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GEORGE J. KUBIENIOWICZ
REGISTER OF DEEDS
DOUGLAS COUNTY, NEBR.

NOTICE AND DECLARATION OF ADDITIONAL COVENANT OF LE BEAU
REPLAT, A SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA

This notice and declaration, made on the date hereinafter set forth, is made by Construction Sciences, Inc. (CSI), hereinafter referred to as the "Declarant".

PRELIMINARY STATEMENT

The Declarant is the owner of certain real property located within Douglas County, Nebraska and described as follows:

Lots 1-12, lot 13 except the west 30.67 feet, lot 15, lot 16 except the south 36.33 feet, lot 17 except the south 35.67 feet, all in Le Beau Replat, I subdivision, as surveyed, platted and recorded in Douglas County, Nebraska.

WHEREAS, the Declarant will convey said lots subject to the additional covenant and possible charge set forth in Article I herein.

NOW, THEREFORE, the Declarant hereby declares that all lots described above shall be held, sold, and conveyed subject to this additional covenant and/or contingent charge. This additional covenant and contingent charge shall run with said real property, and shall be binding upon all parties having or acquiring any right, title or interest in the above-described lots, or any part thereof.

DEFINITIONS

A. "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of a fee simple title to any lot in Le Beau Replat/subdivision, including contract sellers, and excluding those having such an interest merely as security for the performance of an obligation.

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B. "Lot" shall mean and refer to any plot of land shown upon the recorded subdivision map or plat of Le Beau Replat,^I a subdivision as surveyed, platted and recorded in Douglas County, Nebraska.

C. "Declarant" shall mean and refer to Construction Sciences, Inc. (CSI), a Nebraska corporation, his successors and assigns.

ARTICLE I

NOTICE OF POTENTIAL TELEPHONE FACILITIES CHARGE

In the event that ninety (90%) percent of all lots within a particular phase of Le Beau Replat/^I subdivision are not improved within five years from the date that Northwestern Bell Telephone Company shall have completed the installation of its distribution system within said subdivision and filed notice of such completion, then every lot that is unimproved at the end of the five-year term shall be subject to a charge of Four Hundred Fifty and no/100 (\$450.00) Dollars by Northwestern Bell Telephone Company or its successors. A lot shall be considered as unimproved if construction of a permanent structure has not commenced on that lot. Construction shall be considered as having commenced if a footing inspection has been made on the lot in question by officials of the city or other appropriate governmental authority.

Each development in Le Beau Replat/^I subdivision shall be considered in determining whether ninety (90%) percent of the lots within that phase have been improved within the five-year term. In determining the date Northwestern Bell Telephone Company shall have completed the installation of its distribution system, each development phase shall also be considered separately.

Such charge shall be due and owing immediately upon the expiration of the five-year term, and if such charge is not paid within sixty (60) days after the sending of written notice by Northwestern Bell Telephone Company or its successors to the owner of an unimproved lot that such charge is due, then such charge will begin drawing interest commencing upon the

expiration of the sixty (60) day period at the rate of twelve (12%) percent per annum, or the maximum rate allowed by law if said maximum rate is less than twelve (12%) percent per annum at that time.

In witness whereof, the undersigned, being the Declarants herein, has hereunto set its hand and seal this 22 day of September, 1986.

DECLARANT:


CONSTRUCTION SCIENCES, INC. (CSI)

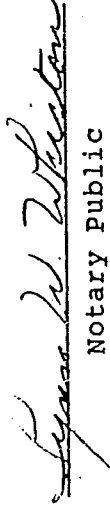
BY: 

Charles G. Smith, Trustee

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me, this 22 day of September, 1986 by Charles G. Smith, President of CSI, a Nebraska corporation.

 GENERAL NOTARY - State of Nebraska
LYNN W. WHISTON
My Comm. Exp. 11/1/87



Notary Public