

This Agreement made and entered into this 16th day of November, 1956, by and between Guarantee Mutual Life Company, hereinafter called "Guarantee" and The Malvern Company Inc., hereinafter called "Malvern", Witnesseth:

WHEREAS, "Guarantee" has purchased a tract of land of approximately 11 acres in Indian Hills Village Addition to the County of Douglas, Nebraska, from "Malvern" and has commenced the construction of its Home Office Building on a part of said tract of land, and

WHEREAS, "Guarantee" and "Malvern" are desirous of protecting the appearance development and utility of the sites owned by them to their mutual benefit and advantage, and

WHEREAS, "Guarantee" has contracted with Omaha Public Power District to install electrical service for its use and the subsequent use of "Malvern", through an underground cable running East from 90th Street along Indian Hills Road, and is participating with "Malvern" in the payment of the costs of said installation on condition that "Guarantee" or "Malvern" will never install or allow any poles or pole lines to be installed or maintained for either electric or telephone service, along or upon Indian Hills Drive between 84th and 90th Street in said Indian Hills Village Addition.

IT IS THEREFORE AGREED by and between "Guarantee" and "Malvern" in consideration of \$1.00 and their promises, covenants and agreements, and the installation of Electricity through underground cables and conduits by Omaha Public Power District in accordance with its agreement with "Guarantee", that neither

"Malvern" or "Guarantee" will ever install or allow any poles or pole lines to be installed or maintained for either Electric or Telephone service, along or on Indian Hills Drive between 84th Street and 90th Street in Indian Hills Village Addition to Douglas County, Nebraska.

This Agreement is binding upon the successors, and assigns of the undersigned.

IN WITNESS WHEREOF, the undersigned have set their hands the date first above written.

ATTEST:

GUARANTEE MUTUAL LIFE COMPANY

BY

R.E. Kiplinger  
President

THE MALVERN COMPANY INC.

BY

T. C. Manson  
President

STATE OF NEBRASKA ) ss  
COUNTY OF DOUGLAS )

On this 16th day of November, 1956, before me the undersigned, a Notary Public in and for said County, personally came R.E. Kiplinger, President of the Guarantee Mutual Life Company to me personally known to be the President and the identical person whose name is affixed to the above Agreement, and acknowledged the execution thereof to be his voluntary act and deed as such officer and the voluntary act and deed of the said Guarantee Mutual Life Company and that the Corporate Seal of the Said Guarantee Mutual Life Company was thereto affixed by its authority.

Witness my hand and Notarial Seal at Omaha in said County the day and the year last above written.

My Commission expires 3-22-1960

Wm. C. L. L. L.  
Notary Public

10.  
ENTERED IN NUMERICAL INDEX AND RECORDED IN THE REGISTER OF DEEDS OFFICE IN DOUGLAS COUNTY, NEBRASKA.

26 MAY 1957 AT 11:48 P.M. THOMAS J. O'DONNOR, REGISTER OF DEEDS.