

STATE OF NEBRASKA)
) SS. 600 102
COUNTY OF DOUGLAS)

AFFIDAVIT

FREDERICK S. CASSMAN being first duly sworn, on oath, deposes and says:

1. That he is an attorney at law with offices at 1175 Woodmen Tower, Omaha, Nebraska.

2. That at all times hereinafter mentioned, he was and is one of the attorneys for A. S. Battiato, Trustee, and A. S. Battiato Construction Co., Inc. who were the owners of the following described real estate situated in Douglas County, Nebraska, to-wit:

That part of the West one-half (W $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section Twenty-One (21), Township Sixteen (16) North, Range Twelve (12) East of the 6th P.M., lying North and East of State Highway No. 133.

3. That on or about the month of April, 1966, he prepared a draft of certain Restrictive Covenants and Easements for execution by A. S. Battiato, Trustee in connection with the then pending application for rezoning of said property. That said draft was never recorded in the office of the Register of Deeds for Douglas County, Nebraska.

4. That thereafter he prepared an amended draft of said Restrictive Covenants and Easements which was executed by A. S. Battiato, Trustee as well as by other parties who had since purchased or acquired interests in portions of said property. A copy of said Restrictive Covenants and Easements was recorded in the office of the Register of Deeds of Douglas County, Nebraska on February 7, 1974 in Miscellaneous Book 532 at Page 367.

5. That Paragraph 8 thereof requires that "Prior to commencement of any grading or construction, the final grading

and building plans must be submitted to the undersigned for approval." That the reference to "the undersigned" was intended to apply only to A. S. Battiato, Trustee and was never intended to require the approval of any of the other parties who also executed said document.

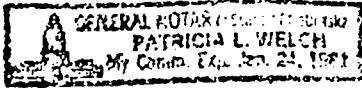
FURTHER AFFIANT SAYETH NOT.

Frederick S. Cassman
Frederick S. Cassman

Subscribed and sworn to before me a notary public this 15th day of June, 1978.

Patricia L. Welch
Notary Public

My Commission Expires:



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