

BOOK 758 PAGE 381

111885

SUPPLEMENTARY DECLARATION

PICKARD SCHOOL SQUARE TOWNHOMES

Lots Two (2) Through Five (5) inclusive, Pickard School Square, an Addition to the City of Omaha, as surveyed, platted and recorded in Douglas County, Nebraska.

THIS SUPPLEMENTARY DECLARATION, made November YV, 1985, by NOVOTNY BUILDERS, INC., a Nebraska business corporation with its registered office in Omaha, Douglas County, Nebraska, hereafter called "Declarant",

WITNESSETH:

WHEREAS, Declarant is the owner of Lot Five (5), Pickard School Square, an Addition to the City of Omaha, as surveyed, platted and recorded in Douglas County, Nebraska, and

WHEREAS, Declarant has heretofore agreed, pursuant to Declaration executed June 13, 1984, that Lots Two (2) through Four (4) inclusive, Pickard School Square, were subject to certain conditions and other terms set out in said Declaration, which Declaration was recorded at Book 712, Page 395, of the Miscellaneous Records of the Register of Deeds, Douglas County, Nebraska, and which Declaration provided for extension of the conditions and other terms set out therein to additional real property, and

WHEREAS, Declarant desires and does hereby declare that Lot Five (5), Pickard School Square, shall be subject to the conditions and other terms appropriate, convenient, or necessary to preserve and promote its private residential character in conformity to and coordination with the general scheme of

BOOK 758 PAGE 382

development and use expressed in the Declaration duly recorded at Book 712, Page 395, of the Miscellaneous Records of the Register of Deeds, Douglas County, Nebraska, and

NOW, THEREFORE, in consideration of the matters herein recited and the acceptance of this Supplementary Declaration by Pickard School Square Townhomes Association, Inc., a Nebraska non-profit corporation, hereafter called "Association", Declarant does hereby declare as follows:

- 1. PROPERTY SUBJECT TO DECLARATION: All real property involved this Supplemental Declaration, hereafter called "involved property", is and will be acquired, conveyed, devised, inherited, sold, or otherwise transferred and is and will be occupied and used subject to all and each of the conditions and other terms set out in this Supplementary Declaration; and Lots Two (2) through Five (5) inclusive, Pickard School Square, will be subjected to this Supplementary Declaration and, pursuant to Article II of the Declaration executed June 13, 1984 to said Declaration with the express additions and modifications set out in this Supplementary Declaration. Lot Five (5) of Pickard Squares will subjected be to this Supplementary Declaration. The Lots subject to this Supplementary Declaration are shown and described on Exhibit "A" attached hereto and by this reference incorporated herein.
- 2. MAINTENANCE: The involved property is and will be subject to all and each of the conditions and other terms of Article III of said Declaration.
- 3. <u>MEMBERSHIP</u>: The involved property and each Owner is and will be subject to all and each of the conditions and other terms of Article IV of said Declaration.

800K 758 PAGE 383

- 4. <u>VOTING RIGHTS</u>: Members (Owners) shall be entitled to one vote for each Lot owned pursuant to Article V of said Declaration.
- 5. <u>COVENANTS FOR MAINTENANCE ASSESSMENTS</u>: The involved property and each Owner is and will be subject to all and each of the conditions and other terms set forth in Article VI of the Declaration.
- 6. <u>COMMON SCHEME RESTRICTIONS</u>: The restrictions listed in Article VII of the Declaration are imposed as a common scheme upon all Lots for the benefit of each other Lot and may be enforced by any Owner of a Lot or the Association.
- 7. <u>INSURANCE</u>: Insurance shall be obtained and maintained in accordance with Article VIII of the Declaration.
- 8. <u>EASEMENTS</u>: The involved property is and will be perpetually, unless any easement thereof is terminated, subject to all and each of easements as more particularly described, and subject to all and each of the conditions and other terms of Article IX of said Declaration.
- 9. <u>PARTY WALLS</u>: The involved property is and will be subject to all and each of the conditions and other terms of Article X of said Declaration.
- 10. GENERAL PROVISIONS: The provisions set forth in Article XI of said Declaration are and will be applicable to the involved property.
- 11. EXTENSION, MODIFICATION, TERMINATION: The conditions and other terms of this Supplementary Declaration are and will be subject to the following provisions for extension, modification, or termination:

