DEED OF REVOCATION

This Deed of Revocation is executed by the undersigned pursuant to the provisions of SDCL 11-5-6.

RECITALS

WHEREAS, on June 21, 1955, Declarants Clyde S. Jones and Hattie E. Jones, husband and wife, executed a certain “Area Restrictive Covenants” which were filed for record on that date in the Pennington County Register of Deeds Office in Miscellaneous Book 60, Page 489 as to the property described therein as follows:

Lots 16, 17, 18, 19 of Lot H, and Lots 21, 22, 24, 25, all being located in Berry Pines Subdivision, being a portion of the NE¼SE¼ and the NW¼SW¼ of Section 32, Township 2 North, Range 7 East, B.H.M., as shown by that certain plat thereof as filed on June 15, 1955 at 4:00 p.m. in Book 6 of Plats at Page 99 in the Office of the Register of Deeds of Pennington County, South Dakota

WHEREAS, James F. Neisen and Gayle R. Neisen, husband and wife, are the owners of the following described property, to-wit:

Tracts 1 and 2 of Neisen Subdivision in the City of Rapid City, Pennington County, South Dakota (formerly all of Lot E and Lot b of Berry Pines Subdivision; Lot F of Berry Pines Subdivision; Lot A of Lot 17, and Lot 24 of a portion of Lot H and of vacated right-of-way in Berry Pines Subdivision; and Lots 18, 19, 21 and 22 of a portion of Lot H and vacated right-of-way in Berry Pines Subdivision, located in Section 32, T2N, R7E, B.H.M., Rapid City, Pennington County, South Dakota)

AND

WHEREAS, John J. Malik and Mary A. Malik, husband and wife, are the owners of the following described property, to-wit:
Lot L of Berry Pines Subdivision in the City of Rapid City, Pennington County, South Dakota (formerly Lot D, Lot (a) of Lot E, Lot 25, Lot B of Lot 17 of Lot H, located in Section 32, T2N, R7E, B.H.M., Rapid City, Pennington County, South Dakota)

AND

WHEREAS, Stephen Bareis and Eva Bareis, husband and wife, are the owners of the following described property, to-wit:

Lot K of Berry Pines Subdivision in the City of Rapid City, Pennington County, South Dakota (formerly Lot C, Lot 26, Lot 16 of Lot H, located in Section 32, T2N, R7E, B.H.M., Rapid City, Pennington County, South Dakota)

AND

WHEREAS, the above individuals are the owners of all of the property described in the above described “Area Restrictive Covenants”.

NOW THEREFORE, the undersigned, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, do hereby execute this Deed of Revocation, thereby revoking and cancelling such “Area Restrictive Covenants”, and the same shall no longer be in effect as to the real property described therein.

OWNER’S ACKNOWLEDGMENT

State of South Dakota  )
                         ) ss.
County of Pennington   )

James F. Neisen and Gayle R. Neisen, husband and wife, as owners of Tracts 1 and 2 of Neisen Subdivision in the City of Rapid City, Pennington County, South Dakota, as shown on the plat filed for record with the Pennington County Register of Deeds Office on December 18, 2014 as Document No. A201416395, hereby acknowledge their consent to the revocation and cancellation of the “Area Restrictive Covenants” described above.

Dated this _____ day of __________________, 2017.

_________________________________  ________________________________
James F. Neisen  Gayle R. Neisen

[NOTARIZATION APPEARS ON THE FOLLOWING PAGE]
State of South Dakota )
   ) ss.
County of Pennington )

On this the _____ day of _____________, 2017, before me, the undersigned officer, personally appeared James F. Neisen and Gayle R. Neisen, husband and wife, known to me or satisfactorily proven to be the persons whose names are subscribed to the above instrument and acknowledged that they executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

________________________________________

Notary Public, South Dakota
My Comm. Expires:

(SEAL)

OWNER’S ACKNOWLEDGMENT

State of South Dakota )
   ) ss.
County of Pennington )

John J. Malik and Mary A. Malik, husband and wife, as owners of Lot L of Berry Pines Subdivision in the City of Rapid City, Pennington County, South Dakota, as shown on the plat filed for record with the Pennington County Register of Deeds Office on June 26, 1965 in Book 9, Page 199 of Plat Records, hereby acknowledge their consent to the revocation and cancellation of the “Area Restrictive Covenants” described above.

Dated this _____ day of _______________, 2017.

________________________________________

John J. Malik

________________________________________

Mary A. Malik

State of South Dakota )
   ) ss.
County of Pennington )

On this the _____ day of _______________, 2017, before me, the undersigned officer, personally appeared John J. Malik and Mary A. Malik, husband and wife, known to me or satisfactorily proven to be the persons whose names are subscribed to the above instrument and acknowledged that they executed the same for the purposes
therein contained.
In witness whereof I hereunto set my hand and official seal.

_________________________________

Notary Public, South Dakota
My Comm. Expires:

______________

(State of South Dakota)

County of Pennington

Stephen Bareis and Eva Bareis, husband and wife, as owners of Lot K of Berry Pines Subdivision in the City of Rapid City, Pennington County, South Dakota, as shown on the plat filed for record with the Pennington County Register of Deeds Office on June 26, 1965 in Book 9, Page 199 of Plat Records, hereby acknowledge their consent to the revocation and cancellation of the “Area Restrictive Covenants” described above.

Dated this _____ day of _______________, 2017.

_________________________________  _______________________________________

Stephen Bareis  Eva Bareis

(State of South Dakota)

County of Pennington

On this the _____ day of _______________, 2017, before me, the undersigned officer, personally appeared Stephen Bareis and Eva Bareis, husband and wife, known to me or satisfactorily proven to be the persons whose names are subscribed to the above instrument and acknowledged that they executed the same for the purposes therein contained.

In witness whereof I hereunto set my hand and official seal.

_________________________________

Notary Public, South Dakota
My Comm. Expires:

______________

(State of South Dakota)

County of Pennington

(SEAL)