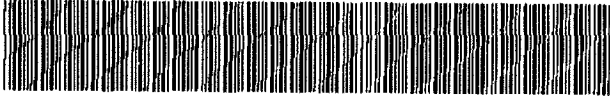




MISC 2004005762



JAN 14 2004 12:44 P 10

Received - RICHARD TAKECHI
Register of Deeds, Douglas County, NE
1/14/2004 12:44:40 PM



2004005762

AGREEMENT FOR WAIVER OF SETBACK

This Agreement for Waiver of Setback ("Agreement") is made and entered into as of this 22 day of December, 2003, by the undersigned, being at least a majority of the owners of Lots in the Brittany Estates subdivision.

Preliminary Statement

Frederick Korth and Sally Korth, husband and wife, are the owners of the real estate in the Brittany Estates subdivision in Douglas County, Nebraska, as legally described on Exhibit "A" attached hereto and which includes all improvements constructed on such real estate (the "Korth Property").

The Korth Property as well as the other real property in the Brittany Estates subdivision, legally described as follows (referred to collectively herein as the "Lots" and individually as a "Lot"):

Lots 1 through 8, inclusive, Brittany Estates, an addition to the City of Elkhorn, Douglas County, Nebraska

are subject to the Brittany Estates Declaration of Covenants, Conditions and Restrictions dated February 14, 1994, and recorded with the Douglas County Register of Deeds on March 1, 1996, in Book 1170, at Page 298, Miscellaneous Records (the "Declaration"). The Declaration provides in part that Lot 2 and Lot 3 shall have a forty-five foot (45') setback from any contiguous lot lines of parcels created in Brittany Estates.

The Korth Property has been reconfigured to include a portion of Lot 3, and a portion of Lot 2 was added to Lot 1, all as illustrated on Exhibit "B." As constructed, the house on the Korth Property (the "Korth Improvements") is setback approximately thirty-five and 2/10 feet (35.2') from the boundary of the Korth Property with reconfigured Lot 3. The parties to this Agreement desire to approve the reconfiguration of Lots 1, 2, and 3 as shown on Exhibit "B," and desire to waive the forty-five foot (45') setback as it applies to the Korth Improvements.

Gaines Runsing & Hogan
10250 Regency Cir. #300
Omaha Ne 68114

misc
10/8
FEE 54.00 FB CC-04712
BKP _____ C/O _____ COMP J
DEL _____ SCAN _____ FV _____

The Declaration provides that after the first day of January, 2000, the Declaration and the restrictions contained in the Declaration may be waived, changed, or amended in whole or part by vote of the then owners of the majority of the Lots.

NOW, THEREFORE, the undersigned owners of the Lots ("Owners"), for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, agree as follows:

- 1. The undersigned Owners provide their consent to and waive, to the extent required by the Declaration, the change in the lot lines of Lots 1, 2, and 3, Brittany Estates, so that the legal boundaries of such Lots shall be as reflected on Exhibit "B" attached hereto, and as so reconfigured, shall be known as Lots 1, 2, and 3 for purposes of the Declaration.
- 2. The restriction and requirement in Paragraph C of the Declaration that requires a forty-five foot (45') setback on Parcels 2 and 3 is hereby waived as to the Korth Improvements as constructed or reconstructed on the Korth Property.
- 3. Except as set forth herein, the Declaration remains in full force and effect in accordance with its terms.

IN WITNESS WHEREOF, the parties have executed this Waiver to be effective as of the date and year first above written.

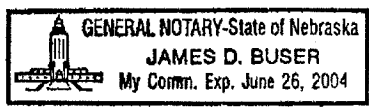
Owners of Lot 2, except the Irregular Westerly 220' thereof, and of the Irregular Westerly 170' of Lot 3 Brittany Estates

Sally Korth
Sally Korth

Frederick Korth
Frederick Korth

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

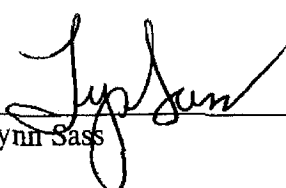
The foregoing instrument was acknowledged before me this 4th day of November, 2003, Sally Korth and Frederick Korth, husband and wife.



