

AGREEMENT MODIFYING PROTECTIVE COVENANTS

THIS AGREEMENT, made and entered into this 12<sup>th</sup> day of April 1965, 1965, by and between the undersigned owners of Lots 2 to 11, inclusive, Starlane, an Addition as surveyed, platted and recorded, 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 Walter I. Scott and Opal M. Scott, husband and wife, as parties of the second part, hereinafter called Builder, WITNESSETH:

WHEREAS, the then Owners of all of the aforesaid Lots in Starlane, an Addition in Douglas County, Nebraska, entered into Protective Covenants, dated June 28, 1960, and recorded on September 12, 1960, in the office of the Register of Deeds of Douglas County, Nebraska, at Book 357, Page 447 of the Miscellaneous Records, and,

WHEREAS, said Protective Covenants provided in part that no residential structure was to exceed one story in height, including step-up designs, and that any dwelling of record on any Lot facing Franklin Street shall be faced with brick or stone to the lower level of any windows facing Franklin Street, and,

WHEREAS, the Owners are willing to agree with Builder that said covenants may be modified as to Lot 8 of the said Starlane Addition, which property is now owned by the said Builder, so as to permit same to be used for the erection of a two-story dwelling without brick or stone facing.

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

1. Owners state and represent that they are the present owners of record of all of Lots 2 to 11, inclusive, Starlane, an Addition as surveyed, platted and recorded, Douglas County, Nebraska.

2. Owners agree with Builder that the Protective Covenants hereinabove referred to be and hereby are modified to provide that Lot 8, Starlane, an Addition as surveyed, platted and recorded, Douglas County, Nebraska, now owned by Builder, may be used for the purpose of erecting a two-story dwelling without brick or stone facing to the lower level of any windows facing Franklin Street.

3. Builder agrees that it will develop the aforesaid Lot 8 in a well-planned and attractive manner, and that any dwelling constructed on said Lot shall be of first-class construction, of design compatible with other dwellings

in the aforesaid Addition, and with appropriate landscaping and shrubbery, and shall comply with all existing set-back and zoning regulations.

4. It is agreed that except as herein modified said Protective Covenants hereinabove referred to, dated June 28, 1960, be and remain in full force and effect.

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

OWNERS:

Lot 2

Frank Teresi  
Frank Teresi

Jerry Teresi  
Jerry Teresi  
husband and wife

Lot 3

James L. Keenan  
James L. Keenan

Marjorie A. Keenan  
Marjorie A. Keenan  
husband and wife

Lot 4

Lewis Huntington  
Lewis Huntington

Dorothy Huntington  
Dorothy Huntington  
husband and wife

Lot 5

Edwin K. Wright  
Edwin K. Wright

Ruth R. Wright  
Ruth R. Wright

Lot 6

Carroll J. Quigley  
Carroll J. Quigley

Irene Ann Quigley  
Irene Ann Quigley  
husband and wife

Lot 7

Charles I. Kelly  
Charles I. Kelly

Pearl E. Kelly  
Pearl E. Kelly  
husband and wife

Lot 8

Walter I. Scott  
Walter I. Scott

Opal M. Scott  
Opal M. Scott  
husband and wife

Lot 9

Jack N. Jensen  
Jack N. Jensen

Frances Jensen  
Frances Jensen  
husband and wife

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OWNERS: (Cont'd.)

Lot 10

Robert R. Smith  
Robert R. Smith

Lillian Florence Smith  
Lillian Florence Smith  
husband and wife

Lot 11

Robert R. Smith  
Robert R. Smith

Lillian Florence Smith  
Lillian Florence Smith  
husband and wife

STATE OF NEBRASKA )  
: ss.  
COUNTY OF DOUGLAS )

On the 6<sup>th</sup> day of February, 1965, before me, the undersigned, a Notary Public, duly commissioned and qualified for in said County, personally came Frank Teresi and Jerry Teresi, 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.

E. C. Kelley  
Notary Public

STATE OF NEBRASKA )  
: ss.  
COUNTY OF DOUGLAS )

On the 20 day of March, 1965, before me, the undersigned, a Notary Public, duly commissioned and qualified for in said County, personally came James L. Keenan and Marjorie A. Keenan, 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.

E. C. Kelley  
Notary Public

STATE OF NEBRASKA )  
: ss.  
COUNTY OF DOUGLAS )

On the 22 day of February, 1965, before me, the undersigned, a Notary Public, duly commissioned and qualified for in said County, personally came Lewis Huntington and Dorothy Huntington, 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.

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

Walter Scott  
Notary Public

STATE OF NEBRASKA )  
: ss.  
COUNTY OF DOUGLAS )

On the 12 day of April, 1965, before me, the undersigned, a Notary Public, duly commissioned and qualified for in said County, personally came Edwin K. Wright and Ruth R. Wright, 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.

Walter Scott  
Notary Public

STATE OF NEBRASKA )  
: ss.  
COUNTY OF DOUGLAS )

On the 15 day of February, 1965, before me, the undersigned, a Notary Public, duly commissioned and qualified for in said County, personally came Carroll J. Quigley and Irene Ann Quigley, 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.

Walter Scott  
Notary Public

STATE OF NEBRASKA )  
: ss.  
COUNTY OF DOUGLAS )

On the 31 day of March, 1965, before me, the undersigned, a Notary Public, duly commissioned and qualified for in said County, personally came Charles I. Kelly and Pearl E. Kelly, 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.

Walter Scott  
Notary Public

STATE OF NEBRASKA )  
: ss.  
COUNTY OF DOUGLAS )

On the 1st day of April, 1965, before me, the undersigned, a Notary Public, duly commissioned and qualified for in said County, personally came Walter I. Scott and Opal M. Scott, 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.

[Signature]  
Notary Public

STATE OF NEBRASKA )  
: ss.  
COUNTY OF DOUGLAS )

On the 6th day of March, 1965, before me, the undersigned, a Notary Public, duly commissioned and qualified for in said County, personally came Jack N. Jensen and Frances Jensen, 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.

[Signature]  
Notary Public

STATE OF NEBRASKA )  
: ss.  
COUNTY OF DOUGLAS )

On the 12 day of April, 1965, before me, the undersigned, a Notary Public, duly commissioned and qualified for in said County, personally came Robert R. Smith and Lillian Florence Smith, 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.

[Signature]  
Notary Public

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1965 AUG 10 AM 10 39

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

THE STATE OF NEBRASKA )  
COUNTY OF DOUGLAS )

Entered in the index and filed  
for Record in the County of Douglas, Nebraska, this 10th day of August, 1965.  
Deeds of Sale Book 2032 of March  
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register of Deeds

By

Walter I. Scott  
MAIL 2032 928/50

GR. 100.50

Fee

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