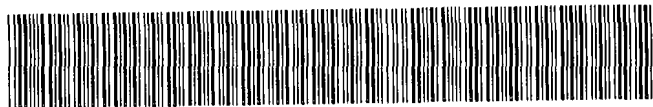


MISC 2012002797



JAN 10 2012 10:57 P 17

misc
 FEE 98.00 FB 51-42040
 BHP _____ C/O _____ COMP BW
 24 DEL _____ SCAN _____ FV CP

Received - DIANE L. BATTIATO
 Register of Deeds, Douglas County, NE
 1/10/2012 10:57:08.34



2012002797

[This Space Above is for Recording Data]

**SECOND MODIFICATION TO THE PROTECTIVE COVENANTS,
CONDITIONS, RESTRICTIONS AND EASEMENTS**

THIS SECOND MODIFICATION TO THE PROTECTIVE COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS (this "Modification") modifies the Protective Covenants, Conditions, Restrictions and Easements recorded at Book 295, Page 198 in the Miscellaneous Records in the office of the Register of Deeds of Douglas County, Nebraska on January 31, 1955, as modified by the Modification of Protective Covenants recorded at Book 1303, Page 291 in the Miscellaneous Records in the office of the Register of Deeds of Douglas County, Nebraska on August 6, 1999 (together, the "Original Covenants") governing Blocks 12 and 14, Westchester, an addition to the City of Omaha, Douglas County, Nebraska.

WITNESSETH:

WHEREAS, on or about January 12, 1954, Westchester Realty Co., a Nebraska corporation, was the owner of what is now known as:

Lots 1 through 20, inclusive, Block 12 Westchester, an addition to the City of Omaha, Douglas County, Nebraska; and Lots 1 through 6, inclusive, Block 14, Westchester, an addition to the City of Omaha, Douglas County, Nebraska (the "Covenant Area"); and

WHEREAS, on or about January 12, 1954, Westchester Realty Co. adopted the Original Covenants for the purpose of establishing minimum standards for the construction of improvements upon each of the lots in the Covenant Area; and

WHEREAS, a true and correct copy of the Original Covenants is attached hereto, as Exhibit "A", and by this reference is made a part hereof; and

WHEREAS, the Original Covenants provide, in paragraph 2, that any residence constructed upon any lot within the Covenant Area may not be constructed within sixty (60) feet of the front lot line; and

RETURN: Rory Sudbeck
14927 Industrial Rd
Omaha NE 68144

✓ 1893

requested that this Modification be executed by the Owners (as defined below) to permit the construction of a residential dwelling fifty (50) feet from the front lot line of the Property; and


WHEREAS, this Modification shall be effective upon the execution of this Modification by the owners of at least fourteen (14) lots located within the Covenant Area (collectively, the "Owners").

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, it is agreed by and between the parties as follows:

1. Recitals. The statements set forth above are hereby incorporated into this Modification.
2. Amendment of the Original Covenants. The Original Covenants are hereby amended only with respect to the Property, for the sole purpose of permitting the construction of a single family residence upon the Property within sixty (60) feet of the front lot line of the Property, provided, that any single family residence constructed upon the Property shall not be constructed within fifty (50) feet of the front lot line of the Property.
3. Ratification. By their execution of this Modification, the Owners hereby ratify, affirm and confirm each and every covenant, condition, restriction and easement contained in the Original Covenants except as specifically provided in this Modification.
4. Governing Law. This Modification is made under and governed by the laws of the State of Nebraska.
5. No Other Amendments. Except as set forth herein, the Original Covenants shall remain in full force and effect.
6. Execution in Counterparts. This Modification may be executed in one or more counterparts, each of which shall be deemed to be an original and all of which shall be deemed to be one and the same agreement.

IN WITNESS WHEREOF, the below-described Owners have caused this Modification to be executed this 6 day of January, 2012

HERBERT M. SAMPSON III and MARY ALICE SAMPSON,
together the owners of Lot 2, Block 12, Westchester



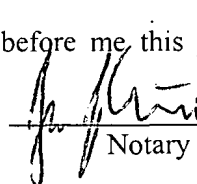
 Herbert M. Sampson III



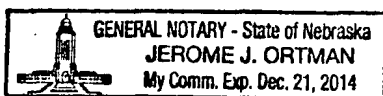
 Mary Alice Sampson

STATE OF NEBRASKA)
)ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 6 day of JAN. 2012, by Herbert M. Sampson III and Mary Alice Sampson.



