

MODIFICATION OF EASEMENT

THIS AGREEMENT modifying certain storm sewer and drainage easements made this 23rd day of December, 1964, by and between SANITARY AND IMPROVEMENT DISTRICT NO. 95 OF DOUGLAS COUNTY, NEBRASKA (hereinafter called "District") and the undersigned corporations and individuals (hereinafter collectively called "Owners"),

WITNESSETH:

WHEREAS, District is the entity having sole jurisdiction of storm sewers and storm water drainage in Mockingbird Heights Replat, a subdivision in Douglas County, Nebraska, and

WHEREAS, Owners have the fee simple title of record to the following described lots in said Mockingbird Heights Replat, a subdivision, to-wit: Lots 35, 36, 55, 56, 63 and 64, and

WHEREAS, the plat of said Mockingbird Heights Replat, a subdivision, recorded in Book 1176 at Page 375 of the Deed Records in the Office of the Register of Deeds for Douglas County, Nebraska, reflects a fifteen foot storm sewer and drainage easement, the center line of which is on the common boundary line between lots 63 and 64, lots 55 and 56, and between lots 35 and 36, and

WHEREAS, Owners have requested that District release said storm sewer and drainage easement as shown on said plat in exchange for a new easement of lesser width.

NOW, THEREFORE, IN CONSIDERATION OF THE PREMISES AND THE MUTUAL COVENANTS OF THE PARTIES HERETO, IT IS HEREBY AGREED AS FOLLOWS:

1. District hereby releases in its entirety said fifteen foot storm sewer and drainage easement over the above described lots, as shown on said plat of Mockingbird Heights Replat, a subdivision.
2. Owners herewith give and grant unto the District, its successors and assigns, a perpetual easement over, on and under a strip of land five (5) feet in width, the centerline of which is the common boundary line between lots 63 and 64, the common boundary line between lots 55 and 56 and the common boundary line between lots 35 and 36, all in Mockingbird Heights Replat, a subdivision in Douglas County, Nebraska. The scope and purpose of said easement is for the construction, repair, maintenance, replacement and renewal of a storm sewer pipe and/or the construction, use and maintenance of a storm water drainageway.

EXECUTED the day and year first above written.

CORNHUSKER HOMES CO.

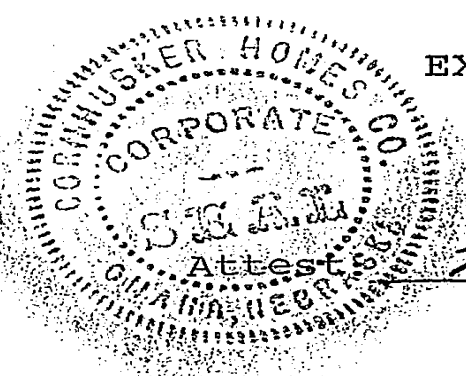
Owner of said lots 35, 36 and 56

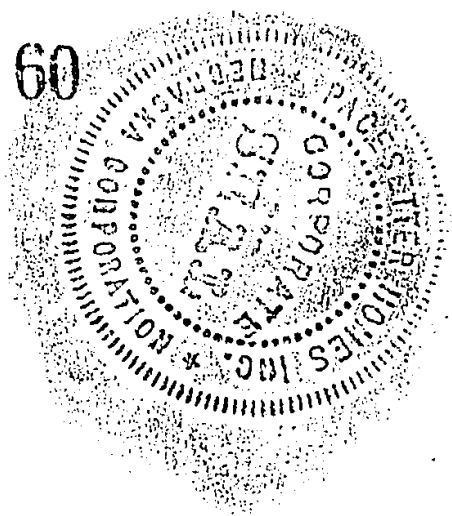
By:

Paul Decker

Paul Decker
Asst Secretary

President





PACESETTER HOMES, INC.
Owner of said lot 55

Attest: Ralph H. Hearin
Secretary

By: Ralph H. Hearin
President

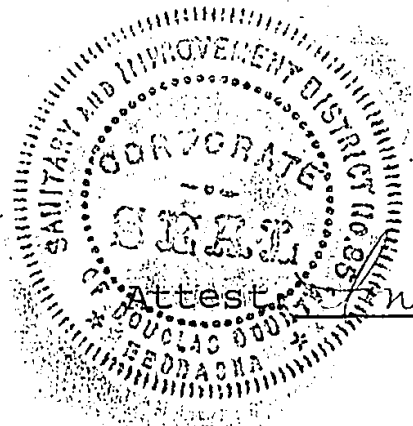
Glenn J. Neuerburg
Glenn J. Neuerburg
Owner of said lot 63

Mary E. Neuerburg
Mary E. Neuerburg
Owner of said lot 63

Oliver E. Mess
Oliver E. Mess
Owner of said lot 64

Shirley V. Mess
Shirley V. Mess
Owner of said lot 64

SANITARY AND IMPROVEMENT DISTRICT
NO. 95 OF DOUGLAS COUNTY, NEBRASKA



Attest: Ira S. Debnam
Chairman

By: Ira S. Debnam
Chairman

STATE OF NEBRASKA) On the day and year first above written,
) ss before me the undersigned, a Notary
COUNTY OF DOUGLAS) Public in and for said County, personally
came IRA S. DEBNAM, Chairman of the Board of Trustees of Sanitary
and Improvement District No. 95 of Douglas County, Nebraska, personally
known to be the Chairman and identical person whose name is affixed
to the foregoing instrument and acknowledged the execution thereof
to be the voluntary act and deed of said Sanitary and Improvement
District No. 95 and that the Corporate Seal of said District was
affixed by its authority.

