

DECLARATION

THIS DECLARATION made on the date hereinafter set forth by BENCHMARK HOMES, INC., a Nebraska corporation, hereinafter referred to as "Declarant".

W I T N E S S E T H:

WHEREAS, Declarant is the owner of certain real estate hereinafter referred to as the "Properties" in the County of Sarpy, State of Nebraska, which is more particularly described as:

Lots One (1) to Seventy (70), inclusive, Southfork, a subdivision in Sarpy County, Nebraska, as surveyed, platted and recorded, being a Replatting of Part of Lot Forty-One (41) and all of Lots Forty-Two (42), Forty-Three (43) and Forty-Four (44), South Park, as surveyed, platted and recorded in Sarpy County, Nebraska,

and

WHEREAS, Declarant is desirous of providing easements, restrictions, covenants and conditions for the use of said premises for the purpose of protecting the value and desirability of said property.

NOW, THEREFORE, Declarant hereby declares that all of the Properties shall be held, sold and conveyed subject to the following easements, restrictions, covenants and conditions which are for the purpose of protecting the value and desirability of, and which shall run with the real property above described and shall be binding on all parties having any right, title or interest in the Properties or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof until January 1, 2011 at which time said covenants shall be automatically extended for successive periods of ten (10) years unless by written agreement of a two-thirds majority of the then owners of the lots it is agreed to change said covenants in whole or in part, said agreement to be executed and recorded in the manner provided by law for conveyance of real estate in the State of Nebraska.

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 lot which is a part of the Properties, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.

Section 2. "Lot" shall mean and refer to any plot of land shown upon any recorded subdivision map of the Properties.

ARTICLE II

ARCHITECTURAL CONTROL

No building, fence, wall or other structure shall be commenced, erected or maintained upon the Properties, nor shall any exterior addition to or change or alteration therein be made until the plans and specifications showing the nature, shape, height, materials, exterior color scheme, and location of

*Act* 02009

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BOOK 55-255  
PAGE 255  
APR 15 PM 3:31  
REGISTER OF DEEDS  
*Act of Hill*

the same shall have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by the Declarant, or by an architectural committee composed of three (3) or more representatives appointed by the Declarant ("Committee"). In the event the Declarant or its designated Committee fails to approve or disapprove such design and location within thirty (30) days after said plans and specifications have been submitted to it, approval will not be required and this Article will be deemed to have been fully complied with. All owners shall submit plans and specifications to the Declarant or the Committee, in duplicate. When the same have been approved by the Declarant or the Committee, the approval shall be designated on the duplicate plans, one copy shall be returned to the owner and the other copy shall be retained by the Declarant or Committee. After January 1, 1985, or after Nine percent (90%) of the Lots comprising the Properties have been improved with residence buildings, whichever shall first occur, all privileges, rights, powers, and authority under this Article shall be exercised by and vested in a Committee to be selected by the owners of a majority of the Lots. If such a Committee has not been selected at that time or at any later time, the requirements of this Article shall not be applicable.

### ARTICLE III

#### GENERAL RESTRICTIONS

Section 1. Awnings. No awnings or sun screens of any type shall be affixed to any building or structure within the Properties without the written consent of the Declarant or the Committee.

Section 2. Buildings or Uses Other than for Residential Purposes. No building or structure of any sort may ever be placed, erected or used for business, professional, trade or commercial purposes on any of the property within the Properties. Provided, however, this prohibition shall not apply:

(a) to any building or structure that is to be used exclusively by a public utility company in connection with the furnishing of public utility services to the Properties, or

(b) to any portion of a building used by Declarant, its licensees or assigns, for a manager's office or a sales office, or

(c) to any portion of a building leased for residential purposes for a term exceeding one year,

if written permission for such placement, erection or use under (a) or (b) above is first obtained from the Declarant or the Committee. Permission of the Committee is not required for exception (c) above.

Section 3. Fences, etc.. No fence shall be erected or permitted to remain in front of the minimum building setback line applicable to any Lot on the Properties. No truck, trailer, boat, equipment or machinery or cars not in daily use shall ever be parked, located or otherwise maintained on any building site, parking area or street in the Properties. No external television or radio antenna shall hereafter be erected on or about any of the building sites or property within the Properties; provided, that, with the written approval of the Declarant or the Committee, one or more master television antenna towers may be erected for the benefit and use of all or of a part of the residents of the Properties. No clotheslines or clothes hangers may be constructed or used unless completely concealed with enclosed patio areas.

Section 4. Livestock and Poultry Prohibited. No animals, livestock or poultry of any kind shall be raised or kept on any building site in the Properties other than household pets, which shall be limited to two (2) per household. All pets shall be leashed when outside of the home and patio area. No such pet will be kept, bred or maintained for commercial purposes.

Section 5. Noxious Activity. No noxious or offensive activity shall occur on the Properties, nor shall any trash, ashes or other refuse be thrown, placed or dumped upon any vacant building site, nor shall anything ever be done which may be or become an annoyance or nuisance to the neighborhood.

Section 6. Billboards Prohibited. The construction, placing or maintenance of billboards, advertising boards or structures or "for sale" or "for rent" signs on any building site in the Properties is expressly prohibited except that "for sale" or "for rent" signs may be placed by others after first obtaining the written consent of the Declarant; provided, however, that the permission of Declarant shall not be required hereunder after January 1, 1985.

Section 7. Outbuildings Prohibited. No outbuilding or other attached structure appurtenant to a residence may be erected on any of the building sites hereby restricted without the consent in writing of the Declarant or the Committee.

Section 8. Temporary Structure. No trailer, basement, tent, shack, garage, barn, or other outbuilding shall at any time be used for human habitation, temporarily or permanently, nor shall any structure of a temporary character be used for human habitation. Provided, however, nothing contained herein shall restrict Declarant or its assigns from locating, constructing or moving a temporary real estate and/or construction office on any building site in the Properties to be used during the period of the construction and sale of the Properties. Declarant or its assigns may also erect and maintain model homes for sales purposes, and rental and lease purposes, and may operate such office or offices therein for so long as they deem necessary for the purposes of selling, renting or leasing the Properties.

