corporation, on behalf of each respective nonprofit corporation.

Jonna S. Masek  
Notary Public

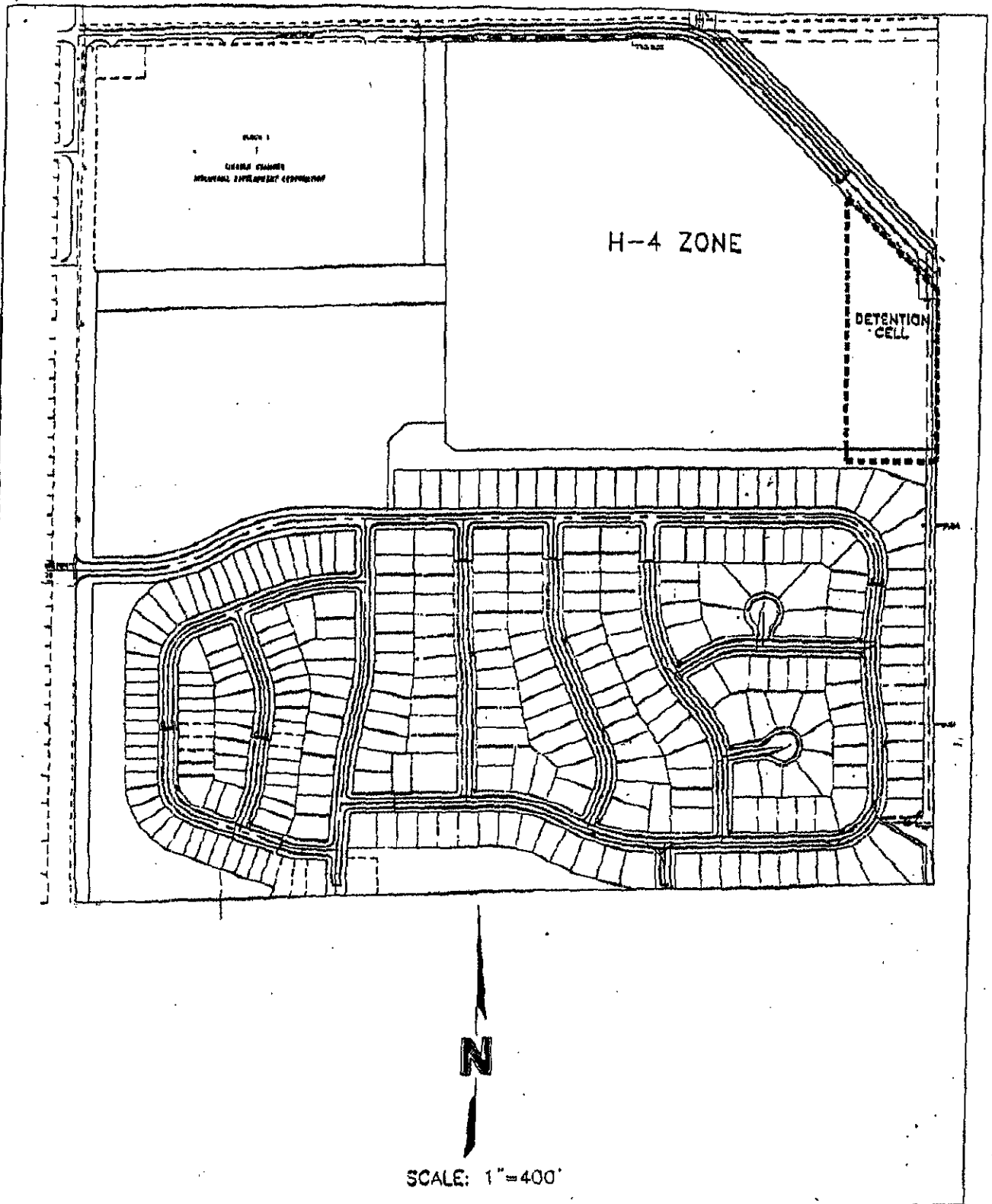
STATE OF NEBRASKA )  
 ) ss:  
COUNTY OF LANCASTER )



The foregoing instrument was acknowledge before me this 11<sup>th</sup> day of April, 2002, by Paul J. Muff, President of **Ashley Helghts Commercial Property Owners' Association**, a Nebraska nonprofit corporation, on behalf of each respective nonprofit corporation.

Jonna S. Masek  
Notary Public

3/14/2002 9:07 A.M. FILE: F:\Projects\20000589\dwg\utility\Lexh04.dwg



ASHLEY HEIGHTS  
EXHIBIT

OLSSON ASSOCIATES  
CONSULTING ENGINEERS  
1111 Lincoln Mall, P.O. Box 84608, Lincoln, NE 68501

