

201002953  
WASHINGTON COUNTY, STATE OF NEBRASKA

RECORDED August 19, 2010 AT 10:37 AM.

BOOK 557 PAGE(S) 879-886

*Karen A. Madsen*

REGISTER OF DEEDS

Recorded	_____ ✓
General	_____ ✓
Numerical	_____ ✓
Photostat	_____ ✓
Proofed	_____ ✓
Scanned	_____ ✓

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2010 AUG 19 AM 10:37

KAREN A. MADSEN  
WASHINGTON COUNTY  
REGISTER OF DEEDS  
BLAIR, NE

**Amendments, Modifications and Alterations to  
Restrictions, Covenants, Conditions and Easements**

WHEREAS, Jason J. Korman and Laurel L. Korman are desirous of purchasing a tract of land which is part of and/or adjacent to land and lots known as Fontanelle Oaks II and which tract of land desired to be purchased is described in Exhibit B which exhibit is attached hereto and incorporated herein by reference and which tract of land is presently subject to certain restrictions, covenants, conditions and easements and which restrictions, covenants, conditions and easements need to be amended, modified and altered to facilitate the purchase of the tract of land and in order for Jason J. Korman and Laurel L. Korman and their successors and assigns to use the said tract of land in a manner desired; and,

WHEREAS, the undersigned, Bennett L. Taylor and Susan M. Taylor, husband and wife, Clayton Timperley and Sharon Timperley, husband and wife, Robert P. Schneck and Eleanor J. Schneck, husband and wife, Mike Jones and Faye Jones, husband and wife, and Daniel J. Doty and Pamela E. Doty or their successor, as Co-Trustees of the Daniel J. Doty and Pamela E. Doty Revocable Trust created July 13, 2005, are collectively all of the present Owners of all of the land and lots known as Fontanelle Oaks II, and all of the land and lots described in Exhibit A which is attached hereto and incorporated herein; and they all hereby warrant and represent that they are collectively all of the present Owners of all of the property and tracts of land in Fontanelle Oaks II and the property adjacent to, adjoining, or in proximity to the tract of land described in Exhibit B hereto and including the tract of land described in Exhibit B, and all such named Owners and their respective properties are subject to the same restrictions, covenants, conditions and easements to which the tract of land described in Exhibit B is; and,

WHEREAS, Bennett L. Taylor and Susan M. Taylor, husband and wife, Clayton Timperley and Sharon Timperley, husband and wife, Robert P. Schneck and Eleanor J. Schneck, husband and wife, Mike Jones and Faye Jones, husband and wife, and Daniel J. Doty and Pamela E. Doty or their successor, as Co-Trustees of the Daniel J. Doty and Pamela E. Doty Revocable Trust created July 13, 2005, constituting all of the present Owners of the property as aforesaid are willing to enter into these amendments, modifications and alterations of the existing restrictions, covenants, conditions and easements to facilitate the purchase of the tract of land described in Exhibit B by Jason J. Korman and Laurel L. Korman and to facilitate and allow the purchasers' subsequent use of the property in a manner they desire; and,

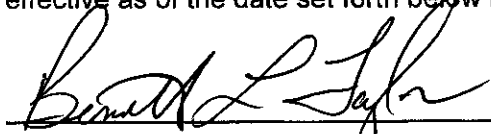
WHEREAS, the undersigned do hereby join together and consent to and execute this written instrument for the purpose of amending, modifying and altering any and all existing restrictions,

covenants, conditions and easements which the tract of land described in Exhibit B is subject to the extent set forth below and the undersigned acknowledge and agree that this written instrument shall be recorded in the manner provided by law against all of the undersigned's property as described in Exhibits A and B and against Fontanelle Oaks II.