Section 9. General Building Restrictions. All Lots within the Properties shall be used only for detached single family residences, and not more than one single family dwelling with garage attached shall be erected, altered, placed or permitted to remain on any one of said Lots and no homes may be attached as duplexes by use of zero lot line and party wall. No dwelling shall exceed two and one-half stories in height. All homes constructed on said Lots must have two-car garages. All homes must have a minimum building set-back from the closest part of the building to front lot line of at least twenty-five feet (25'). The ground floor enclosed area of every one-story single family dwelling, exclusive of open porches, open breezeways, basements and garages, shall be not less than 900 square feet. The above ground total finished living area of every multi-level single family dwelling shall be not less than 1,100 square feet. All exposed foundations of each improved lot shall be constructed to meet either one of the following requirements.

(a) the foundation facing the public or private street (front) shall be faced with brick, and all other foundations shall be painted to harmonize with the exterior of the dwelling;

(b) all exposed foundations shall be bricked, brick-scored concrete block painted in brick colors to harmonize with the exterior of the home, adobe or



AFFIDAVIT

Correction to Southfork, a subdivision in the NE<sup>1/4</sup> of Section 18, T14N, R13E of the 6th P.M., Sarpy County, Nebraska.

I, the undersigned Registered Land Surveyor, do hereby submit this affidavit to add the individuals listed below as owners of "Southfork" who were unintentionally omitted from the dedication of said Southfork Plat, which is recorded in Plat Book 7, Page 139 of the records in the Register of Deeds office, Sarpy County, Nebraska.

Gene McConnell  
Robert Vosik

Sherman Sleper  
Louise Scolaro

I hereby certify that I am the identical person whose name appears on the Surveyor's Certificate of said Southfork.

DATE SEPTEMBER 14, 1981

James D. Warner  
REGISTERED LAND SURVEYOR, NO. 308

ACKNOWLEDGMENT OF NOTARY

State of Nebraska) SS  
County of Douglas) On this 14 day of September, 1981, before me a Notary Public, duly commissioned and qualified in and for said County, appeared James D. Warner, who is personally known by me to be the identical person whose name is affixed above.  
Witness my hand and official seal, in Omaha, Nebraska, the date last aforesaid.

My Commission Expires July 6, 1982  
GENERAL NOTARY - State of Nebraska  
ROSE M. KELLER  
My Comm. Exp. July 6, 1982

Gene McConnell  
Gene McConnell

Sherman Sleper  
Sherman Sleper

Robert Vosik  
Robert Vosik

Louise Scolaro  
Louise Scolaro

ACKNOWLEDGEMENT OF NOTARY

State of Nebraska) SS  
County of ) On this 10 day of September, 1981, before me a Notary Public, duly commissioned and qualified in and for said County, appeared Gene McConnell and Robert Vosik, who are personally known by me to be the identical persons whose names are affixed above.  
Witness my hand and official seal, in Omaha, Nebraska, the date last aforesaid.

My commission expires on Nov. 21, 81

GENERAL NOTARY - State of Nebraska  
CHRISTOPHER J. ROBERTSON  
My Comm. Exp. Nov 21 1981

Christopher J. Robertson  
NOTARY PUBLIC

ACKNOWLEDGEMENT OF NOTARY

State of Nebraska) SS  
County of ) On this 10 day of September, 1981, before me a Notary Public, duly commissioned and qualified in and for said County, appeared Sherman Sleper and Louise Scolaro, who are personally known by me to be the identical persons whose names are affixed above.  
Witness my hand and official seal, in Omaha, Nebraska, the date last aforesaid.

My commission expires on Nov. 21, 81

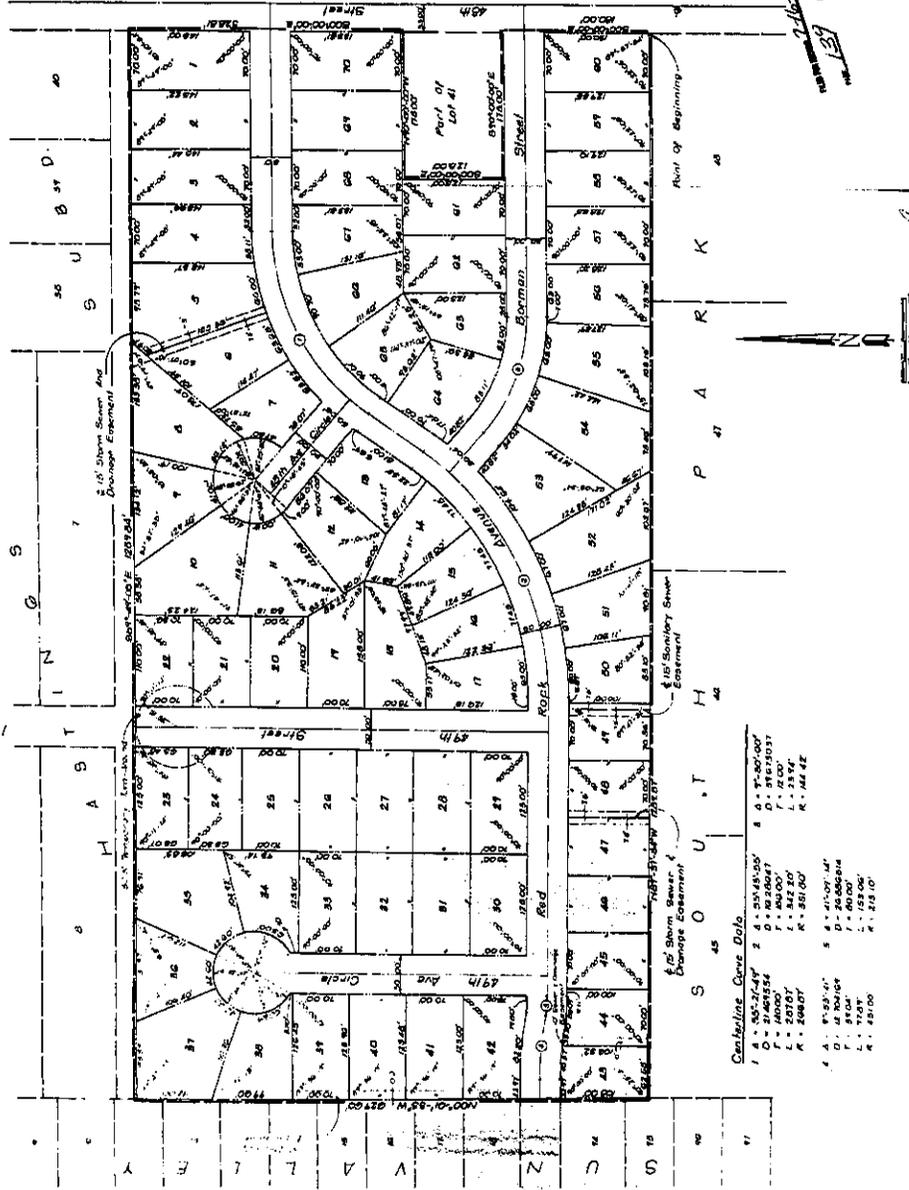
GENERAL NOTARY - State of Nebraska  
CHRISTOPHER J. ROBERTSON  
My Comm. Exp. Nov 21 1981

