

Entered As Instrument No
0200408936

STATE OF NEBRASKA) SS
COUNTY OF HALL)

2009 SEP 7 PM 4 51

Kathy Beaman
REG OF DEEDS

CASH 46.00
CHECK _____

REFUNDS:
CASH _____
CHECK _____

Ret Emv
Jim Hatch
360 Midway
GI NE 68801

200408936

46.00

RESERVED FOR REGISTER OF DEEDS RECORDING SPACE
(Sec. 23-1503.01)
HALL COUNTY, NE

AGREEMENT TO MODIFY RESTRICTIVE COVENANTS

WHEREAS, an Agreement for Restrictive Covenants for property located in Section Twenty-Seven (27), Township Eleven (11) North, Range Nine (9), West of the 6th PM, Hall County, Nebraska has heretofore been recorded on October 3, 1994, Instrument #94-108191 of the Miscellaneous Records on file at the Register of Deeds Office in Hall County, Nebraska.

WHEREAS, the undersigned are a majority of the owners of said lots and desire to modify the Restrictive Covenants for property located in Section Twenty-Seven (27), Township Eleven (11) North, Range Nine (9), West of the 6th PM, Hall County, Nebraska.

NOW, THEREFORE, in consideration of the premises and of the mutual modification of restrictions as set forth hereinafter, the said parties hereto hereby consent and agree that the Restrictive Covenants for property located in Section Twenty-Seven (27), Township Eleven (11) North, Range Nine (9), West of the 6th PM, Hall County, Nebraska, are changed and modified in the following particulars, to-wit:

1. Exhibit A thereof is hereby amended to read as follows:

A tract of land comprising parts of Lots Two (2), Three (3) and Four (4), Island, together with the accretion land thereto; part of the Lot Eleven (11) Birch Subdivision; and all of the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$), all of the above being situated in part of the North Half of the Southwest Quarter (N $\frac{1}{2}$ SW $\frac{1}{4}$); part of the East Half of the Northwest Quarter (E $\frac{1}{2}$ NW $\frac{1}{4}$); and part of the West Half of the Northeast Quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$), all in Section Twenty Seven (27), Township eleven (11) North, Range Nine (9) West of the 6th P.M. in Hall County, Nebraska, more particularly described as follows:

Beginning at a point on the east line of the West Half of the Northeast Quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$), said point being Three Hundred Twenty One and Twenty Five Hundredths (321.25) feet south of the northeast corner of said West Half of the Northeast Quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$); thence southerly along said east line of the West Half of the Northeast Quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$), a distance of Two Thousand Five Hundred Forty and Seventy Two Hundredths (2,540.72) feet, to the southeast corner of said West Half of the Northeast Quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$); thence westerly along the south line of said West Half of the Northeast Quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$), a distance of One Thousand Three Hundred Twelve and Eighty Two Hundredths (1,312.82) feet, to the center of said Section Twenty Seven (27); thence southerly along the east line of said Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$), a distance of One Thousand Three Hundred Twenty Two and Forty Two Hundredths (1,322.42) feet, to the southeast corner of said Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$); thence westerly along the south line of the North Half of the Southwest Quarter (N $\frac{1}{2}$ SW $\frac{1}{4}$), a distance of One Thousand Nine Hundred Forty Four and Eighty Three Hundredths (1,944.83) feet, to a point Six Hundred Sixty (660.0) feet east of the southwest corner of said North Half of the Southwest Quarter (N $\frac{1}{2}$ SW $\frac{1}{4}$); thence deflecting right 88°40' 40" and running northerly, a distance of Six Hundred Sixty One (661.0) feet; thence deflecting left 88°49' 30" and running westerly, a distance of Two Hundred Twenty Seven and Four Tenths (227.4) feet; thence running northerly along a line Four Hundred Thirty Three (433.0) feet east of and parallel to the west line of said Section Twenty Seven (27), a distance of Six Hundred Fifty Three and Fifteen Hundredths (653.15) feet, to a point on the north line of said Southwest Quarter (SW $\frac{1}{4}$); thence easterly along said north line of the Southwest Quarter (SW $\frac{1}{4}$), a distance of Eight Hundred Seventy Three and Fifty Two Hundredths (873.52) feet,