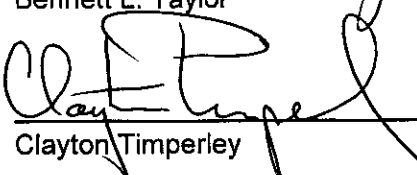
NOW, THEREFORE, the undersigned agree as follows:

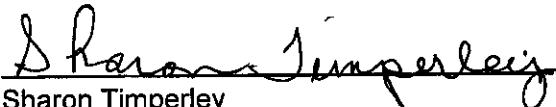
1. Any and all restrictions, covenants, conditions and easements pertaining to the tract of land described in Exhibit B attached hereto and to which said tract of land is subject are hereby amended, modified and altered as follows:
  - a. A maximum of three horses will be and is allowed to be kept and maintained on the tract of land described in Exhibit B hereto.
  - b. In addition to a residence and a garage, a barn and shop will be allowed and may be erected on the tract of land described in Exhibit B hereto; such size and dimensions of the barn and shop to be at the discretion of the then owner of the tract of land described in Exhibit B; provided, however, the erection of any such structures shall remain subject to any setback requirements and further provided, to the extent any approval is needed for construction, such approval shall not be unreasonably withheld.
2. These amendments, modifications and alterations to the restrictions, covenants, conditions and easements shall run with all of the land in Fontanelle Oaks II and the land described in Exhibits A and B, and each person or entity owning or taking title to the property described in Exhibits A and B hereto, or any part of the above-described property, agrees to be bound by these amendments, modifications and alterations and they shall be binding upon the heirs, successors and assigns of all such persons.

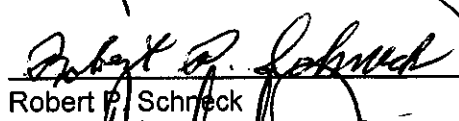
IN WITNESS WHEREOF the undersigned have caused this written instrument to be executed effective as of the date set forth below for each such person's signature.

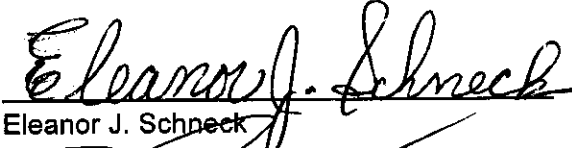
  
Bennett L. Taylor

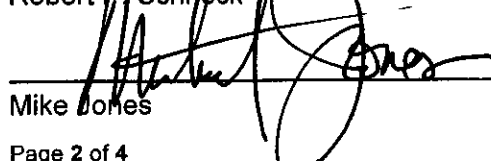
  
Susan M. Taylor


  
Clayton Timperley

  
Sharon Timperley

  
Robert P. Schneck

  
Eleanor J. Schneck

  
Mike Jones

  
Faye Jones

Daniel Doty

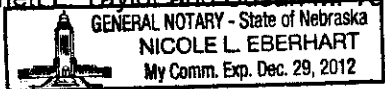
Daniel J. Doty, Co-Trustee of the Daniel J. and Pamela E. Doty Revocable Trust created July 13, 2005

Pamela E. Doty

Pamela E. Doty, Co-Trustee of the Daniel J. Doty and Pamela E. Doty Revocable Trust created July 13, 2005

State of Nebraska, County of Washington ) ss.

The preceding Amendments, Modifications and Alterations to Restrictions, Covenants, Conditions and Easements was acknowledged and executed before me, a Notary Public, on this 10<sup>th</sup> day of August 2010 by Bennett L. Taylor and Susan M. Taylor, husband and wife.

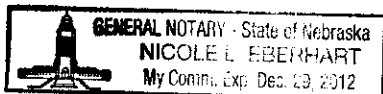


Nicole L. Eberhart

Notary Public

State of Nebraska, County of Washington ) ss.

The preceding Amendments, Modifications and Alterations to Restrictions, Covenants, Conditions and Easements was acknowledged and executed before me, a Notary Public, on this 10<sup>th</sup> day of August 2010 by Clayton Timperley and Sharon Timperley, husband and wife.

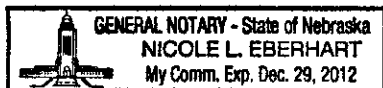


Nicole L. Eberhart

Notary Public

State of Nebraska, County of Washington ) ss.