Christopher J. Robertson  
NOTARY PUBLIC

FILED FOR RECORD 9-14-81 11:10 AM St. Michael's  
Car L. Hill 20 50  
46-07797

# SOUTHFORK

Lots 1 thru 70, Inclusive  
 Being A Replatting of Part of Lot 41 and All of Lots 42, 43, 44, South  
 Block, As Surveyed, Platted and Recorded in Garret County, Nebraska.



Sheet 05866



**RECORDING OFFICER**  
 Garret County, Nebraska  
 I have examined the foregoing plat and find it to conform to the laws of this State and to the rules and regulations of this office, and I hereby certify that it is a true and correct copy of the original as filed in my office on this 1st day of January, 1911.

**PLAT**  
 This plat is a replotting of part of lot 41 and all of lots 42, 43, 44, south block, as surveyed, platted and recorded in Garret County, Nebraska, and is subject to the same conditions and restrictions as the original plat.

**APPROVED AND ACCEPTED**  
 By the Board of Supervisors of Garret County, Nebraska, on this 1st day of January, 1911.

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 By the Board of Supervisors of Garret County, Nebraska, on this 1st day of January, 1911.

**THOMPSON ENGINEERS & SURVEYORS**  
 207 N. 10th St., Lincoln, Nebraska

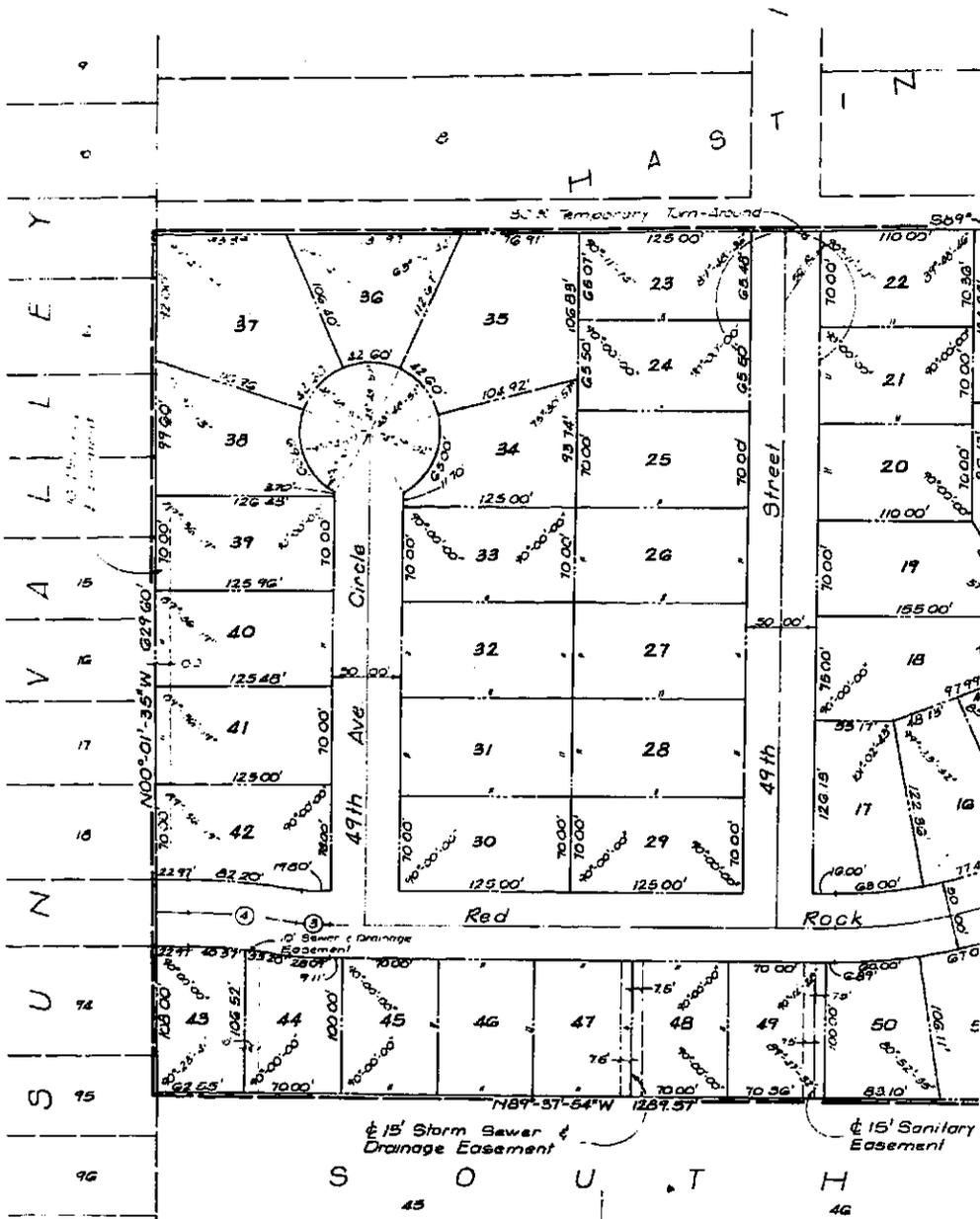
**SOUTHFORK**  
 207 N. 10th St., Lincoln, Nebraska