Witness my hand and Notarial seal at Omaha in said County
the day and year first above written.

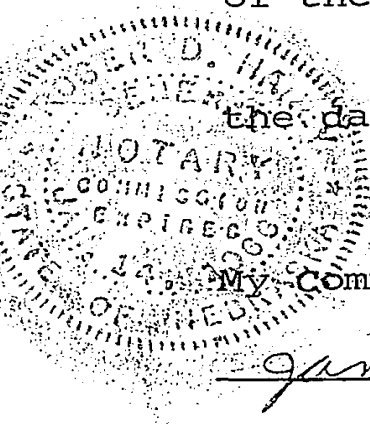
Oliver E. Mess
Notary Public

My Commission Expires:
Jan. 14, 1966

STATE OF NEBRASKA) On the day and year first above written,
) ss. before me the undersigned, a Notary
 COUNTY OF DOUGLAS) Public in and for said County, personally
 came DON DECKER, President of Cornhusker Homes Co., to me personally
 known to be the President and identical person whose name is affixed
 to the foregoing instrument and acknowledged the execution thereof
 to be his voluntary act and deed as such officer 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 Omaha, in said County
 the day and year first above written.

Roger D. Haney
 Notary Public

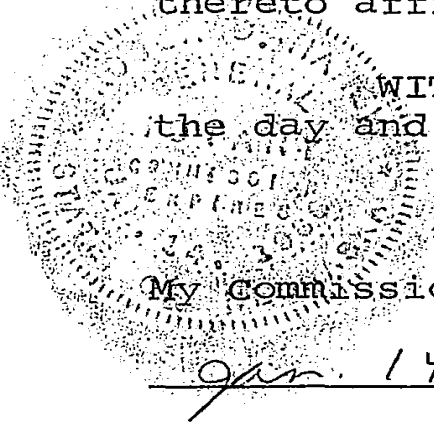


My Commission Expires:
Apr. 14, 1966

STATE OF NEBRASKA) On the day and year first above written,
) ss. before me the undersigned, a Notary
 COUNTY OF DOUGLAS) Public in and for said County, personally
 came Ralph J. Hesuvik, President of Pacesetter Homes, Inc.,
 a corporation, to me personally known to be the President and the
 identical person whose name is affixed to the foregoing instrument
 and acknowledged the execution thereof to be his voluntary act and
 deed as such officer 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 Omaha, in said County
 the day and year first above written.

Roger D. Haney
 Notary Public

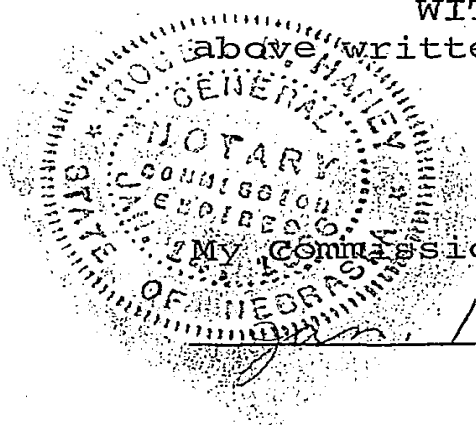


My Commission Expires:
Apr. 14, 1966

STATE OF NEBRASKA) On the day and year first above written,
) ss. before me, the undersigned, a Notary
 COUNTY OF DOUGLAS) Public, duly commissioned and qualified
 for and residing in said county, personally came GLENN J. NEUERBURG
 and MARY E. NEUERBURG, husband and wife, to me known to be the
 identical persons whose names are affixed to the foregoing instru-
 ment and acknowledged the execution thereof to be their voluntary
 act and deed.

WITNESS my hand and Notarial Seal the day and year first
 above written.

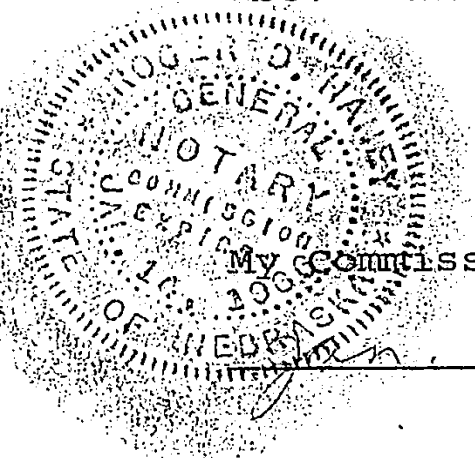
Roger D. Haney
 Notary Public



My Commission Expires:
Apr. 14, 1966

STATE OF NEBRASKA) On the day and year first above written,
) ss. before me, the undersigned, a Notary
 COUNTY OF DOUGLAS) Public, duly commissioned and qualified
 for and residing in said county, personally came OLIVER E. NESS
 and SHIRLEY V. NESS, husband and wife, to me known to be the
 identical persons whose names are affixed to the foregoing instru-
 ment and acknowledged the execution thereof to be their voluntary
 act and deed.

WITNESS my hand and Notarial seal the day and year first above written.



Roger D. Haney

 Notary Public

My Commission Expires:

Jan. 14, 1966

331-5500

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[Signature]

D.

RECEIVED

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THOMAS J. O'CONNOR
REGISTER OF DEEDS
DOUGLAS COUNTY, NEBR.

THE STATE OF NEBRASKA)
) ss. _____
 County of Douglas)
 do hereby certify that _____
 of said county, duly qualified)
 as a Notary Public, has duly)
 acknowledged the foregoing)
 instrument to be the voluntary)
 act and deed of the said)
 parties.

421 of [unclear]
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[Signature]
R. D. Haney
Don R. [unclear] (7)
 7117 Q.P.H.
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