

442-123

This Agreement, made this 20th day of February,
1950 between THE LINCOLN TELEPHONE AND TELEGRAPH COMPANY, a
corporation, hereinafter sometimes called the Telephone Company,
ST MARY'S CATHEDRAL OF LINCOLN, NEBRASKA, a corporation, here-
inafter sometimes called St. Mary's, and LINCOLN DEVELOPMENT
COMPANY, a corporation, hereinafter sometimes called the De-
velopment Company,

WITNESSETH:

WHEREAS, St. Mary's has heretofore leased to the Telephone
Company the premises described as Lot Ten (10), Block Sixty-
Five (65), according to the Original Plat of the City of
Lincoln, County of Lancaster, State of Nebraska, by lease
dated July 28, 1948, recorded in Book 438 of Deeds at page 673
in the office of the Register of Deeds of said county, and

WHEREAS, the Telephone Company, as lessee in said lease,
is willing to sell and assign said lease to the Development Com-
pany in accordance with the provisions thereof, with the written
consent of St. Mary's, as lessor, to the release of said Tele-
phone Company from its obligations under said lease, at herein
and herein provided for, and

WHEREAS, the Development Company proposes to assume and
agree to perform all the covenants, terms, conditions and lim-
itations to be kept and performed by the Telephone Company as
the original lessee, and to fully meet and discharge the obli-
gations of said Telephone Company as lessee in said lease, and

WHEREAS, St. Mary's, as lessor, is willing to herewith
give its written consent to release said Telephone Company
from its obligations under said lease, subject to and upon the
terms and conditions herein set forth,

NOW, THEREFORE, in consideration of ONE DOLLAR (\$1.00) and
Other Good and Valuable Considerations, the receipt of which is
hereby acknowledged, including the mutual covenants of the

1 parties hereto,

2 IT IS AGREED, as follows:

3 1. The Telephone Company has paid all taxes,
4 and assessments, and other charges, as provided in
5 said above described lease, and has kept and performed
6 all covenants and agreements to be kept and performed
7 by it under the said lease, all to the date hereof.

8 2. The Lincoln Telephone and Telegraph Company
9 hereby assigns, transfers, conveys and sets over unto
10 the Lincoln Development Company all of its right, title
11 and interest as lessee under the above described lease
12 made by the St. Mary's Cathedral of Lincoln, Nebraska
13 to said company, dated July 28, 1948, and recorded
14 in Book 438 of Deeds at page 673 in the office of the
15 Register of Deeds of Lancaster County, Nebraska, leas-
16 ing the premises above described in the City of
17 Lincoln, Nebraska, together with all and singular the
18 premises therein mentioned and the appurtenances
19 thereto, to have and to hold the same to the said
20 Lincoln Development Company for the residue now un-
21 expired for the original term of the said 99-year
22 lease, subject to the payment of the rent and the
23 performance of the lessee's covenants, terms, con-
24 ditions and limitations in said lease, and the Tele-
25 phone Company further agrees that, upon request by the
26 Development Company, to execute and deliver a separate
27 instrument of assignment and conveyance of said lease.
28

29 3. Lincoln Development Company hereby covenants,
30 with each of the other parties hereto, to pay the rent
31 reserved by said above-mentioned lease at the time and
32 in the manner therein provided, and to accept, assume,
33 and agree to perform all the covenants, terms, con-
34 ditions, and limitations therein contained and on the
35

1 lessee's part to be kept, performed and observed.

2 4. St. Mary's Cathedral of Lincoln, Nebraska,
3 with the intention of releasing the liability of The
4 Lincoln Telephone and Telegraph Company at the original
5 lessee, subject to certain conditions being hereinafter
6 performed, as herein set forth, hereby agrees to re-
7 lease the said original lessee, from all liability in
8 respect of the rent reserved by, and the covenants,
9 terms, conditions, and limitations contained in, the
10 said above described lease, and all actions, proceed-
11 ings, claims and demands in respect of any breach,
12 whether present or future, of any such covenants,
13 terms, conditions and limitations, and such release
14 shall be effective only, if, and at the date when,
15 there is constructed upon the leased premises a build-
16 ing ready for use and occupancy, which shall be a
17 part of the building to be constructed upon the ad-
18 joining premises heretofore leased by St. Mary's to
19 the Development Company, and described as:

20 Lot Seven (7), Eight (8), Nine (9),
21 Block Sixty-five (65), according to the
22 Original Plat of the City of Lincoln,
23 Nebraska,

24 and further provided that the said building as so
25 constructed, upon the leased premises, including
26 the premises heretofore leased to the Development
27 Company by St. Mary's, shall cost not less than a
28 total of \$275,000.00, and have a full basement..

