

EXHIBIT "A"

BOOK 907 PAGE 230

DECLARATION OF USAGE RIGHT AND EASEMENTS

THIS DECLARATION, is made and entered into this 7th day of August, 1989, by Curtis Acres Association, a Nebraska Nonprofit Corporation (hereinafter "Association"), Curtis Acres, Inc., a Nebraska Corporation (hereinafter "Curtis Acres"), and Richard J. Slabaugh and Barbara C. Slabaugh, husband and wife (hereinafter "Slabaughs"), and Jean O'Neal Thurmond, a married person (hereinafter "Purchaser").

WITNESSETH:

WHEREAS, Purchaser has acquired fee simple title to property described on the attached Exhibit "A" (hereinafter the "Property"), and

WHEREAS, Slabaughs are the fee simple owners of the property on the attached Exhibit "B" (hereinafter "Lot 15"), and

WHEREAS, Curtis Acres is the Owner in fee simple of the property described on the attached Exhibit "C" (hereinafter "Lot 16 and 17), and

WHEREAS, Association has an easement over the Lake situated on the property described on Exhibit "D" as granted in the Declaration of Covenants, Conditions, Restrictions and Easements (hereinafter "Covenants") dated July 17, 1989, and filed in the Office of the Register of Deeds of Douglas County, Nebraska, a Miscellaneous Book 895, Page 106, (hereinafter "Lake Easement"), and

WHEREAS, subject to the terms and conditions hereof, the Association is willing to permit the present and future Owners of the Property to utilize the Lake Easement for all purposes set forth in the said Covenants, and Slabaugh and Curtis Acres are willing to grant an easement for access to the Lake over the Property owned by them.

NOW, THEREFORE, for and in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. Subject to the terms and conditions hereof, the Association hereby grants to the Owners of the Property, their heirs, personal representatives, successors, assigns, agents, and invitees the right to utilize the said Lake easement held by the Association for all purposes set forth in the Covenants.

2. Curtis Acres and Slabaughs hereby grant to the Owners of the Property, their heirs, personal representatives, successors, assigns, agents, and invitees a perpetual,

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GEORGE J. DOUGLASS
REGISTER OF DEEDS
DOUGLAS COUNTY, NE

BK 907 N _____ FEE 40.00
PG 230-237 N _____ DEL 17-15-89 MO 12
OF 11/15 COMP 10 F/B 01-6000-0
OW-22050

non-exclusive easement for pedestrian and vehicular access to the Lake and to construct a dock over and upon that portion of Lots 15, 16 and 17 described as follows:

Commencing at the Southwest Corner of Lot 2, Lawver's Subdivision, as surveyed, platted and recorded, Douglas County, Nebraska, thence South $2^{\circ} 45' 43''$ East a distance of Eighty (80) feet, thence North $88^{\circ} 05' 47''$ East a distance of Two Hundred Fifty (250) feet thence North $2^{\circ} 45' 43''$ West a distance of Eighty (80) feet to the Southeast corner of said Lot 2, thence West along the South lot line of said Lot 2, Two Hundred Fifty (250) feet to the point of beginning.

3. The right to use the Association's Lake easement and the easements granted herein is subject to and conditioned upon compliance with the following conditions:

a. Any boat motor or combination of motors on any boat used on the Lake shall not exceed a total maximum of 10 horsepower based on the manufacturers' rating. For pontoon boats 16 feet or longer, a maximum of 20 horsepower is permissible. The Lake shall be used for swimming, boating, and fishing only; water skiing or "jet skiing" will not be allowed at the Lake at any time.

b. All boats must conform to the Nebraska laws and regulations as to operation, conduct of operator, and equipment.

c. No swimming or boating on the Lake will be allowed between the hours of 11:00 p.m. and 6:00 a.m.

d. No guest shall be allowed the use of the Lake without the homeowner, immediate family, or overnight house guests being present.

e. Docks, diving boards, and other recreational facilities may be constructed in the Lake adjoining to the easement granted in paragraph 2 above, but will be attached to and will extend no more than 24 feet from shoreline. The Association must approve the design and installation of all such facilities in writing prior to installation. No other facilities or improvements other than those specified in this paragraph shall be built in the Lake.

f. Compliance with all other covenants, conditions, restrictions, rules and regulations as are promulgated from time to time regarding said Lake and its use.

In the event any of these conditions is violated, the Association may prohibit use of the Lake by any Owner of the

Property responsible for such violation until such time as the the violation ceases and the Association is reasonably satisfied that the violation will not continue.

4. The Association shall have the right from time to time, but not more frequently than monthly, to assess the then present Owners of the Property, in an amount determined by the Association, to reimburse the Association for costs it incurs in the maintenance, repair, improvement and any other charges and expenses incurred by it with respect to the Lake. Such assessments will constitute a lien against the Property in favor of the Association until abated or paid. Such lien may be enforced by foreclosure upon the Property in like manner as a mortgage on real property is foreclosed under the laws of the State of Nebraska. In addition, if any such assessments are not paid when due, the Association may prohibit use of the Lake by the non-paying Owner until such time as said Assessment is paid.

