

28 MAR 1966

WHEREAS, Tom and Marguerite Flaherty own the following described real estate situated in Black Hawk County, Iowa.

Lot Sixteen (16) Block Three (3), Gates Park Place, in the City of Waterloo, Iowa.

WHEREAS, the above named parties have an interest in and to the above described tracts of real estate, and are desirous of restricting the use of said real estate.

NOW, THEREFORE, we, the above named parties, all of Black Hawk County, Iowa, do hereby agree with the owners of any other lots in said addition and with the Public that all of the above described tracts of real estate shall be restricted as follows:

(a) All lots in the tract shall be known and described as residential lots, and no structure shall be erected on any residential building plot other than one detached single-family dwelling, not to exceed two stories in height, and a one or two car garage.

(b) No building shall be erected on any residential building plot, nearer than 25 feet to nor farther than 30 feet from the lot line, nor nearer than 5 feet to any side lot lines. The side line restriction shall not apply to a garage located on the rear one-quarter of a lot, except that on corner lots, no structure shall be permitted nearer than 10 feet to the side street line.

(c) No residential lot shall be resubdivided into building plots, ~~having less than 1800 square feet of area or a width of less than 40 feet, nor shall any building be erected on any residential building plot having an area of less than 1500 square feet or a frontage of less than 40 feet.~~

(d) No noxious or offensive trade shall be carried on upon any lot nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

(e) No race or nationality, other than the Caucasian race shall use or occupy any building or any lot, except that this covenant shall not prevent occupancy by domestic servants of a different race or nationality, employed by an owner or tenant.

(f) No trailer, basement, tent, shack, garage, barn or other outbuilding erected on the tract shall at any time be used as a residence temporarily or permanently; nor shall any residence of a temporary character be permitted.

(g) No structure shall be moved onto any lot unless it shall conform and be in harmony with existing structures in the tract.

(h) No building, the construction costs of which are less than \$3200 shall be permitted on any lot in the tract, and the ground floor square feet area thereof shall not be less than 624 square feet in the case of a one-story structure nor less than 400 square feet in the case of a one-and-one-half or two-story structure.

(i) These covenants and restrictions are to run with the land and shall shall be binding on all parties and all persons claiming under them until January 1, 1966, at which time said covenants and restrictions shall terminate.

(j) If the parties hereto, or any of them, or their heirs, or assigns, shall violate or attempt to violate any of the covenants or restrictions herein before January 1, 1965, it shall be lawful for any other persons, owning any other lots in said development or subdivision to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenant or restriction and either to prevent him or them from so doing to recover damages or other dues from such violation.

(k) Invalidatation of any one of these covenants by judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this instrument, this 22 day of April, 1941.

D.O. Walker

Emma Walker

Marguerite Flaherty

Tom Flaherty

R.A. Rath

V.R. Oberle

Mary Ann Oberle  
Fifth Street Bldg Co  
By E.E. Reek Secy

Addie A. Brunn

Lawrence J. Frank

John J. Frank

C.K. Bentz

STATE OF IOWA, COUNTY OF BLACK HAWK: SS.

On this 22<sup>nd</sup> day of April, 1941, before me, a Notary Public in and for Black Hawk County, Iowa, personally appeared D. O. Walker, Emma Walker, Marguerite Flaherty, Tom Flaherty, R. A. Rath, V. R. Oberle, Mary Ann Oberle, E. E. Reek, Addie A. Brunn, Lawrence J. Frank, John J. Frank, and C. K. Bentz, to me known to be the persons named in and who executed the foregoing instrument and acknowledged that they executed the same as their voluntary act and deed.

C. Brunn  
NOTARY PUBLIC IN AND FOR BLACK HAWK  
COUNTY, IOWA.



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Indebted  
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STATE OF NEW YORK  
JANUARY 30 1873  
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June 1871  
19th March 1871  
Cord Roberts, Sheriff  
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Recd

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O.L.V.