Miscellaneous Record No. 5, Black Hawk County, Iowa

#10179 Fee \$1.20 √

In Palesse of Revisionary Pajelto Cee Book 28 Palesse aft Associa (Page 160 ESTRICTION AGRESSENT

KNOW ALL MEN BY THESE PRESENTS:

That we, the undersigned owners and the husbands and wives of owners of certain real outste hereinafter described and set opposite our names and located within the city of Materico, in Black Hawk County, Iowa, do hereby mutually covenant and agree together, in consideration of the premises and covenants herein made each to the other, which promises and covenants are hereby made equally binding upon our heirs, executors, legal representatives, or accigns; that the use and sule of the real outste owned by us as hereinafter described shall be restricted as follows:

That no part of said roal ostato shall be sold, conveyed, rented to or occupied by any negroe or Indian, or person of the African, Chinese, Japanese, race, nationality or descent, either directly or indirectly.

This contract and agreement is made for the use and benefit of any and all persons who now own, or who may hereafter acquire any real estate within the aforesaid territory or any interest therein and may be enforced by any appropriate logal or equitable proceedings, and any breach thereof shall give rise to a cause of action for damages in favor of any and every person examing property, or having an interest in property in said restricted district and to the full extent of the loss or injury which he may sustain by reason of such breach.

Any sale of real cotate within unid restricted district, affected by this contract which may be in violation of its terms, by any subsequent owner or party interested in said real estate shall cause the real estate so sold to revert to the present owner and signer hereof, his heirs, logal representatives or assigns, providing suit be instituted for that purpose within one year after such forbidden sale, conveyance, transfer or lease comes to the actual notice of such other property owners. But every sale shall be presumed to be in compliance herewith until the contrary is shown.

Any such use or occupancy by tenant within the above restricted list shall have the affect to terminate his lease and any such use or occupancy by person holding any portion of said real estate under contract of sale, shall work a forfeiture of his contract with such person coming within the restricted list above not forth.

And it is hereby further mutually agreed by and among all parties hereto, that the use of any portion of said premises in violation of this contract or the occurancy of any portion thereof by a person or parties belonging to any of the excluded list aforecaid shall constitute a nuisance, and such acts are by this contract declared to be a unitance, and which may be abated at the suit of any party hereto, or other subsequent owners of any portion of said premises, in appropriate or equitable proceedings and any person occupying any portion of said real estate, under lease or contract, in violation of the provisions hereof may be removed therefrom upon three day's notice in writing, at the suit of any owner of roul estate, located within the territory covered by this contract, provided however, that a breach of any of the foregoing conditions shall not defeat the lien of any mortgage or trust deed made in good faith and for value, covering any part of said premises. But said conditions shall be binding upon the owner thereof, whose title shall have been acquired by forcelegure, trusted's sale or otherwise, as to any breach occurring after such sale, and, provided also that the restrictions norcin contained shall, in all respects terminate and be of no further effect after January first, 1948.

Rus A See Book 39

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	The state of the s	annensky k		*
1		i par	tion being no fellow to-wit:	
	Elizabeth Appel and		Lots 1-16-18-9-17-18-19-20-21 In Additor Rainbow Plat No. 4	
Į,	Honry Appol, her husband		In Auditor Rainbow Plat No. 4 Waterloo, Iowa.	
ľ	Poarl Margadont and	:	Lot 2-3 in Auditor Ealabow	
	Joseph Hargadant and		Plat No. 4, Waterloo, lown.	
	Long Callies and	;	Lot 5 in auditor Rainboy	
	Herman Callies, her husband		Lot 5 in auditor Rainbow Plet No. 4, Waterloo, Iowa.	
	Lillian Boosen and	:	Lot 13 in Auditor Rainbow Plat No. 4. Waterloo Jown	
	Peter Beenen her husband	:		
	Ada Butler and	- 13	Let 15 in misse Division	
	Alvin Butlor her husband	-	Plat No. 4, Waterloo, Lown.	
	Wilderton Don't a contraction		**********	
	Alfara Paul 1		Lot 15 in Auditor Rainbow Plat No. 4, Waterloo, Iowa.	
	Alired Borland, her husband			
	Elizabeth Conrad and	ĩ	Int 10 in indites Poisson	
	Joseph Conrad, her hyaband		Plat No. 4, Waterloo, Iowa.	

