

31-406

PROTECTIVE COVENANTS

KNOW ALL MEN BY THESE PRESENTS, THAT WHEREAS THE UNDERSIGNED ARE THE OWNERS OF LOTS 1 TO 11 INCLUSIVE AND LOTS 16 TO 40 INCLUSIVE, IN REPLAT OF HILLSIDE FOREST SUBDIVISION, AN ADDITION IN THE CITY OF BELLEVUE, SARPY COUNTY, NEBRASKA.

NOW THEREFORE, THE FOLLOWING RESTRICTIONS AND PROTECTIVE COVENANTS ARE HEREBY PLACED ON SAID LOTS, TO-WIT:

1. NO LOT SHALL BE USED EXCEPT FOR RESIDENTIAL PURPOSES. NO BUILDING SHALL BE ERECTED, ALTERED, PLACED, USED OR PERMITTED TO REMAIN ON ANY LOT OTHER THAN ONE DETACHED SINGLE-FAMILY DWELLING NOT TO EXCEED TWO STORIES IN HEIGHT AND A PRIVATE GARAGE FOR NOT MORE THAN THREE CARS.

2. IN ANY CASE, NO DWELLING SHALL BE PERMITTED ON ANY LOT DESCRIBED HEREIN, HAVING A GROUND FLOOR SQUARE FOOT AREA OF LESS THAN 1000 SQUARE FEET IN THE CASE OF A ONE-STORY STRUCTURE OR THE TOTAL USABLE FLOOR AREA EXCLUSIVE OF BASEMENT AREA SHALL BE NOT LESS THAN 1200 SQUARE FEET IN THE CASE OF A TWO-STORY STRUCTURE, EXCLUSIVE OF PORCHES AND GARAGES.

3. IN ANY EVENT, NO BUILDING SHALL BE LOCATED ON ANY LOT NEARER THAN 25 FEET TO THE FRONT LOT LINE. NO BUILDING SHALL BE LOCATED ON A LOT NEARER THAN 15 FEET TO ANY SIDE STREET LINE. NO BUILDING SHALL BE LOCATED NEARER THAN 5 FEET TO AN INTERIOR LOT LINE, EXCEPT THAT A 3 FOOT SIDE YARD SHALL BE PERMITTED FOR A GARAGE OR OTHER ACCESSORY BUILDING LOCATED 10 FEET BACK OF THE MAIN RESIDENTIAL BUILDING. FOR THE PURPOSE OF THIS COVENANT, EAVES, STEPS AND OPEN PORCHES SHALL NOT BE CONSIDERED AS A PART OF A BUILDING, PROVIDED HOWEVER, THAT THIS SHALL NOT BE CONSTRUED TO PERMIT ANY PORTION OF A BUILDING ON A LOT TO ENCRACH UPON ANOTHER LOT.

4. EASEMENTS FOR INSTALLATION AND MAINTENANCE OF UTILITIES AND DRAINAGE FACILITIES ARE RESERVED AS SHOWN ON THE RECORD PLAT AND OVER THE REAR 5 FEET OF EACH LOT.

5. NO NOXIOUS OR OFFENSIVE ACTIVITY SHALL BE CARRIED ON UPON ANY LOT, NOR SHALL ANYTHING BE DONE THEREON WHICH MAY BE, OR MAY BECOME, AN ANNOYANCE OR NUISANCE TO THE NEIGHBORHOOD.

6. NO STRUCTURE OF A TEMPORARY CHARACTER, TRAILER, BASEMENT, TENT, SHACK, GARAGE, BARN OR ANY OTHER OUT-BUILDING SHALL BE ERECTED UPON, OR USED, ON ANY LOT AT ANY TIME AS A RESIDENCE, EITHER TEMPORARILY OR PERMANENTLY.

7. NO ANIMALS, LIVESTOCK OR POULTRY OF ANY KIND SHALL

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AND RECORDED IN BOOK 31 OF PAGE 406 in the REGISTER OF DEEDS

BE RAISED, BREED, OR KEPT ON ANY LOT, EXCEPT THAT DOGS, CATS OR OTHER HOUSEHOLD PETS MAY BE KEPT, PROVIDED THAT THEY ARE NOT KEPT, BREED OR MAINTAINED FOR ANY COMMERCIAL PURPOSE.

8. DWELLINGS CONSTRUCTED IN ANOTHER ADDITION OR LOCATION SHALL NOT BE MOVED TO ANY LOT WITHIN THIS ADDITION.

9. PUBLIC CONCRETE SIDEWALKS, FOUR FEET WIDE BY FOUR INCHES THICK SHALL BE INSTALLED IN FRONT OF EACH IMPROVED LOT OR ON SIDE STREET OF IMPROVED CORNER LOTS.

