

Miscellaneous Record No. 135

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It is further understood and agreed that this instrument shall in no wise constitute a waiver on the part of said Company of any of its rights or remedies under its contract and mortgage heretofore referred to, and that the application by it of the rents received from the property above described to the mortgage debt heretofore referred to shall not operate in any way to waive any default that might thereafter exist under the contract and/or the mortgage, and that the payment of the indebtedness secured by such instruments may be accelerated in accordance with their terms notwithstanding the acceptance and/or application of such rents, and that said Company may proceed at law or equity to enforce its rights under said contract and mortgage notwithstanding it or some agent appointed by it continues in possession of the property herein referred to and continues to collect the rents therefrom.

It is further understood and agreed that the failure of the said Company to make demand for or to collect any of the rents from the above described property or any part thereof or to demand assignment of any leases, shall not constitute any waiver on its part to make any future or other demands therefor.

IN WITNESS WHEREOF, the said Ralph W. Rapp and Clara C. Rapp, husband and wife hereby bind themselves, their heirs, representatives and assigns, this 21st day of June, A.D. 1939.

Witness:

Ralph W. Rapp

Marjorie Smith

Clara C. Rapp

State of Nebraska)

County of Douglas) ss.

On this 21st day of June A.D. 1939, before me, a Notary Public in and for said County, personally appeared the above named Ralph W. Rapp and Clara C. Rapp, husband and wife, as joint tenants who are personally known to me to be the identical persons whose names are affixed to the above and foregoing assignment of rents and they severally acknowledged the execution of said instrument to be their voluntary act and deed.

Witness my hand and notarial seal the day and date aforesaid.

Marjorie Smith

Notary Public



State of Nebraska)

County of Douglas) ss.

Entered in Numerical Index and filed for Record in the Register of Deeds Office of said County, the 21st day of June, A.D., 1939, at 3:53 o'clock, P.M.

Thomas J. O'Connor,

Register of Deeds.

Compared by W&F

6. Return of Appraisers		
Kenneth F. Reed, et al. Appraisers	The Board of County Commissioners	Condemnation
to	of Douglas County, Nebraska,	Doc. 1 No. 155
Whom It May Concern	Plaintiff,	
	-vs-	RETURN OF APPRAISERS
	Mary Camenzind and Carl Camenzind, Administratrix and Administrator respectively of the Estate of John Camenzind, Deceased; Mary Camenzind; Carl Camenzind; Mary Camenzind; Catherine Camenzind; Louis Camenzind; Mamie Collins; Eugene Collins; Beatrice Camenzind; John Camenzind, Jr.; Betty Camenzind; Carlotta Camenzind; Clarice Camenzind; Otto J. Hendricks; Verna Hendricks; Edwin O. McIntosh; J.M. Frederick Heumann; Mary Frances Heumann; Fred Palke and Henry Palke, Joint Administrators of the Estate of Henry Palke,	

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Deceased; Rose Falke; Minnie Schumann;
Alvin Schumann; George Toensfeldt;
Henry Toensfeldt; George Toensfeldt Jr.;
Henry Falke; Della Falke; Anna Schukat;
Carl Schukat; Fred Falke; Emma Falke;
William P. Johnson; Elizabeth Louise
Johnson; Charles H. Higley; Anna Higley;
Hilda M. Strom; Gust T. Strom; Frances
McNabb Dinsmore; Archibald H. Dinsmore;
The Nebraska Savings & Loan Association,
a corporation; John H. Kiton and
Nettie Elton; Charles Falke; Ralph E.
Tobias and Julia A. Tobias,
Defendants.