to the southeast corner of Lot Thirty Four (34), Matthews Subdivision; thence northerly along the east line of said Lot Thirty Four (34), a distance of Six Hundred Twenty Six and Three Hundredths (626.03) feet; thence deflecting right $76^{\circ}06'20''$ and running northeasterly, a distance of Eight and Five Tenths (8.5) feet; thence deflecting right $05^{\circ}21'$ and running northeasterly, a distance of One Hundred Forty Two and Nine Tenths (142.9) feet; thence deflecting left $44^{\circ}31'$ and running northeasterly a distance of Three Hundred Seventy Eight and Eighty Three Hundredths (378.83) feet; thence deflecting right $31^{\circ}34'$ and running northeasterly, a distance of Two Hundred Eighteen and Eighty Five Hundredths (218.85) feet, to a point on a westerly line of Lot Eleven (11), Birch Subdivision; thence southerly along said westerly line of Lot Eleven (11), a distance of Twenty Four and Twenty Six Hundredths (24.26) feet, to a point One Hundred Sixty Five (165.0) feet north of a southwesterly corner of said Lot Eleven (11); thence running northeasterly parallel to the southeasterly line of said Lot Eleven (11), a distance of Eight Hundred Thirty Eight and Sixty Three Hundredths (838.63) feet, to the east line of said Lot Eleven (11), also being the westerly line of said Northeast Quarter (NE $\frac{1}{4}$); thence northerly along said westerly line of the Northeast Quarter (NE $\frac{1}{4}$), a distance of Thirty and Thirty Four Hundredths (30.34) feet, to a point on the centerline of the North Channel of the Platte River, said point being One Thousand Three Hundred Sixty Five and Sixteen Hundredths (1,365.16) feet south of the northwest corner of said Northeast Quarter (NE $\frac{1}{4}$); thence deflecting right $53^{\circ}30'40''$ and running northeasterly along said centerline, a distance of Two Hundred Forty Six (246.0) feet; thence deflecting left $12^{\circ}26'40''$ and running northeasterly along said centerline a distance of Eight Hundred Ninety Nine and Seventy Nine Hundredths (899.79) feet; thence deflecting right $30^{\circ}16'20''$ and running northeasterly along said centerline, a distance of Seventy Two and Eighty Five Hundredths (72.85) feet; thence deflecting right $19^{\circ}35'50''$ and running northeasterly along said centerline, a distance of One Hundred Sixty Six and Twenty Four Hundredths (166.24) feet; thence deflecting left $21^{\circ}10'20''$ and running northeasterly along said centerline, a distance of Two Hundred Fifty One and Eighty Four Hundredths (251.84) feet; thence deflecting left $41^{\circ}03'40''$ and running northeasterly along said centerline a distance of One Hundred Sixteen and Thirteen Hundredths (116.13) feet, to the POINT OF BEGINNING.

A tract of land comprising a part of the West Half of the Southeast Quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$) of Section 27, Township 11 North, Range 9 West of the 6th PM., Hall County, Nebraska, said tract being more particularly described as follows. Beginning with reference to the Northwest corner of said W $\frac{1}{2}$ SE $\frac{1}{4}$; thence running S $00^{\circ}57'18''$ E on the West line of said W $\frac{1}{2}$ SE $\frac{1}{4}$ for a distance of 788.94 feet to the actual POINT OF BEGINNING; thence continuing S $00^{\circ}57'18''$ E on the West line of said W $\frac{1}{2}$ SE $\frac{1}{4}$ for 279.98 feet; thence N $56^{\circ}50'07''$ E for 568.42 feet; thence N $87^{\circ}45'01''$ E for 772.78 feet; thence N $01^{\circ}03'33''$ W for 471.71 feet; thence N $89^{\circ}46'37''$ W for 489.11 feet; thence S $00^{\circ}47'08''$ E for 129.00 feet; thence S $61^{\circ}47'17''$ W for 858.61 feet to the POINT OF BEGINNING.

2. Paragraph (1) thereof is hereby amended to read as follows:

All lots shall be zoned and used as residential lots. All lots will contain a minimum of ten (10) acres. No structure shall be erected, altered, placed or permitted to remain on any lot other than one detached modern single family dwelling not to exceed two stories in height with not less than a two car attached garage. Accessory buildings and guest quarters shall be permitted on a lot. Only one family may occupy a dwelling. No multi-family dwelling shall be allowed. No lot owner shall be permitted to sell, donate, allow easement, or otherwise convey land for public use.

