

FILED

STATE OF NEBRASKA COUNTY OF WASHINGTON) SS 995468
 ENTERED IN NUMERICAL INDEX AND FILED FOR RECORD
 THIS 18 DAY OF November A.D. 19 99
 AT 7:08 O'CLOCK P. M. AND RECORDED IN BOOK
370 AT PAGE 409-414
 COUNTY CLERK Charlotte L. Petersen
 DEPUTY Maureen Madden

Recorded _____
 General _____
 Numerical _____
 Photostat _____
 Proofed _____

99 NOV 18 PM 2:08

CHARLOTTE L. PETERSEN
 WASHINGTON COUNTY CLERK
 BEAVER NEBR.

PROTECTIVE AND RESTRICTIVE COVENANTS

THIS DECLARATION, made this 18 day of November, 1999 by the undersigned, WITNESSETH:

WHEREAS, Brian E. Johnson and Tamara S. Johnson are the owners of and have caused the property located in Section 33, Township 18 North, Range 9 East of the 6th P.M., in Washington County Nebraska to be divided into 2 parcels containing approximately 50 acres and 48.46 acres, the legal descriptions of which are attached; and whereas Brian E. Johnson and Tamara S. Johnson intend that all property within the boundaries of the attached legal description be bound by restrictive covenants and that the purchasers of each parcel take title subject to the restrictions, conditions, reservations, liens and charges hereby described to insure the best use and the most appropriate development and improvement of each building site thereof; to protect the owners of building sites against such improper use of surrounding building sites as will depreciate the value of their property; to preserve, so far as practical, the natural beauty of said property; to guard against the erection of poorly designed or proportioned structures; and structures built of improper or unsuitable materials; to obtain harmonious color schemes; to insure the highest and best development of said property; to encourage and secure the erection of attractive homes thereon, with appropriate locations thereof on building sites; to secure and maintain proper setback from road easement and lot lines and in general to provide adequately for a high type and quality of improvement in said property, and thereby to enhance the value of investments made by purchasers of building sites therein.

These covenants are to run with the land and shall be binding on all present and future owners of all or any part of the real estate described herein above until November 18, 2019;

If any owner of any lot described herein above, or their grantees, heirs, assigns, shall violate or attempt to violate any of these covenants, it shall be lawful for any other person or persons owning any part of the real estate with the subdivision 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 doing so or to recover damages or other dues for such violation;

Invalidation of any of these covenants by judgement or court order shall in no way affect any

of the other provisions, which shall remain in full force and effect.

COVENANTS, RESTRICTIONS AND CONDITIONS

1. The lots shall be used exclusively for single family residential purposes and no Purchaser may subdivide any parcel, as described herein above, into a parcel containing less than 10 acres. Any allowed or permissible division of any of the real estate shall in all respects comply with all Washington County Zoning regulations and requirements.

2. No more than one single family dwelling may be erected or constructed on any one lot, provided however, buyer may construct utility sheds or workshop buildings that are similar to the main structure. No unpainted or unfinished exteriors shall be permitted. No open basement or foundation shall remain unclosed for more than 8 weeks. Exteriors on all buildings shall be completed within one year from date the construction commences. All residences must include at least an attached two car garage and no boats or campers or other recreational vehicles may be stored on lots unless stored in permanent enclosure.

3. The minimum size permanently enclosed living space shall be 1,450 square feet per ranch style home and a minimum of 1,000 square feet on the main level for a multi-level home. Extra space may be in walk-out basement or 2nd floor.

4. No dwelling shall exceed 2-1/2 stories in height.

5. No residence shall be located nearer than 35 feet of any side lot line, nor closer than 50 feet from the road easement.

6. No trailer, mobile home, trailer house, manufactured home, tent, shack, garage or temporary building erected or placed upon any lot shall at any time be used as a residence, whether temporarily or permanently nor shall any structure of a temporary character be used as a residence.