The preceding Amendments, Modifications and Alterations to Restrictions, Covenants, Conditions and Easements was acknowledged and executed before me, a Notary Public, on this 10<sup>th</sup> day of August 2010 by Robert P. Schneck and Eleanor J. Schneck, husband and wife.



Nicole L. Eberhart

Notary Public

State of Nebraska, County of Douglas ) ss.

The preceding Amendments, Modifications and Alterations to Restrictions, Covenants, Conditions and Easements was acknowledged and executed before me, a Notary Public, on this 9<sup>th</sup> day of August 2010 by Mike Jones and Faye Jones, husband and wife.



Kenneth J. Jansen

KENNETH J. JANSEN

State of Nebraska, County of Douglas ) ss.

The preceding Amendments, Modifications and Alterations to Restrictions, Covenants, Conditions and Easements was acknowledged and executed before me, a Notary Public, on this 16<sup>th</sup> day of August 2010 by Daniel J. Doty and Pamela E. Doty or their successor, as Co-Trustees of the Daniel J. Doty and Pamela E. Doty Revocable Trust created July 13, 2005.

Deb Franco  
Notary Public



C. Ray Harmon  
C. Ray Harmon, Trustee of the

C. Ray Harmon Revocable Trust

Dated August 27<sup>th</sup>, 1996

State of Nebraska, County of Douglas ) ss.

The preceding Amendments, Modifications and Alterations to Restrictions, Covenants, Conditions and Easements was acknowledged and executed before me, a Notary Public, on this 11<sup>th</sup> day of August 2010 by C. Ray Harmon, Trustee of the C. Ray Harmon Revocable Trust dated August 27<sup>th</sup>, 1996.



Kenneth J. Jansen  
Notary Public

Exhibit A, Page 1

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TRACT 1:

Part of Tax Lot 16 lying in the E½ NW¼ of Section 17, Township 18 North, Range 9 East of the 6th Principal Meridian, Washington County, Nebraska, and more particularly described as follows:

From the northwest corner of Section 17, Township 18 North, Range 9 East: thence N 90°00'00" E (assumed bearing) along the north line of said Section 17 a distance of 1589.03 feet; thence S 06°38'32" W a distance of 810.31 feet to the Point of Beginning; thence N 88°06'15" E a distance of 885.40 feet; thence S 01°30'35" W a distance of 38.23 feet to a point of curvature; thence along a 233.00 foot radius curve to the left on arc distance of 140.77 feet; thence S 59°48'55" W a distance of 1186.80 feet; thence N 06°38'32" E a distance of 754.94 feet to the Point of Beginning; and containing 10.01 Acres, more or less.

TRACT 2:

Part of Tax Lot 16 lying in the NEX NW¼ of Section 17, Township 18 North, Range 9 East of the 6th Principal Meridian, Washington County, Nebraska, and more particularly described as follows:

From the northwest corner of Section 17, Township 18 North, Range 9 East: thence N 90°00'00" E (assumed bearing) along the north line of said Section 17 a distance of 1599.03 feet; thence S 06°38'32" W a distance of 42.41 feet to the Point of Beginning; thence S 58°40'10" E a distance of 939.55 feet; thence S 01°30'35" W a distance of 245.00 feet; thence S 88°06'15" W a distance of 885.40 feet; thence N 06°38'32" E a distance of 787.90 feet to the Point of Beginning; and containing 10.01 Acres, more or less.

TRACT 3:

Part of Tax Lot 16 lying in the NEX NW¼ and the NW¼ NEX in Section 17, Township 18 North, Range 9 East of the 6th Principal Meridian, Washington County, Nebraska, and more particularly described as follows:

From the northwest corner of Section 17, Township 18 North, Range 9 East: thence N 90°00'00" E (assumed bearing) along the north line of said Section 17 a distance of 1599.03 feet to the Point of Beginning; thence continuing N 90°00'00" E along said north line a distance of 1295.07 feet; thence S 00°00'00" E a distance of 414.35 feet; thence S 90°00'00" W a distance of 494.37 feet; thence S 01°30'35" W a distance of 116.35 feet; thence N 58°40'10" W a distance of 939.55 feet; thence N 06°38'32" E a distance of 42.41 feet to the Point of Beginning; and containing 10.01 Acres, more or less.

