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REGISTER OF DEEDS

2007 SEP 12 P 3: 27

LACONSTER COUNTY, NE

MST NO 2002

BLOCK



DECLARATION OF TABITHA NEW COMMUNITY 4TH ADDITION FENCE MAINTENANCE COVENANTS

This Declaration of Tabitha New Community 4th Addition Fence Maintenance Covenants ("Declaration") is made and entered into as of this 12 day of September, 2002, by Southview, Inc., a Nebraska corporation.

WHEREAS, Southview, Inc., a Nebraska corporation (hereinafter referred to as the "Owner") is the owner of Lots 1-4, Block 1; Lots 1-10, Block 2; and Outlot "A"; all located in Tabitha New Community 4th Addition, Lincoln, Lancaster County, Nebraska (hereinafter referred to collectively as the "Property" and individually as a "Lot"); and

WHEREAS, opaque fences are prohibited on the Property except adjacent to North 27th Street and at the south end of North 26th Place; and

WHEREAS, the Owner desires to execute this Declaration to establish maintenance responsibility for the fences permitted to be constructed on the Property.

NOW THEREFORE, in consideration of the above, the Owner does hereby establish the following covenants, conditions and restrictions for the Property:

- Addition Preliminary Plat #01016 requires the construction of a 6 foot high opaque wood fence within the rear yards of Lots 1-4, Block 1, Lots 1-9, Block 2, and Outlot "A", all located in Tabitha New Community 4th Addition, abutting North 27th Street to provide screening from North 27th Street ("North 27th Street Fence"). The owner of each Lot upon which any portion of the North 27th Street Fence is located, shall be responsible for maintaining, repairing and replacing that portion of the North 27th Street Fence located upon such owner's Lot. The North 27th Street Fence shall be maintained and kept in good repair and condition.
- 2. <u>Maintenance of the North 26th Place Fence</u>. The Tabitha New Community 3rd Addition Preliminary Plat #01016 requires the construction of a 6 foot high opaque wood fence 30 feet in length along the south boundary of North 26th Place located on Lots 9 and 10, Block 2, Tabitha New Community 4th Addition ("North 26th Place Fence"). The owners of Lots 9 and 10, Block 2, Tabitha New Community 4th Addition, shall be responsible for the maintenance, repair and replacement of that portion of the North 26th Place fence that is located on each of their

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respective Lots. The North 26th Place Fence shall be maintained and kept in good repair and condition.

3. <u>Enforcement</u>. This Declaration shall run with the land and shall be binding upon and enforceable by the Owner, its successors and assigns, as well as the owner of any Lot within the Property. The Owner or any owner of a Lot within the Property shall have the right to enforce, by a proceeding at law or in equity, the covenants contained herein. Failure by the Owner or any owner of a Lot within the Property to enforce any covenant contained herein, shall in no event be deemed a waiver of the right to do so thereafter.

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STATE OF NEBRASKA)) ss.		
COUNTY OF LANCASTER)		
The foregoing was acknown John F. Schleich, Vice President corporation. GENERAL NOTARY - State of Notary A. KALKOW DANAY A. KALKOW	of Southvi	ore me this <u>12</u> day of <u>Soplember</u> , 2002, ew, Inc., a Nebraska corporation, on behalf of t May A. Kalkowski	by he

Notary Publić