3. Paragraph (4) thereof is hereby amended to read as follows:

to the southeast corner of Lot Thirty Four (34), Matthews Subdivision; thence northerly along the east line of said Lot Thirty Four (34), a distance of Six Hundred Twenty Six and Three Hundredths (626.03) feet; thence deflecting right $76^{\circ}06'20''$ and running northeasterly, a distance of Eight and Five Tenths (8.5) feet; thence deflecting right $05^{\circ}21'$ and running northeasterly, a distance of One Hundred Forty Two and Nine Tenths (142.9) feet; thence deflecting left $44^{\circ}31'$ and running northeasterly a distance of Three Hundred Seventy Eight and Eighty Three Hundredths (378.83) feet; thence deflecting right $31^{\circ}34'$ and running northeasterly, a distance of Two Hundred Eighteen and Eighty Five Hundredths (218.85) feet, to a point on a westerly line of Lot Eleven (11), Birch Subdivision; thence southerly along said westerly line of Lot Eleven (11), a distance of Twenty Four and Twenty Six Hundredths (24.26) feet, to a point One Hundred Sixty Five (165.0) feet north of a southwesterly corner of said Lot Eleven (11); thence running northeasterly parallel to the southeasterly line of said Lot Eleven (11), a distance of Eight Hundred Thirty Eight and Sixty Three Hundredths (838.63) feet, to the east line of said Lot Eleven (11), also being the westerly line of said Northeast Quarter (NE $\frac{1}{4}$); thence northerly along said westerly line of the Northeast Quarter (NE $\frac{1}{4}$), a distance of Thirty and Thirty Four Hundredths (30.34) feet, to a point on the centerline of the North Channel of the Platte River, said point being One Thousand Three Hundred Sixty Five and Sixteen Hundredths (1,365.16) feet south of the northwest corner of said Northeast Quarter (NE $\frac{1}{4}$); thence deflecting right $53^{\circ}30'40''$ and running northeasterly along said centerline, a distance of Two Hundred Forty Six (246.0) feet; thence deflecting left $12^{\circ}26'40''$ and running northeasterly along said centerline a distance of Eight Hundred Ninety Nine and Seventy Nine Hundredths (899.79) feet; thence deflecting right $30^{\circ}16'20''$ and running northeasterly along said centerline, a distance of Seventy Two and Eighty Five Hundredths (72.85) feet; thence deflecting right $19^{\circ}35'50''$ and running northeasterly along said centerline, a distance of One Hundred Sixty Six and Twenty Four Hundredths (166.24) feet; thence deflecting left $21^{\circ}10'20''$ and running northeasterly along said centerline, a distance of Two Hundred Fifty One and Eighty Four Hundredths (251.84) feet; thence deflecting left $41^{\circ}03'40''$ and running northeasterly along said centerline a distance of One Hundred Sixteen and Thirteen Hundredths (116.13) feet, to the POINT OF BEGINNING.

A tract of land comprising a part of the West Half of the Southeast Quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$) of Section 27, Township 11 North, Range 9 West of the 6th PM., Hall County, Nebraska, said tract being more particularly described as follows. Beginning with reference to the Northwest corner of said W $\frac{1}{2}$ SE $\frac{1}{4}$; thence running S $00^{\circ}57'18''$ E on the West line of said W $\frac{1}{2}$ SE $\frac{1}{4}$ for a distance of 788.94 feet to the actual POINT OF BEGINNING; thence continuing S $00^{\circ}57'18''$ E on the West line of said W $\frac{1}{2}$ SE $\frac{1}{4}$ for 279.98 feet; thence N $56^{\circ}50'07''$ E for 568.42 feet; thence N $87^{\circ}45'01''$ E for 772.78 feet; thence N $01^{\circ}03'33''$ W for 471.71 feet; thence N $89^{\circ}46'37''$ W for 489.11 feet; thence S $00^{\circ}47'08''$ E for 129.00 feet; thence S $61^{\circ}47'17''$ W for 858.61 feet to the POINT OF BEGINNING.

2. Paragraph (1) thereof is hereby amended to read as follows:

All lots shall be zoned and used as residential lots. All lots will contain a minimum of ten (10) acres. No structure shall be erected, altered, placed or permitted to remain on any lot other than one detached modern single family dwelling not to exceed two stories in height with not less than a two car attached garage. Accessory buildings shall be permitted on a lot. Only one family may occupy a dwelling. No multi-family dwelling shall be allowed. No lot owner shall be permitted to sell, donate, allow easement, or otherwise convey land for public use.