TRACT 4:

Part of Tax Lot 16 and part of Tax Lot 18 lying in the NW¼ NEX of Section 17, Township 18 North, Range 9 East of the 6th Principal Meridian, Washington County, Nebraska, and more particularly described as follows:

From the northwest corner of Section 17, Township 18 North, Range 9 East: thence N 90°00'00" E (assumed bearing) along the north line of said Section 17 a distance of 2894.10 feet to the Point of Beginning; thence continuing N 90°00'00" E along said north line a distance of 538.75 feet to a point on the easterly right-of-way line of 6th Street as platted in the Village of Fontanelle, Washington County, Nebraska; thence S 00°22'38" E along said easterly right-of-way line a distance of 670.52 feet to a point in the centerline of Pennsylvania Street as platted in said Village of Fontanelle; thence S 89°38'05" W along said centerline a distance of 50.30 feet to a point in the centerline of said 6th Street; thence S 00°22'02" E along said centerline a distance of 452.70 feet to a point on the north right-of-way line of Maryland Street as platted in said City of Fontanelle; thence S 89°38'05" W along said north right-of-way line a distance of 245.39 feet; thence N 19°24'28" W a distance of 753.54 feet; thence N 00°00'00" W a distance of 414.35 feet to the Point of Beginning; and containing 11.44 Acres, more or less.

TRACT 5:

Part of Tax Lot 18 and part of Tax Lot 16 lying in the NEX NW¼ and the NW¼ NEX all lying in Section 17, Township 18 North, Range 9 East of the 7th Principal Meridian, Washington County, Nebraska, and more particularly described as follows:

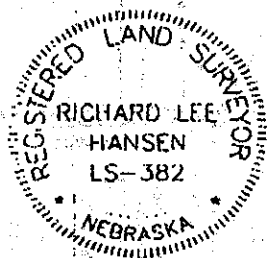
From the northwest corner of Section 17, Township 18 North, Range 9 East: thence N 90°00'00" E (assumed bearing) along the north line of said Section 17 a distance of 2894.10 feet; thence S 00°00'00" W a distance of 414.35 feet to the Point of Beginning; thence S 19°24'28" E a distance of 753.54 feet to a point on the north right-of-way line of Maryland Street as platted in the Village of Fontanelle, Washington County, Nebraska; thence S 89°38'05" W along said north right-of-way line a distance of 550.78 feet to a point of curvature; thence along a 183.00 foot radius curve to the right on arc distance of 178.94 feet to a point of tangency; thence N 34°20'27" W a distance of 70.06 feet to a point of curvature; thence along a 268.00 foot radius curve to the right on arc distance of 7.42 feet; thence N 59°48'55" E a distance of 33.04 feet to a point on a 233.00 foot radius curve to the right; thence along said 233.00 foot radius curve on arc distance of 140.77 feet; said curve having a chord bearing of N 15°47'54" W and a chord distance of 138.84 feet to a Point of Tangency; thence N 01°30'35" E a distance of 420.58 feet; thence N 90°00'00" E a distance of 494.37 feet to the Point of Beginning; and containing 10.01 Acres, more or less.

SURVEYOR'S CERTIFICATION:

I hereby certify that the Survey shown and described herein was made under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Nebraska.