29 5. Neither the provision herein for the con-
30 ditional release of the Telephone Company from its
31 obligations under its said lease with St. Mary's, nor
32 anything herein contained, shall prejudice or affect
33 the original reservation of rent or the binding ef-
34 fect of the said lease and the terms, conditions
35 and limitations therein contained, and the right of

the Lessor to re-enter upon the demised premises
under the power of re-entry reserved to it by said
lease for non-payment of the said rent or breach
or non-observance of any of the said covenants,
terms, conditions or limitations.

6. This Agreement shall inure to the benefit
of and be binding upon the successors and assigns
of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this
Agreement to be executed and delivered by their duly authorized
officers and, additionally, St. Mary's executor by its Trustee,
duly authorized, and the corporate seal of the corporations
are affixed, in three counterparts, each of which shall be an
original, all as of the day and year first above written.

THE LINCOLN TELEPHONE AND TELEGRAPH COMPANY

By H. H. Wheeler
H. H. WHEELER, Vice President

ATTEST:

C. J. Riordan
C. J. RIORDAN,
Secretary

ST. MARY'S CATHEDRAL OF LINCOLN, NEBRASKA

By Louis H. Kucera
LOUIS H. KUCERA, Trustee

By Louis B. Kucera
LOUIS B. KUCERA, Trustee and Member of
the Corporation

By C. J. Riordan
C. J. RIORDAN, Trustee and Member of
the Corporation

By Lewis R. Doyle
LEWIS R. DOYLE, Trustee and Member of
the Corporation

By E. J. Beaurevage
E. J. BEAUREVAGE, Trustee and Member
of the Corporation

LINCOLN DEVELOPMENT COMPANY

By Philip Watkins
E. PHILIP WATKINS,
Secretary

By Curtis O. Kimball, President

1 STATE OF NEBRASKA }
2 COUNTY OF LANCASTER } on.
3

4 On this ~~do~~ day of February, 1950, before me, the
5 undersigned, a Notary Public in and for said County, personally
6 came H. H. Wheeler, Vice President of THE LINCOLN TELEPHONE
7 AND TELEGRAPH COMPANY, a corporation, and H. W. Potter, Secretary
8 of THE LINCOLN TELEPHONE AND TELEGRAPH COMPANY, a corpora-
9 tion, to me personally known to be the Vice President and
10 Secretary whose names are affixed to the above instrument, and
11 acknowledged the execution thereof to be their voluntary act
12 and deed and the voluntary act and deed of the said corporation
13 and that the corporate seal of the said corporation was thereto
14 affixed by its authority.

15 Witness my hand and Notarial Seal at Lincoln in said
16 County and State the day and year last above written.

H. Wheeler

Notary Public

17 My Commission expires the 9 day of April, 1953.

18 STATE OF NEBRASKA }
19 COUNTY OF LANCASTER } on.
20

21 On this 17th day of February, 1950, before me, the
22 undersigned, a Notary Public in and for said County, personally
23 came Louis B. Kucera, President of ST. MARY'S CATHEDRAL OF
24 LINCOLN, NEBRASKA, a corporation, and C. J. Riordan, Secretary
25 of ST. MARY'S CATHEDRAL OF LINCOLN, NEBRASKA, a corporation, to
26 me personally known to be the President and Secretary whose names
27 are affixed to the above instrument, and acknowledged the execu-
28 tion thereof to be their voluntary act and deed and the voluntary
29 act and deed of the said corporation, and that the corporate
30 seal of the said corporation was thereto affixed by its author-
31 ity.

32 Witness my hand and Notarial Seal at Lincoln in said
33 County and State the day and year last above written.

Richard A. Vitecka

Notary Public

34 My Commission expires the 11 day of July, 1955.

35 STATE OF NEBRASKA }
36 COUNTY OF LANCASTER } on.
37

38 On this 17th day of February, 1950, before me, the
39 undersigned, a Notary Public in and for said County, personally
40 came Louis B. Kucera, Bishop of Lincoln, (being the chief offi-
41 cial of the Roman Catholic Church in and for the Diocese of
42 Lincoln, Nebraska), and Trustee of ST. MARY'S CATHEDRAL OF
43 LINCOLN, NEBRASKA, a corporation, and a Member of said Corpora-
44 tion, to me personally known, whose name is affixed to the
45 above instrument and who acknowledged the execution thereof to
46 be his voluntary act and deed as a Trustee of ST. MARY'S CATHEDRAL
47 OF LINCOLN, NEBRASKA, a corporation, and as a Member of said

Corporation, and the voluntary act and deed of the said Corporation and that the corporate seal of the said Corporation was thereto affixed by his authority.