5. This Declaration and the easements granted hereby shall run with the land and be binding on the heirs, personal representatives, successors and assigns of the parties hereto, and shall not be deemed merged into any other right, title or interest in any real property owned by any party hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Declaration the day and date first above written.

Curtis Acres Association

By: Richard J. Slabaugh
Its: President

Curtis Acres, Inc.

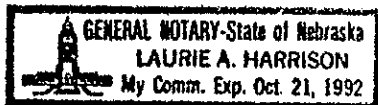
By: Barbara C. Slabaugh
Its: Vice-President
Richard J. Slabaugh
Richard J. Slabaugh

Barbara C. Slabaugh
Barbara C. Slabaugh

Jean O'Neal Thurmond
Jean O'Neal Thurmond

STATE OF NEBRASKA)
)
COUNTY OF DOUGLAS) ss.

The foregoing instrument was acknowledged before me this 10th day of OCTOBER, 1989, by RICHARD J. SLABAUGH its PRESIDENT of Curtis Acres Association, a Nebraska nonprofit corporation, on behalf of the corporation.

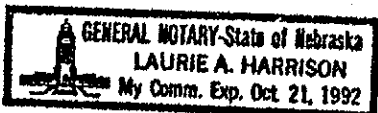


Laurie A. Harrison
Notary Public

STATE OF NEBRASKA)
)
COUNTY OF DOUGLAS) ss.

NOTARIAL SEAL AFFIXED
REGISTER OF DEEDS

The foregoing instrument was acknowledged before me this 10th day of OCTOBER, 1989, by BARBARA C. SLABAUGH its VICE PRESIDENT of Curtis Acres, Inc., a Nebraska corporation, on behalf of the corporation.

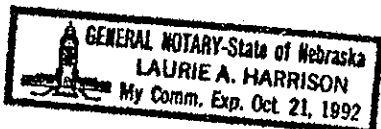


Laurie A. Harrison
Notary Public

STATE OF NEBRASKA)
)
COUNTY OF DOUGLAS) ss.

NOTARIAL SEAL AFFIXED
REGISTER OF DEEDS

The foregoing instrument was acknowledged before me this 10th day of OCTOBER, 1989, by Richard J. Slabaugh and Barbara C. Slabaugh, husband and wife.

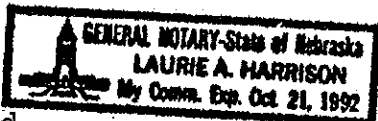


Laurie A. Harrison
Notary Public

STATE OF NEBRASKA)
)
COUNTY OF DOUGLAS) ss.

NOTARIAL SEAL AFFIXED
REGISTER OF DEEDS

The foregoing instrument was acknowledged before me this 6th day of December, 1989, by Jean O'Neal Thurmond, a married person.



Laurie A. Harrison
Notary Public

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NOTARIAL SEAL AFFIXED
REGISTER OF DEEDS

A tract of land located in the Northeast Quarter of the Northwest Quarter of Section 17, Township 15 North, Range 10 East of the 6th. P. M., Douglas County, Nebraska more particularly described as follows: Beginning at a point on the North line of the Northeast Quarter of the Northwest Quarter of Section 17 250' East of Northwest corner thereof; thence South $2^{\circ}45'43''$ East (assumed bearing) a distance of 436.5'; thence North $88^{\circ}05'47''$ East a distance of 250'; thence North $2^{\circ}45'43''$ West a distance of 436.5' to a point on the North line of the Northeast Quarter of the Northwest Quarter; thence S $88^{\circ}05'47''$ West on said North line a distance of 250' to the point of beginning, now known as Lot 2, Lawver's Subdivision

PARCEL #15 LEGAL DESCRIPTION:

That part of the East Half of the West Half of Section 17, Township 15 North, Range 10 East of the 6th P.M., Douglas County, Nebraska, described as follows:
 Commencing at the northeast corner of the said $E\frac{1}{2}$ of the $W\frac{1}{2}$ of Section 17;
 Thence South $00^{\circ}53'18''$ East (assumed bearings) for 33.00 feet along the east line of the said $E\frac{1}{2}$ of the $W\frac{1}{2}$ of Section 17 to the south right-of-way line of the county roadway;
 Thence North $89^{\circ}58'18''$ West for 810.32 feet along said south ROW line which is parallel with and 33.00 feet south of the north line of the said $E\frac{1}{2}$ of the $W\frac{1}{2}$ of Section 17 to the TRUE POINT OF BEGINNING;
 Thence South $00^{\circ}49'34''$ East for 423.55 feet parallel with and 520.00 feet east of the west line of the said $E\frac{1}{2}$ of the $W\frac{1}{2}$ of Section 17;
 Thence North $89^{\circ}58'18''$ West for 500.06 feet parallel with and 456.50 feet south of the said north line of the $E\frac{1}{2}$ of the $W\frac{1}{2}$ of Section 17;
 Thence South $00^{\circ}49'34''$ East for 2100.00 feet parallel with and 20.00 feet east of the west line of the $E\frac{1}{2}$ of the $W\frac{1}{2}$ of Section 17;
 Thence North $89^{\circ}10'26''$ East for 300.00 feet;
 Thence North $79^{\circ}58'34''$ East for 545.43 feet;
 Thence South $78^{\circ}49'26''$ East for 280.63 feet;
 Thence South $00^{\circ}53'18''$ East for 400.00 feet;
 Thence South $89^{\circ}10'26''$ West for 1133.35 feet to the west line of the $E\frac{1}{2}$ of the $W\frac{1}{2}$ of Section 17;
 Thence North $00^{\circ}49'34''$ West for 2491.47 feet along the said west line of the $E\frac{1}{2}$ of the $W\frac{1}{2}$ of Section 17;
 Thence South $89^{\circ}58'18''$ East for 500.06 feet parallel with and 436.50 feet south of the said north line of the $E\frac{1}{2}$ of the $W\frac{1}{2}$ of Section 17;
 Thence North $00^{\circ}49'34''$ West for 403.54 feet parallel with and 500.00 feet east of the west line of the $E\frac{1}{2}$ of the $W\frac{1}{2}$ of Section 17 to the said south ROW line of county roadway;
 Thence South $89^{\circ}58'18''$ East for 20.00 feet to the Point of Beginning.
 Contains 11.95 acres.