RT
 PR
 MS.
 S.L.
 RE
 RC
 W/Guest Room
 PRD
 DA
 BT

3. Paragraph (4) thereof is hereby amended to read as follows:

duplicate
 of pg 2

A one-story dwelling shall have not less than 1200 square feet of ground floor area. A story and a half or two story dwelling shall have not less than 1200 square feet of group floor area. No basement houses shall be permitted. In determining the amount of square footage, all open porches and attached garages shall be excluded from such computation. All dwellings shall have an exterior appearance and elevation in keeping with the native and natural surroundings. All construction shall comply with the building codes of the City of Grand Island.

4. Paragraph (7) thereof is hereby amended to read as follows:

DELETED

5. Paragraph (8) thereof is hereby amended to read as follows:

DELETED

6. Paragraph (10) thereof is hereby amended to read as follows:

DELETED

7. Paragraph (12) thereof is hereby amended to read as follows:

No noxious or offensive trade or activity shall be carried out upon any lot in the specified area, nor shall anything be done thereon which may be or become an annoyance or nuisance to other lot owners in the specified area. Any animals kept on the premises must comply with the City of Grand Island animal ordinances, which shall apply to the property. Dogs shall be confined to their owner's lot except when off the lot in the company of the owner of the animal. The breeding of dogs for sale shall be prohibited on the property.

8. Paragraph (13) thereof is hereby amended to read as follows:

DELETED

9. Paragraph (14) thereof is hereby amended to read as follows:

DELETED

10. Paragraph (15) thereof is hereby amended to read as follows:

DELETED

11. Paragraph (16) thereof is hereby amended to read as follows:

DELETED

12. Paragraph (17) thereof is hereby amended to read as follows:

A Neighborhood Association has been formed. Each lot on the property shall be entitled to one vote in the management of the affairs of the Neighborhood Association. The landowners shall be entitled to exercise one vote on behalf of their property. By-laws and regulations may be adopted by the owners of a majority of the lots.

13. Paragraph (18) thereof is hereby amended to read as follows:

These restrictive covenants shall run with the land and shall be binding upon all persons and parties claiming ownership of lots until October 1, 2014 at which time said restrictive covenants shall be automatically renewed for successive periods of ten years each unless amended by the vote of the owners of two-thirds of the lots on the property.

This Agreement shall be binding on the parties hereto, and their respective heirs, executors, administrators and assigns.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands as of the day and year last above written.

Michael D. Roush

MICHAEL D. ROUSH

Marlene C. Roush

MARLENE C. ROUSH

James R. Hatch

JAMES R. HATCH

Beverly J. Hatch

BEVERLY J. HATCH

Donald G. Razy

DONALD G. RAZEY

Debra J. Razy

DEBRA J. RAZEY

Rick S. Johnson

RICK S. JOHNSON

Patricia A. Johnson

PATRICIA A. JOHNSON

Garry L. Williams

GARRY L. WILLIAMS

Jeanne S. Williams

JEANNE S. WILLIAMS

Scott Sahlng

SCOTT SAHLING

Mary Sahlng

MARY SAHLING

Ryan D. Crouch

RYAN D. CROUCH

Lisa A. Crouch

LISA A. CROUCH

AMY ANDERSON

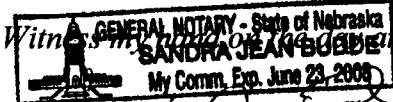
STATE OF NEBRASKA

Ss:

COUNTY OF HALL

On this 11th day of August, 2004 before me a Notary Public in and for the County of Hall and State of Nebraska, appeared, Michael D. Roush to me known to be the identical person executing the above and foregoing Agreement, and he acknowledges the purposes therein set forth.

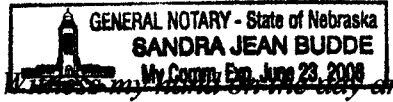
Witness my hand on the day and year first above written.



Sandra Jean Budde
Notary Public

On this 11th day of AUGUST, 2004 before me a Notary Public in and for the County of Hall and State of Nebraska, appeared, Marlene C. Roush to me known to be the identical person executing the above and foregoing Agreement, and she acknowledges the purposes therein set forth.

Witness my hand on the day and year first above written.



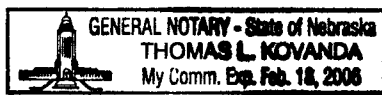
Sandra Jean Budde
Notary Public

On this 2nd day of Sept., 2004 before me a Notary Public in and for the County of Hall and State of Nebraska, appeared, Patricia A. Johnson to me known to be the identical person executing the above and foregoing Agreement, and she acknowledges the purposes therein set forth.

