

33-311

33-311

PROTECTIVE AND RESTRICTIVE COVENANTS,
WESTMONT, A SUBDIVISION IN SARPY COUNTY, NEBRASKA

WHEREAS, the undersigned are the owners of all of the lots and blocks in Westmont, a Subdivision in the County of Sarpy, State of Nebraska, except Lot 1, Block 4 of such Subdivision, and are desirous of placing proper restrictions on the lots and blocks in said Subdivision. NOW, THEREFORE, the following restrictions are hereby placed upon all of the lots and blocks in said Subdivision, except Lot 1, Block 4:

- (1) No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot, except dogs, cats or other household pets, provided they are not kept, bred or maintained for any commercial purpose.
- (2) No unused building material, junk or rubbish shall be left exposed on any lot, except during actual building operations. No worn-out or discarded automobiles, machinery or vehicles or parts thereof shall be stored on any lot and no part of any lot shall be used for automobile junk piles or storage of any kind of junk or waste material, whether or not such items or material pertain to residence or operation otherwise permitted.
- (3) No structure of a temporary character, trailer, basement, tent, shack, barn or other outbuilding shall be erected upon, or used, on any lot at any time as a residence, either temporarily or permanently.

NOW, THEREFORE, in addition to the above restrictions, the following restrictions are hereby placed upon the following lots and blocks in

MAR 13, 1964

REGISTER OF DEEDS

FILED FOR RECORD IN SARPY COUNTY NEBR. 1964

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to any lot within such Subdivision.

- (5) No change of grade exceeding eighteen inches shall be made upon any such lot.
- (6) No houses or garages shall be erected on any lot nearer than 35 feet to its front line. For the purpose of this covenant, eaves, steps and open porches shall not be considered as part of the building.
- (7) No building shall have a plain or painted exposed poured concrete or concrete block foundation facing any street.
- (8) No building shall have an exposed metalbestos flue provided, however, that a metalbestos flue may be used if enclosed in a rectangular chimney housing.
- (9) No house shall be constructed or placed on any lot unless it has a basement, attached or detached garage large enough to house at least one automobile.
- (10) When any building shall be constructed upon any lot, the owner thereof shall cause the entire lot not covered by buildings, driveways or sidewalks to be sodded or seeded and suitably planted within one year after construction of such building is completed and all such lots and yards shall be kept and maintained in a neat and attractive manner.

These covenants shall run with the land and shall be binding on all present and future owners of all or any part of the above described real estate for a period of ten years from the date these covenants are recorded. After such ten-year period, these covenants shall automatically be extended for an additional five years unless a majority of the then existing property owners, execute an agreement that such covenants and restrictions shall no longer be in effect.

future owners of any of said lots or their gran-

covenant and either to prevent him or them from so doing or to enforce such covenants or to recover damages 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.

IN WITNESS WHEREOF, the undersigned, being the owner of all of said real estate, have caused these presents to be duly executed this 10th day of March 1964.

SOUTHROADS CORPORATION

Joseph E. Thornton
President

ATTEST:

Ronald H. Hyster
Secretary

STATE OF NEBRASKA)
COUNTY OF DOUGLAS) SS: v

On this day and year last above written before me, the undersigned, a Notary Public in and for said County, personally came JOSEPH E. THORNTON, President of Southroads Corporation, to me personally known to be the President and the identical person whose name is affixed to the above Protective Covenants and Restrictions and acknowledges the execution thereof to be his voluntary act and deed as such officer and the voluntary act and deed of the Corporation and that the Corporate seal of the said Corporation was hereto affixed by its authority.

WITNESS my hand and Notarial Seal the day and year last above written.