Final Plat

# SOUTH

Lots 1 Thru 70

Being A Replatting Of Park, As Surveyed, Platted



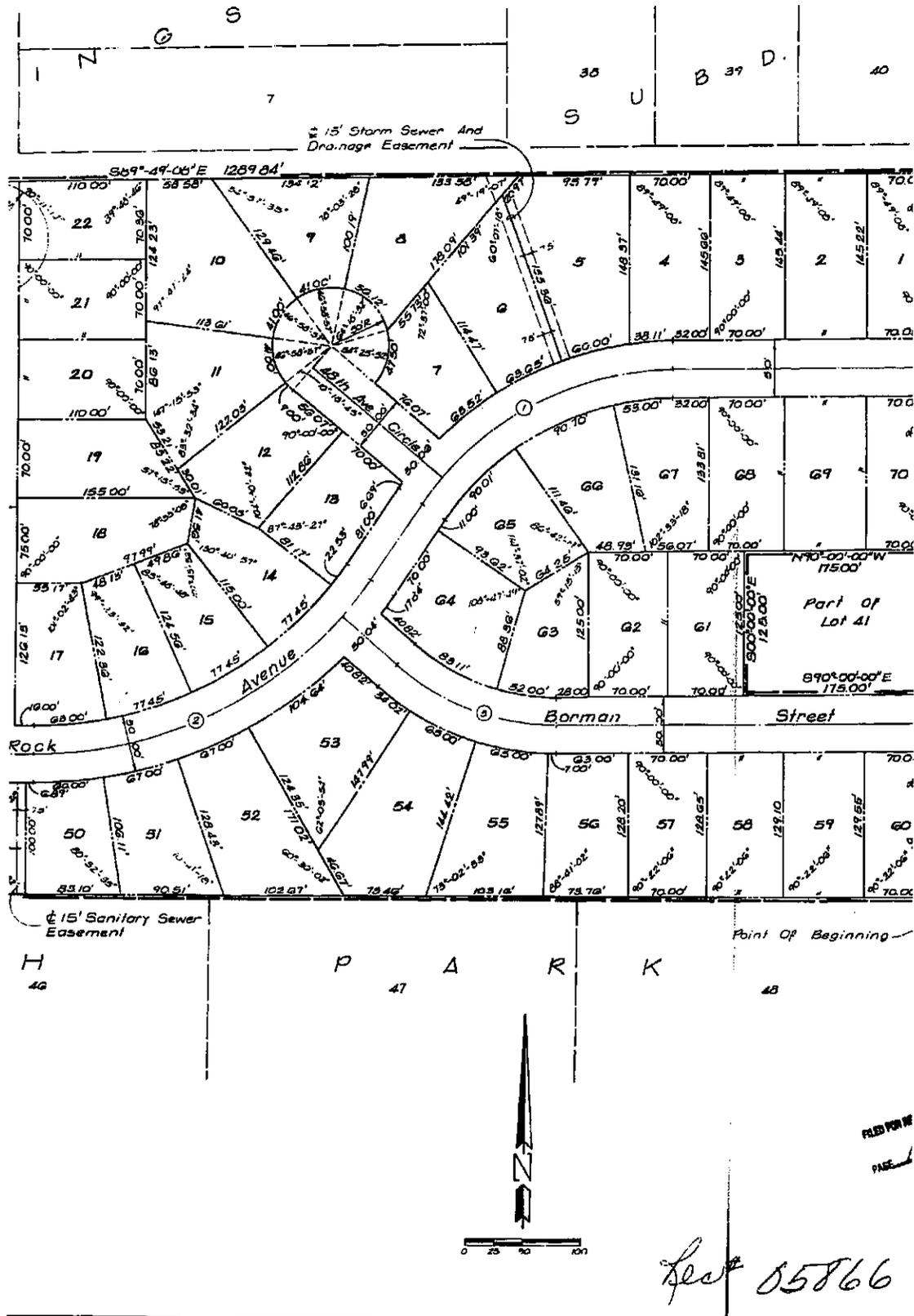
### Centerline Curve Data

1	$\Delta = 55^{\circ}21'49''$	2	$\Delta = 55^{\circ}43'55''$	3	$\Delta = 9^{\circ}30'00''$
	$D = 21469554$		$D = 1028647$		$D = 39673037$
	$T = 14000'$		$T = 18600'$		$T = 1200'$
	$L = 25787'$		$L = 34220'$		$L = 2394'$
	$R = 26667'$		$R = 35180'$		$R = 144.42'$
4	$\Delta = 9^{\circ}53'41''$	5	$\Delta = 41^{\circ}09'14''$		
	$D = 12104169$		$D = 26856614$		
	$T = 3904'$		$T = 8000'$		
	$L = 7789'$		$L = 15306'$		
	$R = 45100'$		$R = 21310'$		

# DUTHFORK

Lots 1 Thru 70, Inclusive

Replating Of Part Of Lot 41 And All Of Lots 42, 43 & 44, South  
 surveyed, Platted And Recorded In Sarpy County, Nebraska.



