

80 - 9034

SUPPLEMENTAL PROTECTIVE COVENANTS AND RESTRICTIONS FOR LOTS 13 THROUGH 33, INCLUSIVE AND LOTS 41 THROUGH 52, INCLUSIVE HARVEY OAKS REPLAT

WHEREAS, the undersigned owners placed of record certain "PROTECTIVE COVENANTS AND RESTRICTIONS FOR HARVEY OAKS" dated November 9, 1972, and recorded in Book 516 at Pages 227 through 230, inclusive, in the Office of the Register of Deeds of Douglas County, Nebraska, applicable to Lots 195 and 198 (among others) in Harvey Oaks, a subdivision in Douglas County, Nebraska; and

WHEREAS, the undersigned owners have replatted Lot 195 and Lot 198 and said replatted lots are now described as Lots 13 through 33, inclusive, and Lots 41 through 52, inclusive, Harvey Oaks Replat, a platted and recorded subdivision in Douglas County, Nebraska; and

WHEREAS, the undersigned owners now desire to place of record Supplemental Protective Covenants and Restrictions for Lots 13 through 33, inclusive, and Lots 41 through 52, inclusive, in said Harvey Oaks Replat;

NOW THEREFORE, the following supplemental restrictions are hereby placed upon said Lots 13 through 33, inclusive, and Lots 41 through 52, inclusive, in said Harvey Oaks Replat:

1. No building shall be created, altered, placed, or permitted to remain on any lot other than one detached single-family dwelling, not to exceed two stories in height, nor containing finished living areas, exclusive of porches, breezeways, carports, and garages of less than: 1,200 square feet on the ground floor for a one-story house, unless it has a basement garage, in which case 1,300 square feet shall be required on the ground floor; 1,200 square feet on the ground floor for a one and one-half story house; 1,800 square feet above basement level for a two-story house; 1,550 square feet of living area above ground for a bi-level, tri-level, or a split-level house; and 1,300 square feet of main floor living area for a split-entry house; nor less than 1,000 square feet in the case of a two story structure, nor having a garage for less than two automobiles. For the purposes of these restrictions, two-story height as hereinbefore mentioned shall, when the basement wall is exposed, be measured from the basement ceiling on the exposed side(s) to the eave of the structure on the same side(s).

2. No lot shall be used except for residential purposes.

3. Public sidewalks shall be constructed of concrete four feet wide by four inches thick, in front of each built-upon lot and along the street side of each built-upon corner lot. The sidewalks shall be placed five feet back of the street curb line and shall be constructed by the then owner of the lot prior to time of completion of the main structure and before occupancy or use thereof; provided, however, this provision shall be varied to the extent required to comply with any subsequent requirements of the City of Omaha.

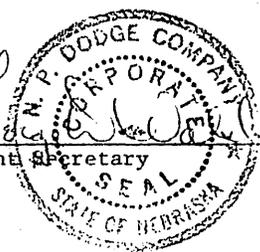
These covenants shall run with the land and shall be binding on all parties and all persons claiming under them for a period of twenty-five (25) years from the date these covenants are recorded.

If the present or future owners of any of said lots, or their grantees, heirs, successors or assigns, shall violate or attempt to violate any of these covenants, it shall be lawful for any other person or persons owning any part of said real estate to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenant and either to prevent him or them from so doing or to recover damages or other dues for such violation.

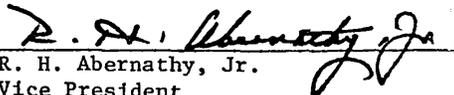
Invalidation of any one of these covenants by judgment or court order shall in no way affect any of the other provisions hereof, which shall remain in full force and effect.

IN WITNESS WHEREOF, HARVEY OAKS, LTD. has caused these presents to be executed this 5th day of September, 1975.

By: 
Assistant Secretary



HARVEY OAKS, LTD.,
By: N. P. DODGE COMPANY, General Partner

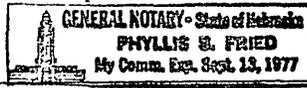
By: 
R. H. Abernathy, Jr.
Vice President

On this 5th day of September, 1975, before me the undersigned, a Notary Public in and for the State of Nebraska and County of Douglas, personally appeared R. H. Abernathy, Jr., and George D. Walsh, who are personally known to me to be the Vice President and Assistant Secretary, respectively, of the N. P. Dodge Company and they severally acknowledged their signatures to be their voluntary act for themselves and as officers of the above named corporation, and that the corporate seal of said corporation has been affixed thereto by its authority.

Witness my hand and notarial seal on the day and year last above written.

Phyllis S. Fried
Notary Public

My Commission expires:



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ENTERED IN NUMERICAL INDEX AND RECORDED IN THE REGISTER OF DEEDS OFFICE IN DOUGLAS COUNTY, NEBRASKA

10 DAY OF Sept 1975 AT 3:45 P M. C. HAROLD OSTLER, REGISTER OF DEEDS

14.25