Witness my hand on the day and year first above written.

Thomas L. Kovanda

Notary Public

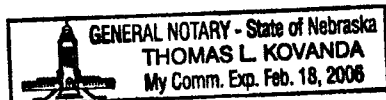


On this 2nd day of Sept., 2004 before me a Notary Public in and for the County of Hall and State of Nebraska, appeared, Rick S. Johnson to me known to be the identical person executing the above and foregoing Agreement, and he acknowledges the purposes therein set forth.

Witness my hand on the day and year first above written.

Thomas L. Kovanda

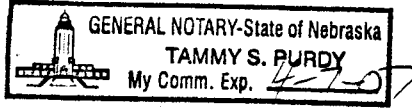
Notary Public



On this 7th day of Sept, 2004 before me a Notary Public in and for the County of Hall and State of Nebraska, appeared, James R. Hatch and Beverly J. Hatch to me known to be the identical persons executing the above and foregoing Agreement, and they acknowledge the purposes therein set forth.

Witness my hand on the day and year first above written.

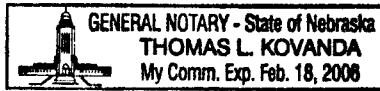
Tammy S. Purdy
Notary Public



On this 2nd day of Sept, 2004 before me a Notary Public in and for the County of Hall and State of Nebraska, appeared, Donald G. Razey and Debra J. Razey to me known to be the identical persons executing the above and foregoing Agreement, and they acknowledge the purposes therein set forth.

Witness my hand on the day and year first above written.

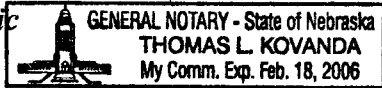
Thomas L. Kovanda
Notary Public



On this 2nd day of Sept, 2004 before me a Notary Public in and for the County of Hall and State of Nebraska, appeared, Garry L. Williams to me known to be the identical person executing the above and foregoing Agreement, and he acknowledges the purposes therein set forth.

Witness my hand on the day and year first above written.

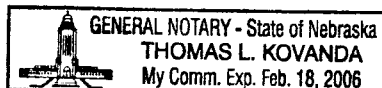
Thomas L. Kovanda
Notary Public



On this 2nd day of Sept; 2004 before me a Notary Public in and for the County of Hall and State of Nebraska, appeared, Jeanne S. Williams to me known to be the identical person executing the above and foregoing Agreement, and she acknowledges the purposes therein set forth.

Witness my hand on the day and year first above written.

Thomas L. Kovanda
Notary Public

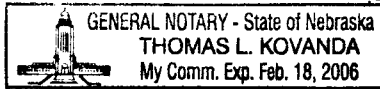


On this 2nd day of Sept, 2004 before me a Notary Public in and for the County of Hall and State of Nebraska, appeared, Ryan D. Crouch to me known to be the identical person executing the above and foregoing Agreement, and he acknowledges the purposes therein set forth.

Witness my hand on the day and year first above written.

Thomas L. Kovanda

Notary Public

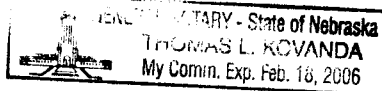


On this 2nd day of Sept, 2004 before me a Notary Public in and for the County of Hall and State of Nebraska, appeared, Lisa A. Crouch to me known to be the identical person executing the above and foregoing Agreement, and she acknowledges the purposes therein set forth.

Witness my hand on the day and year first above written.

Thomas L. Kovanda

Notary Public

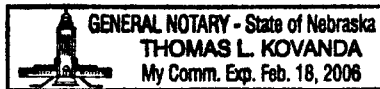


On this 2nd day of Sept, 2004 before me a Notary Public in and for the County of Hall and State of Nebraska, appeared, Scott Sahling to me known to be the identical person executing the above and foregoing Agreement, and he acknowledges the purposes therein set forth.

Witness my hand on the day and year first above written.

Thomas L. Kovanda

Notary Public



On, this 2nd day of Sept, 2004 before me a Notary Public in and for the County of Hall and State of Nebraska, appeared, Mary Sahling to me known to be the identical person executing the above and foregoing Agreement, and she acknowledges the purposes therein set forth.

Witness my hand on the day and year first above written.

Thomas L. Kovanda

Notary Public