NE } NW
 SE } NW

NE } SW

PARCEL #16 LEGAL DESCRIPTION:

That part of the East Half of the Northwest Quarter of Section 17, Township 15 North, Range 10 East of the 6th P.M., Douglas County, Nebraska described as follows:

Commencing at the northeast corner of the said E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 17;

Thence South 00°53'18" East (assumed bearings) for 33.00 feet along the east line of the said E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 17 to the south right-of-way line of the county roadway;

Thence North 89°58'18" West for 790.32 feet along said south ROW line which is parallel with and 33.00 feet south of the north line of the said E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 17 to the TRUE POINT OF BEGINNING;

Thence South 00°49'34" East for 443.55 feet parallel with and 540.00 feet east of the west line of the said E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 17;

Thence North 89°58'18" West for 500.06 feet parallel with and 476.50 feet south of the north line of the said E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 17;

Thence South 00°49'34" East for 1457.46 feet parallel with and 40.00 feet east of the said west line of the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 17;

Thence South 80°44'47" East for 679.92 feet;

Thence South 20°31'43" East for 441.93 feet;

Thence South 79°58'34" West for 545.43 feet;

Thence South 89°10'26" West for 300.00 feet;

Thence North 00°49'34" West for 2100.00 feet parallel with and 20.00 feet east of the said west line of the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 17;

Thence South 89°58'18" East for 500.06 feet parallel with and 456.50 feet south of the said north line of the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 17;

Thence North 00°49'34" West for 423.55 feet parallel with and 520.00 feet east of the said west line of the E $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Section 17 to the said south ROW line of the county roadway;

Thence South 89°58'18" East for 20.00 feet to the POINT OF BEGINNING.

Contains 10.51 acres.

NE } NW
SE }

PARCEL #17 LEGAL DESCRIPTION:

That part of the East Half of the Northwest Quarter of Section 17, Township 15 North, Range 10 East of the 6th P.M., Douglas County, Nebraska described as follows:

Commencing at the northeast corner of the said $E\frac{1}{2}$ of the $NW\frac{1}{4}$ of Section 17;
 Thence South $00^{\circ}53'18''$ East (assumed bearings) for 33.00 feet along the east line of the said $E\frac{1}{2}$ of the $NW\frac{1}{4}$ of Section 17 to the south right-of-way line of the county roadway;
 Thence North $89^{\circ}58'18''$ West for 546.88 feet along said south ROW line which is parallel with and 33.00 feet south of the north line of the said $E\frac{1}{2}$ of the $NW\frac{1}{4}$ of Section 17 to the TRUE POINT OF BEGINNING;
 Thence South $00^{\circ}01'42''$ West for 400.00 feet;
 Thence South $48^{\circ}11'13''$ West for 278.26 feet;
 Thence South $89^{\circ}10'26''$ West for 340.00 feet;
 Thence South $00^{\circ}49'34''$ East for 1340.77 feet;
 Thence North $80^{\circ}44'47''$ West for 190.34 feet;
 Thence North $00^{\circ}49'34''$ West for 1457.46 feet parallel with and 40.00 feet east of the west line of the said $E\frac{1}{2}$ of the $NW\frac{1}{4}$ of Section 17;
 Thence South $89^{\circ}58'18''$ East for 500.06 feet parallel with and 476.50 feet south of the said north line of the $E\frac{1}{2}$ of the $NW\frac{1}{4}$ of Section 17;
 Thence North $00^{\circ}49'34''$ West for 443.55 feet parallel with and 540.00 feet east of the said west line of the $E\frac{1}{2}$ of the $NW\frac{1}{4}$ of Section 17 to the said south ROW line of the county roadway;
 Thence South $89^{\circ}58'18''$ East for 243.44 feet to the POINT OF BEGINNING.
 Contains 10.15 acres.

NE } NW
 SE }