TO THE HONORABLE BYRON CRAWFORD, COUNTY JUDGE, DOUGLAS COUNTY, NEBRASKA

We, the undersigned Appraisers, do hereby certify that under and by virtue of an "Appointment of Appraisers", duly served upon us by the Sheriff of Douglas County, Nebraska, on the 8th day of May, A.D., 1939, and after having taken and signed an oath to honestly and truly assess the damages which the owner or owners, of the real estate in said "Appointment of Appraisers" described will sustain by reason of the taking thereof for the purposes in this proceeding set out, that we did inspect the real estate therein described at the time and place designated and did at said time and place sit as a Board of Appraisers and did receive evidence relative to the amount of damages that will be sustained by the owner, or owners, of said real estate by reason of the taking thereof by the Board of County Commissioners of Douglas County, State of Nebraska, and we do hereby make return of our findings as follows, to-wit:

We do hereby find that the respective owners of the real estate described in said "Appointment of Appraisers", to-wit:

That part of Tax Lot One (1), Section Three (3), Township Fifteen (15), Range Twelve (12), described as follows: Beginning at a point on the East line of County Road 198 D, thirty-three (33) feet east of the Southwest corner of Tax Lot One (1), Section Three (3), Township Fifteen (15), Range Twelve (12); thence North along said east line of County Road 2005.1 feet to a point thirty-three (33) feet East and thirty-three (33) feet south of the northwest corner of said Tax Lot One (1); thence East Seven (7) feet; thence south parallel to said east line of County Road 2005.1 feet; thence west Seven (7) feet to the place of beginning and containing .3382 acres have suffered damages by reason of the taking of said land for right of way and road material purposes by the County Board of Commissioners of Douglas County, Nebraska in the following amount to-wit: \$59.25.

We do hereby find that the respective owners of the real estate described in said "Appointment of Appraisers", to-wit:

That part of the Southeast Quarter (SE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section Three (3), Township Fifteen (15), Range Twelve (12), described as follows: Beginning at a point thirty-three (33) feet West of the southeast corner of the Southeast Quarter (SE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section Three (3), Township Fifteen (15), Range Twelve (12); thence West thirty-two (32) feet; thence North parallel to the west line of County Road 198 D, 245 feet; thence East Twenty-five (25) feet; thence North 1076.5 feet to a point forty (40) feet west of the Northeast corner of the said Southeast Quarter (SE $\frac{1}{4}$) of the Northwest Quarter (NW $\frac{1}{4}$); thence East Seven (7) feet; thence South 1321.3 feet along the west line of said County Road to the place of beginning and containing 10.383 acres.

have suffered damages by reason of the taking of said land for right-of-way and road material purposes by the County Board of Commissioners of Douglas County, Nebraska, in the following amount, to-wit: \$158.00.

It is hereby stipulated that the well located on the property described above shall not be moved by the State Highway Department.

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We do hereby find that the respective owners of the real estate described in said "Appointment of Appraisers", to-wit:

The West Seven (7) feet of Lot Twenty-three (23), Richland Acres in Section Three (3), Township Fifteen (15), Range Twelve (12), being 0.251 acres; also those parts of said Lot Twenty-three (23) for borrow purposes, described as follows: Beginning at a point seven (7) feet east of the Northwest corner of Lot Twenty-three (23); thence East 107 feet; thence South parallel to the West line of said Lot One Hundred Eighty-nine (189) feet; thence southwesterly to a point seven (7) feet east and 289 feet south of said Northwest corner of Lot; thence North 289 feet to the place of beginning and containing .577 acres to be excavated to an average depth of 2.5 feet; and, beginning at a point seven (7) feet east and 389 feet South of the Northwest corner of said lot; thence Southeasterly to a point 182 feet east and 489 feet south of said northwest corner of Lot; thence Southwesterly to a point 89 feet east and 784 feet south of the northwest corner of said Lot; thence West 82 feet to a point seven (7) feet east of the west line of said Lot; thence North 395 feet to the place of beginning, containing 0.607 acres to be excavated to an average depth of 3.5 feet.

have suffered damages by reason of the taking of said land for right of way and road material purposes by the County Board of Commissioners of Douglas County, Nebraska, in the following amount, to-wit: \$745.00.