AMENDMENT
OF
PROTECTIVE AND RESTRICTIVE COVENANTS,
WESTMONT, A SUBDIVISION IN SARPY COUNTY, NEBRASKA

WHEREAS, the undersigned are the owners of the lots and blocks, which are described below, of Westmont, a subdivision in the County of Sarpy, State of Nebraska, and are desirous of amending the Protective and Restrictive Covenants of said subdivision of March 10, 1964,

NOW, THEREFORE, the Protective and Restrictive Covenants of March 10, 1964, are amended by adding the following restriction upon the following lots and blocks in said subdivision:

Lots 6 through 11, Block 1; Lots 3 through 26, Block 2;
Lots 3 through 30, Block 3; Lots 2 through 17, Block 4;
Lots 1 through 25, Block 5; Lots 1 through 26, Block 6;
Lots 4 through 13, Block 7; Lots 3 through 35, Block 10;
Lots 2 through 31, Block 11; Lots 1 through 21, Block 12;
Lots 1 through 27, Block 13; Lots 1 through 5, Block 14;
Lots 1 through 15, Block 15; Lots 1 through 6, Block 16;
Lots 1 through 4, Block 17.

41) No sidewalks shall be constructed on the above described lots. This restriction shall only apply to sidewalks constructed for public pedestrian traffic, and it shall not apply to sidewalks privately constructed for private use.

This covenant shall run with the land and shall be binding on all present and future owners of all or any part of the above described real estate for a period of three years from the date this amendment is recorded.

If the present or future owners of any of said lots or their grantees, heirs or assigns, shall violate or attempt to violate this covenant, 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 enforce such covenant or to recover damages for such violation.

IN WITNESS WHEREOF, the undersigned, being all the owners of all of

37-572

day of December, 1966.

Secretary

Secretary

Secretary

SOUTHROADS CORPORATION

By Ted Petersen
Ted Petersen - President

COUNTRYSIDE BUILDERS, INC.
formerly known as
OLSON BUILDERS, INC.

By Frank Frandsen
Frank Frandsen, President

NEBRASKA-IOWA LAND COMPANY

By J. R. Swenson
J. R. Swenson, President

STATE OF NEBRASKA)

COUNTY OF SARPY)

SS.

On this 12th day of December, 1966, before me, the under-
signed, a Notary Public, duly commissioned and qualified for and residing
in said county came TED PETERSEN, President of Southroads Corporation, to
me known to be the identical person whose name is affixed to the foregoing
instrument and acknowledged the same to be his voluntary act and deed as
such officer and the voluntary act and deed of the Corporation and that
the Corporate seal of the said Corporation was hereto affixed by its
authority.

WITNESS my hand and Notarial Seal the day and year last above written.

NOTARY
PUBLIC

Notary Public

STATE OF NEBRASKA)

COUNTY OF SARPY)

SS

On this 12 day of December, 1966, before me, the undersigned, a Notary Public, duly commissioned and qualified for and residing in said county came FRANK FRANDSEN, President of Countryside Builders, Inc., formerly known as Olson Builders, Inc., to me known to be the identical person whose name is affixed to the foregoing instrument and acknowledged the same to be his voluntary act and deed as such officer and the voluntary act and deed of the Corporation and that the Corporate seal of the said Corporation was hereto affixed by its authority.

WITNESS my hand and Notarial Seal the day and year last above written.

Laurence P. Papp
Notary Public

My Commission expires the 27 day

of July, 1972.

STATE OF NEBRASKA)

COUNTY OF SARPY)

SS.

On this 12th day of December, 1966, before me, the undersigned, a Notary Public, duly commissioned and qualified for and residing in said county came J. R. SWENSON, President of Nebraska-Iowa Land Company, to me known to be the identical person whose name is affixed to the foregoing instrument and acknowledged the same to be his voluntary act and deed as such officer and the voluntary act and deed of the Corporation and that the Corporate seal of the said Corporation was hereto affixed by its authority.

WITNESS my hand and Notarial Seal the day and year last above written.

37-574

Merton P. Law

Carmene L. Law

STATE OF NEBRASKA)
COUNTY OF Sarpy) SS.

On this 12th day of December, 1966, before me, the undersigned, a Notary Public, duly commissioned and qualified for and residing in said county came Merton P. and Carmene L. Law Husband & 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 Wendt
Notary Public

My Commission expires the 4th day
of October, 1971.

