

26-449

10. IF THE PRESENT OR FUTURE OWNERS OF ANY OF SAID LOTS, THEIR GRANTEEES, HEIRS OR ASSIGNS, SHALL VIOLATE OR ATTEMPT TO VIOLATE ANY OF THE COVENANTS AND RESTRICTIONS HEREIN SET FORTH, IT SHALL BE LAWFUL FOR ANY OTHER PERSON OR PERSONS OWNING ANY OTHER LOTS IN SAID REPLAT, OR ANY PART THEREOF, TO PROSECUTE ANY PROCEEDINGS AT LAW OR IN EQUITY AGAINST THE PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE ANY OF THE SAID COVENANTS AND RESTRICTIONS AND EITHER TO PREVENT HIM OR THEM FROM SO DOING OR TO RECOVER DAMAGES RESULTING FROM SUCH VIOLATION OR VIOLATIONS.

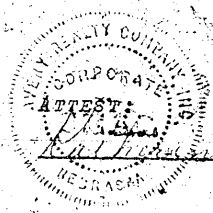
THIS PARAGRAPH SHALL NOT BE CONSTRUED AS IMPOSING UPON ANY PERSON OR PERSONS THE DUTY OF ENFORCING ANY ONE OR ALL OF THESE COVENANTS OR RESTRICTIONS.

INVALIDATION OF ANY ONE OF THESE COVENANTS BY A JUDGMENT OR COURT ORDER SHALL IN NO WAY AFFECT THE VALIDITY AND ENFORCEABILITY OF ANY OF THE OTHER COVENANTS OR RESTRICTIONS HEREIN CONTAINED.

DATED THIS 12th DAY OF APRIL, 1960.

AVERY REALTY COMPANY, INC.

By Alfred Cassio
PRESIDENT



STATE OF NEBRASKA }
COUNTY OF DOUGLAS } SS:
SARREY

ON THIS 12th DAY OF APRIL, 1960, BEFORE ME, A NOTARY PUBLIC DULY COMMISSIONED AND QUALIFIED IN AND FOR SAID COUNTY, PERSONALLY CAME THE ABOVE NAMED Alfred Cassio PRESIDENT, AND Katherine Cassio SECRETARY OF AVERY REALTY COMPANY, INC.

WHO ARE PERSONALLY KNOWN TO ME TO BE THE IDENTICAL PERSONS WHOSE NAMES ARE AFFIXED TO THE ABOVE AGREEMENT AS PRESIDENT AND SECRETARY OF SAID CORPORATION, AND THEY ACKNOWLEDGED THE INSTRUMENT TO BE THEIR VOLUNTARY ACT AND DEED, AND THE VOLUNTARY ACT AND DEED OF SAID CORPORATION.

WITNESS MY HAND AND OFFICIAL SEAL, AT Omaha, Neb IN THE SAID COUNTY, THE DATE AFORESAID.

J.H. Freeman
NOTARY PUBLIC