BOOK 758 PAGE 384

- a. Association will have the right by an express written Permit for the purpose of avoiding undue hardship to waive partly or wholly the application to any lot of any covenant; and Association will have the right in the manner set out in its Articles of Incorporation or its By-Laws, as from time to time amended, at any time or from time to time to extend, modify, or terminate all or any part or parts of this Supplementary Declaration.
- b. Any grantee, assign thereof, or successor thereto will have the right by an express written Termination to terminate any easement granted to such grantee.

IN WITNESS WHEREOF, Declarant has executed this Supplementary Declaration at Omaha, Douglas County, Nebraska.

NOVOTNY BUILDERS, INC.

By President

Attest:

Secretary

STATE OF NEBRASKA

55

COUNTY OF DOUGLAS

Before me, a Notary Public qualified for said county, personally appeared ANTON L. NOVOTNY, President of Novotny Builders, Inc., a Nebraska business corporation, known to be to be the President and identical person who executed the foregoing instrument, acknowledged the execution thereof to be his voluntary act and deed as such officer and the voluntary act and

800K 758 PAGE 385

deed of said corporation, and declared the execution and delivery thereof to be duly authorized and its corporate seal to be thereto affixed by its authority.

WITNESS my hand and Notarial Seal on November y

1985.



Loung Tota.

Notary Public

ACCEPTANCE

The undersigned, being thereunto duly empowered, hereby accepts and agrees to the foregoing Supplementary Declaration.

DATED at Omaha, Douglas County, Nebraska, on November 72,

PICKARD SCHOOL SQUARE TOWNHOMES ASSOCIATION

Bu /

President

Attest:

Secretary

STATE OF NEBRASKA

ss.

COUNTY OF DOUGLAS

Before me, a Notary Public qualified for said county, personally appeared ANTON L. NOVOTNY, President of Pickard School Square Townhomes Association, known to me to be the President and identical person who executed the foregoing instrument, acknowledged the execution thereof to be his voluntary act and deed as such officer and the voluntary act and deed of said corporation, and declared the execution and delivery thereof to be duly authorized and its corporate seal to be thereto affixed by its authority.

WITNESS my hand and Notarial Seal on November YV

COMMISSION COMMISSION

Notary Public

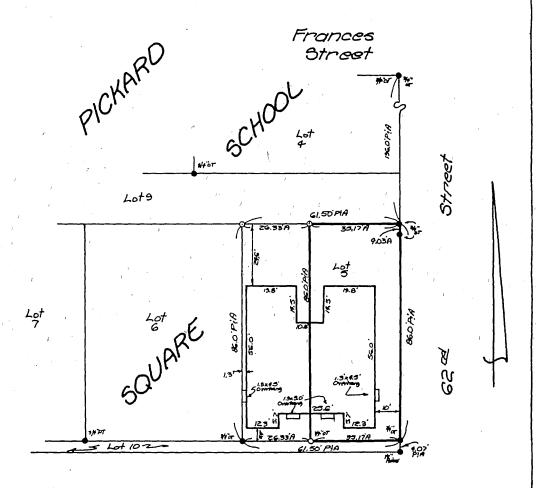
800K 758 PAGE 386

I hereby certify that this plat, map, survey or report was made by me or under my direct personal supervision and that I am a duly Registered Land Surveyor under the laws of the State of Nebraska.

Legal Description

The East 35.17 feet of Lot 5, PICKARD SCHOOL SQUARE, an addition in the City of Omaha, as surveyed, platted, and recorded in Douglas County, Nebraska.

Plat to scale showing tract surveyed with all pertinent points.



