

AGREEMENT MODIFYING PROTECTIVE COVENANTS

THIS AGREEMENT, made and entered into this 20th day of September, 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:
and Builder

1. Owners/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 hereinaabove 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:

BLOCK FIVE (5)

Lots 1 through 7 inclusive;
Lots 11, 12, 13, ~~14~~, ~~15~~, ~~16~~, 17 and 18

James Investment Co., a corporation

By James H. Gatt
President

Attest: Edward E. Switek
Secretary

Lot 8,

Jack J. Schwartz
Jack J. Schwartz

Joan G. Schwartz
Joan G. Schwartz
husband and wife

Lot 9,

Donald M. Uleman
Donald M. Uleman

Lucille A. Uleman
Lucille A. Uleman
husband and wife

Lot 10,

Wayne E. Paulson
Wayne E. Paulson

Caroline F. Paulson
Caroline F. Paulson
husband and wife

BLOCK SIX (6)

Lots 1 through 8 inclusive

James Investment Co., a corporation

By James H. Gatt
President

Attest: Edward E. Switek
Secretary

Lot 9

Edward Switek
Edward Switek

Lorraine T. Switek
Lorraine T. Switek
husband and wife

BLOCK FIVE (5) continued

Lots 14 & 16

Burt Company, a corporation

By Donald J. Ferguson
President

Attest: Annalee D. Ferguson
Secretary

Lot 15

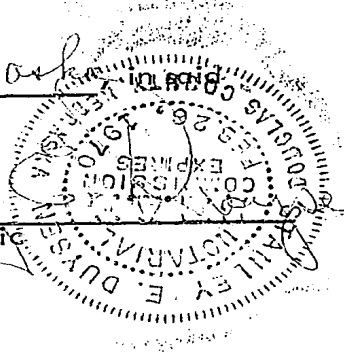
Dennis L. Ferguson
Dennis L. Ferguson

Sandra J. Ferguson
Sandra J. Ferguson

STATE OF NEBRASKA)
) ss
COUNTY OF DOUGLAS)

On this 28th day of September, 1964, before me the undersigned, a Notary Public in and for said County, personally came Donald J. Burt, 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 the 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, Nebraska county the day and year last above written.
[Signature]
Notary Public



STATE OF MINNESOTA)
) ss
COUNTY OF HENNEPIN)

On this 19th day of October, 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 Saint Paul, Minnesota, in said county the day and year last above written.
[Signature]
Notary Public

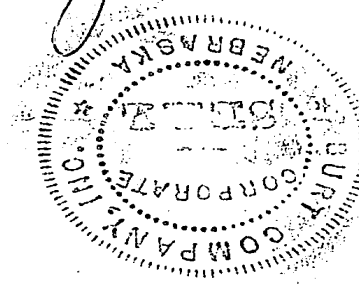
BUILDER:

Burt Company, A Corporation

By Ronald [Signature]
President

Attest:

[Signature]
Secretary



STATE OF NEBRASKA)
) ss
COUNTY OF DOUGLAS)

On this 28th day of September, 1964, before me the undersigned, a Notary Public in and for said County, personally came [Signature], 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, Nebraska in said county the day and year last above written.

[Signature]
Notary Public

STATE OF NEBRASKA)
) SS
COUNTY OF DOUGLAS)

On this 26th day of September, 1964, before me, the undersigned, a Notary Public, duly commissioned and qualified for in said County, personally came JACK J. SCHWARTZ and JOAN G. SCHWARTZ, husband and wife, DONALD M. ULEMAN and LUCILLE A. ULEMAN, husband and wife, WAYNE E. PAULSON and CAROLINE F. PAULSON, husband and wife, EDWARD SWOTEK and LORRAINE T. SWOTEK, husband and wife, DONALD L. ZERN and ANNALEE D. ZERN, husband and wife, and DENNIS L. FERGUSON and SANDRA J. FERGUSON, 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.

Stanley E. [Signature]

(Notary Public)
My Commission Expires: February 26th 1970

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Prail

RECEIVED
1964 OCT 26 PM 5 34
THOMAS J. O'CONNOR
REGISTER OF DEEDS
DOUGLAS COUNTY, NEBR.

THE STATE OF NEBRASKA) ss.
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 418 of Prail
Page 549

Thomas J. O'Connor
Register of Deeds

By Will Bunt Prail
2710 Bunt
72-73
Deeded 74 No. 1300
97
98
72
70