

FRED KLUG, ARLENE KLUG, GENE GNUSE and CLARICE GNUSE, being the owners of real estate described as Lots One to Seven (1-7) in Block 1, and Lots One to Five (1-5), in Block 2, of Elkhorn Bluffs Addition No. 1 and Lots One to Twenty (1-20) of Elkhorn Heights Addition, to the City of Arlington, Washington County, Nebraska, do hereby declare that all lots contained in such addition are and shall henceforth be owned, held, used and conveyed subject to the following conditions, restrictions and covenants:

A. Said lots shall be used only for single family residential purposes except such lots or portions thereof, as may hereafter be conveyed or dedicated by the undersigned for public, church, educational, non-profit, recreational uses or multi family dwellings.

B. No structure in Elkhorn Bluffs Addition<sup>No. 1</sup> shall be erected, altered, placed or permitted to remain on any "residential building plot", as hereinafter defined other than one detached single family dwelling not to exceed one story in height, or split level, with attached garage for not less than two cars, or attached car port enclosed on two sides for not more than two cars.

C. No structure in Elkhorn Heights shall be erected, altered, placed or permitted to remain on any "residential building plot", as hereinafter defined other than one detached single family dwelling not to exceed two stories in height, with attached garage for not less than one car or attached car port enclosed on two sides for not more than two cars.

D. No building shall be located on any residential building plot nearer than 30 feet to the front lot line, with the exception of Lots One to Seven (1-7) of Elkhorn Bluffs Addition<sup>No. 1</sup> which shall be no closer than 40 feet from the front lot line. Nor shall any building be located nearer than Seven feet to any side line of any building plot. On corner lots used for residential purposes, regardless of which way the dwelling faces, one street front yard shall be no less than 25 feet and the other street side yard shall not be less than 15 feet.

E. 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. No posters or advertising signs of any kind ( except residential "For Sale" signs not exceeding two feet by two feet in size) shall be erected on any building plot. The above restriction as to signs does not apply to

signs erected by the undersigned and its agents in the development and sale of the subdivisions. All tanks must be buried beneath ground level. No fence shall be built in the front yard beyond the front line of any dwelling, nor shall any hedges over two feet in height extend beyond the front line of any dwelling. All weeds and grass shall be kept cut down to a maximum height of eight inches above ground level. No down spouts, storm or surface drains shall be connected to sanitary sewers. No animals, live-stock or poultry of any kind shall be raised, brought or kept on said lots, except that dogs, cats or other household pets are permitted if they are not kept, bred or maintained for any commercial purpose. All excavations, including utility trenches, shall be kept filled, compacted and maintained by the then owner of each plot and in no event will the undersigned or its agents and associated entities be or become liable for such work or maintenance or for any claims arising from such excavations.

F. No trailer, tent, shack, barn or temporary structure shall be placed or erected on said real estate. Only the main residential structure may be occupied as a dwelling and such occupancy shall not be permitted until all exterior construction is fully completed according to approved plans. No building materials shall be placed on any lot until construction has started on the main residential structure.

G. Public sidewalks shall be constructed of concrete, not less than four feet in width and four inches thick. Sidewalks shall be constructed on the East side of 12th street, Northeast side of Dodge, and on the South side of Lots 9, 10 and 11, in Elkhorn Heights Addition.

H. The ground floor enclosed living area of main residential structures, exclusive of open porches, open breezeways, basements and garages shall be not less than 1200 square feet in Elkhorn Bluffs Addition and not less than 1000 square feet in Elkhorn Heights Addition.

I. Dwellings constructed in another addition or location shall not be moved to any lot within this addition.

J. All telephone, electric and other utility lines must be located underground, except Lots 13 thru 20 in Elkhorn Heights Addition which shall have overhead electricity.

K. These covenants, restrictions and conditions shall run with the land and continue until January 1, 1992, after which time they shall be automatically extended for successive periods of ten years,

unless an instrument signed by a majority of the then owners of said land shall have been recorded in the office of the County Clerk of Washington County, Nebraska, agreeing to change same in whole or in part.

L. If any person, firm or corporation shall violate or attempt to violate any provisions hereof, any owner of real estate in such addition 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.

M. If any provisions hereof shall be adjudged unlawful or unenforcible, same shall in no manner affect or change the other provisions hereof, which shall remain in full force and effect.

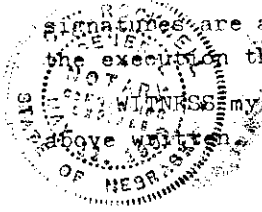
Signed this 26 day of September, 1967.

Fred Klug  
Fred Klug  
Gene Gnuse  
Gene Gnuse

Arlene Klug  
Arlene Klug  
Clarice Gnuse  
Clarice Gnuse

STATE OF NEBRASKA } :ss:  
WASHINGTON COUNTY

On this \_\_\_ day of September, 1967, before me, the undersigned, a notary public, duly commissioned and qualified for and residing in said county, personally came Fred Klug, Arlene Klug, Gene Gnuse, and Clarice Gnuse, to me known to be the identical persons whose signatures are affixed to the foregoing instrument and acknowledged the execution thereof to be their voluntary act and deed.



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

[Signature]  
Notary Public

My commission expires May 11 1968

State of Nebraska } ss. 1025  
County of Washington }  
Entered in Numerical Index and filed for record  
this 26 day of September  
A. D., 19 67 at 8:40 o'clock A. M.  
and recorded in book 91 at page 153-155  
[Signature]  
County Clerk  
Deputy

Recorded [initials]  
General [initials]  
Numerical [initials]  
Photostat \_\_\_\_\_