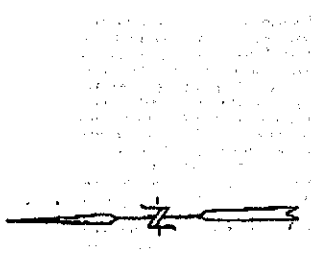
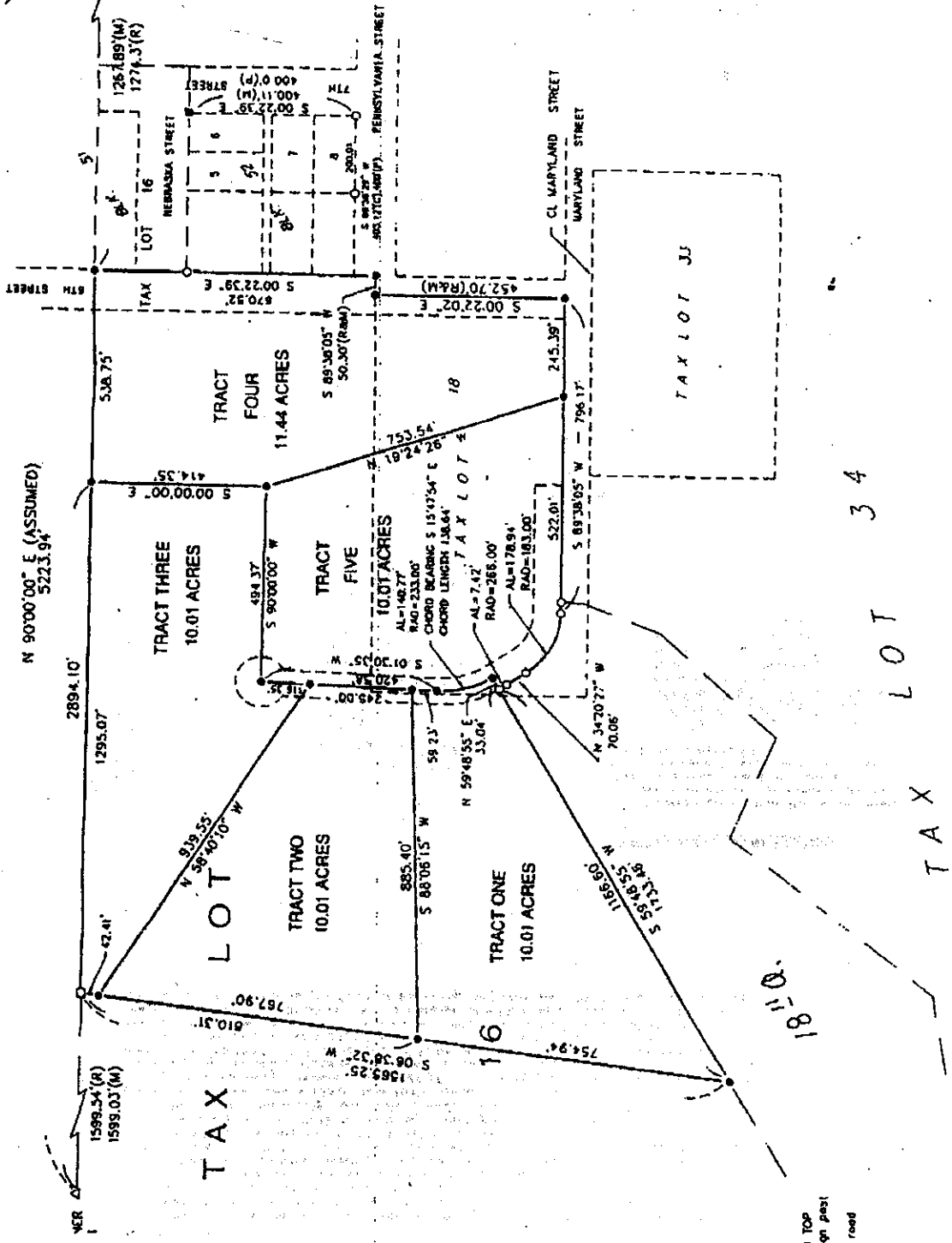
*Richard L. Hansen*  
Richard L. Hansen

Registered Land Surveyor  
Registration No. LS-382  
Date: September 20, 1998  
Client: C. Ray Harmon  
Job No: 95-255