7. No garbage or trash can or container shall be permitted unless completely screened from view, except for pickup purposes. No garden, lawn or maintenance equipment of any kind whatsoever shall be stored or permitted to remain outside of any dwelling or suitable storage facility except when in actual use. No garbage, refuse, rubble or cuttings shall be deposited on any road or lot.

8. Exterior lighting installed on any lot shall either be indirect or of such a controlled focus and intensity as not to disturb the residents of adjacent lots.

9. All lots shall be neatly maintained at all times, all grass and weeds shall be kept at a reasonable height (maximum 18 inches). There shall be no accumulation of debris, machinery, disabled automobiles or offensive materials of any kind.

10. All utility service lines from each lot line to a dwelling or other improvement shall be underground.

11. All sewer systems must be installed so as to comply with existing State/County Health Codes. Such systems must be inspected during installation by an appropriately designated Health Inspector. Where septic tanks are used, they must be maintained in good condition and laterals buried in such a manner that there will be no surface drainage and be so constructed as to comply with the regulations established by the Nebraska Department of Health.

12. No noxious or offensive activity shall be permitted on any lot, nor shall anything be done thereon which shall be or become an annoyance or nuisance to the neighboring lot owners. Customary house pets may be kept in reasonable numbers. Care shall be taken to keep these pets within the confines of one's own property. No commercial signs shall be permitted other than "for sale" sign pertaining to property sales within.

13. Satellite dishes shall be placed to the rear of the back line of the residential structure and shall not be visible from the road.

14. No commercial businesses will be allowed to operate which are noticeable or detectable to the other lot owners by sight, odor, noise, vibration, particulate emission or outside storage of any material.

15. No more than 2 hooved animals of any nature or kind shall be allowed per 10 acres on any lot.

Amendment. The restrictions and covenants herein may be amended, including but not limited to conditions or restrictions added to or deleted herefrom, by the undersigned in any manner they shall determine in their full and absolute discretion for a period of five (5) years from the date hereof. Thereafter these restrictions and covenants may be amended by an instrument signed by the owners of not less than fifty percent (50%) of the parcels referred to hereinabove and covered by these restrictions and covenants.

IN WITNESS WHEREOF, the undersigned, being the owner of all of the above described real estate in Section 33, Township 18 North, Range 9 East of the 6th P.M., Washington County, Nebraska has caused these presents to be duly executed this 18th day of November, 1999.

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Brian E. Johnson
Brian E. Johnson

Tamara S. Johnson
Tamara S. Johnson

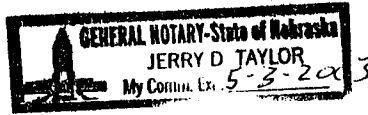
STATE OF NEBRASKA

COUNTY OF WASHINGTON

The foregoing instrument was acknowledged before me, a qualified Notary Public by Brian E. Johnson and Tamara S. Johnson, Husband and wife on the 18th day of November, 1999.