 Notary Public

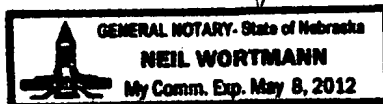


JOHN E. SCHULZ and MEGAN S. SCHULZ, together the owners of Lot 16, Block 12, Westchester

John E. Schulz
John E. Schulz

Megan S. Schulz
Megan S. Schulz

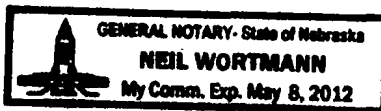
STATE OF NEBRASKA)
)ss.
COUNTY OF Douglas)



The foregoing instrument was acknowledged before me this 29 day of Nov 2011, by John E. Schulz, a Nebraska resident.

Neil Wortmann
Notary Public

STATE OF NEBRASKA)
)ss.
COUNTY OF Douglas)



The foregoing instrument was acknowledged before me this 29 day of Nov 2011, by Megan S. Schulz, a Nebraska resident.

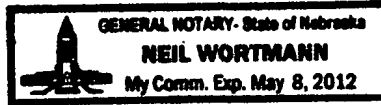
Neil Wortmann
Notary Public

WILLIAM W. CLARK, the owner of Lot
18, Block 12, Westchester

William W. Clark

William W. Clark

STATE OF NEBRASKA)
)ss.
COUNTY OF Douglas)



The foregoing instrument was acknowledged before me this 29 day of Nov 2011,
by William W. Clark, a Nebraska resident.

Neil Wortmann

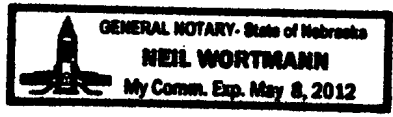
Notary Public

KIMBERLY H. EGAN, the owner of Lot
1, Block 14, Westchester

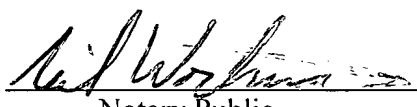


Kimberly H. Egan

STATE OF NEBRASKA)
)ss.
COUNTY OF Douglas)

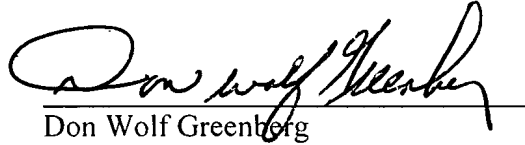


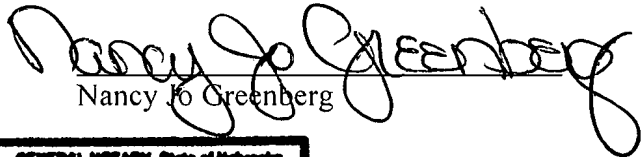
The foregoing instrument was acknowledged before me this 29 day of Nov 2011,
by Kimberly H. Egan, a Nebraska resident.



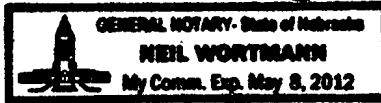
Notary Public

DON WOLF GREENBERG and NANCY
JO GREENBERG, together the owners of
Lot 6, Block 14, Westchester


Don Wolf Greenberg


Nancy Jo Greenberg

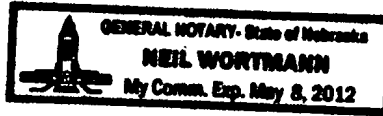
STATE OF NEBRASKA)
)ss.
COUNTY OF Douglas)



The foregoing instrument was acknowledged before me this 29 day of Nov 2011,
by Don Wolf Greenberg, a Nebraska resident.


Notary Public


STATE OF NEBRASKA)
)ss.
COUNTY OF Douglas)




The foregoing instrument was acknowledged before me this 29 day of Nov 2011,
by Nancy Jo Greenberg, a Nebraska resident.


