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COMPARED

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CASS COUNTY, NE.

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PATRICIA WEISINGER
REGISTER OF DEEDS
5184 5/1/03

DECLARATION OF COVENANTS FOR ADJACENT AGRICULTURAL USE

THIS DECLARATION, made by Richard Rockenbach and Susan Rockenbach, husband and wife, ("Rockenbach"), and Raymond K. Althouse and Judy A. Althouse, husband and wife, and Annabelle E. Althouse, a single person ("Althouse"):

WHEREAS, Rockenbach owns the following described real property:

The South Half of the Southeast Quarter of Section 18, Township 10 North, Range 9 East of the 6th P.M., Cass County, Nebraska;

and Althouse owns the following described property:

The North Half of the Southeast Quarter of Section 18, Township 10 North, Range 9 East of the 6th P.M., Cass County, Nebraska; AND The Northwest Quarter of Section 20, Township 10 North, Range 9 East of the 6th P.M., Cass County, Nebraska;

Rockenbach and Althouse hereby declare that all of the property described above shall be held, sold, and conveyed subject to the following restrictions and covenants, all of which are for the purpose of enhancing and protecting the value, desirability and attractiveness of said property and that of adjacent owners.

1. DEFINITIONS:

1.1 "Owner" shall mean and refer to the record owner whether one or more persons or entities, of a fee simple title to any Lot which is a part of the Properties, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.

1.2 "Properties" shall mean and refer to the above-described property, including all undeveloped land, and any lots in a subdivision as surveyed, platted and recorded in Cass County, Nebraska.

2. CONDITIONS ALLOWING ADJACENT AGRICULTURAL USES:

Properties used for residential or other non-agricultural purposes shall be subject to the following restrictions which shall be binding on all owners and their successors in interest.

2.1 Rockenbach and Althouse acknowledge that the properties are located in a rural agricultural environment, and that agricultural uses and operations naturally generate dust, smells, and noise. It is the intent of the Owners that the properties be utilized in peaceful co-existence with adjoining uses. Rockenbach and Althouse impose upon the above-described property a prohibition against interference with the adjoining agricultural uses including, but not limited to, nuisance litigation and complaints with regulatory agencies.

2.2 The legal or equitable owner of this real property shall be legally limited to objections to uses of

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adjacent properties that are in violation of applicable local, state, and federal statutes and regulations; such owners shall indemnify and hold adjoining landowners harmless from attorney's fees, expert witness fees, and court costs incurred in defending the uses of their agricultural properties unless a violation of applicable local, state, or federal statutes or regulations is proven by the objecting party.

3. GENERAL TERMS:

3.1 The restrictions and covenants of this Declaration shall run with and bind the land for a term ending on the date when all of the following persons are deceased: Annabelle E. Althouse, Raymond K. Althouse, Judy A. Althouse, Janae Althouse, Richard Althouse, Richard Rockenbach, Sue Rockenbach, Amy Rockenbach, and Jennifer Krueger.

3.2 These covenants, restrictions, and conditions, 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 property, or any part thereof, and they shall inure to the benefit of each Owner thereof during such term.

3.3 This Declaration may not be amended except by a writing executed by all of the persons of the age of majority listed in the preceding Paragraph 3.1 who are living on the date of such amendment.

DECLARANT:

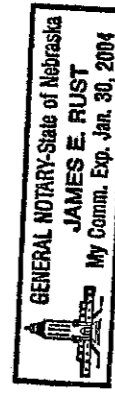
Richard Rockenbach
Richard Rockenbach
Sue Rockenbach
Sue Rockenbach

Annabelle E. Althouse
Annabelle E. Althouse
Raymond K. Althouse
Raymond K. Althouse

Judy A. Althouse
Judy A. Althouse

STATE OF NEBRASKA)
)ss.
COUNTY OF CASS)

The foregoing instrument was acknowledged before me on June 3, 2003, by Annabelle E. Althouse, a single person, and Raymond K. Althouse and Judy A. Althouse, husband and wife.



James E. Rust
Notary Public
My commission expires Jan. 30, 2004

STATE OF NEBRASKA)
)ss.
COUNTY OF CASS)

The foregoing instrument was acknowledged before me on June 3, 2003, by Richard Rockenbach and Sue Rockenbach, husband and wife.



James E. Rust
Notary Public