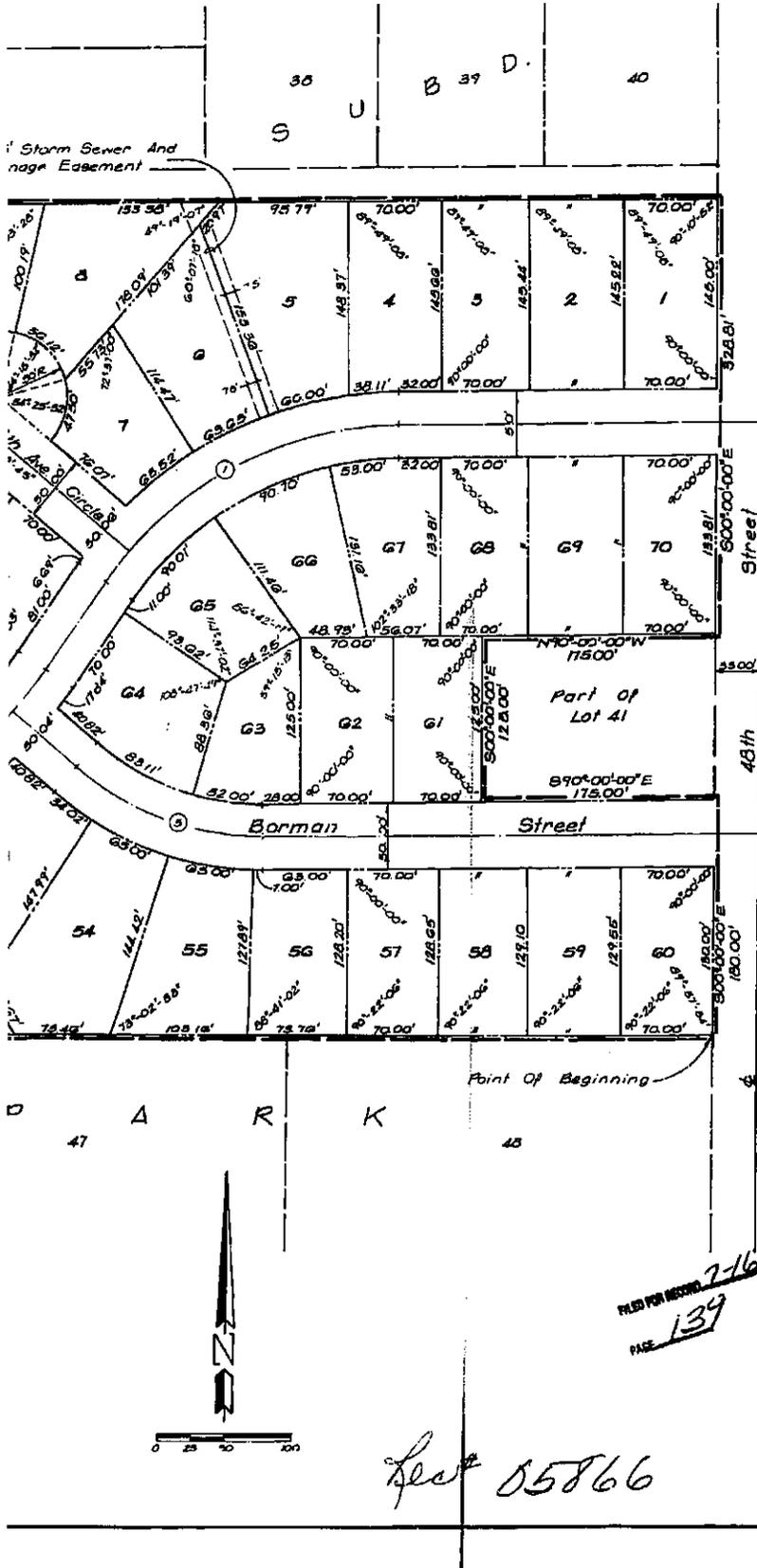
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I HEREBY CERTIFY THAT IRON PIPES WILL BE PLACED IN A REPLATTING OF PART DESCRIBED AS FOLLOWS AND 44, 1289.57 FEET LOT 44, THENCE S 89° 5 00' 00" E 80' ON TO S 89° 00' 00" E, 175

DATE

Lots 42, 43 & 44, South pr County, Nebraska.



KNOW ALL MEN BY THESE PRESENTS THAT I, JAMES D. WILLIAMS, REGISTERED SURVEYOR IN THE STATE OF NEBRASKA, HAVE CAUSED SAID LAND TO BE REPLATTED AS FOLLOWS: USE, THE STREETS AS COMPANY, THEIR SUCCESSORS, THEIR HEIRS AND OTHERS, AND POWER FOR THE TRAVELING STRIP OF LAND IN INTERIOR LOTS; AND AS DEFINED AS THOSE LOTS: EIGHT (8) FOOT WIDE FACILITIES AND IF NECESSARY, BUT THE SAME RIGHTS HEREIN GRANTED

BENCHMARK HOMES, INC.  
BENCHMARK HOMES, INC.

STATE OF Nebraska  
COUNTY OF Dodge

NAME J. L. G. G.  
BY ME TO BE THE IDENTIFY THEIR OWN VOLUNTARY  
WITNESS MY HAND AND  
MY COMMISSION EXPIRES

STATE OF Nebraska  
COUNTY OF Douglas

NAME W. B. J.  
SIGNATURE IS AFFIXED  
WITNESS MY HAND AND  
MY COMMISSION EXPIRES

THIS IS TO CERTIFY TO EMPLOYED IN THIS PLAT

DEPUTY

THIS PLAT OF SOUTH FOR

MAYOR

THIS PLAT OF SOUTH FOR

THIS PLAT OF SOUTH FOR

FILED FOR RECORD 7-16-81 12:45 P.M. 7  
PAGE 139 Carl L. Hillier REGISTER OF

Lot 05866



SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE MADE A BOUNDARY SURVEY OF THE SUBDIVISION HEREIN, AN IRON PIPES WILL BE PLACED AT ALL CORNERS OF ALL LOTS, STREETS, ANGLE POINTS AND A REPLATTING OF PART OF LOT 41 AND ALL OF LOTS 42, 43 AND 44, SOUTH PARK, AS SUR DESCRIBED AS FOLLOWS: BEGINNING AT THE S.E. CORNER OF SAID LOT 41; THENCE N 89° 00' 00" E, 1289.57 FEET TO THE S.W. CORNER OF SAID LOT 44; THENCE N 00° 01' 35" W 0 LOT 44; THENCE S 89° 48' 00" E ON THE NORTH LINE OF SAID LOTS 41, 42, 43 AND 44, 5 00° 00' 00" E ON THE EAST LINE OF SAID LOT 41, 328.81 FEET; THENCE N 90° 00' 00" S 90° 00' 00" E, 175.00 FEET; THENCE S 00° 00' 00" E ON THE EAST LINE OF SAID LO

DATE December 19, 1980

DEDICATION

KNOW ALL MEN BY THESE PRESENTS: THAT WE, BENCHMARK HOMES, INC. (A NEBRASKA CORP (A NEBRASKA CORPORATION), BEING THE MORTGAGE HOLDERS OF THE LAND DESCRIBED WITHIN CAUSED SAID LAND TO BE SUBDIVIDED INTO LOTS AND STREETS, TO BE NUMBERED AND NAMED AND WE DO HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF OUR PROPERTY AS SHOWN ( USE, THE STREETS AS SHOWN ON THIS PLAT, WE DO FURTHER GRANT A PERPETUAL EASEMENT COMPANY, THEIR SUCCESSORS AND ASSIGNS, TO ERECT, OPERATE, MAINTAIN, REPAIR AND RE CONDUITS AND OTHER RELATED FACILITIES, AND TO EXTEND (UNDER WIRES OR CABLES FOR WIDE STRIP OF LAND ABUTTING ALL FRONT AND SIDE BOUNDARY LOT LINES; AN EIGHT (8') INTERIOR LOTS) AND A SIXTEEN (16') FOOT WIDE STRIP OF LAND ADJOINING THE REAR BDL DEFINED AS THOSE LOTS FORMING THE OUTER PERIMETER OF THE ABOVE DESCRIBED ADDITION EIGHT (8') FOOT WIDE STRIP WHEN THE ADJACENT LAND IS SURVEYED, PLATTED AND RECORD FACILITIES AND IF REQUESTED BY THE OWNER, NO PERMANENT BUILDINGS, TREES, RETAINI WAYS, BUT THE SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING AND OTHER PURPOSEI RIGHTS HEREIN GRANTED.

