

MODIFICATION AND RELEASE OF PROTECTIVE COVENANTS

The undersigned, being the owners of all of the following described real estate:

All of Blocks One (1), Two (2), Three (3) and Four (4), Tower Plaza, an Addition in Douglas County, Nebraska,

in consideration of the mutual covenants and releases by each of the undersigned herein contained, do hereby modify and release certain Protective Covenants covering the above-described real estate, acknowledged January 13, 1947 by Godfrey Malec, President, and Joseph Malec, Secretary-Treasurer, of Peony Park (a corporation), and filed January 23, 1947 and recorded in Book 219 at Page 601 of the Miscellaneous Records of Douglas County, Nebraska; such modification and release to be as follows:

1. Said Block One (1) in Tower Plaza shall be and is hereby absolutely and forever exempted and fully released from any and all said Protective Covenants.
2. With regard to Blocks Two (2), Three (3) and Four (4) in said Tower Plaza, such covenants shall be and are hereby amended as follows:
  - (a) Paragraph C shall be and is hereby wholly amended as follows:

"No building shall be erected nearer to the front lot line nor nearer to the side street line than the building set back lines shown on the recorded plat. In any event, no building shall be located on any residential building plot nearer than 35 feet to the front lot line, nor nearer than 5 feet to any side street line. No building, except a detached garage or other outbuilding located 35 feet or more from the front lot line, shall be located nearer than 5 feet to any side lot line."

- (b) All other provisions of said Protective Covenants shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned owners have executed the foregoing instrument on the date set opposite the name of each of the undersigned, and each of the undersigned warrants that he is the owner of the real estate set out immediately opposite his signature.

<u>NAME</u>	<u>DATE</u>	<u>REAL ESTATE DESCRIPTION</u> <u>ALL IN SAID TOWER PLAZA</u>	
<u>Mary B. Wilcox</u>	<u>4-25-51</u>	Lot <u>20</u>	Block <u>2</u>
<u>Irwin L. Winder</u>			
<u>Maddy R. Winder</u>	<u>4-25-51</u>	Lot <u>15</u>	Block <u>2</u>
<u>Ruth J. Ware</u>			
<u>James T. Ware</u>	<u>4-25-51</u>	Lot <u>16</u>	Block <u>2</u>
<u>Waldo A. Beckner</u>			
<u>Floyd M. Beckner</u>	<u>4-25-51</u>	Lot <u>14</u>	Block <u>2</u>
<u>Anna A. Liggett</u>			
<u>(Single)</u>	<u>4-25-51</u>	Lot <u>13</u>	Block <u>2</u>

<u>NAME</u>	<u>DATE</u>	<u>REAL ESTATE DESCRIPTION</u> <u>ALL IN SAID TOWER PLAZA</u>	
<u>James C. Bogle</u> <u>Celeste P. Bogle</u>	<u>4-25-51</u>	Lot <u>12</u>	Block <u>2</u>
<u>Joseph Scapellato</u> <u>Rosa C. Scapellato</u>	<u>4-25-51</u>	Lot <u>11</u>	Block <u>V</u>
<u>Loren A. Johnson</u> <u>Virginia A. Johnson</u>	<u>4-25-51</u>	Lot <u>10</u>	Block <u>2</u>
<u>Paul W. Beardorf</u> <u>Mildred Beardorf</u>	<u>4-25-51</u>	Lot <u>9</u>	Block <u>2</u>
<u>James D. Rowland</u> <u>Emma E. Rowland</u>	<u>4-25-51</u>	Lot <u>11</u>	Block <u>4</u>
<u>Joseph S. Amato</u> <u>Phyllis J. Amato</u>	<u>4-25-51</u>	Lot <u>9</u>	Block <u>4</u>
<u>Francis M. Hales</u>	<u>4-25-51</u>	Lot <u>10</u>	Block <u>4</u>
<u>Paul M. Wright</u> <u>Rena M. Wright</u>	<u>4-25-51</u>	Lot <u>22</u>	Block <u>2</u>
<u>Frank A. Sundstrom</u> <u>Elizabeth Prosch Sundstrom</u>	<u>4-25-51</u>	Lot <u>17</u>	Block <u>V</u>
<u>Edgar W. Spaw</u> <u>Luise D. Spaw</u>	<u>4-25-51</u>	Lot <u>8</u>	Block <u>4</u>
<u>Donald W. Carrother</u> <u>Paul J. Carrother</u>	<u>5-2-51</u>	Lot <u>18</u>	Block <u>2</u>
<u>Clarence V. Palmer</u> <u>Agnes F. Palmer</u>	<u>5-2-51</u>	Lot <u>26</u>	Block <u>2</u>
<u>James P. Jensen</u> <u>Francis Jensen</u>	<u>5-2-51</u>	Lot <u>27</u> <sup>the west 1/2 of Lot 4</sup>	Block <u>4</u>
<u>James R. Hansen</u> <u>Theresa B. Hansen</u>	<u>5-4-51</u>	Lot <u>23</u>	Block <u>2</u>
<u>Albert C. Roberts</u> <u>Martha E. Roberts</u>	<u>5-4-51</u>	Lot <u>24</u>	Block <u>2</u>

