

## AGREEMENT MODIFYING PROTECTIVE COVENANTS

THIS AGREEMENT, made and entered into this 17<sup>th</sup> 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 provide 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), Polomino 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 ONE (1)

OWNERS:

Lots 1 to 15, inclusive, and  
Lot 21

James Investment Co., a  
corporation

By *James M. Smyser*  
President

Attest: *J. M. ...*  
Asst Secretary

Lot 16

*Robert J. Smyser*  
Robert J. Smyser

*Norma J. Smyser*  
Norma J. Smyser  
husband and wife

Lot 17

*James D. Green*  
James D. Green

*Rita J. Green*  
Rita J. Green  
husband and wife

Lot 18

*Lloyd H. Coleman Sr.*  
Lloyd H. Coleman, Sr.

*Doris M. Coleman*  
Doris M. Coleman  
husband and wife

Lot 19

*Gerall L. Casler*  
Gerall L. Casler

*Eleanor L. Casler*  
Eleanor L. Casler  
husband and wife

Lot 20

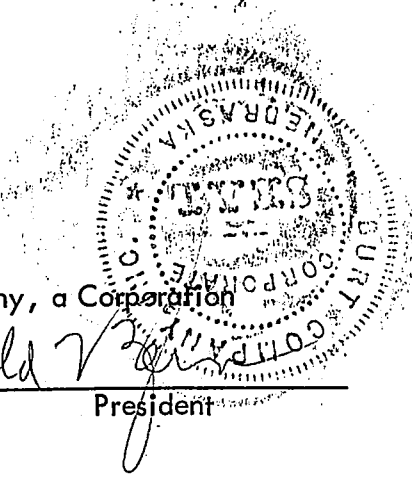
*O. Lee Darrington*  
O. Lee Darrington

*Beverly J. Darrington*  
Beverly J. Darrington  
husband and wife

BUILDER:

Burt Company, a Corporation

By Ronald L. Zern  
President



Attest:

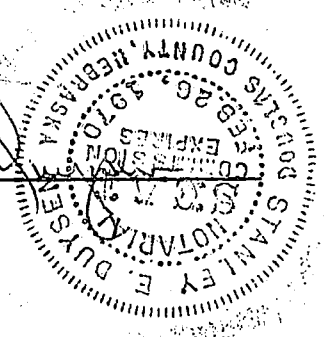
Amaled D Zern  
Secretary

STATE OF NEBRASKA )  
                                  ) ss.  
COUNTY OF DOUGLAS )

On this 17th day of NOVEMBER, 1964, before me the undersigned, a Notary Public in and for said County, personally came Ronald L. Zern President of the Burt Company, a corporation, to me personally known to be the President and identical person whose name is affixed to the foregoing instrument and acknowledge 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,  
in said county the day and year last above written.

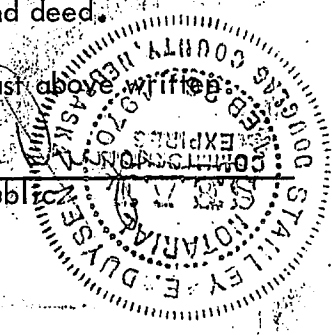
Stanley E. Dux  
Notary Public



On this 17th day of NOVEMBER, 1964, before me, the undersigned a Notary Public, duly commissioned and qualified for in said county, personally came Robert J. Smyser and Norma J. Smyser, husband and wife; James D. Green and Rita J. Green, husband and wife; Lloyd H. Coleman, Sr., and Doris M. Coleman, husband and wife; Gerall L. Casler and Eleanor L. Casler, husband and wife; and O. Lee Darrington and Beverly J. Darrington, 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. Dux  
Notary Public



STATE OF MINNESOTA )  
RAMSEY ) ss.  
COUNTY OF HENNING )

On this 17th 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

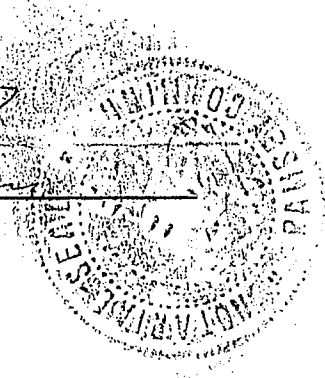
Co., a corporation, to me personally known to be the President and the identical person whose name is affixed to the foregoing instrument and acknowledged the execution thereof to be his voluntary act and deed as such officer and the voluntary act and deed of the said James Investment Co., and that the 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. Rudfen  
Notary Public

HOWARD K. RUDFEN,  
Notary Public, Ramsey County, Minn.  
My Commission Expires May 16, 1969



1st Trust  
RECEIVED D

1964 NOV 17 PM 2 32

THOMAS J. O'CONNOR  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NEBR.

Entered in index and filed  
for Record in the office of the Register of  
Deeds of said County and recorded in  
Book 419 of Deeds  
Page 505

Howard K. Rudfen  
Notary of Deeds  
RAMSEY COUNTY, MINN.

Buck H. Reuter  
2710 Broadway St  
22-73+78  
11/17/64

72/73