BENCHMARK HOMES, INC. PRESIDENT

BENCHMARK HOMES, INC. SECRETARY

ACKNOWLEDGEMENT

STATE OF Nebraska SS  
COUNTY OF Sarpy

ON THIS 24 DAY OF December, 1980  
I, J. C. Green AND Robert J. Green  
BY ME TO BE THE IDENTICAL PERSONS WHOSE SIGNATURES ARE AFFIXED TO THE DEDICATION THEIR OWN VOLUNTARY ACT AND DEED.

WITNESS MY HAND AND NOTARIAL SEAL THE LAST DATE AFORESAID.

MY COMMISSION EXPIRES Oct 7, 1981

ACKNOWLEDGEMENT

STATE OF Nebraska SS  
COUNTY OF Sarpy

ON THIS 31 DAY OF December, 1980  
I, Walter B. Jankovic OF SOUTHERN LAND AND DEVELOPMENT CO., A  
SIGNATURE IS AFFIXED TO THE DEDICATION ON THIS PLAT AND HE DID ACKNOWLEDGE THE SI

WITNESS MY HAND AND NOTARIAL SEAL THE LAST DATE AFORESAID.

MY COMMISSION EXPIRES March 5, 1983

SARPY COUNTY TREASURER

THIS IS TO CERTIFY THAT I FIND NO REGULAR OR SPECIAL TAXES, DUE OR DELINQUENT, AG EMBRACED IN THIS PLAT, AS SHOWN BY THE RECORDS OF THIS OFFICE, THIS 9 DAY OF

DEPUTY

APPROVAL OF LAVISTA CI

THIS PLAT OF SOUTHFORK WAS APPROVED AND ACCEPTED BY THE CITY COUNCIL OF LAVISTA T

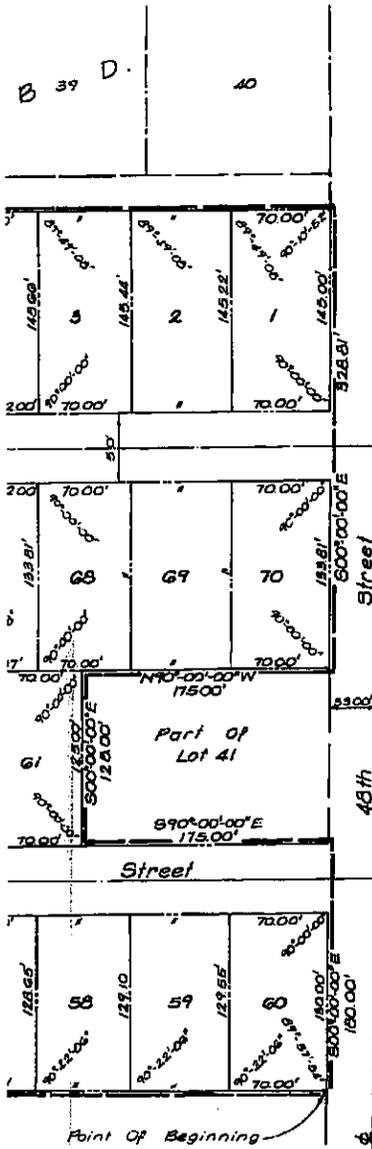
MAYOR

APPROVAL AND ACCEPTANCE OF LUVIST

THIS PLAT OF SOUTHFORK WAS APPROVED AND ACCEPTED BY THE PLANNING COMMISSION OF LA

APPROVAL BY SARPY COUNTY

THIS PLAT OF SOUTHFORK WAS APPROVED BY THE SARPY COUNTY SURVEYOR'S OFFICE THIS 12



FILED FOR RECORD 7-16-81 12:45P 7 Plate 2150  
PAGE 139 Carl L. Hillebrand REGISTER OF DEEDS, SARPY COUNTY, NEB

Lot 05866



**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT I HAVE MADE A BOUNDARY SURVEY OF THE SUBDIVISION HEREIN, AND THAT PERMANENT MARKERS HAVE BEEN PLACED ON THE BOUNDARY, AND THAT IRON PIPES WILL BE PLACED AT ALL CORNERS OF ALL LOTS, STREETS, ANGLE POINTS AND ENDS OF ALL CURVES IN SOUTHFORK, LOTS 1 THROUGH 70 INCLUSIVE, IN THE A REPLATTING OF PART OF LOT 41 AND ALL OF LOTS 42, 43 AND 44, SOUTH PARK, AS SURVEYED, PLATTED AND RECORDED IN SARPY COUNTY, NEBRASKA; ALL MORE PARTICULAR DESCRIBED AS FOLLOWS: BEGINNING AT THE S.E. CORNER OF SAID LOT 41; THENCE N 37° 35' 50" W (ASSUMED BEARING) ON THE SOUTH LINE OF SAID LOTS 41, 42, 43 AND 44, 1289.57 FEET TO THE S.W. CORNER OF SAID LOT 44; THENCE N 00° 01' 35" W ON THE WEST LINE OF SAID LOT 44, 629.60 FEET TO THE N.W. CORNER OF SAID LOT 44; THENCE S 89° 49' 08" E ON THE NORTH LINE OF SAID LOTS 41, 42, 43 AND 44, 1289.84 FEET TO THE NORTHEAST CORNER OF SAID LOT 41; THENCE S 00° 00' 00" E ON THE EAST LINE OF SAID LOT 41, 328.81 FEET; THENCE N 90° 00' 00" W, 175.00 FEET; THENCE S 00° 00' 00" E, 175.00 FEET; THENCE S 00° 00' 00" E ON THE EAST LINE OF SAID LOT 41, 180.00 FEET TO THE POINT OF BEGINNING.

