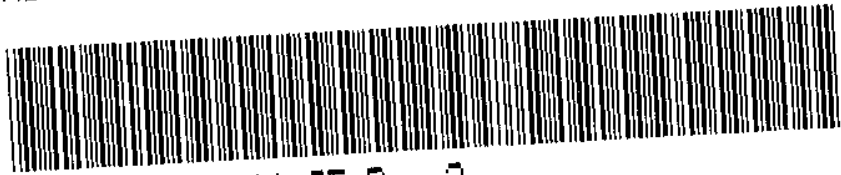





MISC 2004081139



JUN 21 2004 11:25 P 2

Received - RICHARD TAKECHI
Register of Deeds, Douglas County, NE
6/21/2004 11:25:22.26

2004081139

RETURN TO:

Pacesetter Homes, Inc.
7002 South 131st Avenue
Omaha, NE 68138

DECLARATION OF PERPETUAL SIDEWALK EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT **Pacesetter Homes, Inc.**, a Nebraska corporation (hereinafter referred to as "Pacesetter"), for good and valuable consideration, and in accordance with that certain Subdivision Agreement dated June 29, 2000, as amended, by and among Pacesetter, Sanitary and Improvement District #414 of Douglas County, Nebraska, Walnut Lake Homeowners' Association, and the City of Omaha, does hereby grant and convey unto all owners of Lots 1-57, inclusive, and Outlots A, B, and C in Walnut Lake Replat 1, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska (hereinafter referred to as the "Owners"), their successors and assigns, and also to the guests and invitees of the Owners, a perpetual easement (hereinafter the "Sidewalk Easement") for pedestrian and other customary passageway uses on and over a sidewalk (hereinafter the "Sidewalk") constructed, or to be constructed, on:

- 1) a strip of land six (6) feet wide running the length of the front of **Lots 1-2, inclusive, 4-12, inclusive, 26, 28-33, inclusive, 38-44, inclusive, and Outlot A,** and
- 2) on a strip of land six (6) feet wide running the length of the north side of **Lot 6,**
- 3) on a strip of land six (6) feet wide running the length of the east side of **Lot 47,**
- 4) on a strip of land six (6) feet wide running the length of the west side of **Lot 33,**
- 5) on a strip of land six (6) feet wide running the length of the east side of **Lot 34,** and
- 6) on a strip of land thirty (30) feet wide running the length of the rear (west side) of **Lots 56 and 57**

all in **Walnut Lake Replat 1, a subdivision, as surveyed, platted and recorded in**

misc
 2 FEE 40.00 FB MI-40592
 60 BKP _____ C/O _____ COMP PU
 DEL _____ SCAN _____ FV _____

Douglas County, Nebraska (such parcels are hereinafter referred to collectively as the "Easement Area").

Pacesetter hereby reserves unto itself, a construction easement right over the Easement Area for the purpose of constructing the Sidewalk, including all necessary and related appurtenances, within the said Easement Area. Pacesetter and its contractors, engineers, agents, and employees shall have full right and authority to enter upon said Easement Area in order to perform any of the acts and functions described within the scope and purposes of such construction easement.

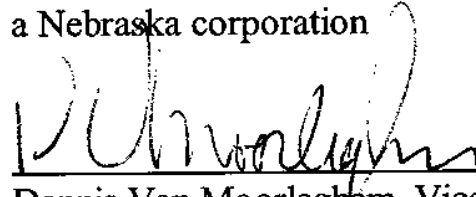
Following the initial construction of the Sidewalk in the Easement Area, each Owner of a lot in the Easement Area shall maintain, repair, and replace, if necessary, the portion of the Sidewalk located on such Owner's lot and shall keep the Sidewalk in good condition at all times.

The Sidewalk Easement shall run with the land and this instrument shall be binding on the successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the Grantor herein, for itself, its successors and assigns, has caused the due execution hereof as of the 21 day of June, 2004.

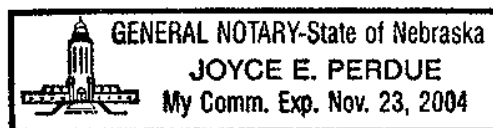
PACESETTER HOMES, INC.,
a Nebraska corporation

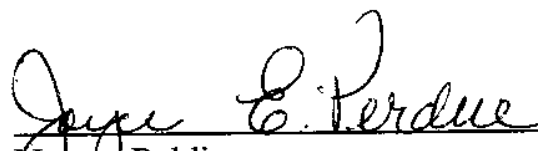
By:


Dennis Van Moorlehem, Vice President

STATE OF NEBRASKA)
) ss:
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 21 day of June, 2004, by Dennis Van Moorlehem, Vice President of Pacesetter Homes, Inc., a Nebraska corporation, on behalf of said corporation.




Notary Public

00240568.WPD