

200600414

FILED

STATE OF NEBRASKA COUNTY OF WASHINGTON)SS
ENTERED IN NUMERICAL INDEX AND FILED FOR RECORD
THIS 2nd DAY OF February A.D. 2006
AT 2:54 O'CLOCK P M AND RECORDED IN BOOK
481 AT PAGE 73-78

COUNTY CLERK Charlotte L. Petersen
DEPUTY Roseal Madson

Recorded _____
General _____
Numerical ✓
Photostat _____
Prosted ✓

06 FEB -2 PM 2:54

CHARLOTTE L. PETERSEN
WASHINGTON COUNTY, CLERK
BLAIR, NEBR.

PROTECTIVE COVENANTS AND RESTRICTIONS

THIS AGREEMENT made on the date hereinafter set forth by and between Mary Ann Nipp (hereinafter referred to as "Nipp") and Jerry Allen Hensler and Eugene Wayne Hull (hereinafter referred to as "Hensler/Hull"), the parties being jointly referred to as "Declarants".

WHEREAS, Nipp owns Lot 11, in River Bend Acres, a Subdivision in Washington County, Nebraska (2 acres) and a 39 acre tract of land located in Section 33, Township 17 North, Range 10 East of the 6th P.M., in Washington County, Nebraska, more particularly described as set out on the attached Exhibit "A" (the Subject Property);

WHEREAS, Hensler/Hull are purchasing from Nipp the Subject Property; and

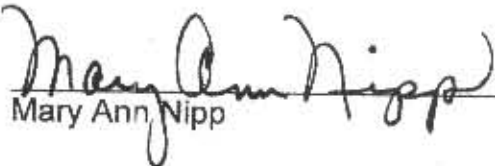
WHEREAS, Declarants desire to place certain restrictions and covenants on the development, use and occupation of the Subject Property which shall be binding on Hensler/Hull and all future owners of said property, their grantees, heirs and assigns.

NOW, THEREFORE, Declarants do hereby declare, covenant and agree that the Subject Property shall be held, used, sold and conveyed, subject to the following restrictions, conditions and covenants, to-wit:

- A. Use of the property shall be limited to residential, single family dwelling and related farm activities consistent with the current use;
- B. No change or alteration of grade and surface or change in natural drainage pattern;

- C. No tent, shack, or junk cars or temporary structures shall be erected. Only main residential structure and existing or replacement building;
- D. Only fencing appropriate for livestock confinement, i.e. no white plastic fencing;
- E. Any grading in preparation for construction of dwelling will be kept at a minimum and natural contours of land shall be preserved where possible.
- F. These covenants, restrictions, and conditions shall run with the land and shall be binding on the parties hereto, their heirs, grantees, transferees, personal representatives, successors and assigns continue for a period of ten (10) years from the date of the Deed from Nipp to Hensler and Hull.
- G. If any person, firm or corporation shall violate or attempt to violate any provisions hereof, Mary Ann Nipp or any of her heirs, grantees, transferees, personal representatives, successors and/or assigns shall be empowered and entitled to bring any action or proceeding to prevent or restrain the continuance of such attempt or violation or to recover damages occasioned thereby.
- H. If any provisions hereof shall be adjudged unlawful or unenforceable, same shall in no manner affect or change the other provisions hereof, which shall remain in full force and effect.

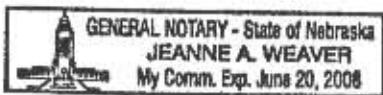
Executed this 31 day of January, 2006.


Mary Ann Nipp

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS _____)

Before me, a notary public qualified in said county personally came Mary Ann Nipp, known to me to be the identical person who signed the foregoing instrument and acknowledged the execution thereof to be her voluntary act and deed.

Witness my hand and notarial seal on January 31, 2006.

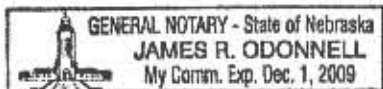


[Signature]
Notary Public
[Signature]
Jerry Allen Hensler

STATE OF NEBRASKA)
) ss.
COUNTY OF Douglas)

Before me, a notary public qualified in said county personally came Jerry Allen Hensler, known to me to be the identical person who signed the foregoing instrument and acknowledged the execution thereof to be his voluntary act and deed.

Witness my hand and notarial seal on January 31, 2006.

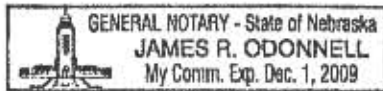


[Signature]
Notary Public
[Signature]
Eugene Wayne Hull

STATE OF NEBRASKA)
) ss.
COUNTY OF Douglas)

Before me, a notary public qualified in said county personally came Eugene Wayne Hull, known to me to be the identical person who signed the foregoing instrument and acknowledged the execution thereof to be his voluntary act and deed.

