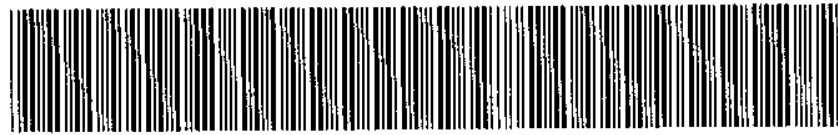




MISC 2004022547



FEB 23 2004 07:38 P 3

Filed: AS RECEIVED

Received - RICHARD TAKECHI
Register of Deeds, Douglas County, NE
2/23/2004 7:38:25 AM



2004022547

THE ABOVE SPACE IS FOR REGISTER OF DEEDS RECORDING DATE

LEGAL DESCRIPTION:

LOT _____ BLOCK _____

ADDITION _____

misc
3/51

FEE	40.50	FB	51-42100
BKP		C/O	COMP
DEL		SCAN	FV

RETURN: 4 NLTA

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:

319 South 96th Street
Omaha, Nebraska 68114

James Thomas Yeaworth, Trustee of the James
Thomas Yeaworth Trust of 1992, Owner

Legal Description:

Lot 11, Block 1, Westchester
Second Addition

Rosalee C. Yeaworth

Rosalee C. Yeaworth, Trustee of the James
Thomas Yeaworth Trust of 1992, Owner

** FILED: AS IS

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 22 day of November
2003, by JAMES THOMAS YEAWORTH, TRUSTEE.

[SEAL]

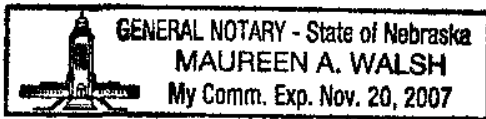
Maureen A. Walsh

Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 22 day of November
2003, by ROSALEE C. YEAWORTH, TRUSTEE.

[SEAL]



Maureen A. Walsh

Notary Public