

STATE OF NEBRASKA)
) ss
POLK COUNTY)
Filed for Record in the Clerk's Office
Of said county the 16th day of
February, 2017 at
11 o'clock and 15 minutes A.M.
in Book 52 Page 415
Debra S Girard County Clerk
By *Spindi Augustin* Deputy

Please return to:
James E. Papik
P.O. Box 308
Stromsburg, NE 68666

AGREEMENT MODIFYING ELEMENTARY PARK SUBDIVISION RESTRICTIVE COVENANTS

THIS AGREEMENT is made and entered into by and between the this 13th day of February, 2017, by and between the CITY OF STROMSBURG, hereinafter referred to as "City" and the following named owners of purchased lots in Elementary Park Subdivision, City of Stromsburg, Polk County, Nebraska, namely, to-wit: LENARD A. SCHAEFER AND TAMMY L. SCHAEFER, owners of Lot 12, TY T. TWARLING AND ERICA L. TWARLING, owners of Lot 15, CHRISTEN A. TORDRUP AND JESSICA R. TORDRUP, owners of Lot 21, JAMES L. STERUP and JOAN M. STERUP, owners of Lot 7, KENNETH E. FANNING AND SHERRY E. FANNING, owners of Lot 22 and DENNIS E. NUTTELMAN AND CONNIE J. NUTTELMAN, owners of Lot 11, DUANE W. STENGER, who has signed an agreement to purchase Lot 6, and STROMSBURG HOME BUILDERS, LLC, who has signed an agreement to purchase Lot 14, hereinafter collectively referred to "Lot Owners."

WHEREAS The City of Stromsburg on or about the 12th day of December, 2011 caused a plat to be approved and establishing Elementary Park Subdivision in the City of Stromsburg, Polk County, Nebraska, and

WHEREAS said subdivision plat was filed in the office of the Polk County Clerk on or about December 21, 2011 at Plat Book Tube 6I, Page 6, and

WHEREAS on or about August 8, 2012, the City of Stromsburg approved Restrictive Covenants for Elementary Park Subdivision, and

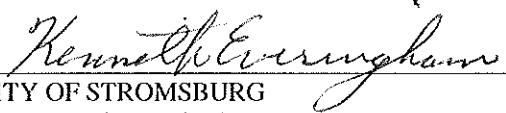
WHEREAS on or about August 10, 2012, said Restrictive Covenants were filed of record in the office of the Polk County Clerk in Miscellaneous Book 49, Page 323, and

WHEREAS all parties hereto now desire that the terms and conditions of said Restrictive Covenants as filed on August 10, 2012 be amended as provided herein.

NOW, THEREFORE, in consideration of the foregoing recitals and further consideration the terms and conditions set forth herein it is hereby agreed by and between City and Lot Owners as follows, to wit:


1. The City to act as Elementary Park Subdivision Homeowners Association. Paragraph 31 of the original Elementary Park Subdivision Restrictive Covenants is hereby amended to provide that the City of Stromsburg shall, acting through the City of Stromsburg City Council and Mayor shall at all times act as the Elementary Park Subdivision Homeowners Association and shall enforce all Restrictive Covenants and review and approve all building plans and there shall not be separate Elementary Park Subdivision Homeowners Association as provided for in the Restrictive Covenants. The City agrees that it shall perform all functions and duties of the Elementary Park Subdivision Homeowners Association as set forth in said document.
2. Minimum Square Feet. Paragraph 5. a. iv. shall be eliminated so that future construction of residences on lots 5, 6, 10 and 19 shall only require a minimum of 1500 square feet of main floor living space.
3. Recording of Agreement. This agreement shall be recorded in order to put third parties on notice of the amendment to the Elementary Park Subdivision Restrictive Covenants.

“CITY”

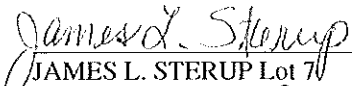

 CITY OF STROMSBURG
 By Kenneth Everingham, Mayor

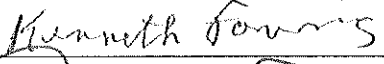
“LOT OWNERS”


