

*Dan Galte*

REGISTER OF DEEDS

2002 SEP 12 P 3:21

LANCASTER COUNTY, NE

\$17.50

INST NO 2002

061175

BLOCK

CODE

CHECKED

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EDITED

700 600

**DECLARATION OF  
TABITHA NEW COMMUNITY 4<sup>TH</sup> ADDITION  
FENCE MAINTENANCE COVENANTS**

This Declaration of Tabitha New Community 4<sup>th</sup> Addition Fence Maintenance Covenants ("Declaration") is made and entered into as of this 12<sup>th</sup> 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 4<sup>th</sup> 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 27<sup>th</sup> Street and at the south end of North 26<sup>th</sup> 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:

1. Maintenance of the North 27<sup>th</sup> Street Fence. Tabitha New Community 3<sup>rd</sup> 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 4<sup>th</sup> Addition, abutting North 27<sup>th</sup> Street to provide screening from North 27<sup>th</sup> Street ("North 27<sup>th</sup> Street Fence"). The owner of each Lot upon which any portion of the North 27<sup>th</sup> Street Fence is located, shall be responsible for maintaining, repairing and replacing that portion of the North 27<sup>th</sup> Street Fence located upon such owner's Lot. The North 27<sup>th</sup> Street Fence shall be maintained and kept in good repair and condition.

2. Maintenance of the North 26<sup>th</sup> Place Fence. The Tabitha New Community 3<sup>rd</sup> 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 26<sup>th</sup> Place located on Lots 9 and 10, Block 2, Tabitha New Community 4<sup>th</sup> Addition ("North 26<sup>th</sup> Place Fence"). The owners of Lots 9 and 10, Block 2, Tabitha New Community 4<sup>th</sup> Addition, shall be responsible for the maintenance, repair and replacement of that portion of the North 26<sup>th</sup> Place fence that is located on each of their

*Seacrest + Kalkonstly  
1111 UNCOLOM MALL  
STE 350  
UNCOLM NE 68502*