	BRAS A
	E GISTER TW
DATE RECEIVED: Date: 10 - 29 - 85	Reg. No. 4 LS-222
OFFICIAL ADDRESS:	12 Ex 18 8 8
	SURV.
BLDG. PERMIT NO.:	SEAL B. RAG
Book 85-12 Page 62	Job Number 85-1773



associates, inc. rynearson enginoore

402-397-3003 308 - 382 - 4077

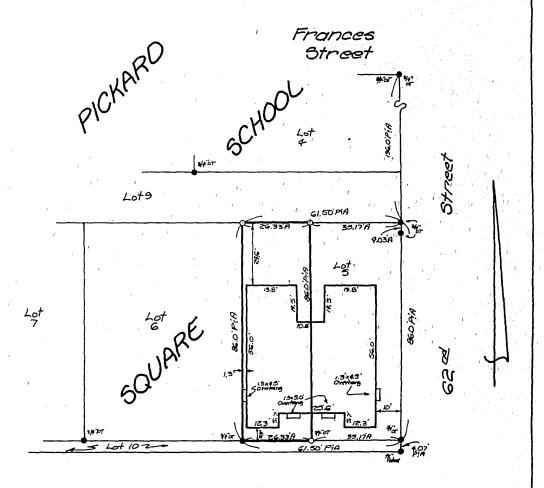
LAND SURVEYOR'S CERTIFICATE BOOK 758 PAGE 387

I hereby certify that this plat, map, survey or report was made by me or under my direct personal supervision and that I am a duly Registered Land Surveyor under the laws of the State of Nebsaska.

Legal Description

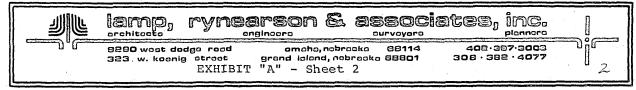
Lot 5, except the East 35.17 feet thereof, PICKARD SCHOOL SQUARE, an addition in the City of Omaha, as surveyed, platted, and recorded in Douglas County, Nebraska.

Plat to scale showing tract surveyed with all pertinent points.



Lorald Brage V

	÷ 2		Signature of Land Surveyor
			EBRAST TELEVISION OF THE PROPERTY OF THE PROPE
DATE RECEIVED:		Date: 10 - 29 - 85	Reg. No. 2220
OFFICIAL ADDRESS:			GERT SURVEY
BLDG. PERMIT NO.			SEAL MAD B. RAGERA
Book 85-12 Page	62		Job Number 85 773



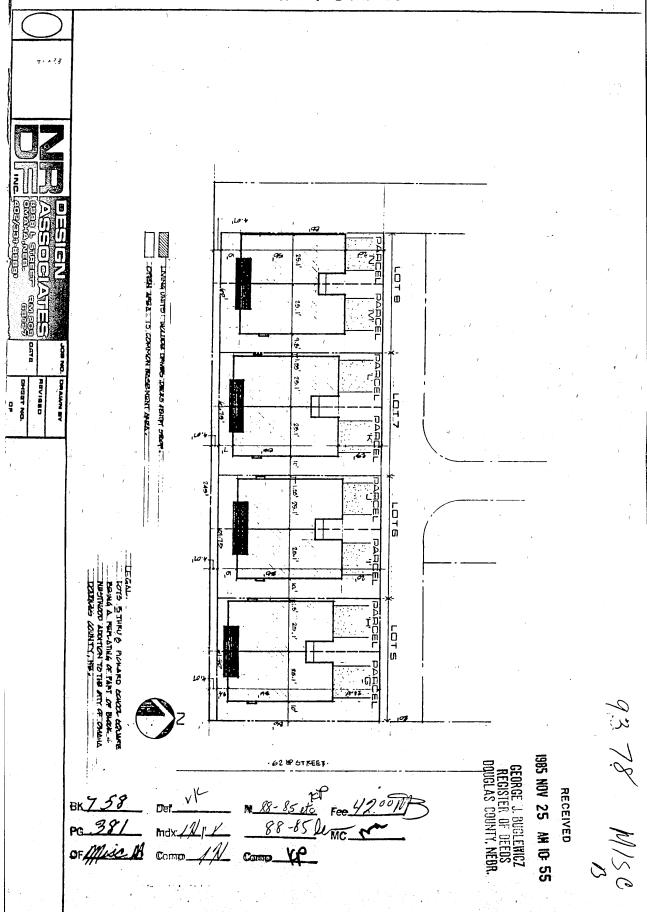


EXHIBIT "A" - Sheet 3
Lots 6,7,8 Future Development