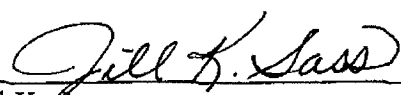
00149586

James D. Buser
Notary Public

Owners of Lot 1 and the Irregular Westerly 220'
of Lot 2 Brittany Estates



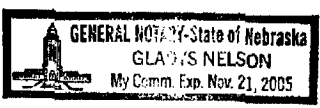
Lynn Sass

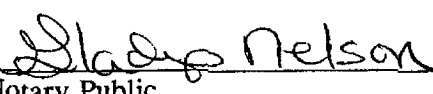


Jill K. Sass

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 20th day of November,
2003, by Lynn Sass and Jill K. Sass, husband and wife.





Notary Public

Owners of Lot 4 Brittany Estates

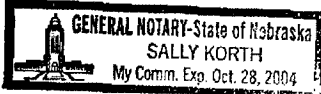
David C. Ewer
David C. Ewer

Karen L. Ewer
Karen L. Ewer

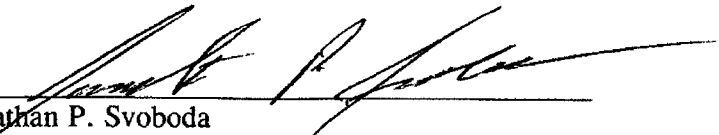
STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)


The foregoing instrument was acknowledged before me this 4th day of Nov., 2003, by David C. Ewer and ~~Karen~~ KARRA L. Ewer, husband and wife.

Sally Korth
Notary Public



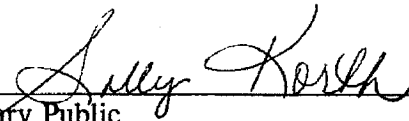
Owners of Lot 5 Brittany Estates

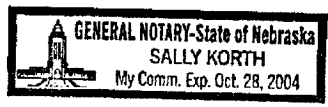

Jonathan P. Svoboda


Phyllis E. Svoboda

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 4th day of Nov.,
2000, by Jonathan P. Svoboda and Phyllis E. Svoboda, husband and wife.


Notary Public



Owners of Lot 7 Brittany Estates

Matthew G. Vollmar

Matthew G. Vollmar

Susan K. Vollmar

Susan K. Vollmar

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 4th day of Nov., 2000, by Matthew G. Vollmar and Susan K. Vollmar, husband and wife.

Sally Korth

Notary Public



Owners of Lot 8 Brittany Estates

David E. Dolinsky
David E. Dolinsky

Linda M. Dolinsky
Linda M. Dolinsky

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 4th day of Nov.,
200 , by David E. Dolinsky and Linda M. Dolinsky, husband and wife.

Sally Korth
Notary Public

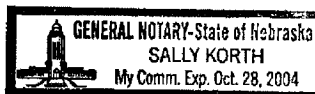


EXHIBIT "A"

THIS MORTGAGE TITLE REPORT WAS PREPARED FOR USE BY MIDLANDS MORTGAGE.

