

AMENDMENT OF PROTECTIVE COVENANTS,
CONDITIONS, RESTRICTIONS AND EASEMENTS

THIS INDENTURE made this 20 day of March, 1952, by and between each and all of the owners of Lots 1, and Lots 3 to 10 inclusive, Block 10, Westchester, an Addition in Douglas County, Nebraska, as surveyed, platted and recorded.

WITNESSETH: That in consideration of ONE DOLLAR (\$1.00) and other valuable consideration, and pursuant to a general plan of improvement and development,

IT IS MUTUALLY UNDERSTOOD AND AGREED:

I. That instrument entitled Protective Covenants, Conditions, Restrictions and Easements, dated April 24, 1951, executed and acknowledged by Robert W. Dillon, Ted Hicks and Laurence H. Myers, as parties of the first part, and executed and acknowledged by Westchester Realty Co., as party of the second part, which was recorded March 18, 1952 in Book 268, Page 303, of Miscellaneous Records in the office of Register of Deeds, Douglas County, Nebraska, shall be and hereby is modified in the following respects:

a. Paragraph 1 thereof shall be and is modified to read, "Lot 1, and Lots 3 to 10 inclusive, Block 10, Westchester, an Addition in Douglas County, Nebraska, as surveyed, platted and recorded, shall be known, described and used as residential lots. Not more than one structure shall be built on any one of said lots; provided, however, this shall not prevent the use of a greater area than one lot as a single building site; and provided further that Lot 1, Block 10, Westchester, may be divided into two equal portions, each 129 X 160 feet in dimension, to be known as the North 129 Feet of Lot 1, Block 10, and the South 129 Feet of Lot 1, Block 10, each of which equal portions of Lot 1 may be used as a single residential building site."

b. Paragraph 2 thereof shall be and is modified to read, "No building shall be erected on said premises within 75 feet of the street line bordering said premises, nor within 25 feet of the side lot lines; provided, however, this shall not prevent a dwelling from being erected on the North 129 Feet of Lot 1, Block 10, fronting on 93rd Street and having a distance of less than 75 feet from the north side of said dwelling to the south line of Dodge Street bordering said premises on the north."

c. Paragraph 7 thereof shall be and is modified to read, "For the purpose of construing and applying these restrictions, a single lot shall mean a lot as now platted, or an ownership of parts of two adjoining lots, the total width of which at the front lot line shall be not less than the front width at the lot line of either of the original lots comprising a part of such ownership, or all of one lot and a part or parts of one or more adjoining lots; provided, however, the North 129 Feet of Lot 1, Block 10, and the South 129 Feet of Lot 1, Block 10, shall each be deemed a single lot for the purpose of construing and applying these restrictions."

II. That instrument entitled Protective Covenants, Conditions, Restrictions and Easements, dated April 24, 1951, executed and acknowledged by Robert W. Dillon, Ted Hicks and Laurence H. Myers, as parties of the first part, and executed and acknowledged by Westchester Realty Co., as party of the second part, which was recorded March 18, 1952 in Book 268, Page 303, of Miscellaneous Records in the office of Register of Deeds, Douglas County, Nebraska, as modified by the provisions of paragraph I hereof, is hereby ratified and affirmed by the undersigned, who are, together, owners of record and in fact of all of Lot 1, and Lots 3 to 10 inclusive, Block 10, Westchester, an Addition in Douglas County, Nebraska, as surveyed, platted and recorded.

III. Each of the undersigned, who, together, are owners of record and in fact of all of Lot 1, and Lots 3 to 10 inclusive, Block 10, Westchester, an Addition in Douglas County, Nebraska, as surveyed, platted and recorded, for himself, his heirs, administrators, executors, successors, assigns and grantees, both immediate and remote, hereby waives, releases and sets aside those provisions not consistent herewith, of that instrument entitled Protective Covenants, Conditions, Restrictions and Easements, dated April 24, 1951, executed and acknowledged by Robert W. Dillon, Ted Hicks and Laurence H. Myers, as parties of the first part, and executed and acknowledged by Westchester Realty Co., as party of the second part, which was recorded March 18, 1952 in Book 268, Page 303, of Miscellaneous Records in the office of Register of Deeds, Douglas County, Nebraska.

IN WITNESS WHEREOF, the parties aforesaid have subscribed their names the date mentioned above.