We do hereby find that the respective owners of the real estate described in said "Appointment of Appraisers", to-wit:

That part of the East Quarter (E $\frac{1}{4}$) of the south One-Half (S $\frac{1}{2}$) of the Northwest Quarter (NW $\frac{1}{4}$) of Section Ten (10), Township Fifteen (15), Range Twelve (12), described as follows: Beginning at a point Thirty-three (33) feet west and Thirty-three (33) feet North of the Center of Section Ten (10), Township Fifteen (15), Range Twelve (12); thence West along the North line of Maple Street Thirty-three (33) feet; thence easterly and northerly along a twenty-six (26) foot radius curve to a point forty (40) feet west and fifty-nine (59) feet north of the said center of Section Ten (10); thence north parallel to the west line of County Road 138 D, 959.8 feet; thence left along a 2884.93 foot radius curve to a point 59.4 feet west of the northeast corner of said South One-Half (S $\frac{1}{2}$) of the Northwest Quarter (NW $\frac{1}{4}$); thence East Twenty-six and Four Tenths (26.4) feet to the said west line of County Road; thence South 1289 feet along said west line of County Road to the place of beginning and containing 0.276 acres,

Also that part of the Southwest Quarter (SW $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) (Except school lot) lying west of the Papillion Creek, Section Ten (10), Township Fifteen (15), Range Twelve (12), described as follows: Beginning at a point Thirty-three (33) feet north and Thirty-three (33) feet east of the center of Section Ten (10), Township Fifteen (15), Range Twelve (12); thence North along the East line of County Road 138D, 1189 feet; thence Southeasterly to a point 998.6 feet north and Forty (40) feet east of said center of Section Ten (10); thence South parallel to the said East line of County Road 998.6 feet; thence left along a sixty (60) foot radius curve to the north line of Maple Street; thence West Sixty-seven (67) feet to the place of beginning and containing 0.19 acres,

have suffered damages by reason of the taking of said land for right of way and road material purposes by the County Board of Commissioners of Douglas County, Nebraska, in the following amount, to-wit, \$28.01. It is hereby stipulated that the State Highway Department shall provide suitable drainage facilities in order to prevent flood water spilling or accumulating on the property of the above named parties located on the east side of said road, said suitable drainage facilities to be provided either by the construction of a toe ditch on the east side of the road, or in the event the present culvert is discontinued, then the ditch on the west side of said road be made deeper as to care for the entire flow of water.

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We do hereby find that the respective owners of the real estate described in said "Appointment of Appraisers", to-wit:

That part of Lot Eight (8), Block Nineteen (19), West Benson in Section Ten (10), Township Fifteen (15), North, Range Twelve (12), East of the Sixth P.M., described as follows: Beginning at the Northwest corner of Lot Eight (8), Block Nineteen (19), West Benson; thence East along the North line of said Lot, Seventeen (17) feet; thence westerly and southerly along a ten (10) foot radius curve to a point seven (7) feet East and Ten (10) feet South of the Northwest corner of said Lot Eight (8); thence South 268 feet; thence West Seven (7) feet to the Southeast corner of said Lot Eight (8); thence North 208 feet to the place of beginning and containing 5607 Square feet or .129 acres,

have suffered damages by reason of the taking of said land for right of way and road material purposes by the County Board of Commissioners of Douglas County, Nebraska, in the following amount, to-wit, \$683.50. It is hereby stipulated that the damages assessed above do not include the cost to the above named parties of moving any filling station building or filling station island. Your appraisers have been advised by the District Engineer of the State Highway Department that it is unnecessary to move said buildings or island and the assessment of damages as set forth above was based upon this premise.

We do hereby find that the respective owners of the real estate described in said "Appointment of Appraisers", to-wit:

That part of Lot Ten (10), Block Twenty-two (22), West Benson in Section Ten (10), Township Fifteen (15), North, Range Twelve (12), East of the Sixth P.M., described as follows: Beginning at the Southwest corner of Lot Ten (10), Block Twenty-two (22), West Benson; thence North 133.8 feet to the Northwest corner of said Lot; thence East Seven (7) feet; thence South parallel to the West line of said Lot 73.8 feet; thence southerly and easterly along a sixty (60) foot radius curve to the south line of said Lot; thence West along said south line 67 feet to the place of beginning and containing 1799 square feet or .0392 acres,

have suffered damages by reason of the taking of said land for right of way and road material purposes by the County Board of Commissioners of Douglas County, Nebraska, in the following amount, to-wit, \$37.62.

