

AGREEMENT MODIFYING COVENANTS
AND RESTRICTIONS

16-15-12

THIS AGREEMENT entered into this 22 day of March, 1970, between DUCHESNE COLLEGE AND CONVENT OF THE SACRED HEART, a Nebraska Corporation, referred to herein as "Duchesne" and THE OMAHA NATIONAL BANK, Trustee, referred to herein as "Omaha National" and JOHN W. BUCHOLZ and JOAN P. BUCHOLZ, referred to herein as "Bucholzes".

W I T N E S S E T H:

WHEREAS, by deeds dated March 4, 1966, Omaha National, Frederick H. Bucholz and Naomi T. Bucholz conveyed certain property to Duchesne, subject to certain covenants and restrictions, contained in said deeds, recorded in Book 1280, Pages 445 and 437 of the Deed Records of Douglas County, Nebraska, said property being described as follows:

The North half of the North half of the Northeast Quarter of the Southeast Quarter and the South half of the Southeast Quarter of the Northeast Quarter and the South half of the North half of the Southeast Quarter of the Northeast Quarter all in Section 16, Township 15 North, Range 12 East of the 6th P.M., Douglas County, Nebraska containing 40 acres more or less.

WHEREAS, Omaha National is the owner as Trustee of Lot 4, Bloomfield Hills Addition in Douglas County, Nebraska, and John W. Bucholz and Joan P. Bucholz are the owners of Lot 5 in said Bloomfield Hills Addition, said owners being described in the aforesaid covenants and restrictions as the "adjoining property owners", and

WHEREAS, said covenants and restrictions were modified by an Agreement recorded at Book 485, Page 677 of the records of Douglas County, Nebraska, and

WHEREAS, in accordance with the right so to do stated in said covenants and restrictions, said adjoining property owners and Duchesne desire to further modify such covenants and restrictions as hereinafter provided.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. Paragraph C-1 of said covenants and restrictions is hereby amended by deleting therefrom the reference therein to Lot 4, Bloomfield Hills Addition, so that after such deletion said Paragraph C-1 shall read as follows:

"1- the term 'adjoining property owners' shall mean the owner or owners from time to time during the period of these covenants of Lot 5, Bloomfield Hills Addition, an addition in Douglas County, Nebraska, as surveyed, platted and recorded, and that portion of Lot 4 in said Bloomfield Hills Addition described as follows:

A tract of land located in a part of Lot 4 in said Bloomfield Hills Addition and a part of the Northwest Quarter of the Southeast Quarter of Section 16, Township 15 North, Range 12 East of the 6th P.M., Douglas County, Nebraska, more particularly described as follows:

Beginning at the Southeast corner of said Lot 4, also known as the Southwest corner of Lot 9, Bloomfield Hills 2nd Platting, thence South $89^{\circ}51'00''$ West (Assumed Bearing) along the South line of said Lot 4, also known as the northerly perimeter of Westroads, a platted and recorded subdivision in Douglas County, Nebraska, a distance of 291.8 feet, thence North $12^{\circ}06'57''$ West along the westerly lot line of said Lot 4 a distance of 160 feet, thence North $73^{\circ}52'51''$ East a distance of 172.37 feet, thence North $65^{\circ}18'53''$ East a distance of 150.48 feet to a point on the easterly lot line of said Lot 4, thence southeasterly on a 50 .00 feet radius curve to the left along the southwesterly right-of-way line of 99th Street cul-de-sac a distance of 57.54 feet to the Northwest corner of said Lot 9, thence South $04^{\circ}53'02''$ West along the westerly lot line of said Lot 9 a distance of 233.83 feet to the point of beginning, containing 1.549 acres more or less."

2. Except as herein modified, such covenants and restrictions shall be and remain in full force and effect.

IN WITNESS WHEREOF the parties have executed this agreement the day and year first above written.

DUCHESNE COLLEGE AND CONVENT OF THE
SACRED HEART, a Nebraska Corporation,

(Sister) Rita Ryan
Secretary

By (Mother) Margaret Mary Miller
President



THE OMAHA NATIONAL BANK, Trustee

By

Stanley K. TraubTitle Second Vice President
and Trust OfficerJohn W. BucholzJoan P. BucholzSTATE OF NEBRASKA]
] SS.
COUNTY OF DOUGLAS]

On this 31 day of March, 1970, before me, the undersigned, a Notary Public in and for said County, personally came Margaret Mary Miller, President of Duchesne College and Convent of the Sacred Heart, a Nebraska corporation, to me personally known to be the identical person whose name is affixed to the above Agreement and acknowledged the execution thereof to be her voluntary act and deed and the voluntary act and deed of said corporation; and that the corporate seal of the said corporation was thereto affixed by its authority.

Witness my hand and notarial seal at Omaha, Nebraska, in said county the day and year last above written.

Francis P. Matthe
Notary PublicMy commission expires the 16 day of Sept, 1972.STATE OF NEBRASKA]
] SS.
COUNTY OF DOUGLAS]

On this 24th day of March, 1970, before me the undersigned, a Notary Public in and for said county, personally came Stanley K. Traub, to me known to be a trust officer of The Omaha National Bank and the identical person whose name is affixed to the foregoing instrument, and he acknowledged the same to be his voluntary act and deed as such trust officer and the voluntary act and deed of the Trustee.

Witness my hand and notarial seal at Omaha, Nebraska in said county the day and year last above written.

Charles A. Schorr
Notary Public

My commission expires the 18 day of April, 1973.

STATE OF NEBRASKA]
] SS.
COUNTY OF DOUGLAS]

ON this 23rd day of March, 1970, before me the undersigned, a Notary Public, duly commissioned, qualified for and residing in said county, personally came JOHN W. BUCHOLZ and JOAN P. BUCHOLZ, to me known to be the identical persons whose names are affixed to the foregoing instrument and acknowledged the same to be their voluntary act and deed.

Witness my hand and notarial seal the day and year last
above written.

Charles A. Schorr
Notary Public

My commission expires the 18 day of April, 1973.

RECEIVED
1970 APR 28 PM 3 42
C. HAROLD OSTLER
REGISTER OF DEEDS
DOUGLAS COUNTY, NEBR.

THE STATE OF NEBRASKA

Douglas County

Entered in Commerce

For Record in the office of the Registrar

Deeds of said County and recorded in:

700
Book Press

069

~~O. Hazel Oxten~~

Register of Deeds

مجلس

Deputy

7/2 agreed
Bibb

~~SECRET~~ *John*

16-15-12 G.P.N.-D.C.

Compared
FAC / 225

10000 Woodmen Tower