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DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

THIS Declaration is made as of the 1st day of April, 1990 by LeRoy Larsen, a Single Person, hereinafter called the "Declarant", WITNESSETH:

WHEREAS, Declarant is the owner and developer of certain real property known as Larsen's Stillmeadow Second Addition and more particularly described as follows:

Lots 1 through 28, inclusive, in Larsen's Stillmeadow Second Addition to the City of Blair, Washington County, Nebraska, and

WHEREAS, Declarant intends to develop the real estate described hereinabove for residential purposes and to sell individual lots therein to third party purchasers for the construction of single family dwellings, and

WHEREAS, Declarant desires hereby to impose upon said real estate mutual and beneficial restrictions, covenants, conditions, and charges under a general plan for the benefit of the owners of said real estate and future owners of the same.

NOW, THEREFORE, in consideration of the premises, Declarant, for himself, his successors, assignees and all future grantees, does hereby impose, create, and place upon the real estate described hereinabove the reservations, conditions, covenants and restrictions (all of which are hereby termed "Restrictions") contained hereinbelow. Declarant further declares that said real estate is held and shall be held, conveyed, hypothecated or encumbered, leased, rented, used and occupied subject to provisions of this Declaration, all of which is declared to be in furtherance of a plan for the development, improvement and sale of lots within said real estate and are established for the purpose of enhancing the value, desirability and attractiveness thereof. The provisions of this Declaration are intended to create mutual equitable servitudes upon the real estate; to create reciprocal rights between the respective owners of individual lots therein; to create a privity of contract and estate between the grantees thereof, their heirs and assigns and shall, as to the owners of any interest in said real estate, their heirs, successors and assigns, operate as covenants running with the land for the benefit of each and all other owners of said real estate and this shall be so even if said

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restrictions are omitted from any deed or instrument of conveyance of said lands, or any part thereof.

The Restrictions contemplated by this Declaration are herewith stated to be as follows:

A. Each of said lots shall be used only for single-family residential purposes except such lots, or portions thereof, as may hereafter be conveyed or dedicated by the undersigned for public, church, educational, or charitable uses.

B. No structures shall be erected, altered, placed or permitted to remain on any "Residential Building" plot or lot, as hereinafter defined, other than one (1) "single-family dwelling" not to exceed two (2) stories in height with an attached private garage. However, the Declarant may allow exceptions to the provisions of this Restriction for the construction of lawn maintenance or tool sheds and similar structures, provided, however, that all said exceptions shall be in writing, all such structures shall be located in the rear yard and the Declarant shall determine, in his sole discretion, that said proposed structure or structures shall not be detrimental to the general appearance of the development.

C. No lot as originally platted shall be used as a building plot if it has been reduced below its original platted width; provided that parts of two or more platted lots may be combined into one larger lot.

D. No noxious or offensive trade or activity shall be carried on upon any plot, nor shall anything be done thereon which may be, or become, an annoyance or nuisance to the neighborhood. No posters or advertising signs of any kind, except residential "For Sale" signs or "Open House" signs shall be erected on any building plot. No outside above-ground trash or garbage piles, burners, receptacles or incinerators shall be erected, placed, or permitted on any building plot. No outside radio, television, or other electronic antenna or aerial shall be erected on any building plot. Any fuel tanks must be buried beneath ground level.

E. As set forth in paragraph B hereinabove, there shall be no trailer or basement, used as a dwelling on the premises, nor any shack, garage, barn, or other outbuilding erected on said real estate without the prior written consent of the undersigned.

F. Prior to commencement of construction of any structures, e plans and specifications therefor (including elevations) must be submitted to and approved in writing by the undersigned.

G. The ground floor enclosed living area of main residential structures, exclusive of open porches, open breezeways, basements, and garages, shall be not less than the following minimum sizes:

(1) A split-entry home, not less than 1,200 square feet;

(2) For a ranch-style home, not less than 1,200 square feet;

(3) For a two-story home, not less than 800 square feet per floor;

All finished living space shall be on or above grade. Grade shall be defined as "the grade of the front yard". Finished space shall not include "walk-out basement space". Any exposed concrete or concrete block foundation must be kept painted.

H. For each "Single-Family Dwelling", there must also be erected an attached private garage for not less than two cars. (Each car stall to be of a minimum size of ten feet (10') by twenty-one feet (21').

I. At the time of initial occupancy or within six months after such date, the owner shall plant, and there shall be thereafter maintained in a growing state by the owners, at least one tree with a minimum trunk diameter of two inches; said trees shall be located in the front yard.

J. Side and rear fences shall not exceed six feet (6') in height. All fences in front shall not exceed forty-two inches (42") in height and must be at least fifty per cent (50%) open.

K. Lots 1 through 5, inclusive, of Larsen's Stillmeadow Second Addition to the City of Blair, Washington County, Nebraska have been approved by the City of Blair for the construction of condominiums pursuant to the Zoning Ordinances of the City of Blair and the rules and regulations adopted in conjunction therewith. In the event that Condominium structures are constructed on said lots, the Restrictions contained in this Declaration shall not apply thereto. If, however, the individual lots are sold for residential purposes other than Condominium development, these restrictions shall apply.

In the event that any present or future owners of any of the

real estate described hereinabove, their grantees, heirs, or assigns shall violate or attempt to violate any of the Restrictions contained in this Declaration, 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 Restriction to prevent him or them from doing so and/or to recover damages or other relief for such violation.

In validation of any one of these Restrictions by statute, ordinance, judgment or Court order shall in no way effect any of the other provisions, which shall remain in full force and effect. The Declarant reserves the exclusive right, in his sole discretion, to modify or waive the Restrictions of this Declaration as to any lot or lots in cases where the Declarant deems it necessary or advisable in unusual circumstances or to prevent hardship.

IN WITNESS WHEREOF, the Declarant, being the owner of all of the real estate described hereinabove, has caused this Declaration to be duly executed the date and year first aforesaid.

LeROY LARSEN

STATE OF NEBRASKA)
) :ss:
WASHINGTON COUNTY)

On this 24th day of April, 1990, came LeRoy Larsen to me personally known, and having been first duly sworn, states that he subscribed his signature to the above Declaration, and that his signature is his voluntary act and deed.

GENERAL NOTARY-State of Nebraska
SHARON L. MILLER
My Comm. Exp. Apr. 11, 1993

NOTARY PUBLIC

STATE OF NEBRASKA COUNTY OF WASHINGTON) SS 1454
ENTERED IN NUMERICAL INDEX AND FILED FOR RECORD
THIS 30 DAY OF May A.D. 19 90
AT 2:10 O'CLOCK P.M. AND RECORDED IN BOOK
185 PAGE 439-442
COUNTY CLERK Charlotte L. Petersen
DEPUTY Beverly Warren

Recorded ✓
General ✓
Numerical ✓
Photostat ✓

FILED
90 MAY 30 PM 2:10
CHARLOTTE L. PETERSEN
WASHINGTON COUNTY CLERK
BLAIR, NEBR