Witness my hand and notarial seal on January 31, 2006.



James R. O'Donnell
Notary Public

EXHIBIT A

Parcel 1:

Part of the NW 1/4, SE 1/4 of Section 33, Township 17 North, Range 10 East of the 6th P.M., Washington County, Nebraska, further described as follows:

Commencing at the South 1/4 corner of said Section 33, and assuming the South line of the SE 1/4 of said Section to bear S 90°00' E, thence N 0°04'31" W a distance of 2132.28 feet; thence S 89°56'44" E a distance of 501.76 feet; thence S 0°04'31" E a distance of 246.49 feet; thence N 89°55'29" E a distance of 174.99 feet to the point of beginning; thence continuing N 89°55'29" E, a distance of 63.01 feet, thence N 0°04'31" W, a distance of 756.17 feet to the North line of said NW 1/4 SE 1/4; thence S 89°56'44" E a distance of 578.98 feet to the Northeast corner of said NW 1/4 SE 1/4, thence S 0°06'20" E on the East line of said NW 1/4 SE 1/4 a distance of 926.40 feet; thence N 89°56'44" W a distance of 714.59 feet; thence N 05°54'16" W a distance of 32.00 feet; thence N 28°12'49" E, a distance of 128.43 feet; thence N 30°00'29" E a distance of 28.89 feet to the point of beginning,

AND

Part of the West 1/2, SE 1/4 of Section 33, Township 17 North, Range 10 East of the 6th P.M., Washington County, Nebraska, further described as follows:

Commencing at the South 1/4 corner of said Section 33, and assuming the South line of the SE 1/4 of said Section to bear S 90°00' E, thence N 0°04'31" W on the West line of said West 1/2, SE 1/4 a distance of 1432.87 feet to the point of beginning, said point lying on the centerline of a county road; thence continuing N 0°04'31" W on said West line a distance of 699.42 feet; thence S 89°56'44" E a distance of 501.76 feet; thence S 0°04'31" E a distance of 246.49 feet; thence N 89°55'29" E a distance of 174.99 feet; thence S 30°00'29" W a distance of 28.89 feet; thence S 28°12'49" W a distance of 128.43 feet; thence S 5°54'16" E a distance of 240.01 feet; thence S 35°09'26" W a distance of 102.84 feet; thence S 62°25'51" W a distance of 185.25 feet; thence S 44°22'50" W a distance of 294.02 feet to the centerline of a county road; thence N 32°52'22" W on said centerline a distance of 362.20 feet to the point of beginning,

AND

Part of the West 1/2, SE 1/4 of Section 33, Township 17 North, Range 10 East of the 6th P.M., Washington County, Nebraska, further described as follows:

Commencing at the South 1/4 corner of said Section 33, and assuming the South line of the SE 1/4 of said Section to bear S 90°00' E, thence N 0°04'31" W on the West line of said West 1/2, SE 1/4 a distance of 1432.86 feet to the centerline of a county road; thence S 32°52'22" E on said centerline a distance of 362.20 feet to the point of beginning, thence continuing S 32°52'22" E on said centerline a distance of 294.86 feet to the Northwesterly line of a tract recorded in Deed Book 122, Page 408 in the Office of the Washington County Clerk, thence along the margin of said tract as follows:

N 57°10' E a distance of 30.16 feet;
S 32°50' E a distance of 200.00 feet;
N 57°10' E a distance of 7.00 feet;
S 32°50' E a distance of 100.00 feet;
N 57°10' E a distance of 35.00 feet;
S 32°50' E a distance of 1.56 feet to the North line of a tract recorded in Deed Book 109, Page 444 in the Office of the Washington County Clerk, thence N 42°21'06" E a distance of 638.49 feet to the Northeast corner of said Tract; thence N 59°29'30" E a distance of 358.28 feet to a point on the East line of said W 1/2, SE 1/4, 1320.74 feet South of the Northeast corner thereof, thence N 0°06'20" W on said East line a distance of 394.34 feet; thence N 89°56'44" W a distance of 714.59 feet; thence S 5°54'16" E a distance of 208.01 feet; thence S 35°09'26" W a distance of 102.84 feet; thence S 62°25'51" W a distance of 185.25 feet; thence S 44°22'50" W a distance of 294.02 feet to the point of beginning.

Parcel 2:

Lot 11 in River Bend Acres, a subdivision of the Northeast Quarter of the Southwest Quarter of Section 33, Township 17 North, Range 10 East of the 6th P.M., Washington County, Nebraska.