EXHIBIT 1  
7/20/2001

EXHIBIT  
1

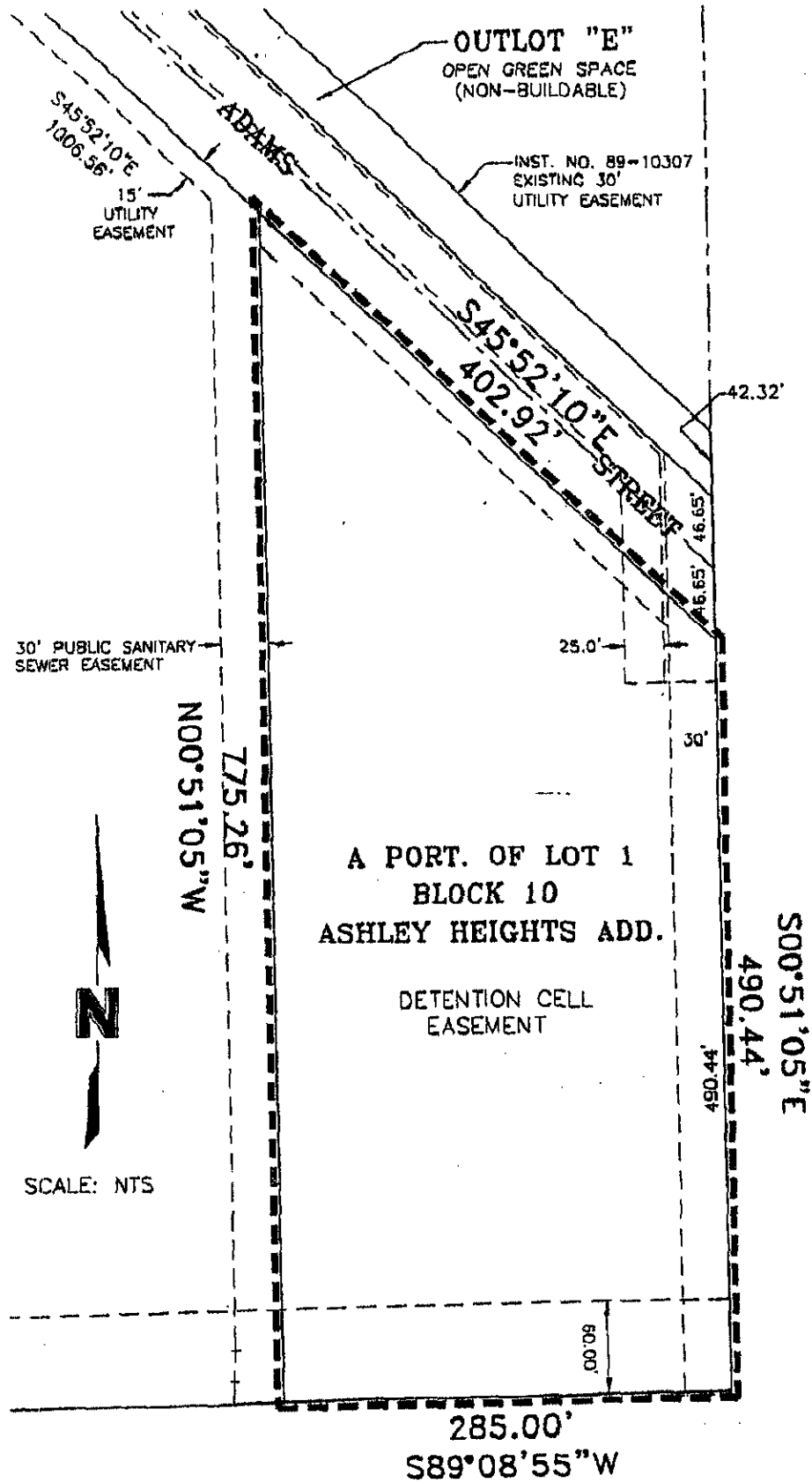
**LEGAL DESCRIPTION  
DETENTION CELL EASEMENT**

A LEGAL DESCRIPTION FOR DETENTION CELL EASEMENT PURPOSES FOR A TRACT OF LAND COMPOSED OF A PORTION OF LOT 1 BLOCK 10 ASHLEY HEIGHTS ADDITION, LOCATED IN THE NORTHEAST QUARTER OF SECTION 18, TOWNSHIP 10 NORTH, RANGE 6 EAST OF THE 6<sup>TH</sup> P.M., CITY OF LINCOLN, LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 1 BLOCK 10, SAID POINT BEING THE TRUE POINT OF BEGINNING, THENCE ON AN ASSUMED BEARING OF SOUTH 89 DEGREES 08 MINUTES 55 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 285.00 FEET TO A POINT, THENCE NORTH 00 DEGREES 51 MINUTES 05 SECONDS WEST, A DISTANCE OF 775.26 FEET TO A POINT OF INTERSECTION WITH THE NORTH LINE OF SAID LOT 1, THENCE SOUTH 45 DEGREES 52 MINUTES 10 SECONDS EAST ALONG A NORTHEAST LINE OF SAID LOT 1, A DISTANCE OF 402.92 FEET TO A EAST CORNER OF SAID LOT 1, THENCE SOUTH 00 DEGREES 51 MINUTES 05 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 490.44 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 180,361.59 SQUARE FEET OR 4.14 ACRES, MORE OR LESS.

March 25, 2002 (11:58AM)  
F:\Projects\20000589\yp\pl\dwg\DETENTION.rtf





**OUTLOT "E"**  
 OPEN GREEN SPACE  
 (NON-BUILDABLE)

INST. NO. 89-10307  
 EXISTING 30'  
 UTILITY EASEMENT

S45°52'10"E  
 1006.56'  
 15'  
 UTILITY  
 EASEMENT

ADAMS

S45°52'10"E STREET  
 402.92'

42.32'

16.65' 46.65'

30' PUBLIC SANITARY  
 SEWER EASEMENT

25.0'

30'

775.26'  
 N00°51'05"W

A PORT. OF LOT 1  
 BLOCK 10  
 ASHLEY HEIGHTS ADD.

DETENTION CELL  
 EASEMENT

500°51'05"E  
 490.44'

490.44'



SCALE: NTS

00.00'

285.00'  
 S89°08'55"W