Jerry D. Taylor
Notary Public

My Commission Expires: 5-3-2003



**LEGAL DESCRIPTION
50.000± ACRE TRACT**

PART OF TAX LOT 21 AND TAX LOT 20, LOCATED IN THE EAST ¼ OF THE WEST ½ AND THE WEST ¼ OF THE EAST ½ OF SECTION 33, TOWNSHIP 18 NORTH, RANGE 9 EAST OF THE 6th P.M., AS SURVEYED AND RECORDED IN WASHINGTON COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH ¼ CORNER OF SAID SECTION 33; THENCE S 90° 00' 00" W (ASSUMED BEARING), ALONG THE NORTH LINE OF THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF SAID SECTION 33, A DISTANCE OF 146.98 FEET; THENCE SOUTHERLY, ALONG A 100.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 26.42 FEET (SAID CURVE HAS A CHORD BEARING S 07° 42' 28" W, AND A CHORD DISTANCE OF 26.35 FEET) TO THE POINT OF BEGINNING; THENCE SOUTHERLY ALONG THE EAST LINE OF A TRACT OF LAND AS SURVEYED AND RECORDED BY RICHARD L. HANSEN (LS-382) AND DATED JUNE 6, 1994 (HEREAFTER REFERRED TO AS "TRACT A", AND ALONG A 100.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 64.19 FEET (SAID CURVE HAS A CHORD BEARING S 18° 14' 58" E, AND A CHORD DISTANCE OF 63.09 FEET) TO A POINT OF TANGENCY; THENCE S 36° 38' 13" E, ALONG THE EAST LINE OF SAID "TRACT A", A DISTANCE OF 51.68 FEET; THENCE S 40° 19' 27" E, ALONG SAID EAST LINE, A DISTANCE OF 268.95 FEET; THENCE S 30° 34' 22" E, ALONG SAID EAST LINE, A DISTANCE OF 101.68 FEET; THENCE S 12° 19' 40" E, ALONG SAID EAST LINE, A DISTANCE OF 151.57 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG SAID EAST LINE AND ALONG A 954.93 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 398.39 FEET (SAID CURVE HAS A CHORD BEARING S 24° 16' 46" E, AND A CHORD DISTANCE OF 395.51 FEET) TO A POINT OF TANGENCY; THENCE S 36° 13' 53" E, ALONG SAID EAST LINE, A DISTANCE OF 128.85 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG SAID EAST LINE AND ALONG A 1909.86 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 88.89 FEET (SAID CURVE HAS A CHORD BEARING S 34° 53' 53" E, AND A CHORD DISTANCE OF 88.88 FEET) TO A POINT OF TANGENCY; THENCE S 33° 33' 52" E, ALONG SAID EAST LINE, A DISTANCE OF 149.50 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG SAID EAST LINE AND ALONG A 954.93 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 308.58 FEET (SAID CURVE HAS A CHORD BEARING S 42° 49' 19" E, AND A CHORD DISTANCE OF 307.24 FEET) TO A POINT OF TANGENCY; THENCE S 56° 15' 52" E, ALONG SAID EAST LINE, A DISTANCE OF 102.68 FEET; THENCE S 56° 26' 17" E, ALONG SAID EAST LINE, A DISTANCE OF 83.97 FEET; THENCE S 40° 10' 24" E, ALONG SAID EAST LINE, A DISTANCE OF 642.08 FEET; THENCE S 00° 20' 49" W, ALONG SAID EAST LINE, A DISTANCE OF 593.14 FEET TO THE NORTHWEST CORNER OF TAX LOT 14, IN SAID SECTION 33; THENCE S 00° 20' 45" W, ALONG SAID EAST LINE, A DISTANCE OF 1321.22 FEET TO THE SOUTHWEST CORNER OF TAX LOT 