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LEGEND

1 INCH = 300 FEET

- △ SUBDIVISIONAL CORNER FOUND (SEE TIES)
- 2-1/2" OPEN TOP PIPE FOUND
- 5/8" PINCH TOP PIPE FOUND
- 1/2" REBAR FOUND
- COMPUTED POINT (NOT SET)
- 1/2" x 24" REBAR SET
- (M) MEASURED DISTANCE
- (R) DISTANCE OF RECORD
- (C) COMPUTED DISTANCE
- (P) DISTANCE AS PLATTED
- AL - ARC LENGTH

TIES TO SUBDIVISIONAL CORNERS

Northwest Corner of Section 17-18-9  
 FOUND IRON BURIED 0.5' WITH "X" STAMPED ON TOP  
 68.96' ME to duplex nail in strip chased sign post  
 94.37' SSE to duplex nail in power pole  
 2' W to centerline North-South county road

Northeast Corner of Section 17-18-9  
 FOUND 2" OPEN-TOP PIPE BURIED 1.0'  
 7' S to East-West fence line  
 134.21' SE to duplex nail in power pole  
 159.33' SW to duplex nail in power pole

TAX LOT 34

1870'

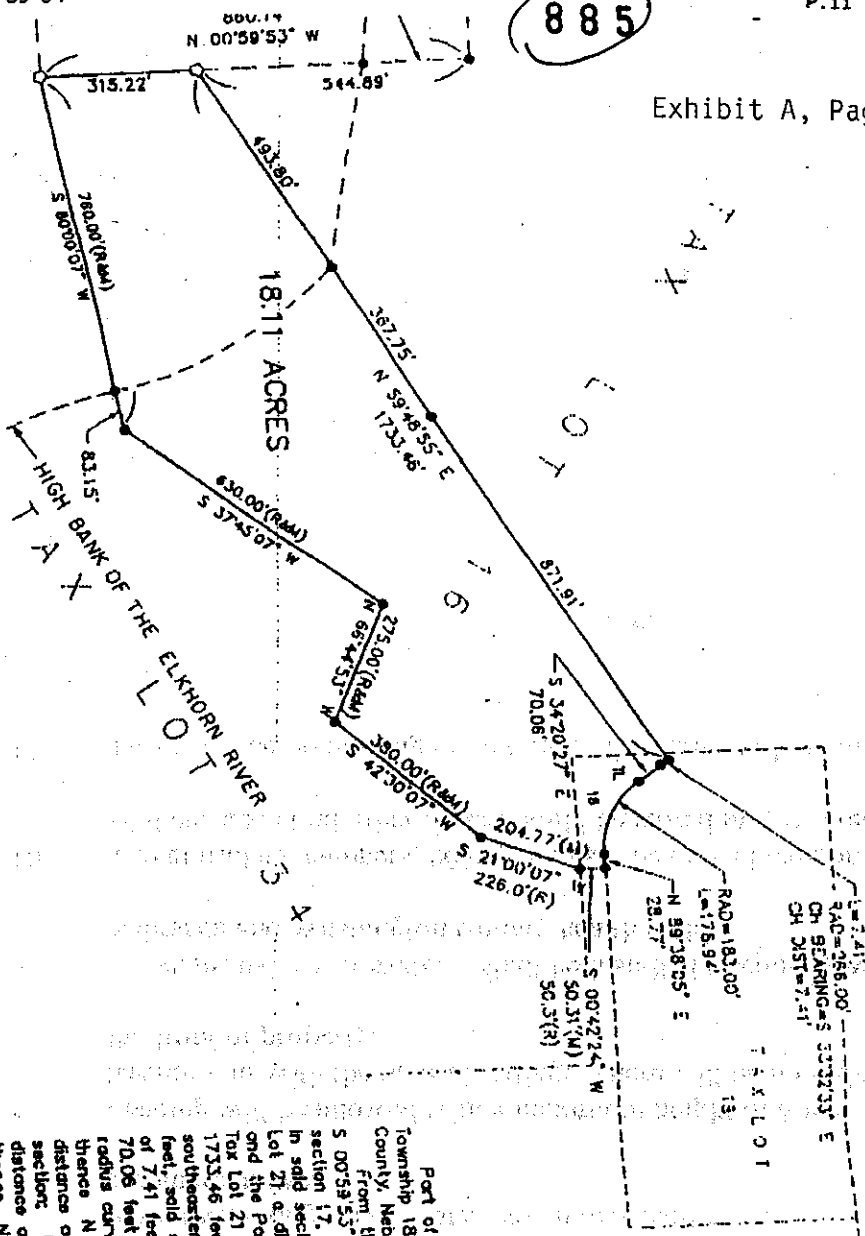
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TIPS TO SUBDIVISIONAL CORNERS

