

BOOK 569 PAGE 37

83  
95

PROTECTIVE COVENANTS

VALLEY FARMS 1ST ADDITION - LOTS 1 THRU 83

KNOW ALL MEN BY THESE PRESENTS, that the Undersigned, owners of Lots 1 thru 83, Valley Farms 1st Addition; being a subdivision platting of part of the West 1/2 of Section 25, Township 16 North, Range 9 East of the 6th P.M., Douglas County, Nebraska, as surveyed, platted and recorded ("Property"), have created, declared, adopted and established the following restrictions upon the Property for the use and benefit of themselves, their heirs, successors and assigns, for the purpose of controlling, governing and regulating the ownership, encumbrance, use and occupancy of said Property; said restrictions to be enforceable by any individual or entity at any time holding record title to any part of the Property:

1. MEMBERSHIP IN PRAIRIE POINT ESTATES HOME ASSOCIATION. Every record holder of title to the above described lots in Valley Farms 1st Addition is automatically a member of the Prairie Point Estates Home Association, a non profit corporation; and is subject to the Association's Articles, By-Laws, fees and monthly assessment on each improved lot, in order to provide for street and common area maintenance and water and sewage service.

2. USE RESTRICTIONS. No lot shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than one detached single-family dwelling not to exceed two stories in height and a private garage for not more than three cars. No business, business activity, occupation or unlawful activity shall be permitted to be carried on upon said lot or lots. "Lot", as used herein, shall mean a lot as now platted or a parcel of the Property comprised of parts or all of two or more lots as so platted; provided that the parcel so used shall comply with all applicable building codes of the city of Valley, Nebraska.

3. LIVING AREA. In any case, no dwelling shall be permitted on any lot described herein, having a ground floor square foot area of less than 1,000 square feet in the case of a one story structure, nor less than 800 square feet on the ground floor in the case of a one and one-half or two-story structure, exclusive of porches and garages.

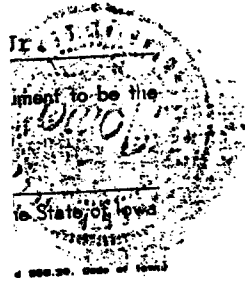
4. SET-BACK. In all cases, each and every building shall comply with the applicable building code and regulations of the City of Valley, Nebraska, in regard to the minimum set-backs required.

ACT OF THE USE  
BY YOUR LAWYER

Notary Public

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I) on behalf of



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25-15-12

6. TEMPORARY STRUCTURES, OUTBUILDINGS. No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other outbuilding shall be erected upon, or used, on any lot at any time as a residence, either temporarily or permanently. House Trailers will not be permitted in or on any lot.

7. NUISANCE. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be, or may become, an annoyance or nuisance to the neighborhood.

8. UTILITY EASEMENTS. A perpetual license and easement is hereby reserved in favor of and granted to each of Omaha Public Power District and Northwestern Bell Telephone Company, and their respective successors and assigns, to place, install, erect, operate, maintain, repair, replace and renew underground cables, any lines and conduits, and poles and accessory equipment for the carrying and transmission of electric current, telephone, telegraph or other messages; on, over, through, under and across a 5' wide strip of land adjoining all side boundary lot lines and a 8' wide strip of land adjoining the rear boundary of interior lots and a 16' strip of land adjoining rear lines of all exterior lots. The term exterior lot is herein defined as those lots forming the outer perimeter of above. Said 16' easement is reduced to an 8' strip when the adjoining land is platted and recorded if said 16' strip is not occupied and if requested by owner.

No permanent building, trees, retaining wall, or loose rock walls in said easement ways will be permitted but it is satisfactory in these easement ways to have gardens, shrubs, landscaping, and other plantings that do not then or later interfere with said lands or rights herein granted.

9. LIVESTOCK, COMMERCIAL PET ACTIVITY. No animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other household pets may be kept, provided they are not kept, bred or maintained for any commercial purpose. Dogs must be kept leashed or in runs.

10. STREETS. No automobile shall be driven in excess of 25 miles per hour within the Property and usual driving and safety rules shall be observed. Boat trailers or camping trailers must be stored in buildings or removed from the Property.

