

MISCELLANEOUS RECORD No. 39

3. AGREEMENT.

Harry L. Mitchell & wife,

to

N. P. Dodge, Jr.

) THIS AGREEMENT between Harry L. Mitchell and Mary J. Mitchell, his wife, parties of the first part, and N.P. Dodge, Jr., party of the second part, all of Douglas County,

Nebraska, witnesseth that:

WHEREAS, parties of the first part sold and conveyed to the party of the second part by Warranty Deed dated April 3, 1917, and recorded in Book 410, page 227 of the records of Douglas County, all of Lot 5 and the East 19 feet of Lot 6 in Block 7 of Jerome Park, an addition to the city of Omaha; and

WHEREAS, it appears that there is a surplus of 2.1 feet from East to West on the South line of said Block 7, or about .3 of a foot surplus on each lot; and

WHEREAS, the said Harry L. Mitchell and Mary J. Mitchell quitclaimed all of said surplus in Lots 4, 5, 6 and 7 in Block 7 to James C. Chadwick in deed dated April 8-1911 and recorded in Book 411 Page 272 of the records of Douglas County, Nebraska, and

WHEREAS, said quitclaim deed was not recorded at the time of the conveyance to the parties of the second part, and he is entitled to his share of said surplus amounting to about .3 of a foot on Lot 5; and

WHEREAS, the building erected by James C. Chadwick extends over .8 of a foot on the East side of Lot 5, and the said Chadwick claims to own one inch on the West side of said building,

THEREFORE, in order to convey to the party of the second part the amount of ground called for by his deed above described, and the surplus that he is entitled to, it is necessary to convey to him, and herewith the said Harry L. Mitchell and Mary J. Mitchell hereby grants and conveys to the said N.P. Dodge, Jr., the East 19.8 feet of Lot 6, instead of the East 19 feet of Lot 6.

THEREFORE, a survey has been made by the Rohrbough Engineering Company, fixing the boundaries of the premises conveyed to the said Dodge, and a party wall has been erected on the west line of said survey by and between the said Harry L. Mitchell and the said N.P. Dodge, Jr., which party wall is one-half on the premises of said Mitchell, and one-half on the premises of said Dodge, as shown on the survey, a map of which is hereby attached and made part of this agreement.

IT IS THEREFORE UNDERSTOOD AND AGREED that the center of said party wall shall be the dividing line between the said properties, and that the said Harry L. Mitchell and Mary J. Mitchell, his wife, quitclaim all title in and to all of Lot 6 lying East of the center line of said party wall, and all of Lot 5.

In witness Whereof we have hereunto set our hands and seals this 20th day of December, 1917.

Witness

E. H. Sagert

Harry L. Mitchell,

Mary J. Mitchell

N. P. Dodge Jr.

State of Nebraska,)

Douglas County. )

Entered on Numerical Index and filed for record in the Register of Deeds Office of said County, the 20th day of December, 1917, at 4.05 o'clock P.M.

Harry Pearce,

Register of Deeds,

Compared by W&M