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DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

Declaration of covenants, conditions, and restrictions made by FHD 2 L.L.C., a Nebraska limited liability company (Declarant) concerning the real estate referred to herein.

Recitals:

Declarant is the owner of certain property in Lincoln, Lancaster County, Nebraska which is more particularly described as:

Lot 9, Cornhusker Business Center, Lincoln, Lancaster County, Nebraska

Declarant hereby declares that the property described above shall be held, sold and conveyed subject to the following restrictions, covenants, and conditions, which are for the purpose of insuring the use of the property for commercial, industrial or other business purposes only, and which shall run with the real property and be binding on all parties having any right, title or interest in the described property or any part thereof, their heirs successors and assigns, and shall inure to the benefit of the owner or owners thereof.

Article I
Definitions

Section 1. "Owner" shall mean and refer to the record Owner, whether one or more persons or entities, of a fee simple title to any portion or part of the Property, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.

Section 2. "Property" shall mean and refer to that certain real property hereinbefore described.

Article II
*Commercial, Industrial
or Business Development Use Only*

The Property shall be used only for commercial, industrial or other similar business purposes; provided, however, the Property shall not be used as a church, library, school, hospital, indoor theater, child-care facility, or residence (except for resident watchmen and caretakers and supervisory personnel employed and residing on the Property). For purposes of this Article II, the term "residence" shall include single family residences, multiple dwelling units, apartment houses, assisted living homes, group homes, and mobile homes.

General Exc
6701 Cornhus
Lincoln, Ne.

Article III
General Provisions

Section 1. Enforcement. Any Owner shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions and covenants now or hereafter imposed by the provisions of the Declaration. Failure by any Owner to enforce any covenant or restrictions herein contained shall in no event be deemed a waiver of the right to do so thereafter.

Section 2. Severability. Invalidation of any one of these covenants or restrictions by judgment or court order shall in no way affect any other provisions which shall remain in full force and effect.

Section 3. Runs With Land. The herein enumerated restrictions, rights, limitations, covenants, and conditions shall be deemed as covenants and not as conditions and shall run with the real property and be binding on all parties having any right, title or interest in the described property or any part thereof, their heirs successors and assigns, and shall inure to the benefit of the owner or owners thereof.

In Witness, the being the Declarant herein, has caused this Declaration to be executed at Lincoln, Lancaster County, Nebraska on ^{any} September 1, 1999, 2000

FHD 2, L.L.C., a Nebraska limited liability company, Declarant

By: [Signature]
Title: President

Subscribed and sworn to before me this 1 day of ~~September, 1999.~~
August 2000

[Signature]
Notary Public

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