WESTCHESTER REALTY CO., a Corporation,
Owner of Lots 1, 3, 5 and 10, Block 10,
Westchester

By Robert W. Dillon
President

Ted Hicks
Secretary

James J. Carnazzo
(Husband)

Marie J. Carnazzo
(Wife)

Owner of Lot 4, Block 10,
Westchester

Arthur V. Voss
(Husband)
Pauline E. Voss
(Wife)

Owner of Lot 6, Block 10,
Westchester

Joseph J. Kubat
(Husband)
Marion M. Kubat
(Wife)

Owner of Lot 7, Block 10,
Westchester

Fred D. Mosher
(Husband)
Verion B. Mosher
(Wife)

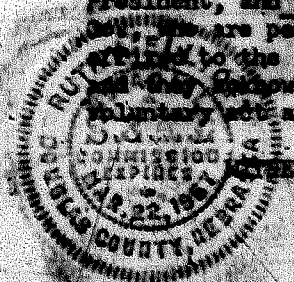
Owner of Lot 8, Block 10,
Westchester

Harry A. Hayer
(Husband)
Harris A. Hayer
(Wife)

Owner of Lot 9, Block 10,
Westchester

STATE OF NEBRASKA)
COUNTY OF DOUGLAS) ss.

On the 27th day of April, 1952, before me, the undersigned, a Notary Public in and for said county, personally came Robert D. Miller, President, and Walter H. Hays, Secretary, of Westchester Realty Co., who are personally known to me to be the identical persons whose names are affixed to the above instrument as President and Secretary of said corporation, and they acknowledged said instrument to be their voluntary act and deed and the voluntary act and deed of said corporation.



WITNESS my hand and official seal the date last aforesaid.

Robert A. Elliott
Notary Public.

STATE OF NEBRASKA)
COUNTY OF DOUGLAS) ss.

On the 9th day of April, 1952, before me, the undersigned, a Notary Public, duly commissioned and qualified for and residing in said county, personally came James H. Hays, who executed the foregoing instrument as owner of Lot 8, Block 10, Westchester, who is known to me to be the identical person whose name is affixed to the above instrument, and acknowledged the execution of the same to be his voluntary act and deed.



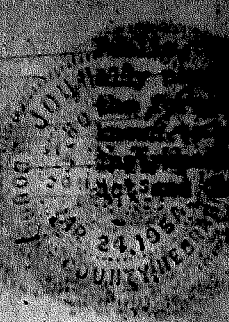
WITNESS my hand and official seal the date last aforesaid.

J. H. Hays
Notary Public.

SCHMIDT & SNOW
ATTORNEYS AT LAW
OMAHA, NEBRASKA

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STATE OF NEBRASKA)
COUNTY OF DOUGLAS) ss.



On the 24th day of April, 1952, before me, the undersigned, a Notary Public, duly commissioned and qualified for and residing in said county, personally came J. Paul Ford, who executed the foregoing instrument as owner of lot 1, block 10, Westchester, who is known to me to be the identical person whose name is affixed to the above instrument, and acknowledged the execution of the same to be his voluntary act and deed.

WITNESS my hand and official seal the date last aforesaid.

J. Paul Ford
Notary Public.

STATE OF NEBRASKA)
COUNTY OF DOUGLAS) ss.

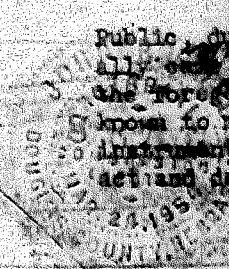


On the 24th day of April, 1952, before me, the undersigned, a Notary Public, duly commissioned and qualified for and residing in said county, personally came J. Paul Ford, who executed the foregoing instrument as owner of lot 1, block 10, Westchester, who is known to me to be the identical person whose name is affixed to the above instrument, and acknowledged the execution of the same to be his voluntary act and deed.

WITNESS my hand and official seal the date last aforesaid.

J. Paul Ford
Notary Public.

STATE OF NEBRASKA)
COUNTY OF DOUGLAS) ss.

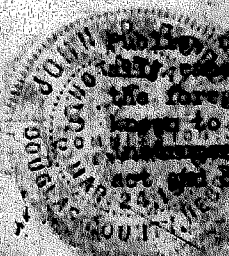


On the 29th day of April, 1952, before me, the undersigned, a Notary Public, duly commissioned and qualified for and residing in said county, personally came J. Paul Ford and his wife, who executed the foregoing instrument as owner of lot 1, block 10, Westchester, who are known to me to be the identical persons whose names are affixed to the above instrument, and acknowledged the execution of the same to be their voluntary act and deed.

WITNESS my hand and official seal the date last aforesaid.

J. Paul Ford
Notary Public.

STATE OF NEBRASKA)
COUNTY OF DOUGLAS) ss.



On the 29th day of April, 1952, before me, the undersigned, a Notary Public, duly commissioned and qualified for and residing in said county, personally came J. Paul Ford and his wife, who executed the foregoing instrument as owner of lot 1, block 10, Westchester, who are known to me to be the identical persons whose names are affixed to the above instrument, and acknowledged the execution of the same to be their voluntary act and deed.

WITNESS my hand and official seal the date last aforesaid.

J. Paul Ford
Notary Public.

SCHMID & SONS
ATTORNEYS AT LAW
OMAHA, NEBRASKA