 LENARD A. SCHAEFER, Lot 12

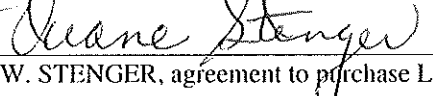

 TY T. TWARLING, Lot 15

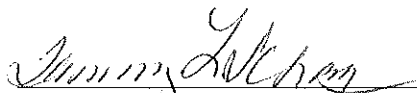

 CHRISTEN A. TORDRUP, Lot 21

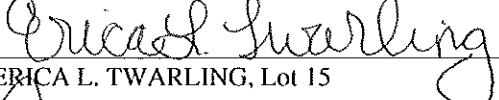

 JAMES L. STERUP, Lot 7


 KENNETH E. FANNING, Lot 22

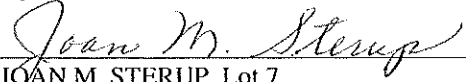

 DENNIS E. NUTTELMAN, Lot 11



 DUANE W. STENGER, agreement to purchase Lot 6


 TAMMY L. SCHAEFER, Lot 12



 ERICA L. TWARLING, Lot 15


 JESSICA R. TORDRUP, Lot 21


 JOAN M. STERUP, Lot 7


 SHERRY E. FANNING, Lot 22


 CONNIE J. NUTTELMAN, Lot 11


 STROMSBURG HOME BUILDERS, LLC,
 By Troy Lindsley, President,
 agreement to purchase Lot 14

STATE OF NEBRASKA)
) SS
COUNTY OF POLK)

The foregoing instrument was acknowledged before me this 13th day of February, 2017, by KENNETH EVERINGHAM, Mayor of City of Stromsburg, Nebraska on behalf of City.

Nancy Bryan
Notary Public

(SEAL)

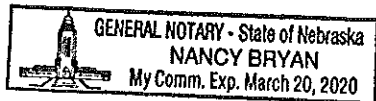


STATE OF NEBRASKA)
) SS
COUNTY OF POLK)

The foregoing instrument was acknowledged before me this 27th day of January, 2017, LENARD A. SCHAEFER and TAMMY L. SCHAEFER, Lot 12.

Nancy Bryan
Notary Public

(SEAL)

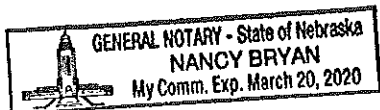


STATE OF NEBRASKA)
) SS
COUNTY OF POLK)

The foregoing instrument was acknowledged before me this 27th day of January, 2017, TY T. TWARLING and ERICA L. TWARLING, Lot 15.

Nancy Bryan
Notary Public

(SEAL)



STATE OF NEBRASKA)
) SS
COUNTY OF POLK)

The foregoing instrument was acknowledged before me this 26 day of January, 2017, CHRISTEN A. TORDRUP and JESSICA R. TORDRUP, Lot 21.

Julie A Allison
Notary Public

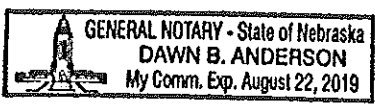
(SEAL)



STATE OF NEBRASKA)
) SS
COUNTY OF POLK)

The foregoing instrument was acknowledged before me this 27th day of January, 2017, JAMES L. STERUP and JOAN M. STERUP, Lot 7.

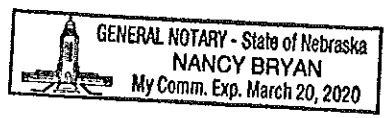
Dawn B Anderson
Notary Public

(SEAL) 

STATE OF NEBRASKA)
) SS
COUNTY OF POLK)

The foregoing instrument was acknowledged before me this 2nd day of February, 2017, KENNETH E. FANNING and SHERRY E. FANNING, Lot 22.

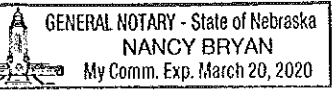
Nancy Bryan
Notary Public

(SEAL) 

STATE OF NEBRASKA)
) SS
COUNTY OF POLK)

The foregoing instrument was acknowledged before me this 27th day of January, 2017, DENNIS E. NUTTELMAN and CONNIE J. NUTTELMAN, Lot 11.


Nancy Bryan
Notary Public

(SEAL) 

STATE OF NEBRASKA)
) SS
COUNTY OF POLK)

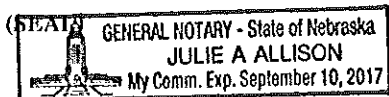
The foregoing instrument was acknowledged before me this 27th day of January, 2017, DUANE W. STENGER, Lot 6.

Nancy Bryan
Notary Public

(SEAL) 

STATE OF NEBRASKA)
) SS
COUNTY OF POLK)

The foregoing instrument was acknowledged before me this 26 day of January, 2017, STROMSBURG HOME BUILDERS, By Troy Lindsley, President, Lot 14.



Julie A Allison
Notary Public