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AGREEMENT MODIFYING PROTECTIVE COVENANTS

THIS AGREEMENT, made and entered into this 4th day of November 1964 by and between the undersigned owners of all of the lots in Palomino Hills, an addition in Douglas County, Nebraska, whose names are subscribed to this agreement opposite the legal description of the lots owned by them, respectively, as parties of the first part, hereinafter called Owners, and Burt Company, a Nebraska corporation, as party of the second part, hereinafter called Builder, witnesseth:

WHEREAS the then Owners of all of the lots in Palomino Hills, an addition in Douglas County, Nebraska, entered into protective covenants, dated August 28, 1962, and recorded November 14, 1962 in the office of the Register of Deeds of Douglas County, Nebraska, at book 389, page 475 of the Miscellaneous Records and

WHEREAS said protective covenants provided in part that none of the lots in said addition shall be used for other than residential purposes, and

WHEREAS the Owners are willing to agree with Builder that said covenants may be modified as to certain of said lots so as to permit same to be used for other purposes.

NOW, THEREFORE, IN CONSIDERATION OF THE PREMISES, AND FOR OTHER GOOD AND VALUABLE CONSIDERATION, IT IS AGREED AS FOLLOWS:

1. Owners and Builder state and represent that they are the present owners of record of all of the lots in Palomino Hills, an addition in Douglas County, Nebraska, which said lots number as follows:

Lots 1 through 21 inclusive, Block 1
Lots 1 through 40 inclusive, Block 2
Lots 1 through 31 inclusive, Block 3
Lots 1 through 17 inclusive, Block 4
Lots 1 through 18 inclusive, Block 5
Lots 1 through 9 inclusive, Block 6
Lots 1 through 6 inclusive, Block 7

2. Owners agree with Builder that the protective covenants hereinabove referred to be and hereby are modified to provide that Lots One (1), Two (2), Three (3), Four (4), Five (5), and Six (6), Block One (1), Palomino Hills, may be used for any purpose now or hereafter permitted in First Commercial Zoning as provided in the Zoning Ordinances of the City of Omaha, Nebraska.

3. Owners agree with Builder that the protective covenants hereinabove referred to be and hereby are modified to provide that Lots One (1), Two (2), Three (3), Four (4), and Five (5) of Block Four (4), Palomino Hills, may be used for any purpose now or hereafter permitted in Ninth Residential Zoning as provided in said Zoning Ordinance.

4. Owners agree that they will not oppose the rezoning of the lots described in paragraphs 2 and 3 to First Commercial and Ninth Residential Zoning, respectively, by the zoning authorities of the City of Omaha.

5. Builder agrees that it will develop the aforesaid lots in a well-planned and attractive manner, and that any buildings and other improvements constructed on said lots shall be of first-class construction, of design compatible with other buildings in Palomino Hills, and with appropriate landscaping and shrubbery.

6. It is agreed that except as herein modified, said protective covenants hereinabove referred to, dated August 28, 1962, be and remain in full force and effect.

IN WITNESS WHEREOF, the Owners hereinabove set forth and the Builder have annexed their signatures opposite and to the right of the lots owned by them, respectively:

OWNERS:

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BLOCK FOUR (4)

Lots 1 to 3 inclusive; 9, 10, 11, 12, 13, 14, 15, 16, 17

James Investment Co., a corporation

By _____
President

Attest: _____
Asst. Secretary

Lots 4 and 6,

_____
F. S. Cassman

_____
M. Cassman
husband and wife

Lot 5

_____
~~L. R. Brodkey~~

_____
~~husband and wife~~

Lot 7,

_____
J. Tucker
single and unmarried

Lot 8

_____
J. S. Nyquist

_____
Ineva Nyquist
husband and wife

_____
H.J. Kaslow

Lot 5

_____
G.C. Kaslow
husband and wife

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BUILDER: Burt Company, A Corporation

By _____
President

Attest:
_____
Secretary

STATE OF NEBRASKA)
) ss
COUNTY OF DOUGLAS)

On this 14th day of November 1964, before me the undersigned, a Notary Public in and for said County, personally came _____, President of the Burt Company, a corporation, to me personally known to be the President and the identical person whose name is affixed to the foregoing instrument and acknowledged the execution thereof to be his voluntary act and deed as such officer and the voluntary act and deed of said Burt Company, and that the Corporate Seal of the said Burt Company, was thereto affixed by its authority.

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

_____
Notary Public

STATE OF NEBRASKA)
) SS
COUNTY OF DOUGLAS)

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On this 14th day of NOVEMBER, 1964, before me, the undersigned, a Notary Public, duly commissioned and qualified for in said County, personally came F. S. CASSMAN and M. CASSMAN, husband and wife, J. TUCKER, single and unmarried, J. S. NYQUIST and TREVA NYQUIST, husband and wife, and H. J. KASLOW and G. C. KASLOW, husband and wife, to me known to be the identical persons whose names are affixed to the foregoing instrument and acknowledged the execution thereof to be their voluntary act and deed.

WITNESS my hand and Notarial Seal the day and year last above written.

(Notary Public)

STANLEY E. DUYSE
NOTARIAL SEAL
DOUGLAS COUNTY, NEBRASKA
COMMISSION EXPIRES FEB 26, 1970

My Commission Expires: February 26, 1970

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STATE OF MINNESOTA)
RAMSEY) ss.
COUNTY OF ~~HENNEPIN~~)

On this 14th day of November, 1964, before me, the undersigned, a Notary Public in and for said County, personally came James R. Wyatt President of the James Investment Co., a corporation, to me personally known to be the President and the identical person whose name is affixed to the foregoing instrument and acknowledged the execution thereof to be his voluntary act and deed as such officer and the voluntary act and deed of the said James Investment Co., and that the Corporate Seal of the said James Investment Co., was thereto affixed by its authority.

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

Howard K. Rudeen
Notary Public

HOWARD K. RUDEEN,
Notary Public, Ramsey County, Minn.
My Commission Expires May 16, 1968

16 Mar

RECEIVED
1964 NOV 17 PM 2 32
THOMAS J. O'CONNOR
REGISTER OF DEEDS
DOUGLAS COUNTY, NEBR.

Douglas County
Entered in numerical index and filed for Record in the office of the Register of Deeds of said County and recorded in Book 419 of Mine
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Register of Deeds

By Deputy
Mail Burch Realty Co
2-710 Burch Pk
72-97+101 O.P.N.P.E.
Compared Fee 14.00

72/13