11. BINDING EFFECT, TERM. These covenants are to run with the land and shall be binding on all parties and all persons claiming under them for a period of twenty five years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of ten years; provided that said covenants may be changed in whole or in part at such renewal by an instrument thereafter recorded which is signed by 75% of the then record owners of the lots.



BOOK 569 PAGE 40

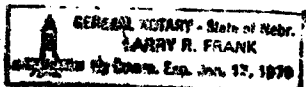
STATE OF NEBRASKA )  
COUNTY OF DOUGLAS )

ss:

On this 8<sup>th</sup> day of July, 1976, before me, a Notary Public duly commissioned and qualified in said County, personally came BASIL K. DAVIS and PATRICIA E. DAVIS, husband and wife, to me known to be the identical persons whose names are affixed to the foregoing instrument and acknowledged the same to be their voluntary act and deed.

Witness my hand and notarial seal the day and year last above written.

Larry R. Frank



ACCEPTANCE OF COVENANTS

The undersigned, Mortgagees upon the Property, do hereby accept, approve and ratify the foregoing Protective Covenants.



FIRST NATIONAL BANK OF TEKAMAH, NEBRASKA

By: [Signature]  
Title: Adv.



BANK OF VALLEY, NEBRASKA

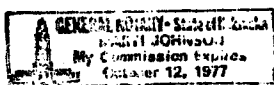
By: Peter J. Heintzelman  
Title: President

STATE OF NEBRASKA )  
COUNTY OF DOUGLAS )

ss:

On this 8<sup>th</sup> day of July, 1976, before me, a Notary Public duly commissioned and qualified in said County, personally came PETER L. HEINTZELMAN, PRESIDENT of the BANK OF VALLEY, to me personally known to be the SAME and identical person who signed the foregoing instrument, and acknowledged the execution thereof to be his voluntary act and deed as such officer and the voluntary act and deed of such entity.

Witness my hand and notarial seal the day and year last above written.



Mark Johnson  
Notary Public

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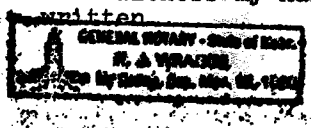


[Handwritten signature]

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came Wayne M. Thorne  
FIRST NATIONAL BANK OF TEKAMAH, NEBRASKA, to me personally known  
to be the President and identical person who signed  
the foregoing instrument, and acknowledged the execution thereof  
to be his voluntary act and deed as such officer and the voluntary  
act and deed of such entity.

Witness my hand and notarial seal the day and year last above



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Notary Public

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Book 569  
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AMENDMENT TO PROTECTIVE COVENANTS

VALLEY FARMS 1ST ADDITION - LOTS 1 THRU 83

KNOW ALL MEN BY THESE PRESENTS, that the Undersigned, owners of one hundred per cent of Lots 1 thru 83, Valley Farms 1st Addition; being a subdivision platting of part of the West 1/2 of Section 25, Township 16 N, Range 9 E of the the 6th P.M., Douglas County, Nebraska, hereby amend those protective covenants recorded in Misc. Book 569 Pages 37 thru 41, Douglas County Register of Deeds, in the following respects, to wit:

#1 of the original protective covenants is hereby amended to read:

1. MEMBERSHIP IN VALLEY COUNTRY CLUB ESTATES HOMEOWNERS ASSOCIATION. Every record holder of title to the above described lots in Valley Farms 1st Addition is automatically a member of the Valley Country Club Estates Homeowners Association, a non profit corporation; and is subject to the Association's Articles, By-Laws, fees and monthly assessment on each improved lot, in order to provide for street and common area maintenance and water and sewage service.

#2 of the original protective covenants is hereby amended to read:

2. USE RESTRICTIONS. No lot shall be used except for residential purposes. No business, business activity, occupation or unlawful activity shall be permitted to be carried on upon said lot or lots. Lot, as used herein, shall mean a lot as now platted or a parcel of the property comprised of parts or all of two or more lots as so platted; provided that the parcel so used shall comply with all applicable building codes of the city of Valley, Nebraska. Multi-family dwellings as apartments or condominiums shall be authorized to be built on said property.

