

FILED  
CASS COUNTY, NEB.

CONFIDENTIAL

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NOTARIAL PUBLIC BRUNGER  
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**AMENDED COVENANTS AND RESTRICTONS CEDAR CREEK LAKES  
GENERAL**

Whereas a majority of all property owners located upon Cedar Creek Lake Number 1, Number 2, Number 3 and Number 4, Village of Cedar Creek, Nebraska, have by affirmative vote, caused an amendment to the Restrictive Covenants which govern the use of said property, and

Whereas said Amended Covenants and Restrictions have been passed in conformity with the original covenants and restrictions and shall run with the land and be binding on all persons and property located upon Cedar Creek Lake Number 1, Number 2, Number 3 and Number 4, Village of Cedar Creek, Cass County, Nebraska unless amended or modified as hereinafter provided, and

Now Therefore, it is provided as follows:

**RESTRICTIONS**

1. The Building Zoning codes adopted by the Village of Cedar Creek shall govern all construction.
2. Boat docks shall be permitted in lake shores and may attach to boat houses, which shall not extend further than eight (8) feet from the shore at average water level.
3. No alterations shall be made to any lake front, including boat houses, without notification and documented permission of the lot owners on either side.
4. All sewage and waste water from any lot on all lakes shall be disposed of in septic tanks constructed to specifications or recommendations of the State of Nebraska Department of Health.
5. No owner of any lot shall have the right to permit the use of boats not owned by such lot owner, and all boating privileges are restricted to lot owners and members of their immediate families. No motor or combination of motors exceeding eighty (80) horsepower shall be used or permitted on lake Number 1, no motor or combination of motors exceeding ten (10) horsepower shall be used or permitted for pontoon boats and no motor or combination of motors exceeding five (5) horsepower shall be used or permitted on any other water craft on lake Number 2, no motor or combination of motors exceeding ninety (90) horsepower shall be used or permitted on lake Number 3, no motor or combination of motors exceeding five (5)

horsepower shall be used or permitted on lake Number 4. No jetskis shall be permitted on any lakes. Rowboats, paddleboats, inflatable devices, and swimming shall be limited to within twenty-five (25) feet of the shore when motor boats are in operation. Boating privileges are restricted to one motorized boat for each lot at anyone time in the lake, and each boat must have a sticker with their lot number attached and clearly visible on the starboard side of the boat. Boats must be registered with the Cedar Creek Lake Association specific to each lake.

6. There shall be created an individual lake association for each of the four lakes. The property owners of Lakes 1-4 shall annually elect a Board of Directors for their individual lake association, consisting of persons who are themselves owners of property upon said lake. Each lot located upon said lake shall automatically have membership in the lake association which governs the lake upon which the property is situated. Said membership shall automatically continue so long as the lot is owned. Each lot shall have one membership in the individual lake association, and each membership shall be entitled to one vote.

Each individual association shall hereafter have the power and authority to enact and adopt individual covenants and restrictions by a majority vote of those members owning property upon said lake, which govern the use and maintenance of property within its control and jurisdiction as well as a method for assessing dues and/or special assessments. Said covenants and restrictions shall run with the land and be binding upon each parcel of property and individual member of said association. The individual lake association boards shall have further authority to pass, adopt, and amend rules and regulations for each lake. Until such time as the individual lake association has properly passed, adopted, and filed its individual covenants and restrictions with the Cass County Register of Deeds, these general covenants and restrictions shall control. Upon proper passage, adoption, and filing of the individual covenants and restrictions with the Cass County Register of Deeds, the individual lake association covenants and restrictions shall be controlling for all property within its control and jurisdiction and shall supercede these general covenants and restrictions.

7. No lot shall be used for the sale of alcohol, firearms, and/or drugs.

8. No guns or firearms shall be discharged within the Cedar Creek Lakes.

9. Until such time as the individual lake associations organize and adopt covenants and restrictions for their individual associations, dues shall be assessed against each lake lot not having superceding covenants and restrictions in the sum of \$25.00 per year, payable on or before April 1<sup>st</sup>.

9. All buildings erected in said subdivision shall be of a permanent type. House trailers or camping trailers cannot be used as a permanent home, unless already existing.

10. All boat trailers shall be removed from ramp areas and parked on the owner's lot when not actually being used to launch or remove boats from the water.

11. All trash, garbage and rubbish on said premises shall be kept, until disposed of, in covered containers with lids sufficiently tight to prevent vermin and insects from entering, and shall be removed regularly and at intervals sufficiently frequent to prevent the same from becoming rancid or rotten.

12. These covenants and restrictions run with the land and in the event of a violation, the Lake Association or the owner of any lot may prosecute any action at law or in equity to recover damages therefore or to enjoin such violation.

13. The restrictions and conditions herein may be amended, added to or revoked in whole or in part in the following manner: Until such time as the individual lake associations adopt their own covenants and restrictions, a majority of all owners of property located on Lakes 1-4 may affirmatively vote to amend, revoke or change said restrictions and conditions. Each lot shall be entitled to one vote. Upon proper

passage, adoption and filing of the individual lake association covenants and restrictions, those lakes having the same shall amend, adopt and modify said covenants and restrictions by vote of their individual memberships without the necessity of a vote by the remaining lakes.

IN WITNESS WHEREOF we have hereunto set our hands this 5<sup>th</sup> day of October, 2005.

SIGNATURE BLOCK:

Charles W. Saubert  
President - Cedar Creek Lake Association #1

James T. Drisley  
President - Cedar Creek Lake Association #2

John G. [Signature]  
President - Cedar Creek Lake Association #3

Mitchell [Signature]  
President - Cedar Creek Lake Association #4

The Amended Cedar Creek Restrictive Covenants are to be tiled against the following lots of the Cedar Creek Lakes addition in the Village of Cedar Creek Cass County, Nebraska according to the amendment/replacement procedures of the original Cedar Creek Restrictive Covenants.

<u>Lake 1</u>	<u>Lake 2</u>	<u>Lake 3</u>	<u>Lake 4</u>
Lots 87-123	Lots 3-35	Lots 124-171	Lots 36-50
Lots 184-220	Lots 51-60	Lot AA	Lots 271-287
Lots 258-270			Lots 256-257
Lots 220A-255			Lot 168

COUNTY OF CASS  
STATE OF NEBRASKA

Before me, the undersigned Notary Public, in and for the County and State, personally appeared LOWELL T. DAISEY, CHARLES W. LAUREAT, ROBERT R. BATT, MITCHELL PEARROW and each separately and severally acknowledge the execution of the foregoing instrument as his or her voluntary act and deed for the purposed therein expressed. Witness my Hand and Notarial Seal this 12<sup>th</sup> day of OCTOBER, 2005.



Tonda J. Haith  
Notary Public

STATE OF NEBRASKA  
COUNTY OF CASS

The foregoing instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, by \_\_\_\_\_ and acknowledged to be his/her voluntary act and deed.

\_\_\_\_\_  
Notary Public

### Official Results Cedar Creek Lakes Covenant Vote

Number of Eligible Voters

250

Yes Vote:

167 (66.8% in favor of new covenants)

No Vote:

13 (5.2% in favor of not adopting new covenants)

*Note: Ballots were collected on 10/5/05 and tabulated on 10/5/05*

According to the above election results new covenants are adopted and will be filed accordingly.