

For good, sufficient and valuable consideration, the receipt of which is hereby acknowledged, the undersigned, individually, jointly and severally, do hereby forever release, acquit and discharge Carl W. Renstrom, James C. Hadsell and E. G. Garvey, Trustee, and all others directly or indirectly liable, if any, from any and all claims and demands, actions and causes of action, damages of any kind, nature or description, whether presently known or in the future to become known by reason of the declaration of protective covenant referred to hereinbelow that prevented the construction of an office tower building fifteen (15) stories in height with separate parking garage upon a portion of a 5.09 acre tract of land located on the northwest corner of 72nd and Mercy Road in Omaha, Douglas County, Nebraska, the legal description of which is marked Exhibit "A" and attached hereto with the same force and effect as if herein fully set forth, which real estate is within the area protected by a declaration of protective covenant limiting the height of any building to six (6) stories in height on land zoned "Ninth Residence District," which is the zoning by the City of Omaha, Nebraska for the land and improvements set forth in Exhibit "A" and the improvements under construction upon said land, and the undersigned, for themselves, their heirs, executors, administrators, representatives and assigns, and subsequent owners of the land presently owned by the undersigned adjacent to the real estate described in Exhibit "A", do covenant with the said Carl W. Renstrom, James C. Hadsell and E. G. Garvey, Trustee, and their representatives and assigns to indemnify and save harmless the said Carl Renstrom, James C. Hadsell and E. G. Garvey, Trustee and all others directly or indirectly interested, from all claims and demands for any damages, costs or expenses caused by the undersigned whether directly or indirectly on account of or in any way growing out of such declaration of protective covenant that prevented the aforescribed improvements under construction and to be completed upon the land described in Exhibit "A".

The undersigned further covenant that they have this day executed and delivered a Waiver and Release of such declaration of

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protective covenant dated April 1, 1964 and appearing in Book 415 at pages 75 and 76 of the Miscellaneous Records in the Office of the Register of Deeds of Douglas County, Nebraska, relating to six (6) story height maximum of any improvement in the area protected by such covenant, and do, by these presents, additionally ratify, approve and confirm said Waiver and Release in all particulars.

The undersigned hereby covenant and represent that they have full power and authority to execute and deliver said Waiver and Release of protective covenant, as trustees under the Last Will and Testament of Jacob Slosburg, Jr., deceased, and as beneficiary of said trust estate and pursuant to an Order entered by the County Court of Douglas County, Nebraska on August 19, 1974.

The undersigned further covenant and agree that they will, simultaneously with the execution of this Release, dismiss with prejudice the action filed by the undersigned on August 9, 1974 in the District Court of Douglas County, Nebraska, which action appears at Docket 679, Page 237 in the Office of the Clerk of the District Court of Douglas County, Nebraska, with each of the parties thereto to pay their own costs and complete record waived.

It is intended by the undersigned that this Release shall operate as a full and final release of any and all claims which may arise as a result of the said protective covenant, the undersigned hereby not reserving any rights to bring future actions thereon.

The undersigned hereby direct that the settlement check in the sum of One Hundred Twenty-Five Thousand and no/100 Dollars (\$125,000.00) be made payable to Ramona Slosburg Pepper and Stanley J. Slosburg, majority trustees under Paragraph VII of the Last Will and Testament of Jacob Slosburg, Jr., deceased; Ramona Slosburg Pepper, Beneficiary of said Trust; and Harry B. Otis, their attorney.

Dated this 17th day of August, 1974 at Omaha, Douglas County, Nebraska.

Ramona Slosburg Pepper, Trustee
Ramona Slosburg Pepper, Trustee

Legal Description 1.

That part of the NE 1/4 of the SE 1/4 of Section 26, T 15 N, R 12 E, of the 6th P.M., Douglas County, Nebraska, more particularly described as follows: (East line of said 1/4 Section assumed North-South in direction.) Beginning at a point which is 485.00 feet South of and 122.31 feet West of the East 1/4 corner of said Section 26; thence S 02° 58' 52" W for 85.00 feet; thence N 90° 00' 00" E for 43.00 feet; thence S 02° 58' 52" W for 149.68 feet; thence along a curve to the right (having a radius of 1216.50 feet and long chord bearing S 09° 01' 04" W for 256.03 feet) for an arc distance of 256.51 feet; thence along a curve to the right (having a radius of 472.91 feet and long chord bearing S 18° 56' 55" W for 64.18 feet) for an arc distance of 64.23 feet; thence S 22° 50' 23" W for 36.61 feet; thence along a curve Left (having a radius of 308.58 feet and long chord bearing S 17° 03' 50" W for 62.11 feet) for an arc distance of 62.22 feet; thence S 11° 17' 16" W for 78.81 feet; thence along a curve to the Right (having a radius of 42.05 feet and long chord bearing S 47° 46' 45" W for 50.02 feet) for an arc distance of 53.58 feet; thence along a curve to the right (having a radius of 662.22 feet and long chord bearing S 87° 11' 38" W for 66.94 feet) for an arc distance of 66.97 feet; thence N 89° 54' 32" W for 113.74 feet; thence North for 415.87 feet; thence West 173.00 feet to the East R.O.W. line of 73rd Street; thence North for 53.94 feet; thence along a curve to the Right (having a radius of 175.00 feet and long chord bearing N 12° 47' 40" E for 77.51 feet) for an arc distance of 78.16 feet; thence N 25° 35' 19" E for 133.66 feet; thence South 120.91 feet; thence East 200.00 feet; thence North 210.00 feet; thence East 193.79 feet to the point of beginning, containing 5.09 acres more or less.

"Exhibit A"

38
 ENTERED IN NUMERICAL INDEX AND RECORDED IN THE REGISTER OF DEEDS OFFICE IN DOUGLAS COUNTY, NEBRASKA
 22 DAY OF Aug. 1924 AT 3:24 P.M. C. HAROLD OSTLER, REGISTER OF DEEDS 12.25