We do hereby find that the respective owners of the real estate described in said "Appointment of Appraisers", to-wit:

That part of the North $317\frac{1}{2}$ feet of the West $301\frac{1}{2}$ feet of Lot Three (3), Pierson's Subdivision in Section Fifteen (15), Township Fifteen (15), North, Range Twelve (12), East of the Sixth P.M., described as follows: Beginning at a point in the East line of County Road 18 B, eight (8) feet east of the Northwest Corner of Lot Three (3), Pierson's Subdivision; thence East Seven (7) feet; thence South $317\frac{1}{2}$ feet; thence West Seven (7) feet to said East line of County Road; thence North $317\frac{1}{2}$ feet to the place of beginning and containing .052 acres,

have suffered damages by reason of the taking of said land for right of way and road material purposes by the County Board of Commissioners of Douglas County, Nebraska, in the following amount, to-wit, \$112.51.

We do hereby find that the respective owners of the real estate described in said "Appointment of Appraisers", to-wit:

That part of the South $317\frac{1}{2}$ feet of the West $301\frac{1}{2}$ feet of Lot Three (3), Pierson's Subdivision in Section Fifteen (15), Township Fifteen (15), North, Range Twelve (12), East of the Sixth P.M., described as follows: Beginning at a point in the East line of County Road 18 B, eight (8) feet east of the Northwest corner of Lot Three (3), Pierson's Subdivision; thence North along the East line of County Road 18 B, eight (8) feet; thence East Seven (7) feet; thence South $317\frac{1}{2}$ feet; thence

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East Seven (7) feet to the place of beginning and containing .051 acres,
have suffered damages by reason of the taking of said land for right of way and road material
purposes by the County Board of Commissioners of Douglas County, Nebraska, in the following amount,
to-wit: \$225.76.

We do hereby find that the respective owners of the real estate described in said
"Appointment of Appraisers", to-wit:

The west Seven (7) feet of the East Party (40) feet of Tax Lot Eleven (11), in the
Northwest Quarter (NW $\frac{1}{4}$) of Section Fifteen (15), Township Fifteen (15), North, Range Twelve (12),
East of the 6th P.M.

have suffered damages by reason of the taking of said land for right of way and road material
purposes by the County Board of Commissioners of Douglas County, Nebraska, in the following amount,
to-wit: \$2339.00.

It is further stipulated that in each piece of property described above, the County of
Douglas without cost to the respective land owners shall reset the necessary fences along and
upon the edge of the right of way. No damages were allowed to the respective owners for the cost
of resetting said fences.

Your appraisers report that the damages set forth above includes the actual land
appropriated, the land used for borrow, any damages resulting from change of grade, and any and
all damages of any kind or character whatsoever sustained by the respective owners as a result of
the construction of said project, with the exception of the special stipulations hereinbefore set
out.

Respectfully submitted,

Kenneth F. Reed

W.O. Larsen

George Schroeder

Appraisers.

State of Nebraska }
County of Douglas }

Entered in Numerical Index and filed for Record in
the Register of Deeds Office of said County, the 21st
day of June, A.D., 1939, at 12:37 o'clock, P.M.
Thomas J. O'Connor,

Register of Deeds.

Compared by W&P

E.C. Easement

Irene Pope & Hub.,

to

Edythe Mc Ginty Nimmo

THIS INDENTURE made the 28th day of February, 1938, by and between
Irene Pope and Arlyn Pope, husband and wife, parties of the first part,
and Edythe Mc Ginty Nimmo, party of the second part.

WHEREAS, said parties of the first part are owners in fee simple of a parcel of land
known more specifically as the south 48 feet of lot 5, and the north 2 feet of lot 6, Clark's
(St. Mary's) Addition to the City of Omaha, as surveyed, platted and recorded, in Douglas County,
Nebraska,

has agreed to sell to the party of the second part, the easement hereinafter described:

NOW this indenture witnesseth as follows:

In consideration of one dollar and other good and valuable consideration paid by the
party of the second part, the said parties of the first part hereby grants, bargains and sells unto
the party of the second part, as adjacent owner, her heirs and assigns forever, the perpetual full