Millard J. Womochil
Beverly A. Womochil

STATE OF NEBRASKA)
COUNTY OF Sarpy) SS.

On this 12th day of December, 1966, before me, the undersigned, a Notary Public, duly commissioned and qualified for and residing in said county came Millard J. Womochil and Beverly A. Womochil Husband & 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 Wendt
Notary Public

My Commission expires the 4th day
of October, 1971.

Andrew A. Bayen
Marilyn A. Bayen

STATE OF NEBRASKA)
COUNTY OF Sarpy) SS.

On this 12th day of December, 1966, before me, the undersigned, a Notary Public, duly commissioned and qualified for and residing in said county came Andrew A. and Marilyn A. Bayen Husband & 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.

STATE OF NEBRASKA) SS.
COUNTY OF Sarpy

On this 12th day of December, 1966, before me, the undersigned, a Notary Public, duly commissioned and qualified for and residing in said county came: Joseph Koros and Mary Lou Koros Husband & Wife to me known to be the identical person S 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.

Sally Wendt
Notary Public

My Commission expires the 4th day
of October, 1971.

STATE OF NEBRASKA) SS.
COUNTY OF Sarpy

On this 12th day of December, 1966, before me, the undersigned, a Notary Public, duly commissioned and qualified for and residing in said county came: FRANK D. DONOVAN and GRACE L. DONOVAN Husband & Wife to me known to be the identical person S 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.

Sally Wendt
Notary Public

My Commission expires the 4th day
of October, 1971.

STATE OF NEBRASKA) SS.
COUNTY OF Sarpy

On this 12th day of December, 1966, before me, the undersigned,

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Ronald L. Sluyter

Chris C. Sluyter

STATE OF NEBRASKA)
COUNTY OF SARPY) SS.

On this 12TH day of December, 1966, before me, the undersigned,
a Notary Public, duly commissioned and qualified for and residing in said
county came Ronald L. Sluyter and Chris C. Sluyter Husband &
wife to me known to be the identical person, whose name
affixed to the foregoing instrument and acknowledged the same to be
my voluntary act and deed.

WITNESS my hand and Notarial Seal the day and year last above written.

Sam W. Wendt
Notary Public

My Commission expires the 4TH day
of October, 1966.

H. W. Clark
Florence A. Clark

STATE OF NEBRASKA)
COUNTY OF SARPY) SS.

On this 12TH day of December, 1966, before me, the undersigned,
a Notary Public, duly commissioned and qualified for and residing in said
county came H. W. Clark and Florence A. Clark
Husband & wife to me known to be the identical person, 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.

Sam W. Wendt
Notary Public

My Commission expires the 4TH day
of October, 1966.

Michael A. Alfieri
Mary M. Alfieri

STATE OF NEBRASKA)
COUNTY OF SARPY) SS.

On this 12TH day of December, 1966, before me, the undersigned,
a Notary Public, duly commissioned and qualified for and residing in said

38-409

SARPY COUNTY NEBRASKA
REGISTER OF DEEDS

AMENDMENT
OF
PROTECTIVE AND RESTRICTIVE COVENANTS,
WESTMONT, A SUBDIVISION IN SARPY COUNTY, NEBRASKA

WHEREAS, the undersigned are the owners of all of the residential lots and blocks in Westmont, a subdivision in the County of Sarpy, State of Nebraska, except Lot 1, Block 4 of such subdivision, and are desirous of placing proper restrictions on the residential lots and blocks in said subdivision.

NOW, THEREFORE, the Protective and Restrictive Covenants are amended as follows:

A. By adding the following restrictions which in fact are identical with the minimum square footage requirements for dwellings in each of the respective classifications of zoning districts in areas zoned Residential in Sarpy County, Nebraska:

(1) R-1 District:

One floor residence.
1100 sq. ft. finished living area.
Multi-level sq. ft. finished living area.
The average finish grade elevation at exterior walls shall not be more than 48 inches above the finish floor of a habitable room. This does not apply to basement recreation rooms not intended for year-round occupancy, bathrooms, storage or utility rooms, etc. Total glass area, not less than 10 percent of floor area of room or space.