James D. Whittage  
REGISTERED LAND SURVEYOR

DATE December 11, 1980

**DEDICATION**

KNOW ALL MEN BY THESE PRESENTS: THAT WE, BENCHMARK HOMES, INC. (A NEBRASKA CORPORATION), BEING THE OWNERS, AND SOUTHERN LAND AND DEVELOPMENT CO. (A NEBRASKA CORPORATION), BEING THE MORTGAGE HOLDERS OF THE LAND DESCRIBED WITHIN THE SURVEYOR'S CERTIFICATE AND EMBRACED WITHIN THIS PLAT, HAVE CAUSED SAID LAND TO BE SUBDIVIDED INTO LOTS AND STREETS, TO BE NUMBERED AND NAMED AS SHOWN, SAID SUBDIVISION TO BE HEREAFTER KNOWN AS SOUTHFORK, AND WE DO HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF OUR PROPERTY AS SHOWN ON THIS PLAT AND WE DO HEREBY DEDICATE TO THE PUBLIC, FOR PUBLIC USE, THE STREETS AS SHOWN ON THIS PLAT, WE DO FURTHER GRANT A PERPETUAL EASEMENT TO THE OMAHA PUBLIC POWER DISTRICT, AND NORTHWESTERN BELL TELEPHONE COMPANY, THEIR SUCCESSORS AND ASSIGNS, TO ERECT, OPERATE, MAINTAIN, REPAIR AND RENEW, POLES, WIRES, CROSSARMS, DOWN GUYS AND ANCHORS, CABLES, CONDUITS AND OTHER RELATED FACILITIES, AND TO EXTEND THEREON WIRES OR CABLES FOR THE CARRYING AND TRANSMISSION OF ELECTRIC CURRENT FOR LIGHT, HEAT, AND POWER FOR THE TRANSMISSION OF SIGNALS AND SOUNDS OF ALL KINDS AND THE ACCEPTANCE THEREOF, ON, OVER, THROUGH, UNDER AND ACROSS A FIVE (5') FOOT WIDE STRIP OF LAND ABUTTING ALL FRONT AND SIDE BOUNDARY LOT LINES; AN EIGHT (8') FOOT WIDE STRIP OF LAND ADJOINING THE REAR BOUNDARY LINES OF ALL INTERIOR LOTS; AND A SIXTEEN (16') FOOT WIDE STRIP OF LAND ADJOINING THE REAR BOUNDARY LINES OF ALL EXTERIOR LOTS. THE TERM EXTERIOR LOTS IS HEREIN DEFINED AS THOSE LOTS FORMING THE OUTER PERIMETER OF THE ABOVE DESCRIBED ADDITION. SAID SIXTEEN (16') FOOT WIDE EASEMENT WILL BE REDUCED TO AN EIGHT (8') FOOT WIDE STRIP WHEN THE ADJACENT LAND IS SURVEYED, PLATTED AND RECORDED IF SAID SIXTEEN (16') FOOT EASEMENT IS NOT OCCUPIED BY UTILITY FACILITIES AND IF REQUESTED BY THE OWNER. NO PERMANENT BUILDINGS, TREES, RETAINING WALLS OR LOOSE ROCK WALLS SHALL BE PLACED IN THE SAID EASEMENT WAYS, BUT THE SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID USES OR RIGHTS HEREIN GRANTED.

Benchmark Homes, Inc. PRESIDENT  
Benchmark Homes, Inc. SECRETARY

Southern Land and Development Co.

**ACKNOWLEDGEMENT OF NOTARY**

STATE OF Nebraska ) SS  
COUNTY OF Sarpy

ON THIS 11th DAY OF December, 1980, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY, PERSONALLY BY ME J.L. Cassinville AND Benchmark Homes, Inc. WHO ARE PERSONALLY KNOWN TO ME TO BE THE IDENTICAL PERSONS WHOSE SIGNATURES ARE AFFIXED TO THE DEDICATION ON THIS PLAT AND THEY DID ACKNOWLEDGE THE SIGNING OF SAME TO BE THEIR OWN VOLUNTARY ACT AND DEED.

WITNESS MY HAND AND NOTARIAL SEAL THE LAST DATE AFORESAID.  
MY COMMISSION EXPIRES Oct 7 1981

Lawrence H. Scolars  
NOTARY PUBLIC

**ACKNOWLEDGEMENT OF NOTARY**

STATE OF Nebraska ) SS  
COUNTY OF Bohemia

ON THIS 31st DAY OF December, 1980, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY, PERSONALLY BY ME William B. Fankh OF SOUTHERN LAND AND DEVELOPMENT CO., WHO IS PERSONALLY KNOWN BY ME TO BE THE IDENTICAL PERSON WHOSE SIGNATURE IS AFFIXED TO THE DEDICATION ON THIS PLAT AND HE DID ACKNOWLEDGE THE SIGNING OF SAME TO BE HIS OWN VOLUNTARY ACT AND DEED.

WITNESS MY HAND AND NOTARIAL SEAL THE LAST DATE AFORESAID.  
MY COMMISSION EXPIRES March 9 1983

Thomas B. Schaefer  
NOTARY PUBLIC

**SARPY COUNTY TREASURER'S CERTIFICATE**

THIS IS TO CERTIFY THAT I FIND NO REGULAR OR SPECIAL TAXES, DUE OR DELINQUENT, AGAINST THE PROPERTY DESCRIBED IN THE SURVEYOR'S CERTIFICATE AND EMBRACED IN THIS PLAT, AS SHOWN BY THE RECORDS OF THIS OFFICE, THIS 9 DAY OF January, 1981.

DEPUTY

Kathleen Anderson  
SARPY COUNTY TREASURER

**APPROVAL OF LAVISTA CITY COUNCIL**

THIS PLAT OF SOUTHFORK WAS APPROVED AND ACCEPTED BY THE CITY COUNCIL OF LAVISTA THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1981.

MAYOR

ATTEST: \_\_\_\_\_  
CITY CLERK

**APPROVAL AND ACCEPTANCE OF LAVISTA PLANNING COMMISSION**

THIS PLAT OF SOUTHFORK WAS APPROVED AND ACCEPTED BY THE PLANNING COMMISSION OF LAVISTA THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1981.

William Fankh  
CHAIRMAN

**APPROVAL BY SARPY COUNTY SURVEYOR**

THIS PLAT OF SOUTHFORK WAS APPROVED BY THE SARPY COUNTY SURVEYOR'S OFFICE THIS 15 DAY OF JANUARY, 1981.