17, IN SAID SECTION 33; THENCE N 89° 42' 54" W, ALONG THE SOUTH LINE OF SAID "TRACT A", A DISTANCE OF 1320.81 FEET; THENCE S 00° 20' 21" W, ALONG THE EAST LINE OF SAID "TRACT A", A DISTANCE OF 1074.83 FEET TO THE SOUTHERNMOST CORNER OF SAID "TRACT A"; THENCE N 23° 38' 58" W, ALONG THE WEST LINE OF SAID "TRACT A", A DISTANCE OF 708.00 FEET; THENCE N 23° 33' 25" E, A DISTANCE OF 2015.22 FEET; THENCE N 49° 03' 44" E, A DISTANCE OF 492.65 FEET; THENCE N 37° 07' 20" E, A DISTANCE OF 303.41 FEET; THENCE N 18° 02' 02" E, A DISTANCE OF 124.01 FEET; THENCE N 40° 13' 14" W, A DISTANCE OF 250.02 FEET; THENCE N 40° 12' 11" W, A DISTANCE OF 91.74 FEET; THENCE N 56° 26' 35" W, A DISTANCE OF 77.56 FEET; THENCE N 56° 17' 34" W, A DISTANCE OF 64.71 FEET; THENCE N 56° 11' 57" W, ALONG A LINE 45.00 SOUTHWESTERLY OF AND PARALLEL WITH THE EASTERLY LINE OF SAID "TRACT A", A DISTANCE OF 41.38 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG A LINE 45.00 FEET SOUTHWESTERLY OF AND PARALLEL WITH SAID EASTERLY LINE, AND ALONG A 999.93 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 323.12 FEET (SAID CURVE HAS A CHORD BEARING N 42° 49' 20" W, AND A CHORD DISTANCE OF 321.72 FEET) TO A POINT OF TANGENCY; THENCE N 33° 33' 53" W, ALONG A LINE 45.00 FEET SOUTHWESTERLY OF AND PARALLEL WITH SAID EASTERLY LINE, A DISTANCE OF 149.50 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG A LINE 45.00 FEET SOUTHWESTERLY OF AND PARALLEL WITH SAID EASTERLY LINE, AND ALONG A 1864.86 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 86.79 FEET (SAID CURVE HAS A CHORD BEARING N 34° 53' 49" W, AND A CHORD DISTANCE OF 86.79 FEET) TO A POINT OF TANGENCY; THENCE N 36° 13' 49" W, ALONG A LINE 45.00 FEET SOUTHWESTERLY OF AND PARALLEL WITH SAID EASTERLY LINE, A DISTANCE OF 128.84 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY ALONG A LINE 45.00 FEET SOUTHWESTERLY OF AND PARALLEL WITH SAID EASTERLY LINE AND ALONG A 999.93 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 90.36 FEET (SAID CURVE HAS A CHORD BEARING N 33° 38' 46" W, AND A CHORD DISTANCE OF 90.33 FEET); THENCE N 24° 44' 30" W, A DISTANCE OF 177.58 FEET; THENCE N 16° 51' 12" W, A DISTANCE OF 185.26 FEET; THENCE N 23° 39' 27" W, A DISTANCE OF 224.29 FEET; THENCE N 38° 36' 47" W, A DISTANCE OF 193.59 FEET; THENCE N 38° 32' 53" W, A DISTANCE OF 224.46 FEET; THENCE N 25° 35' 34" W, A DISTANCE OF 10.12 FEET TO A POINT ON THE NORTH LINE OF THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF SAID SECTION 33; THENCE N 90° 00' 00" E, ALONG SAID NORTH LINE, A DISTANCE OF 21.68 FEET; THENCE SOUTHEASTERLY ALONG A 370.28 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 80.95 FEET (SAID CURVE HAS A CHORD BEARING S 71° 06' 41" E, AND A CHORD DISTANCE OF 80.69 FEET) TO THE POINT OF BEGINNING, CONTAINING 2178192± SQ. FT. (50.004± ACRES).