#5 of the original protective covenants is hereby amended to read:

5. IMPROVEMENTS. No improvements (dwelling house in the case of a single family dwelling) shall be permitted on any lot described herein, having a value of less than \$ 42,500.00 . If a garage is not built in conjunction with the single family dwelling, space must be provided on the lot or lots to construct such a building at a later date. Any garage or out building must be built of materials compatible with the dwelling and shall be structurally harmonious with the building.

#11 of the original protective covenants is hereby amended to read:

11. TERM, AMENDMENTS. These covenants and restrictions shall run with and bind the land for a term of 20 years from the date the original covenants were recorded, after which time they shall be automatically extended for successive periods of 10 years. The original protective covenants and any amendments thereto may be amended at any time by an instrument signed by not less than 75% of the lot owners. Any amendment must be recorded.

IN WITNESS WHEREOF, the undersigned, being owners of one hundred per cent of said above described lots, have hereunto set their hand and seal this 20th day of November, 1984.

BOOK 724 PAGE 110

VALLEY COUNTRY CLUB ESTATES, LTD.  
a Nebraska Limited Partnership

By:

*[Signature]*

General Managing Partner

*[Signature]*

*[Signature]*

*[Signature]*

*[Signature]*

*[Signature]*

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*[Signature]*  
by *[Signature]*

BOOK 724 PAGE 111

ACCEPTANCE OF AMENDMENTS TO COVENANTS

The undersigned, Mortgagees upon the Property do hereby accept, approve and ratify the foregoing Amendment to Protective Covenants.

BANK OF VALLEY, NEBRASKA

By: J. P. Cannon PRESIDENT  
Title:

THE FIRST NATIONAL BANK  
TEKAMAH, NEBRASKA

By: David H. Lubman PRESIDENT  
Title:

EQUITABLE FEDERAL SAVINGS AND LOAN ASSN  
OF FREMONT, NEBRASKA

By: G. E. Spurr Mrs.  
Title:

MIDWEST FEDERAL SAVINGS AND LOAN ASSN  
OF NEBRASKA CITY, NEBRASKA

By: Janet Reed  
Title: Vice President

NEBRASKA SAVINGS AND LOAN ASSOC., FA

By: Ron A. Metschke  
Ron A. Metschke -Asst. Man. (Sikhora)



STATE OF NEBRASKA  
COUNTY OF DOUGLAS

BOOK 724 PAGE 112

ss:

On this 16 day of Feb., 1984, before me a Notary Public duly  
commissioned and qualified in and for said County, personally came  
Roger P. & Janet M. Wright, husband and wife, to me known  
to be the identical persons whose names are affixed to the foregoing instrument  
and acknowledged the same to be their voluntary act and deed.

WITNESS my hand and notarial seal the day and year above last written.



Diane Lewis  
Notary Public

STATE OF NEBRASKA  
COUNTY OF DOUGLAS

ss:

On this 16 day of Feb., 1984, before me a Notary Public duly  
commissioned and qualified in and for said County, personally came  
Guy & Melanie Cornwell, husband and wife, to me known  
to be the identical persons whose names are affixed to the foregoing instrument  
and acknowledged the same to be their voluntary act and deed.

WITNESS my hand and notarial seal the day and year above last written.



Diane Lewis  
Notary Public

STATE OF NEBRASKA  
COUNTY OF DOUGLAS

ss:

On this 16 day of Feb., 1984, before me a Notary Public duly  
commissioned and qualified in and for said County, personally came  
Larry J. & Kathleen A. Jensen, husband and wife, to me known  
to be the identical persons whose names are affixed to the foregoing instrument  
and acknowledged the same to be their voluntary act and deed.

WITNESS my hand and notarial seal the day and year above last written.



Diane Lewis  
Notary Public

STATE OF NEBRASKA  
COUNTY OF DOUGLAS

ss:

On this 16 day of Feb., 1984, before me a Notary Public duly  
commissioned and qualified in and for said County, personally came  
Hank & Amy Schollmeyer, husband and wife, to me known  
to be the identical persons whose names are affixed to the foregoing instrument  
and acknowledged the same to be their voluntary act and deed.