(2) R-2 District:

One floor residence.
1000 sq. ft. finished living area.
Multi-level residence.
1200 sq. ft. finished living area.
The average finish grade elevation at exterior walls shall not be more than 48 inches above the finish floor of a habitable room. This does not apply to basement recreation rooms not intended for year-round occupancy, bathrooms, storage or utility rooms, etc. Total glass area, not less than 10 percent of floor area of room or space.

(3) R-3 District:

One floor residence.
900 sq. ft. finished living area.
Multi-level residence.
1050 sq. ft. living area.
The average finish grade elevation at exterior walls shall not be more than 48 inches above the finish floor of a habitable room. This does not apply to basement recreation rooms not intended for year-round occupancy, bathrooms, storage or utility rooms, etc. Total glass area, not less than 10 percent of floor area of room or space.

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750 sq. ft. finished living area.
Multi-level residence.

1000 sq. ft. finished living area.
The average finish grade elevation at exterior walls shall not be more than 48 inches above the finish floor of a habitable room. This does not apply to basement recreation rooms not intended for year-round occupancy, bathrooms, storage or utility rooms, etc. Total glass area not less than 10 percent of floor area of room or space.

Multi-family dwellings:

Efficiency Apt. --- 450 sq. ft. per unit.
One bedroom Apt. --- 550 sq. ft. per family unit.
Two bedroom Apt. --- 650 sq. ft. per family unit.
Three bedroom or more Apt. --- 750 sq. ft. per family unit. No more than 50% of the apartments in a multi-family dwelling shall be efficiency apartments.

B. The amendment of the original restrictive covenant which was executed on the 12th day of December, 1966 and recorded the 14th day of December, 1966 is hereby repealed in its entirety.

G. Sidewalks shall be required for all residential lots except the following existing dwellings and church property:

Lots 2 through 5, Block 1;
Lots 3 through 9, 22 through 26, Block 2;
Lots 3 through 8, Block 3; Lots 8, 10 and 15 through 17, Block 5.

D. The first paragraph of the original protective and restrictive covenants, which immediately follows restriction (10) of same, is amended to read as follows:

These covenants shall run with the land and shall be binding on all present and future owners of all or any part of the above described real estate for a period of thirty-five years from the date these covenants are recorded. After such thirty-five year period, these covenants shall automatically be extended for an additional five years unless a majority of the then existing property owners execute an agreement that such covenants and restrictions shall no longer be in effect.

IN WITNESS WHEREOF, the undersigned, being all of the owners of all of said real estate, have caused these presents to be duly executed this day of April, 1967.

SOUTHROADS CORPORATION

By [Signature]
President

My Commission expires the 4th day of October, 1971.

STATE OF NEBRASKA)
COUNTY OF Lincoln)SS

On this 16th day of May, 1967, before me, the undersigned, a Notary Public, duly commissioned and qualified for and residing in said county came Jack R. Baker, President of Quality National Corporation, to me known to be the identical person whose name is affixed to the foregoing instrument and acknowledged the same to be his voluntary act and deed as such officer and the voluntary act and deed of the Corporation and that the Corporate Seal of the said corporation was hereto affixed by its authority.

WITNESS my hand and Notarial Seal the day and year first above written.

Notary Public

My Commission expires the

EPISCOPAL DIOCESE OF NEBRASKA

By

STATE OF NEBRASKA)
COUNTY OF SARPY) SS

On this 23rd day of May, 1967, before me, the undersigned a Notary Public, duly commissioned and qualified for an residing in said county came Russell T. RAUSCHER - Pres. to me known to be the identical person whose name RS affixed to the foregoing instrument and acknowledged the same to be RS voluntary act and deed.

* WITNESS my hand and Notarial Seal the day and year first above written.