10. THE FOLLOWING PROHIBITIONS SHALL BE OBSERVED ON ALL LOTS:

- (A) NO FUEL TANKS ON THE OUTSIDE OF THE HOUSE SHALL BE EXPOSED TO VIEW BUT SHALL BE BURIED.
- (B) NO GARAGE OR OTHER OUTBUILDING SHALL BE ERRECTED ON ANY LOT FOR DWELLING PURPOSES BEFORE THE RESIDENCE THERPON IS CONSTRUCTED.
- (C) NO DRIVE SHALL BE CONSTRUCTED, EXCEPT OF CEMENT, BRICK, STONE OR ASPHALT.

GENERAL PROVISIONS:

1. THESE COVENANTS ARE TO RUN WITH THE LAND AND SHALL BE BINDING ON ALL PARTIES AND ALL PERSONS CLAIMING UNDER THEM FOR A PERIOD OF TWENTY-FIVE YEARS FROM THE DATE THESE COVENANTS ARE RECORDED, AFTER WHICH TIME SAID COVENANTS SHALL BE AUTOMATICALLY EXTENDED FOR SUCCESSIVE PERIODS OF TEN YEARS, UNLESS AN INSTRUMENT SIGNED BY A MAJORITY OF THE THEN OWNERS OF THE LOTS HAS BEEN RECORDED, AGREEING TO CHANGE SAID COVENANTS IN WHOLE OR IN PART EXCEPT IN THE MANNER SPECIFICALLY PROVIDED UNDER PARAGRAPH No. 3 ON PAGE ONE HEREOF.

2. ENFORCEMENT SHALL BE BY PROCEEDING AT LAW, OR IN EQUITY AGAINST ANY PERSON, OR PERSONS, VIOLATING OR ATTEMPTING TO VIOLATE ANY COVENANT, EITHER TO RESTRAIN VIOLATION OR TO RECOVER DAMAGES.

3. INVALIDATION OF ANY OF THESE COVENANTS BY JUDGMENT OR COURT ORDER SHALL IN NO WISE AFFECT ANY OF THE OTHER PROVISIONS, WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

THESE COVENANTS SHALL APPLY TO LOTS 1 TO 15 INCLUSIVE AND LOTS 16 TO 40 INCLUSIVE, ALL IN REPLAT OF HILLSIDE FOREST SUBDIVISION, AN ADDITION IN THE CITY OF BELLEVUE, SARPY COUNTY, NEBRASKA.

Bernard J. Kouba
BERNARD J. KOUBA

Winifred R. Kouba
WINIFRED R. KOUBA

Kenneth C. Koehler
KENNETH C. KOEHLER

Beula U. Koehler
BEULA U. KOEHLER

David Gueldner
DAVID GUELDNER

Ruth E. Gueldner
RUTH E. GUELDNER

Lionel Alderman
LIONEL ALDERMAN

Louise R. Alderman
LOUISE R. ALDERMAN

Henry C. Cutler
HENRY C. CUTLER

Helen C. Cutler
HELEN C. CUTLER

John F. Kubing
JOHN F. KUBING

Jadine Kubing
JADINE KUBING

Samuel H. Henton
SAMUEL HENTON

Patricia G. Henton
PATRICIA G. HENTON

STATE OF NEBRASKA) ss.
COUNTY OF SARPY)

ON THIS 25th DAY OF MARCH, 1963, BEFORE ME, THE
UNDERSIGNED, A NOTARY PUBLIC DULY COMMISSIONED AND QUALI-
FIED PERSONALLY CAME BERNARD J. KOUBA, WINIFRED R. KOUBA,
KENNETH C. KOEHLER, BEULA U. KOEHLER, DAVID GUELDNER,

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RUTH E. GUEBNER, LIONEL ALDERMAN, LOUISE B. ALDERMAN,
HENRY O. CUTLER, HELEN C. CUTLER, JOHN F. NUDING, JADINE
NUDING, SAMUEL H. HENTON AND PATRICIA G. HENTON, TO BE
PERSONALLY KNOWN TO BE THE IDENTICAL PERSONS WHOSE NAMES
ARE AFFIXED TO THE ABOVE PROTECTIVE COVENANTS, AND
ACKNOWLEDGED THE SAID INSTRUMENT TO BE THEIR VOLUNTARY
ACT AND DEED.

WITNESS MY HAND AND SEAL THE DAY AND YEAR LAST ABOVE
WRITTEN.

John E. Rice

NOTARY PUBLIC

MY COMMISSION EXPIRES *June 6, 1969*

