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DON CLARK
REGISTER OF DEEDS
SAUNDERS CO. NEBR. 27900306

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BOOK 279 PAGE 306
OF Gen INST# 685

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After recording return to:
Edstrom, Bromm, Lindahl,
Sohl & Freeman-Caddy
551 North Linden
P.O. Box 277
Wahoo, Nebraska 68066
(402) 443-3225

DECLARATION
OF
COVENANTS, CONDITIONS AND RESTRICTIONS
OF
SUTTON'S 3rd SUBDIVISION

THESE DECLARATIONS, made on the date shown on the close of this instrument, by the signatories hereto who are described as Declarant,

WITNESSETH:

WHEREAS, Declarant, whether one or more, is the owner of certain property in Saunders County, Nebraska, more particularly described as follows:

SEE EXHIBIT "A" ATTACHED HERETO,

and hereinafter called Sutton's 3rd Subdivision, and,

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WHEREAS, the above-described real estate will be platted into a residential subdivision to be known as Sutton's 3rd Subdivision, the legal description of which is as follows, to wit:

Lots 8 through 13, inclusive, Sutton's 3rd Subdivision, being a part of the West Half of the Southeast Quarter of Section 32, Township 15 North, Range 7 East of the 6th P.M., Saunders County, Nebraska, and,

WHEREAS, prior hereto, Declarant did cause the following-described real estate, to wit:

Lots 1 and 2, inclusive, Sutton's 2nd Subdivision, being a part of the West Half of the Southeast Quarter of Section 32, Township 15 North, Range 7 East of the 6th P.M., Saunders County, Nebraska, and,

Lots 3 through 7, inclusive, Sutton's 2nd Subdivision, First Addition, being a part of the West Half of the Southeast Quarter of Section 32, Township 15 North, Range 7 East of the 6th P.M., Saunders County, Nebraska,

to be subdivided, and for which there was prior hereto, placed upon said aforementioned subdivisions, covenants, conditions and restrictions as set forth in the Declaration of Covenants, Conditions and Restrictions of Sutton's Second Subdivision recorded in Book 250, Page 250, of the General Records of the Saunders County Register of Deeds on November 20, 2000, and,

WHEREAS, through inadvertance and error, Sutton's 2nd Subdivision was referred to in said Declaration of Covenants, Conditions and Restrictions as Sutton's Second Subdivison, and,

WHEREAS, it is the desire of Declarant that said Declaration be corrected to read as follows:

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF
SUTTON'S 2ND SUBDIVISION, and,

WHEREAS, Declarant desires to provide for the preservation of the values and amenities of the real estate in Sutton's 3rd Subdivision, for the maintenance of the residential character of the real estate in Sutton's 3rd Subdivision, and for the acquisition, construction and maintenance

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OUTER BOUNDARY DESCRIPTION OF SUTTON'S 3RD ADD.:

THAT PART OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 15 NORTH, RANGE 7 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SAUNDERS COUNTY, NEBRASKA; DESCRIBED AS BEGINNING AT THE NORTHWEST CORNER OF LOT 5 SUTTON'S 2ND SUBDIVISION FIRST ADDITION, THENCE N00-29-15W (ASSUMED BEARING), ON THE EAST LINE OF SUTTON'S 2ND SUBDIVISION FIRST ADDITION, A DISTANCE OF 285.57 FEET; THENCE N90-00-00W, ON THE NORTH LINE OF SUTTON'S 2ND SUBDIVISION FIRST ADDITION, A DISTANCE OF 60.00 FEET TO THE NORTHEAST CORNER OF LOT 7 OF SUTTON'S 2ND SUBDIVISION FIRST ADDITION, THENCE NORTHERLY ON THE ARC OF A 60.00 FOOT RADIUS CURVE TO THE RIGHT, HAVING A CHORD BEARING OF N31-49-49E, A DISTANCE OF 192.33 FEET; THENCE N08-55-46E, A DISTANCE OF 419.96 FEET; THENCE N00-35-13W, A DISTANCE OF 385.91 FEET; THENCE N89-24-47E, A DISTANCE OF 342.00 FEET; THENCE NORTHERLY ON A 60.00 FOOT RADIUS CURVE TO THE RIGHT, HAVING A CHORD BEARING OF N00-35-13W, A DISTANCE OF 188.93 FEET; THENCE N89-24-47E, A DISTANCE OF 60.00 FEET; THENCE N00-35-13W, A DISTANCE OF 278.83 FEET TO A POINT ON THE NORTH LINE OF THE WEST HALF OF THE SOUTHEAST QUARTER; THENCE N89-35-11E, ON THE NORTH LINE OF THE WEST HALF OF THE SOUTHEAST QUARTER, A DISTANCE OF 329.58 FEET TO THE NORTHEAST CORNER OF THE WEST HALF OF THE SOUTHEAST QUARTER; THENCE S00-35-13E, ON THE EAST LINE OF THE WEST HALF OF THE SOUTHEAST QUARTER, A DISTANCE OF 1180.29 FEET, THENCE N88-09-22W, A DISTANCE OF 393.82 FEET; THENCE S00-34-47W, A DISTANCE OF 425.99 FEET; THENCE S90-00-00W, A DISTANCE OF 31.31 FEET TO THE NORTHEAST CORNER OF THE LOT 5, SUTTON'S 2ND SUBDIVISION FIRST ADDITION; THENCE CONTINUING S90-00-00W, ON THE NORTH LINE OF LOT 5, SUTTON'S 2ND SUBDIVISION FIRST ADDITION, A DISTANCE OF 403.69 FEET TO THE POINT OF BEGINNING.

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EXHIBIT "A"

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of the streets and easements of the real estate in Sutton's 3rd Subdivision for the use and enjoyment of the residents of Sutton's 3rd Subdivision, and,

WHEREAS, to do so, Declarant declares that the Declaration of Covenants and Restrictions of Suttons' 2nd Addition shall be by reference the covenants, conditions and restrictions of Sutton's 3rd Addition,

NOW, THEREFORE, Declarant hereby declares that all the real estate described heretofore and known as Sutton's 3rd Subdivision shall be included within and subject to the aforementioned Declaration of Covenants, conditions and restrictions of Sutton's 2nd Subdivision, and shall be known hereafter and included within Property, and that all terms and conditions of the Declarations of Covenants, Conditions and Restrictions of Sutton's 2nd Subdivision are incorporated herein by reference.

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has executed these Declarations of Covenants, Conditions and Restrictions this 30th day of September, 2002.

John T. Sutton
John T. Sutton, Declarant

Colleen M. Sutton
Colleen M. Sutton, Declarant

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STATE OF NEBRASKA)
) ss.
COUNTY OF SAUNDERS)

The foregoing Declaration of Covenants, Conditions and Restrictions was acknowledged before me this 30th day of Sep, 2002, by John T. Sutton and Colleen M. Sutton, husband and wife, Declarant.

GENERAL NOTARY - State of Nebraska
LOREN L. LINDAHL
My Comm. Exp. Feb. 19, 2005

Loren L. Lindaahl
Notary Public

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