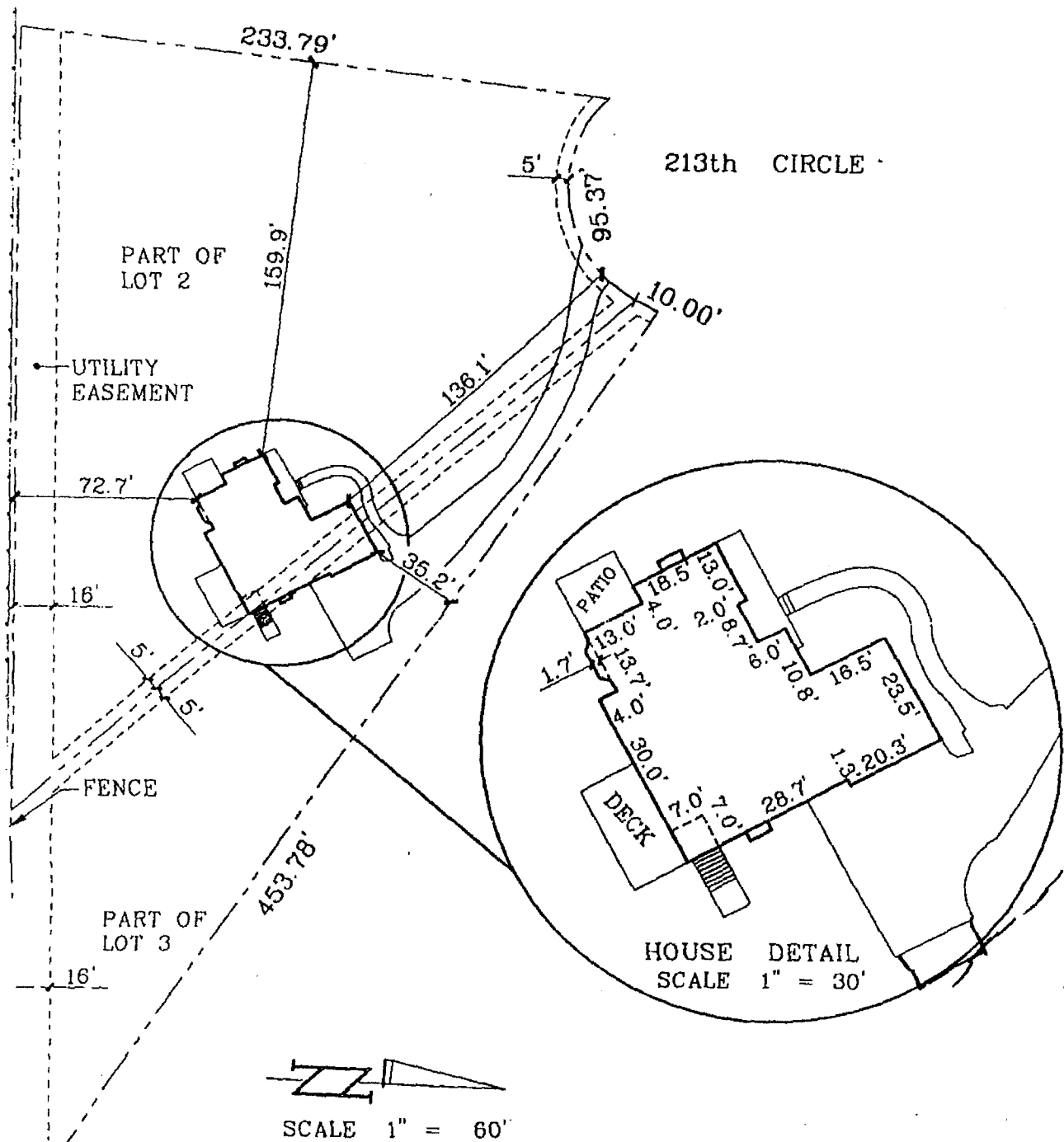
This report does not constitute a boundary survey and is subject to any inaccuracies that a subsequent boundary survey may disclose, no property corners were set and it should not be used or relied upon for the establishment of any fence, structure or other improvement. No warranty of any kind is extended therein to the present or future owner or occupant.

This property is in a designated Zone X (outside the 500 year flood plain) per the City of Omaha, Douglas County, Nebraska Flood Insurance Rate Maps dated February 6, 1991.

This drawing shows or notes the easements listed under Schedule B - Section II of Old Republic National Title Insurance Company, Commitment No. 97120087, effective date December 4, 1997 at 8:00 A.M.

Fred & Sally Korth
1409 North 213th Street.