<u>NAME</u>	<u>DATE</u>	<u>REAL ESTATE DESCRIPTION</u> <u>ALL IN SAID TOWER PLAZA</u>	
<u>Glenn E. Pickrel</u> <u>Beth Pickrel</u>	<u>5-4-51</u>	Lot <u>25</u>	Block <u>2</u>
<u>Milton H. Winnick</u> <u>Grace Winnick</u>	<u>5-4-51</u>	Lot <u>19</u>	Block <u>2</u>
<del><u>Sally Zimmerman</u></del> <del><u>Walter J. Zimmerman Jr.</u></del>	<u>7/10/51</u>	Lot <u>687</u>	Block <u>2</u>
<u>E. H. Halson</u> <u>Mrs. Louise Nelson</u>	<u>7/18/51</u>	Lot <u>12</u>	Block <u>4</u>

PEONY PARK (A Corporation) )  
 By Godfrey Males )  
 President )  
 Attest Joseph Males )  
 Secretary )

Lots 13 to 24 inclusive in  
 Block 4  
 Lots 1 to 7 Block 1  
 inclusive  
 Lots 1 to 8 inclusive and Lot 21  
 in Block 2

MEL DECKER )  
 By Don Decker )  
 Don Decker, his attorney )  
 in fact. )

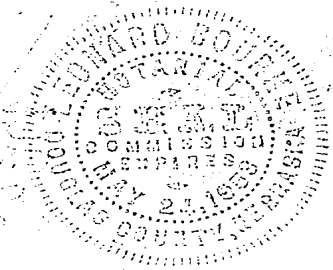
Lots 27 to 34 inclusive in  
 Block 2, and Lots 1 to 10  
 inclusive in Block 3, and  
 Lots 1, 2, 3 and the East  
 35 feet of Lot 4, all in  
 Block 4

STATE OF NEBRASKA )  
 ) ss.  
 COUNTY OF DOUGLAS )

On the respective dates set out opposite the signatures of the above named parties, before me the undersigned, a notary public in and for said county personally appeared the above named W. W. Wilcox and Mary B. Wilcox; Hiram L. Winder and Madelyn R. Winder; James T. Ware and Ruth J. Ware; Delno A. Beckner and Floy M. Becker; James C. Bogle and Celeste P. Bogle; Joseph Scapellato and Rose C. Scapellato; Lavern L. Johnson and Dixie D. Johnson; Paul W. Deardorf and Mildred Deardorf; James D. Rowland and Eunice E. Rowland; Joseph S. Amato and Phyllis J. Amato; Francis M. Hesler and Jeanne M. Hesler; Paul M. Wright and Rena M. Wright; Frank D. Sundstrom and Elizabeth Brosch Sundstrom; Edgar A. Jipson and Louise D. Jipson; Donald K. Carrothers and Iva J. Carrothers, Clarence H. Palmer and Agnes F. Palmer; James P. Jensen and Frances Jensen; James R. Hansen and Vivian B. Hansen; Herbert E. Roberts and Martha E. Roberts; Glenn E. Pickrel and Beth Pickrel; Milton H.

Winnik and Grace Winnik; Walter G. Zimmerman, Jr., and Sally Zimmermann; F. A. Nelson and Mrs. Louise Nelson; all respectively husband and wife; and Anna A. Liggett, single, who are personally known to me to be the identical persons whose names are affixed to the above instrument and they each acknowledged said instrument to be their voluntary act and deed.

WITNESS my hand and notarial seal this 20th day of September, 1951.



*Leonard Bauske*  
Notary Public

STATE OF NEBRASKA )  
                                  ) ss.  
COUNTY OF DOUGLAS )

On this 20th day of October, 1951, before me the undersigned, a notary public in and for said County, personally appeared Arthur + Joseph Keeler, to me known to be the President of Peony Park (a Corporation), and acknowledged that he executed the foregoing instrument as his voluntary act and deed as such officer, and as the voluntary act and deed of said corporation.

WITNESS my hand and notarial seal the day and year least above written.

*Leonard Bauske*  
Notary Public

My commission expires - May 24, 1953

STATE OF NEBRASKA )  
                                  ) ss.  
COUNTY OF DOUGLAS )

On this 22nd day of October, 1951, before me the undersigned, a notary public in and for said County, personally appeared Don Decker, to me known to be the Attorney in Fact for Mel Decker, and acknowledged that he executed the foregoing instrument as his voluntary act and deed, and as a voluntary act and deed as such Attorney in Fact.

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

My commission expires - May 24, 1953



*Leonard Bauske*

22.

ENTERED IN NUMERICAL INDEX AND RECORDED IN THE REGISTER OF DEEDS OFFICE IN DOUGLAS COUNTY, NEBRASKA  
11 October 1951 AT 3:45 P M. THOMAS L. O'CONNOR, REGISTER OF DEEDS