

Subscribed in my presence and sworn to before me by Arthur A. Parker this 16th day of May 1905.



THE STATE OF NEBRASKA,
DOUGLAS COUNTY,
Entered on Numerical Index and filed for Record
in the Register of Deeds Office of said County, the
26th day of May 1905
at 2:30 o'clock P. M.

Alfred J. Elmer,
Notary Public

Nerry P. Dewell
Register of Deeds,

COMPARED,
D. & T.

Affidavit

1 Robert M. Kinney
to

State of Illinois }
County of Cook }

Whom it may concern

Robert M. Kinney being first duly sworn on oath says that he is acquainted with Pierce J. Moss, who executed a warranty deed dated October 1st A.D., 1902, whereby he conveyed to John H. Palmer lots number three (3) and four (4) and twenty eight (28) and twenty nine (29) Vinton Place addition to Omaha situated in the county of Douglas State of Nebraska and that he had known the said Pierce J. Moss for a number of years prior to the last date aforesaid.

Affiant further says that he always knew the said Pierce J. Moss as an unmarried man, and that on the first day of October A.D., 1902, the said Pierce J. Moss, was a single man.

C. A. E. Allen

Robert M. Kinney

Subscribed and sworn to before me this 8th day of May 1905,
Chas. A. E. Allen.



THE STATE OF NEBRASKA,
DOUGLAS COUNTY,
Entered on Numerical Index and filed for Record
in the Register of Deeds Office of said County, the
29th day of May 1905
at 11:20 o'clock A. M.

Notary Public

Nerry P. Dewell
Register of Deeds,

COMPARED,
D. & T.

Party Wall Agreement

2 Bates Smith Investment Co.
and

Party Wall Agreement

This Agreement made and entered into the 4th day of November Nineteen Hundred Three by and between the Bates Smith Investment Company a corporation of the state of Illinois party of the first part and Josephine E. Ellick and Alfred G. Ellick executors of the estate of Francis J. Ellick deceased of the city of Omaha Nebraska, parties of the second part,

Witnesseth That whereas the said party of the first part is the owner of the East twenty four and fifty hundredths (24.50) feet of the West one hundred and fifteen hundredths (100.15) feet of

me by Arthur

Elmer.

ary Public

PREPARED.

y being first
Pierce J. Moss.

02. whereby he
four (4) and twenty
Omaha situated
e had known the
the last date

Pierce J. Moss
October 29, 1902.

W. Kinney
ay of May 1905.
then.

ary Public

reement
entered into the
ineteen Hundred
Bates Smith

Illinois party
d. S. Ellick
of the City of

part is the
dths (24.50)
(100.15) feet of

Lots twenty three and twenty four (23 and 24) in Block four (4) Hanscom Place in the City of Omaha Nebraska, and the said parties of the second part are the owners of the East Twenty four and Sixty Hundredths (24.60) feet of the West seventy five, and Sixty five Hundredths (75.65) feet of Lots twenty three and twenty four (23. and 24) in Block four (4) adjoining said property of the party of the first part, and

Whereas there is now located upon each of the properties herein respectively, described a two story brick dwelling house, the brick wall between the two houses standing equally upon each portion of the property hereinbefore described, and whereas said wall is a party wall owned jointly by the parties hereto

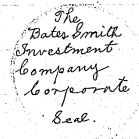
Now therefore each of the parties hereto, their heirs successors or assigns shall have the right to peacefully and lawfully enjoy said party wall so long as their buildings or wall lasts, and in case of any injury to said party wall at any time either of said parties shall have equal right to enter the premises and repair or rebuild the same and in case said wall is repaired or rebuilt for the mutual benefit of both of the parties hereto then the cost of repairing or rebuilding said wall shall be borne equally between the parties hereto. But in case of total or partial destruction of either of the buildings divided by said party wall, in which ^{Case} one of the parties hereto should not desire to reconstruct the same and enjoy said party wall, then the other party hereto may have the right to reconstruct said wall one half of which stands upon each of the respective properties owned by the parties hereto said party so reconstructing said wall to bear all of the expenses in reconstructing the same and if at any time the other party hereto should desire to use said wall for reconstructing such building desired or for the rebuilding of any other building shall have the right to use said party wall upon the payment to the other party of one half of the actual value of said wall at such time as such party wishes to use the same

This Agreement shall pass to and shall be binding upon the heirs successors and assigns of the respective parties

In witness whereof the parties hereto have caused this instrument to be executed in duplicate the day and year first above written.

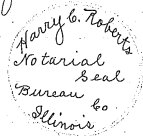
In presence of
A. J. Bracken ^{as to} Bates Smith
W. P. Graham, as to Charles E. Bates
Victor Seitz
as to Josephine E. Ellick
and Alfred S. Ellick

The Bates Smith Investment Company
by O. H. Smith President
Charles E. Bates Secretary
Josephine E. Ellick
Alfred S. Ellick



Executors of Estate of Francis J. Ellick, deceased.

State of Illinois } ss.
 County of Bureau. } On this 13th day of November A.D. 1903. before me
 a Notary Public in and for said county personally
 came before me W. H. Smith President of the Bates-Smith Investment Company
 who is personally known to me to be the identical person whose name is
 affixed to the above instrument as maker and he acknowledged the
 said instrument to be his voluntary act and deed and the voluntary
 act and deed of said corporation,
 Witness my hand and official seal at Princeton the day and year
 aforesaid



Harry C. Roberts
 Notary Public,
 My commission expires Sept. 18, 1907.

State of Nebraska } ss.
 County of Douglas } On this 13th day of November A.D. 1903. before me a
 Notary Public duly commissioned and qualified in and
 for said county personally came the above named Charles E. Bates Secretary
 of the Bates Smith Investment Company who is personally known to me to be
 the identical person whose name is affixed to the above deed as Secretary
 of said Corporation and he acknowledged the instrument to be his voluntary
 act and deed and the voluntary act and deed of said corporation.
 Witness my hand and official seal at Omaha in said county the date
 aforesaid



W. J. Graham
 Notary Public
 My commission expires Sept 25, 1906.

State of Nebraska } ss.
 County of Dodge } On this 20th day of November A.D. 1903. before me
 a Notary Public in and for said county personally came
 before me Josephine E. Ellick and Alfred E. Ellick executors of the estate of
 Francis J. Ellick who are personally known to me to be the identical
 persons whose names are affixed to the above instrument and they
 acknowledged the said instrument to be their voluntary act and deed,
 Witness my hand and official seal at Fremont the day and year aforesaid.



Victor Seitz
 Notary Public
 My commission expires Oct 14, 1904.

THE STATE OF NEBRASKA, }
 DOUGLAS COUNTY. }
 Entered on Numerical Index and filed for Record
 in the Register of Deeds Office of said County, the
 29th day of May 1905
 at 3 48 o'clock P. M.

Harry P. Dessel
 Register of Deeds

COMPARED
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