Notary Public

JOHN R. ROBERTS and JASMINE J. ROBERTS, together the owners of Lot 19, Block 12, Westchester

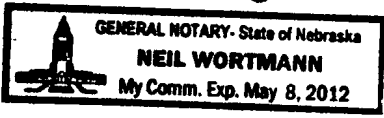


John R. Roberts



Jasmine J. Roberts

STATE OF NEBRASKA)
)ss.
COUNTY OF Douglas)

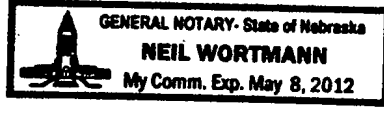


The foregoing instrument was acknowledged before me this 17 day of Nov 2011, by John R. Roberts, a Nebraska resident.

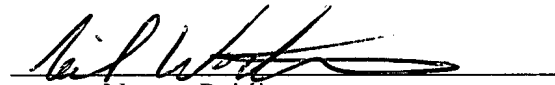


Notary Public

STATE OF NEBRASKA)
)ss.
COUNTY OF Douglas)




The foregoing instrument was acknowledged before me this 17 day of Nov 2011, by Jasmine J. Roberts, a Nebraska resident.



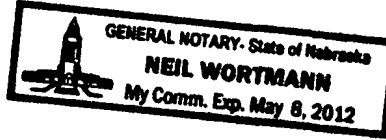
Notary Public

JILL GETTMAN, the owner of Lot 15,
Block 12, Westchester




Jill Gettman

STATE OF NEBRASKA)
)ss.
COUNTY OF Douglas)



The foregoing instrument was acknowledged before me this 17 day of Nov 2011,
by Jill Gettman, a Nebraska resident.



Notary Public

PHILLIP R. PICKETT and BETTY PICKETT, together the owners of Lot 4, Block 14, Westchester

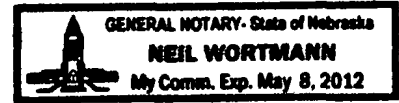
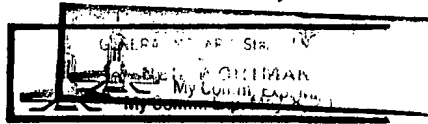
Phillip R. Pickett

Phillip R. Pickett

Betty Pickett

Betty Pickett

STATE OF NEBRASKA)
)SS.
COUNTY OF Douglas)

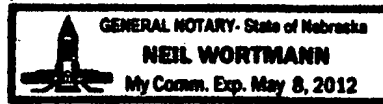


The foregoing instrument was acknowledged before me this 17 day of Nov 2011, by Phillip R. Pickett, a Nebraska resident.

Neil Wortmann

Notary Public

STATE OF NEBRASKA)
)SS.
COUNTY OF Douglas)




The foregoing instrument was acknowledged before me this 17 day of Nov 2011, by Betty Pickett, a Nebraska resident.

Neil Wortmann

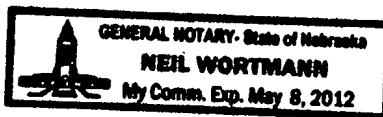
Notary Public

RORY SUDBECK and REBECCA SUDBECK, together the owners of Lot 4, Block 12, Westchester


Rory Sudbeck


Rebecca Sudbeck

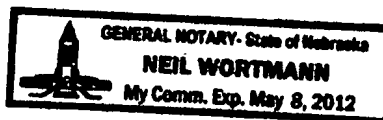
STATE OF NEBRASKA)
)ss.
COUNTY OF Douglas)



The foregoing instrument was acknowledged before me this 17 day of Nov 2011, by Rory Sudbeck, a Nebraska resident.


Notary Public

STATE OF NEBRASKA)
)ss.
COUNTY OF Douglas)



The foregoing instrument was acknowledged before me this 17 day of Nov 2011, by Rebecca Sudbeck, a Nebraska resident.

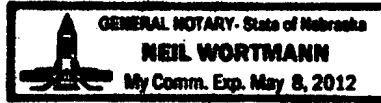

Notary Public

DONALD A. WALL and **RITA M. WALL**, together the owners of Lot 6, Block 12, Westchester

Donald A. Wall
Donald A. Wall

Rita M. Wall
Rita M. Wall

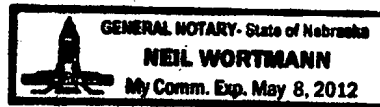
STATE OF NEBRASKA)
)ss.
COUNTY OF Douglas)



The foregoing instrument was acknowledged before me this 17 day of Nov 2011, by Donald A. Wall, a Nebraska resident.