Norman Whittage  
SARPY COUNTY SURVEYOR



57  
Plats  
2150  
REGISTER OF DEEDS, SARPY COUNTY, NEB

	<b>SOUTHFORK</b>	
	Scale: As Shown	Drawn By
Date: 12-11-80		
Final Plat		Drawing M.P. 80-

I HEREBY CERTIFY THAT I HAVE MADE A BOUNDARY SURVEY OF THE SUBDIVISION HEREIN, AND THAT PERMANENT MARKERS HAVE BEEN PLACED ON THE BOUNDARY, AND THAT IRON PIPES WILL BE PLACED AT ALL CORNERS OF ALL LOTS, STREETS, ANGLE POINTS, AND ENDS OF ALL CURVES IN SOUTHWEST, LOTS 1 THROUGH 70 INCLUSIVE, BEING A REPLANTING OF PART OF LOT 41 AND ALL OF LOTS 42, 43 AND 44, SOUTH PARK, AS SURVEYED AND RECORDED IN SAID COUNTY, NEBRASKA; ALL MARKERS PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE S.E. CORNER OF SAID LOT 44, THENCE N 89° 37' 54" W ASSURED BEARING ON THE SOUTH LINE OF SAID LOTS 41, 42, 43 AND 44, 1289.57 FEET TO THE S.W. CORNER OF SAID LOT 44, THENCE N 00° 01' 35" W ON THE WEST LINE OF SAID LOT 44, 629.60 FEET TO THE N.W. CORNER OF SAID LOT 44, THENCE S 89° 49' 08" E ON THE NORTH LINE OF SAID LOTS 41, 42, 43 AND 44, 1289.84 FEET TO THE NORTHEAST CORNER OF SAID LOT 41; THENCE S 00° 00' 00" E ON THE EAST LINE OF SAID LOT 41, 328.81 FEET; THENCE N 90° 00' 00" W, 175.00 FEET; THENCE S 00° 00' 00" E, 125.00 FEET; THENCE S 90° 00' 00" E, 175.00 FEET; THENCE S 00° 00' 00" E ON THE EAST LINE OF SAID LOT 41, 180.00 FEET TO THE POINT OF BEGINNING.

*James S. Linnell*  
 REGISTERED LAND SURVEYOR

December 19, 1980  
 DATE

DEDICATION

KNOW ALL MEN BY THESE PRESENTS: THAT WE, BENCHMARK HOMES, INC. (A NEBRASKA CORPORATION), BEING THE OWNERS, AND SOUTHERN LAND AND DEVELOPMENT CO. (A NEBRASKA CORPORATION), BEING THE MORTGAGE HOLDERS OF THE LAND DESCRIBED WITHIN THE SURVEYOR'S CERTIFICATE AND EMBRACED WITHIN THIS PLAT, HAVE CAUSED SAID LAND TO BE SUBDIVIDED INTO LOTS AND STREETS, TO BE NUMBERED AND NAMED AS SHOWN, SAID SUBDIVISION TO BE HEREAFTER KNOWN AS SOUTHWEST, AND WE DO HEREBY RATIFY AND APPROVE OF THE DISPOSITION OF OUR PROPERTY AS SHOWN ON THIS PLAT AND WE DO HEREBY DEDICATE TO THE PUBLIC, FOR PUBLIC USE, THE STREETS AS SHOWN ON THIS PLAT, WE DO FURTHER GRANT A PERPETUAL EASEMENT TO THE DYWHA PUBLIC POWER DISTRICT, AND NORTHWESTERN BELL TELEPHONE COMPANY, THEIR SUCCESSORS AND ASSIGNS, TO ERECT, OPERATE, MAINTAIN, REPAIR AND RENEW, POLES, WIRES, CROSSARMS, DOWN GUYS AND ANCHORS, CABLES, CONDUITS AND OTHER RELATED FACILITIES, AND TO EXTEND THEREON WIRES OR CABLES FOR THE CARRYING AND TRANSMISSION OF ELECTRIC CURRENT FOR LIGHT, HEAT, AND POWER FOR THE TRANSMISSION OF SIGNALS AND SOUNDS OF ALL KINDS AND THE RECEPTION THEREOF, ON, OVER, THROUGH, UNDER AND ACROSS A FIVE (5') FOOT WIDE STRIP OF LAND ABUTTING ALL FRONT AND SIDE BOUNDARY LOT LINES; AN EIGHT (8') FOOT WIDE STRIP OF LAND ADJOINING THE REAR BOUNDARY LINES OF ALL INTERIOR LOTS; AND A SIXTEEN (16') FOOT WIDE STRIP OF LAND ADJOINING THE REAR BOUNDARY LINES OF ALL EXTERIOR LOTS. THE TERM EXTERIOR LOTS IS HEREIN DEFINED AS THOSE LOTS FORMING THE OUTER PERIMETER OF THE ABOVE DESCRIBED ADDITION. SAID SIXTEEN (16') FOOT WIDE EASEMENT WILL BE REDUCED TO AN EIGHT (8') FOOT WIDE STRIP WHEN THE ADJACENT LAND IS SURVEYED, PLATTED AND RECORDED IF SAID SIXTEEN (16') FOOT EASEMENT IS NOT OCCUPIED BY UTILITY FACILITIES AND IF REQUESTED BY THE OWNER. NO PERMANENT BUILDINGS, TREES, RETAINING WALLS OR LOOSE ROCK WALLS SHALL BE PLACED IN THE SAID EASEMENT WAYS, BUT THE SAME MAY BE USED FOR GARDENS, SHRUBS, LANDSCAPING AND OTHER PURPOSES THAT DO NOT THEN OR LATER INTERFERE WITH THE AFORESAID USES OR RIGHTS HEREIN GRANTED.

BENCHMARK HOMES, INC. PRESIDENT

[Signature] SECRETARY

SOUTHERN LAND AND DEVELOPMENT CO.

ACKNOWLEDGEMENT OF NOTARY

STATE OF Nebraska SS  
 COUNTY OF DeWey

ON THIS 24 DAY OF December, 1980, BEFORE ME, A NOTARY PUBLIC IN AND FOR SAID COUNTY, PERSONALLY CAVE J. S. Linnell AND James S. Linnell OF BENCHMARK HOMES, INC., WHO ARE PERSONALLY KNOWN BY ME TO BE THE IDENTICAL PERSONS WHOSE SIGNATURES ARE AFFIXED TO THE DEDICATION ON THIS PLAT AND THEY DID ACKNOWLEDGE THE SIGNING OF SAID TO BE THEIR OWN VOLUNTARY ACT AND DEED.