	Lids Jerald and Samuel Jerald her husband	:	Lots 25-25-27 in Auditor Reinbow Plat No. 4.	
	Dorthee Butters and W.G.Butters her husband	:	Lot 11 by Auditor Reighow Plat Eo. 4, Waterloo, Town.	
	Louise Errichson, widow) ‡	Lot 14 Auditor Rainbow Plat No. 4, Waterloo, Iowa.	
	Ers Elsie Heffet and	1	Lot 21 in Auditor Rainbow Plat No. 4, Waterloo, Jown	
			Tide no. 4, Materioo, lowe	
	Mildred Crent and			
	Fred Grant her hunband	1.8	Replat Lots 2-3-4 of Assesor	
	anna Hamacher and		N.30 ft. Lot 4, Addossor Leland's Plat No. 1, Waterloo, Lowa.	
	Cutherino Margadent and	:	S 91.80 ft. Lot 4 Assessor	
	dward Hargadant her husband	8	S 91.80 ft. Lot 4 Assonaor Leland's Plat No. 1, Waterloo,ia.	
	Sarah L. Wallaco	:	Lot 10, Assessor Lelend's Plat No. 1, Waterloo, lows.	
,	To Boom (1)		*************	
	A	:	Lot 5 Auditor Bainbow Beltline and Logan Ave. Flat.	
	Frank Chasbro her husband	8		
	6 10			
	.E. Doffat		Fred Grant	
	rs Elsie Woffot		Alildrod Grant	
	oo Conrad			
	lizabeth Conrad			
	.L.Errichson (Not written in E	ngli	oh)	
	m Hamacher		4.0	
	ro Hamacher	725		
		2:27.5		

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IN WITHESS MEREOF: The parties have herete set their

names this ----day of October, 1923

"Renry Appol

-Elizabeth Appel

- Elizabeth J.Borland

- Alfred M. Borland

- Ada Butler

- Alvin Butler

W.G.Buttern

Dorathon Butters

/ Herman A. Callies

- Lena Callios

- Pearl Hargadant

Joo Margadant

STATE OF TOWA

BLACK HAWE COUNTY SS

- F.H.Chesebro

- Rooms Chosebro

- Surah L. Wallace

- S.E. Jorald

. Lida L. Jerald

Lillian Boosen

Potor Bosson

2 Ed C. Margadant

Hra Ed C. Margadant

BE IT REMEMBERED that on this 9th day of October, 1923, before me, a Notary Public, within and for soid County, personally appeared; C.E.Moffet and Elsie Moffet his wife; Joe Conrad and Elizabeth Conrad, his wife; W. Hamacher and Mrs. Hamacher, his wife; Henry Appel and Elizabeth Appel, his wife; Alfred M. Borland and Elizabeth J.Borland, his wife; W.G.Buttors and Derathea Buttors, his wife; Herman A. Callies and Lena Callies, his wife; Pearl Margadant and Joseph Margadant, her Musband, to me known to be the identical persons whose names are subscribed to the foregoing instrument, and acknowledged the signing and execution of the same to be their voluntary act and deed and done for the purpose therein set forth.

WIFHESS my hand and Noterial Soul the year and day first above written.

SEAL

C.J.Rudolph Motory Public within and for Black Hawk County Town.

STATE OF IONA)
BLACK HAWK COUNTY)

BE IT REMEMBERED that on this 27th day of October before me, C.J.Rudolph, a Motary Public within and for said County, personally appeared: M.L. Errichson, Fred Grant and Ellired Grant, his wife, Ada Butlor and Alvin Butlor, her husband, F.R. Chesebre and Rooma Chesebre, his wife, S.E.Jorald and Lida, Jorald, his wife, Lillian Bosson and Feter Bosson, her husband, Ed. C.Rargadant and Ero Ed.C.Rargadant, his wife, to me known to be the identical persons whose names are subscribed to the foregoing instrument and acknowledged the signing of the said instrument to be their voluntary act and doed and done for the purpose therein set forth.

WITHESS my hand and Motory Soal, the year and day first above written.

SEAL

C.J.Rudolph Notary Public in and for Black Hawk County, Iowa.

STATE OF IOWA , BLACK HAWK COURTY

Be it remembered that on this 5th day of December before me, C.J.Rudolph,a idetary Public within and for said County, personally appeared: Sarah L. Wallace, to me known to be the identical person whose name is subscribed to the foregoing instrument and acknowledged the signing of the said instrument to be her voluntary act and deed and done for the purpose therein sut forth.

WITHESS my hand and Botary Soal, the year and day first above written.

SEAT

C.J. Rudolph Motary Public in and for Black Hawk County, Iowa.

Filed for Record this 7th day of December A.D. 1923 at 3:36 P.M. Jennie S.Bird.