

RESTRICTIVE COVENANTS

The undersigned hereby declares that the following covenants are to run with the land and shall be binding on all present and future owners of all or any part of the following described real estate until January 1, 1990:

Lots Three (3) through One Hundred Six (106), both inclusive, (excluding Lot A) in West Plains, a subdivision in Sarpy County, Nebraska.

If the present or future owners of any of said lots, or their grantees, heirs, or assigns, shall violate or attempt to violate any of these covenants, it shall be lawful for any other person or persons owning any part of said real estate to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenant and either to prevent him or them from so doing or to recover damages or other dues for such violation.

Invalidation of any of these covenants by judgment or court order shall in no way affect any of the other provisions, which shall remain in full force and effect.

A. Said lots shall be used only for single-family or duplex purposes and for accessory structures incidental to residential use, or for church or school purposes.

B. No residential structure shall be erected or placed on any building plot which has an area of less than five thousand (5,000) square feet. No building shall be located on any lot nearer than thirty-five feet to the front lot line, nor shall any building, except a detached garage, be located nearer than five feet to any side line of any building plot; except that on a corner lot, the structure shall not be located nearer than fifteen feet to the side street line.

C. No noxious or offensive trade or activity shall be carried on upon any plot nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

D. No trailer, basement, tent, shack, garage, barn or other outbuilding erected on said real estate shall at any time be used as a residence temporarily or permanently, nor shall any structure of a temporary character be used as a residence.

E. The ground floor enclosed area of single-family residential structures, exclusive of open porches and garages, shall be not less than 800 square feet for a one-story structure nor less than 700 square feet for a one-and-one-half story or taller structure.

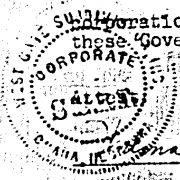
F. A perpetual license is hereby reserved in favor of and granted to telephone and light and power utility companies now operating in said Addition and to their successors and assigns, to erect and operate, maintain, repair and renew poles with the necessary supports, sustaining wires, cross-arms, guys and anchors and other instrumentalities and to extend thereon wires for the carrying and transmission of electric current for light, heat and power and for all telephone and telegraph and message service over and upon a five (5) foot strip of land adjoining the rear boundary lines of said lots in said Addition; said license being granted

Entered in National Index and Recorded in the Register of Deeds office in Sarpy County, Nebraska

1977, 12/23/77, M. Esther Ruff, County Clerk, 7/1

for the use and benefit of all present and future owners of lots in said Addition.

IN WITNESS WHEREOF, Westgate Subdivision, Inc., a Nebraska corporation, being the owner of all said real estate, has executed these Covenants this 12<sup>th</sup> day of March, 1959.



WESTGATE SUBDIVISION, INC.

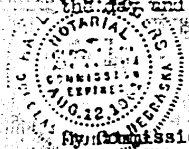
Franklin P. Rogers  
Secretary

BY: Franklin P. Rogers  
President

STATE OF NEBRASKA )  
                          ) ss.  
COUNTY OF DOUGLAS )

On the day and year last above written before me, the undersigned, a Notary Public in and for said County, personally came FRANKLIN P. ROGERS, President of Westgate Subdivision, Inc., to me personally known to be the President and the identical person whose name is affixed to the above Restrictive Covenants, and acknowledged the execution thereof to be his voluntary act and deed as such officer and the voluntary act and deed of said corporation and that the Corporate Seal of the said corporation was thereto affixed by its authority.

WITNESS my hand and Notarial Seal at Omaha in said County the 12<sup>th</sup> day and year last above written.



Harley L. Rogers  
Notary Public

My Commission Expires:  
Aug 12, 1961

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STATE OF MICHIGAN  
 SABLE COUNTY  
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 and 1900  
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 By: *[Signature]*

1/15 1911