Witness my hand and Notarial Seal at Lincoln in said County and State the day and year last above written.

Richard A. Westcott
Notary Public

My Commission expires the 11th day of January , 1955.

STATE OF NEBRASKA } ss.
COUNTY OF LANCASTER }

On this 17th day of February , 1950, before me, who undersigned, a Notary Public in and for said County, personally came G. J. Riordan, Vicar General of Lincoln, (being a subordinate officer of the Roman Catholic Church in and for the Diocese of Lincoln, Nebraska) and Rector of the church known as St. MARY'S CATHEDRAL located in Lincoln, Nebraska, and Trustee of ST. MARY'S CATHEDRAL OF LINCOLN, NEBRASKA, a corporation, and a Member of said Corporation, to me personally known, whose name is affixed to the above instrument and who acknowledged the execution thereof to be his voluntary act and deed as a Trustee of said ST. MARY'S CATHEDRAL OF LINCOLN, NEBRASKA, a corporation, and as a Member of said Corporation, and to be the voluntary act and deed of said Corporation, and that the corporate seal of the said Corporation was thereto affixed by his authority.

Witness my hand and Notarial Seal at Lincoln in said County and State the day and year last above written.

Richard A. Westcott
Notary Public

My Commission expires the 11th day of July , 1955.

STATE OF NEBRASKA } ss.
COUNTY OF LANCASTER }

On this 17 day of February , 1950, before me, the undersigned, a Notary Public in and for said County, personally came Lewis R. Doyle, a lay member of the Roman Catholic Church, in and for the Diocese of Lincoln, Nebraska, a Trustee of ST. MARY'S CATHEDRAL OF LINCOLN, NEBRASKA, a corporation, and a Member of said corporation, to me personally known, and whose name is affixed to the above instrument and who acknowledged the execution thereof to be his voluntary act and deed as a Trustee of said ST. MARY'S CATHEDRAL OF LINCOLN, NEBRASKA, a corporation, and as a Member of said Corporation, and the voluntary act and deed of the said Corporation, and that the corporate seal of the said Corporation was thereto affixed by his authority.

Witness my hand and Notarial Seal at Lincoln in said County and State the day and year last above written.

Notary Public

My Commission expires the 11 day of July , 1955 .

STATE OF NEBRASKA }
COUNTY OF LANCASTER } ss.

On this 12 day of February, 1950, before me, the undersigned, a Notary Public in and for said County, personally known to me E. J. Beurivage, a lay member of the Roman Catholic Church, in and for the Diocese of Lincoln, Nebraska, a Trustee of ST. MARY'S CATHEDRAL OF LINCOLN, NEBRASKA, a corporation, and a Member of said Corporation, to me personally known, and whose name is affixed to the above instrument and who acknowledged the execution thereof to be his voluntary act and deed as a Trustee of said ST. MARY'S CATHEDRAL OF LINCOLN, NEBRASKA, a corporation, and as a Member of said Corporation, and the voluntary act and deed of the said Corporation, and that the corporate seal of said Corporation was thereto affixed by his authority.

Witness my hand and Notarial Seal at Lincoln in said County and State the day and year last above written.

Curtis K. Kimball
Notary Public

My Commission expires the 11 day of February , 1955 .

STATE OF NEBRASKA }
COUNTY OF LANCASTER } ss.

On this 20 day of February, 1950, before me, the undersigned, a Notary Public in and for said County, personally known to me Curtis C. Kimball, President of LINCOLN DEVELOPMENT COMPANY, a corporation and E. Phillip Watkins, Secretary of LINCOLN DEVELOPMENT COMPANY, a corporation, to me personally known to be the President and Secretary whose names are affixed to the above instrument, and acknowledged the execution thereof to be their voluntary act and deed and the voluntary act and deed of the said corporation and that the corporate seal of the said corporation was thereto affixed by its authority.

Witness my hand and Notarial Seal at Lincoln in said County and State the day and year last above written.

K. J. Jensen
Notary Public

My Commission expires the 9th day of April , 1955 .

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GENERAL INDEX
COMPARED
PASSED

A7

Assignment of Lease

STATE OF NEBRASKA }
Long Beach City } No.
[] Long Beach City Index and
[] Long Beach City Register of
[] Deeds, Vol. 1, p. 1710
[] Dated February 15, 1950
[] 25
[] 100
[]
J. F. Daugherty, Esq., Atty.
[] D. V.

4.90

RETURN TO
C. C. KIMBALL COMPANY
SHARP BLDG, LINCOLN, NEBR.

John J. Jordan