(See Sheet 2 for legal description)



JOB NO: 462-128-1
SHEET
BOOK: 95-AB 16 PAGE: 20

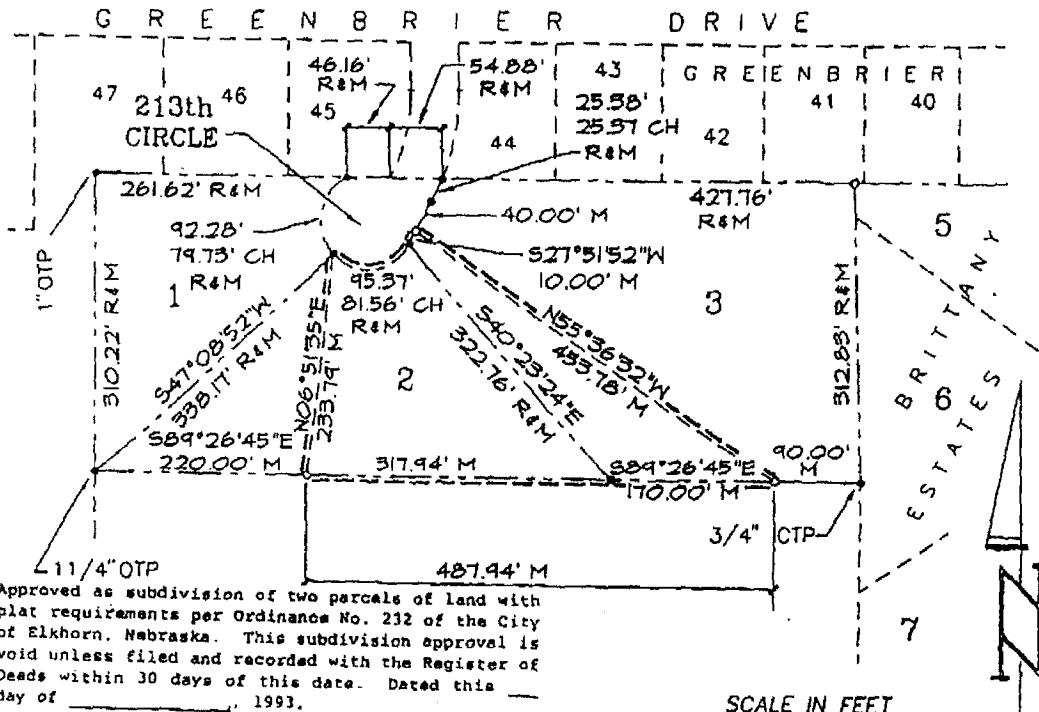
LAND SURVEYOR'S CERTIFICATE

1

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY REGISTERED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF NEBRASKA.

LEGAL DESCRIPTION

Lot 2, Brittany Estates, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska, except that part described as follows: Beginning at the NW corner of said Lot 2; thence S47°08'52"W (assumed bearing) 338.17 feet on the westerly line of said Lot 2 to the SW corner thereof; thence S89°26'45"E 220.00 feet on the South line of said Lot 2; thence N06°51'35"E 233.79 feet to the point of beginning, together with that part of Lot 3 said Brittany Estates described as follows: Beginning at the common front corner between said Lots 2 and 3; thence S40°23'24"E (assumed bearing) 322.76 feet on the Southwesterly line of said Lot 3 to the SW corner thereof; thence S89°26'45"E 170.00 feet on the South line of said Lot 3; thence N55°36'32"W 453.78 feet to the Northwesterly line of said Lot 3; thence S27°51'52"W 10.00 on the Northwesterly line of said Lot 3 to the point of beginning.



Approved as subdivision of two parcels of land with plat requirements per Ordinance No. 232 of the City of Elkhorn, Nebraska. This subdivision approval is void unless filed and recorded with the Register of Deeds within 30 days of this date. Dated this day of _____, 1993.

SCALE IN FEET



Frank Bull, Building Inspector

Phillip Klein, Mayor

ADDRESS _____

BUILDING PERMIT NO. _____

Date: APRIL 27, 1993 Reg. No. 308

LEGEND

- corners found (1" CTP UNLESS NOTED) ●
- corners set (1" CTP) ○
- recorded distance R
- measured distance M
- computed distance or angle COMP
- crimped top pipe CTP
- open top pipe OTP
- set temporary point Δ

TD2 FILE NO. 933-101-C

BOOK 88-MISC. 8, PAGE 67 & 68

Post-it* Fax Note	7671	Date	# of pages*
To	HEIDI	From	DAVE NEFF
Co./Dept		Co.	IDZ
Phone #		Phone #	330-8860
Fax #	397-4501	Fax #	330-5866