WITNESS my hand and notarial seal the day and year above last written.



Diane Lewis  
Notary Public

STATE OF NEBRASKA }  
COUNTY OF DOUGLAS } ss:

On this 16 day of February, 1984, before me a Notary Public duly commissioned and qualified in and for said County, personally came M. A. Cheney, General Managing Partner of Valley Country Club Estates, Ltd., a Nebraska limited partnership, to me known to be the General Managing Partner and the identical person who signed the foregoing instrument and acknowledged the execution thereof to be his voluntary act and deed as General Managing Partner.

WITNESS my hand and notarial seal the day and year above last written.

*Diane Lewis*  
Notary Public



STATE OF NEBRASKA }  
COUNTY OF COLFAX } ss:

On this 6th day of February, 1984, before me, a Notary Public duly commissioned and qualified in said County, personally came Joan Trofholz, husband and wife, to me known to be the identical persons whose names are affixed to the foregoing instrument and acknowledged the same to be their voluntary act and deed.

WITNESS my hand and notarial seal the day and year above last written.

*Michael T. Leick*  
Notary Public



STATE OF NEBRASKA }  
COUNTY OF Colfax } ss:

On this 6th day of February, 1984, before me, a Notary Public duly commissioned and qualified in said County, personally came LeRoy Trofholz, husband and wife, to me known to be the identical persons whose names are affixed to the foregoing instrument and acknowledged the same to be their voluntary act and deed.

WITNESS my hand and notarial seal the day and year above last written.

*Michael T. Leick*  
Notary Public



STATE OF NEBRASKA }  
COUNTY OF Colfax } ss:

On this 6th day of February, 1984, before me, a Notary Public duly commissioned and qualified in said County, personally came Fern E Wagner, husband and wife, to me known to be the identical persons whose names are affixed to the foregoing instrument and acknowledged the same to be their voluntary act and deed.

WITNESS my hand and notarial seal the day and year above last written.

*Michael T. Leick*  
Notary Public



STATE OF NEBRASKA  
COUNTY OF DOUGLAS }

BOOK 724 PAGE 114

ss:

On this 16 day of Feb., 1984, before me a Notary Public duly  
commissioned and qualified in and for said County, personally came  
M.A. and Joanna G. Cheney, husband and wife, to me known  
to be the identical persons whose names are affixed to the foregoing instrument  
and acknowledged the same to be their voluntary act and deed.

WITNESS my hand and notarial seal the day and year above last written:



Diane Lewis  
Notary Public

STATE OF NEBRASKA  
COUNTY OF DOUGLAS }

ss:

On this 16 day of Feb., 1984, before me a Notary Public duly  
commissioned and qualified in and for said County, personally came  
Michael J. & Karla J. Steele, husband and wife, to me known  
to be the identical persons whose names are affixed to the foregoing instrument  
and acknowledged the same to be their voluntary act and deed.

WITNESS my hand and notarial seal the day and year above last written.



Diane Lewis  
Notary Public

STATE OF NEBRASKA  
COUNTY OF DOUGLAS }

ss:

On this 16 day of Feb., 1984, before me a Notary Public duly  
commissioned and qualified in and for said County, personally came  
James & Marian L. Willmer, husband and wife, to me known  
to be the identical persons whose names are affixed to the foregoing instrument  
and acknowledged the same to be their voluntary act and deed.

WITNESS my hand and notarial seal the day and year above last written.



Diane Lewis  
Notary Public

STATE OF NEBRASKA  
COUNTY OF DOUGLAS }

ss:

On this 16 day of Feb., 1984, before me a Notary Public duly  
commissioned and qualified in and for said County, personally came  
Larry and Patricia Wartz, husband and wife, to me known  
to be the identical persons whose names are affixed to the foregoing instrument  
and acknowledged the same to be their voluntary act and deed.

WITNESS my hand and notarial seal the day and year above last written.