(C)

W 1/4 Corner of Sec. 17-18-9 FOUND 1/2 REBAR WITHNESS 70.44' SOUTH OF THE WEST 1/4 CORNER AND THE SW CORNER OF SECTION 17 SD ± N to top of river bank



18.11 ACRES

HIGH BANK OF THE ELKHORN RIVER

LEGAL DESCRIPTION

Part of Tax Lot 16, and part of Tax Lot 18, lying in Section 17, Township 18 North, Range 9 East of the Sixth Principal Meridian, Washington County, Nebraska and more particularly described as follows: From the Northwest corner of section 17, T-18-N, R-9-E of said section 17, a distance of 2228.45 feet to the southwest corner of Tax Lot 21 in said section, thence N 86°15'46\"/>

LEGEND

- 1 - SUBDIVISIONAL CORNER FOUND (SEE TIES)
2 - COMPUTED POINT (NOT SET)
3 - 1/2 x 24 REBAR SET
4 - MEASURED DISTANCE
5 - RECORD DISTANCE
6 - COMPUTED DISTANCE

SURVEYOR'S CERTIFICATION

I hereby certify that the Survey shown and described hereon was made under my direct

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**Exhibit B**

Part of Tax Lot 16 and part of Tax Lot 18 lying in Section 17, Township 18 North, Range 9, East of the 6<sup>th</sup> p.m., Washington County, Nebraska and more particularly described as follows: from the Northwest corner of Section 17, Township 18 North, Range 9 East, thence  $S00^{\circ}59'53''$  E (assumed bearing) along the West line of the NW  $\frac{1}{4}$  of said Section 17, a distance of 2228.45 feet to the Southwest corner of Tax Lot 21 in said section, thence  $N86^{\circ}15'46''$  E along the South line of said Tax Lot 21 a distance of 867.94 feet to the Southeast corner of said Tax Lot 21 and the point of beginning, thence  $N00^{\circ}59'53''$  W along the East line of said Tax Lot 21 a distance of 315.22 feet, thence  $N59^{\circ}48'55''$  E a distance of 1733.46 feet to a point on a 266.00 foot radius curve to the left, thence Southeasterly along said 266.00 foot radius curve, an arc distance of 7.41 feet, said curve having a chord bearing of  $S33^{\circ}32'33''$  E and a chord distance of 7.41 feet to a point of tangency, thence  $S34^{\circ}20'27''$  E a distance of 70.06 feet to a point of curvature, thence Southeasterly along a 183.00 foot radius curve to the left an arc distance of 178.94 feet to a point of tangency, thence  $N89^{\circ}38'05''$  E a distance of 28.77 feet, thence  $S00^{\circ}42'24''$  W a distance of 50.31 feet to a point on the Northerly line of said Tax Lot 34 in said Section, thence along said northerly line as follows:  $S21^{\circ}00'07''$  W a distance of 204.77 feet, thence  $S42^{\circ}30'07''$  W a distance of 380.00 feet, thence  $N66^{\circ}44'53''$  W a distance of 275.00 feet, thence  $S37^{\circ}45'07''$  W a distance of 630.00 feet, thence  $S80^{\circ}00'07''$  W a distance of 760.00 feet to the point of beginning now known as Tax Lot 49.