Notary Public

38-411

QUALITY NATIONAL CORPORATION,

By [Signature]
President

COUNTRYSIDE BUILDERS, INC.

By [Signature]
Frank Frandsen - President

NEBRASKA-IOWA. LAND COMPANY

By [Signature]
J. R. Swenson - President

Secretary

Secretary

Secretary

STATE OF NEBRASKA)
COUNTY OF SARPY)SS

On this _____ day of _____, 1967, before me, the undersigned a Notary Public, duly commissioned and qualified for and residing in said county came TED PETERSEN, President of Southroads Corporation, to me known to be the identical person whose name is affixed to the foregoing instrument and acknowledged the same to be his voluntary act and deed as such officer and the voluntary act and deed of the Corporation and that the Corporate Seal of the said Corporation was hereto affixed by its authority.

WITNESS my hand and Notarial Seal the day and year last above written.

[Signature]
Notary Public

My Commission expires the 14th day of October, 1971.

STATE OF NEBRASKA)
COUNTY OF SARPY)SS

On this 25 day of APRIL, 1967, before me, the undersigned a Notary Public, duly commissioned and qualified for and residing in said county came FRANK FRANDSEN, President of Countryside Builders, Inc., formerly known as Olson Builders, Inc., to me known to be the identical person whose name is affixed to the foregoing instrument and acknowledged the same to be his voluntary act and deed as such officer and the voluntary act and deed of the Corporation and that the Corporate seal of the Corporation was hereto affixed by its authority.

WITNESS my hand and Notarial Seal the day and year last above written.

[Signature]
Notary Public

My Commission expires the 14th day of October, 1971.

STATE OF NEBRASKA)
COUNTY OF SARPY)SS

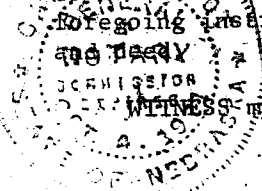
38-413

Herbert M. Poynter

Retha M. Poynter

STATE OF NEBRASKA)
)SS
COUNTY OF SARPY)

On this 25th day of April, 1967, before me, the undersigned
a Notary Public, duly commissioned and qualified for and residing in said
county came Herbert M. Poynter + Retha M. Poynter
to me known to be the identical person s 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.

Gary Wendt
Notary Public

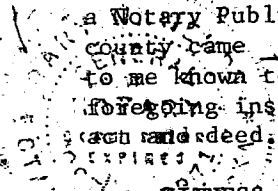
My Commission expires the 4th day of October, 1971.

Jack L. Davis

B. Joan Davis

STATE OF NEBRASKA)
)SS
COUNTY OF SARPY)

On this 25th day of April, 1967, before me, the undersigned
a Notary Public, duly commissioned and qualified for and residing in said
county came JACK L. DAVIS + B. JOAN DAVIS
to me known to be the identical person s 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.

Gary Wendt
Notary Public

My Commission expires the 4th day of October, 1971.

Ronald L. Sluyter

CHARA C. Sluyter

STATE OF NEBRASKA)
)SS
COUNTY OF SARPY)

On this 26th day of April, 1967, before me, the undersigned
a Notary Public, duly commissioned and qualified for and residing in said
county came Ronald L. Sluyter + CHARA C. Sluyter
to me known to be the identical person s whose names are affixed to the
foregoing instrument and acknowledged the same to be Their voluntary
act and deed.

38-414

Gosta E. Elvason

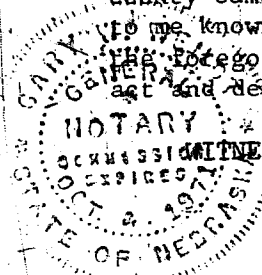
Grace M. Elvason

STATE OF NEBRASKA)

)SS

COUNTY OF SARPY)

On this 28th day of April, 1967, before me, the undersigned a Notary Public, duly commissioned and qualified for and residing in said county came GOSTA E. and GRACE M. ELVASON 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.