Diane Lewis  
Notary Public

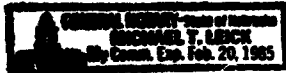
STATE OF NEBRASKA )  
COUNTY OF DOUGLAS )  
COLFAX

ss:

BOOK 724 PAGE 115

On this 20TH day of NOVEMBER, 1984, before me a Notary Public duly commissioned and qualified in and for said County, personally came LeRoy Trofholz, President, Wagner Mills, Inc. to me known to be the identical persons whose names are affixed to the foregoing instrument and acknowledged the same to be their voluntary act and deed.

WITNESS my hand and notarial seal the day and year above last written.



Michael T. Leick  
Notary Public

STATE OF NEBRASKA )  
COUNTY OF DOUGLAS )

ss:

On this 19 day of November, 1984, before me a Notary Public duly commissioned and qualified in and for said County, personally came

John D & Neva Johnson, to me known

to be the identical persons whose names are affixed to the foregoing instrument and acknowledged the same to be their voluntary act and deed.

WITNESS my hand and notarial seal the day and year above last written.



Diane Lewis  
Notary Public

STATE OF NEBRASKA )  
COUNTY OF OTTOE )

ss:

On this \_\_\_\_\_ day of \_\_\_\_\_, 1984, before me a Notary Public duly commissioned and qualified in and for said County, personally came \_\_\_\_\_

to me known to be the identical persons whose names are affixed to the foregoing instrument and acknowledged the same to be their voluntary act and deed.

WITNESS my hand and notarial seal the day and year above last written.

\_\_\_\_\_  
Notary Public

STATE OF NEBRASKA )  
COUNTY OF DOUGLAS )

ss:

On this \_\_\_\_\_ day of \_\_\_\_\_, 1984, before me a Notary Public duly commissioned and qualified in and for said County, personally came \_\_\_\_\_

to me known to be the identical persons whose names are affixed to the foregoing instrument and acknowledged the same to be their voluntary act and deed.

WITNESS my hand and notarial seal the day and year above last written.

\_\_\_\_\_  
Notary Public

STATE OF NEBRASKA }  
COUNTY OF DOUGLAS }

BOOK 724 PAGE 116

SS:

On this 10<sup>th</sup> day of February, 1984, before me a Notary Public duly commissioned and qualified in and for said County, personally came David H. Luhman, President of The First National Bank of Tekamah, NE to me known to be the identical persons whose names are affixed to the foregoing instrument and acknowledged the same to be their voluntary act and deed.

WITNESS my hand and notarial seal the day and year above last written.



[Signature]

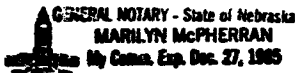
Notary Public

STATE OF NEBRASKA }  
COUNTY OF DOUGLAS }

SS:

On this 24 day of Feb., 1984, before me a Notary Public duly commissioned and qualified in and for said County, personally came E. F. Schuman, Vice President of First National Bank of Tekamah, NE husband and wife, to me known to be the identical persons whose names are affixed to the foregoing instrument and acknowledged the same to be their voluntary act and deed.

WITNESS my hand and notarial seal the day and year above last written.



[Signature]

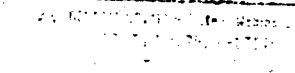
Notary Public

STATE OF NEBRASKA }  
COUNTY OF DOUGLAS }

SS:

On this 13<sup>th</sup> day of February, 1984, before me a Notary Public duly commissioned and qualified in and for said County, personally came Janet Reed, Vice President to me known to be the identical persons whose names are affixed to the foregoing instrument and acknowledged the same to be their voluntary act and deed.

WITNESS my hand and notarial seal the day and year above last written.



[Signature]

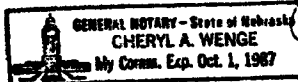
Notary Public

STATE OF NEBRASKA }  
COUNTY OF DOUGLAS }

SS:

On this 19<sup>th</sup> day of November, 1984, before me a Notary Public duly commissioned and qualified in and for said County, personally came Ken H. Nutschke - Asst. Man. (Elkhorn) NSL husband and wife, to me known to be the identical persons whose names are affixed to the foregoing instrument and acknowledged the same to be their voluntary act and deed.

WITNESS my hand and notarial seal the day and year above last written.



[Signature]

Notary Public

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