



MISC 2004022542



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Received - RICHARD TAKECHI
Register of Deeds, Douglas County, NE
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**THIS PAGE INCLUDED FOR INDEXING
PAGE DOWN FOR BALANCE OF INSTRUMENT**

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<i>3/51</i>	BKP	_____	C/O	_____
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Temp. 12.4.01

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SULLIVAN HOMES

PARTIAL RELEASE AND AMENDMENT TO PROTECTIVE COVENANTS AND EASEMENTS

THIS PARTIAL RELEASE AND AMENDMENT TO PROTECTIVE COVENANTS AND EASEMENTS, made on the date hereinafter set forth by the undersigned, owners of a majority of the lots comprising the real property hereinafter described.

WITNESSETH:

WHEREAS, certain Protective Covenants and Easements dated November 22, 1954 running with the land on the real estate hereinafter described were recorded on November 23, 1954, in Book 293 at Page 489 of the Miscellaneous Records in the Office of the Register of Deeds for Douglas County, Nebraska, to-wit:

Lots One (1) to Twelve (12), inclusive, Block One (1); Lots One (1) to Ten (10), inclusive, Block Two (2); Lots One (1) to Ten (10), inclusive, Block Three (3); Lots One (1) to Ten (10), inclusive, Block Four (4); Lots One (1) to ~~NINE~~ (9), inclusive, Block Five (5); all in Westchester Second Addition, a subdivision, now an addition to the City of Omaha, Douglas County, Nebraska; and

WHEREAS, the undersigned, being the owners of a majority of the above-described lots, desire to partially release and amend said Protective Covenants and Easements with respect to one of said lots only, viz., Lot Nine (9), Block Five (5), in said Westchester Second Addition, as hereinafter provided.


NOW THEREFORE, the undersigned owners hereby declare that (i) paragraph 6 of said Protective Covenants and Easements is hereby amended to provide that the minimum front yard building setback line for said Lot Nine (9), Block Five (5), shall be changed from 75 feet to 50 feet, and (ii) paragraph 1 of said Protective Covenants and Easements is hereby amended to permit the construction of a two story residence on said Lot Nine (9), Block Five (5).

Except as amended hereby, all of the original terms of said Protective Covenants and Easements dated November 22, 1954 shall be and hereby are declared to be and remain in full force and effect with respect to said Lot Nine (9), Block Five (5).

IN WITNESS WHEREOF, the undersigned, being the owners of a majority of said above-described lots, have executed this Partial Release and Amendment to Protective Covenants and Easements on the date(s) hereinafter indicated.

Street Address:

218 South 94th Street
Omaha, Nebraska 68114



Edward W. Fitzgerald, Owner

Legal Description:

Lot 4, Block 2, Westchester
Second Addition



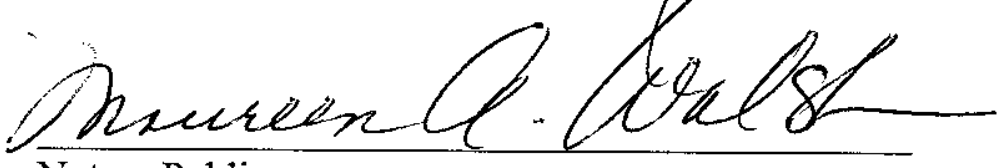
Nancy E. Fitzgerald, Owner

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 30 day of November
2003, by EDWARD W. FITZGERALD.

[SEAL]



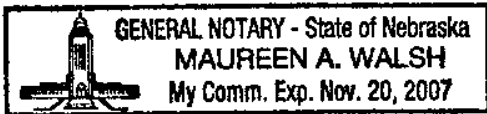



Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 30 day of November
2003, by NANCY E. FITZGERALD.

[SEAL]





Notary Public