Neil Wortmann
Notary Public

STATE OF NEBRASKA)
)ss.
COUNTY OF Douglas)



The foregoing instrument was acknowledged before me this 17 day of Nov 2011, by Rita M. Wall, a Nebraska resident.

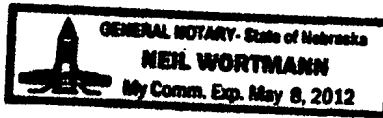
Neil Wortmann
Notary Public

MICHAEL J. HRABIK and BEVERLY L. HRABIK, together the owners of Lot 7, Block 12, Westchester

Michael J. Hrabik
Michael J. Hrabik

Beverly L. Hrabik
Beverly L. Hrabik

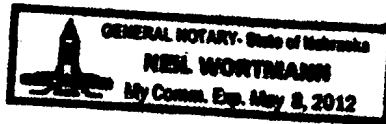
STATE OF NEBRASKA)
)ss.
COUNTY OF Douglas)



The foregoing instrument was acknowledged before me this 17 day of Nov 2011, by Michael J. Hrabik, a Nebraska resident.

Neil Wortmann
Notary Public

STATE OF NEBRASKA)
)ss.
COUNTY OF Douglas)



The foregoing instrument was acknowledged before me this 17 day of Nov 2011, by Beverly L. Hrabik, a Nebraska resident.

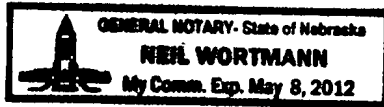
Neil Wortmann
Notary Public

JOHN P. MAJOR and JUDY ANN MAJOR, together the owners of Lot 8, Block 12, Westchester

John P. Major
John P. Major

Judy Ann Major
Judy Ann Major

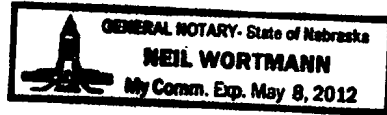
STATE OF NEBRASKA)
)ss.
COUNTY OF Douglas)



The foregoing instrument was acknowledged before me this 17 day of Nov 2011, by John P. Major, a Nebraska resident.

Neil Wortmann
Notary Public

STATE OF NEBRASKA)
)ss.
COUNTY OF Douglas)



The foregoing instrument was acknowledged before me this 17 day of Nov 2011, by Judy Ann Major, a Nebraska resident.

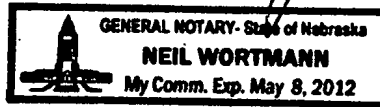
Neil Wortmann
Notary Public

DANIEL T. JACKSON and MARY BETH JACKSON, together the owners of Lot 13, Block 12, Westchester

Daniel T. Jackson
Daniel T. Jackson

Mary Beth Jackson
Mary Beth Jackson

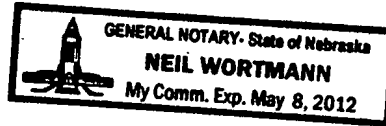
STATE OF NEBRASKA)
)ss.
COUNTY OF Douglas)



The foregoing instrument was acknowledged before me this 17 day of Nov 2011, by Daniel T. Jackson, a Nebraska resident.

Neil Wortmann
Notary Public

STATE OF NEBRASKA)
)ss.
COUNTY OF Douglas)

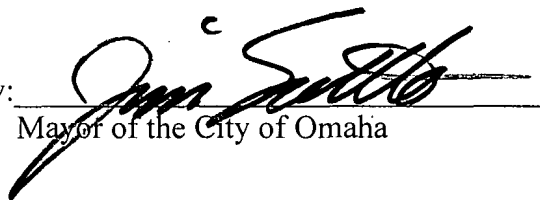


The foregoing instrument was acknowledged before me this 17 day of Nov 2011, by Mary Beth Jackson, a Nebraska resident.