MIKE KAUSS & ASSOCIATES, INC.
4350SK (2) TAMI JOHNSON
WASHINGTON CO., NE
11-12-99 (REVISED 11-16-99)

**LEGAL DESCRIPTION
48.455± ACRE TRACT**

PART OF TAX LOT 21 AND TAX LOT 20, LOCATED IN THE EAST ¼ OF THE WEST ¼ AND THE WEST ¼ OF THE EAST ½ OF SECTION 33, TOWNSHIP 18 NORTH, RANGE 9 EAST OF THE 6th P.M., AS SURVEYED AND RECORDED IN WASHINGTON COUNTY, NEBRASKA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH ¼ CORNER OF SAID SECTION 33; THENCE S 90° 00' 00" W (ASSUMED BEARING), ALONG THE NORTH LINE OF THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF SAID SECTION 33, A DISTANCE OF 146.98 FEET; THENCE SOUTHERLY, ALONG A 100.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 26.42 FEET (SAID CURVE HAS A CHORD BEARING S 07° 42' 28" W, AND A CHORD DISTANCE OF 26.35 FEET); THENCE SOUTHERLY ALONG THE EAST LINE OF A TRACT OF LAND AS SURVEYED AND RECORDED BY RICHARD L. HANSEN (LS-382) AND DATED JUNE 6, 1994 (HEREAFTER REFERRED TO AS "TRACT A", AND ALONG A 100.00 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 64.19 FEET (SAID CURVE HAS A CHORD BEARING S 18° 14' 58" E, AND A CHORD DISTANCE OF 63.09 FEET) TO A POINT OF TANGENCY; THENCE S 36° 38' 13" E, ALONG THE EAST LINE OF SAID "TRACT A", A DISTANCE OF 51.68 FEET; THENCE S 40° 19' 27" E, ALONG SAID EAST LINE, A DISTANCE OF 268.95 FEET; THENCE S 30° 34' 22" E, ALONG SAID EAST LINE, A DISTANCE OF 101.68 FEET; THENCE S 12° 19' 40" E, ALONG SAID EAST LINE, A DISTANCE OF 151.57 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG SAID EAST LINE AND ALONG A 954.93 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 398.39 FEET (SAID CURVE HAS A CHORD BEARING S 24° 16' 46" E, AND A CHORD DISTANCE OF 395.51 FEET) TO A POINT OF TANGENCY; THENCE S 36° 13' 53" E, ALONG SAID EAST LINE, A DISTANCE OF 128.85 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG SAID EAST LINE AND ALONG A 1909.86 FOOT RADIUS CURVE TO THE RIGHT, AN ARC DISTANCE OF 88.89 FEET (SAID CURVE HAS A CHORD BEARING S 34° 53' 53" E, AND A CHORD DISTANCE OF 88.88 FEET) TO A POINT OF TANGENCY; THENCE S 33° 33' 52" E, ALONG SAID EAST LINE, A DISTANCE OF 149.50 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY ALONG SAID EAST LINE AND ALONG A 954.93 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 308.58 FEET (SAID CURVE HAS A CHORD BEARING S 42° 49' 19" E, AND A CHORD DISTANCE OF 307.24 FEET) TO A POINT OF TANGENCY; THENCE S 56° 15' 52" E, ALONG SAID EAST LINE, A DISTANCE OF 102.68 FEET; THENCE S 56° 26' 17" E, ALONG SAID EAST LINE, A DISTANCE OF 83.97 FEET; THENCE S 40° 10' 24" E, ALONG SAID EAST LINE, A DISTANCE OF 348.09 FEET; THENCE S 49° 49' 36" W, A DISTANCE OF 44.57 FEET TO THE POINT OF BEGINNING; THENCE S 18° 02' 02" W, A DISTANCE OF 124.01 FEET; THENCE S 37° 07' 20" W, A DISTANCE OF 303.41 FEET; THENCE S 49° 03' 44" W, A DISTANCE OF 492.65 FEET; THENCE S 23° 33' 25" W, A DISTANCE OF 2015.22 FEET TO A POINT ON THE WEST LINE OF SAID "TRACT A"; THENCE N 23° 38' 51" W, ALONG SAID WEST LINE, A DISTANCE OF 1773.43 FEET; THENCE N 58° 46' 26" E, A DISTANCE OF 1753.38 FEET; THENCE N 87° 00' 25" E, A DISTANCE OF 342.04 FEET; THENCE N 32° 31' 30" E, A DISTANCE OF 201.05 FEET; THENCE S 40° 13' 14" E, A DISTANCE OF 250.02 FEET TO THE POINT OF BEGINNING, CONTAINING 2110690± SQ. FT. (48.455± ACRES).

MIKE KAUSS & ASSOCIATES, INC.
4350SK (3) TAMI JOHNSON
WASHINGTON CO., NE
11-12-99 (REVISED 11-16-99)