Gary W. Wendt
Notary Public

My Commission expires the 4th day of October, 1971.

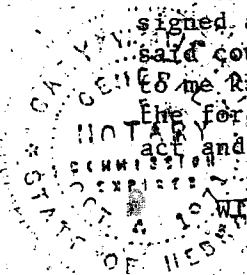
Beverly Wamochel
M. J. Wamochel

STATE OF NEBRASKA)

)SS

COUNTY OF SARPY)

On this 30th day of April, 1967, before me, the undersigned a Notary Public, duly commissioned and qualified for and residing in said county came M. J. Wamochel + Beverly Wamochel H & W 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.

Gary W. Wendt
Notary Public

My Commission expires the 4th day of October, 1971.

Arthur A. Bayen
Marilyn A. Bayen

STATE OF NEBRASKA)

)SS

COUNTY OF SARPY)

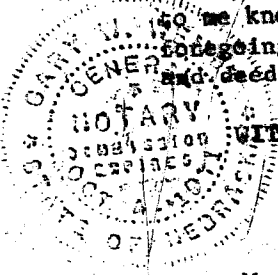
38-4157

Merton P. Law

Carmen L. Law

STATE OF NEBRASKA)
COUNTY OF SARPY)SS

On this 30th day of April, 1967, before me, the undersigned a Notary Public, duly commissioned and qualified for and residing in said county, came Merton P. Law + Carmen L. Law 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.

Mary Wendt
Notary Public

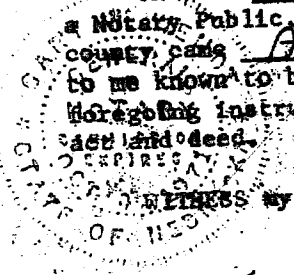
My Commission expires the 4th day of October, 1971.

A. J. Bayerl

Margaret Bayerl

STATE OF NEBRASKA)
COUNTY OF SARPY)SS

On this 30th day of April, 1967, before me, the undersigned a Notary Public, duly commissioned and qualified for and residing in said county, came A. J. Bayerl + Margaret Bayerl H & W 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.

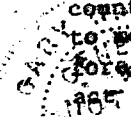
Mary Wendt
Notary Public

My Commission expires the 4th day of October, 1971.

Joseph Koras
Mary Lou Koras

STATE OF NEBRASKA)
COUNTY OF SARPY)SS

On this 30th day of April, 1967, before me, the undersigned a Notary Public, duly commissioned and qualified for and residing in said county, came Joseph Koras + Mary Lou Koras H & W 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.

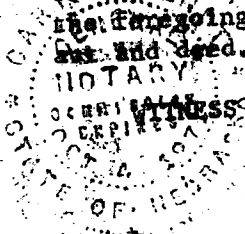


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James L. Gartin
Hella Gartin

STATE OF NEBRASKA)
COUNTY OF SARPY)SS

On this 30th day of April, 1967, before me, the undersigned a Notary Public, duly commissioned and qualified for and residing in said county came James L. Gartin & Hella Gartin to me known to be the identical person S whose name S 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.

Gary W. Wendt
Notary Public

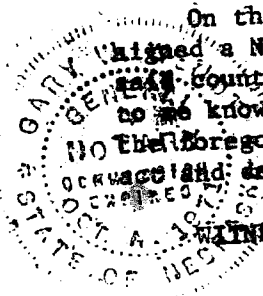
My Commission expires the 4th day of October, 1971.

H.W. Clark

Florence A. Clark

STATE OF NEBRASKA)
COUNTY OF SARPY)SS

On this 30th day of April, 1967, before me, the undersigned a Notary Public, duly commissioned and qualified for and residing in said county came H.W. Clark & Florence A. Clark H & W to me known to be the identical person S whose name S 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.

Gary W. Wendt
Notary Public

My Commission expires the 4th day of October, 1971.

Joan D. Donovan

Grace L. Donovan

STATE OF NEBRASKA)
COUNTY OF SARPY)SS