Neil Wortmann
Notary Public

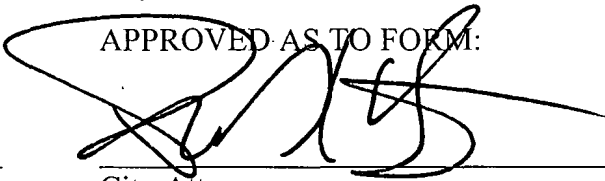
CITY OF OMAHA, the owner of Lot 9,
10, 11 and 20, Block 12, Westchester

CITY OF OMAHA, A Municipal
Corporation

By: 
Mayor of the City of Omaha

ATTEST:


City Clerk of the City of Omaha

APPROVED AS TO FORM:

City Attorney

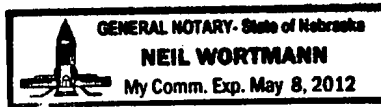
Imprinted Seal

RICHARD AND SYLVIA
ROBINO JOINT REVOCABLE
TRUST, the owner of Lot 14, Block
12, Westchester

Richard W. Robino
Richard W. Robino, as Co-Trustee

Sylvia A. Robino - By Richard W. Robino
Sylvia A. Robino, as Co-Trustee
P.C.A.

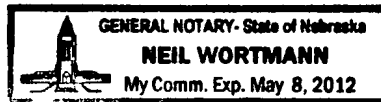
STATE OF NEBRASKA)
)ss.
COUNTY OF Douglas)



The foregoing instrument was acknowledged before me this 17 day of Nov 2011,
by Richard W. Robino, co-trustee of the Richard and Sylvia Robino Joint Revocable Trust.

Neil Wortmann
Notary Public

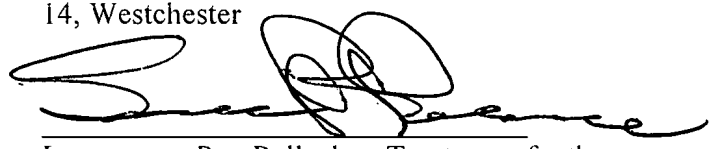
STATE OF NEBRASKA)
)ss.
COUNTY OF Douglas)



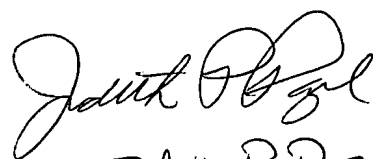
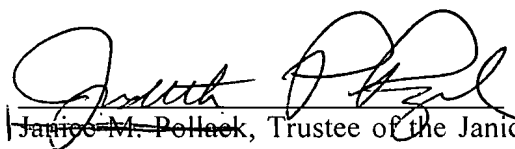
The foregoing instrument was acknowledged before me this 17 day of Nov 2011,
by Sylvia A. Robino, co-trustee of the Richard and Sylvia Robino Joint Revocable Trust.

Neil Wortmann
Notary Public

LAWRENCE P. POLLACK
REVOCABLE TRUST DATED
JUNE 22, 2000 and JANICE M.
POLLACK REVOCABLE
TRUST DATED JUNE 22, 2000,
together the owners of Lot 5, Block
14, Westchester

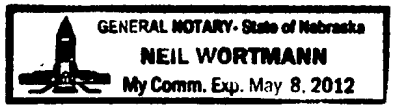


Lawrence P. Pollack, Trustee of the
Lawrence P. Pollack Revocable Trust Dated
June 22, 2000



Judith P. Pazo

Janice M. Pollack, Trustee of the Janice M.
Pollack Revocable Trust Dated June 22,
2000

STATE OF NEBRASKA)
)ss.
COUNTY OF Douglas)



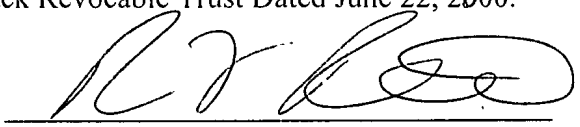
The foregoing instrument was acknowledged before me this 17 day of Nov 2011,
by Lawrence P. Pollack, Trustee of the Lawrence P. Pollack Revocable Trust Dated June 22,
2000.


Notary Public

Michigan
STATE OF NEBRASKA)
)ss.
COUNTY OF Oakland)

The foregoing instrument was acknowledged before me this 3 day of January 2012,
by ~~Janice M. Pollack~~, Trustee of the Janice M. Pollack Revocable Trust Dated June 22, 2000.

Judith P. Pazo |



Notary Public
Richard F Retz
Oakland County
Expires 10/5/12