



MISC 2007016556



FEB 12 2007 10:35 P 21

Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE
2/12/2007 10:35:06.06



WAIVER OF PROTECTIVE COVENANTS

This Waiver of Protective Covenants (this "Waiver") is made and entered into as of the Effective Date specified herein, by the persons and entities that execute this Waiver.

Preliminary Statement

On October 29, 1992, William J. Birge and Constance J. Birge, as owners of real estate in Douglas County, Nebraska legally described as follows (the "Restricted Property"):

The west one-half of the southeast 1/4 in the northeast 1/4 of the southeast 1/4, Section 27, Township 16 north, Range 11, east of the 6th P.M., Douglas County, Nebraska, except that part for roads.

recorded with the Douglas County Register of Deeds Protective Covenants which are filed in Book 1039 at Page 174, Miscellaneous Records (the "Protective Covenants").

Since the date of recording of the Protective Covenants certain of the real estate included in the Restricted Property has been platted and developed which platted property is legally described on Exhibit "A", attached hereto (the "Waiver Property").

The Protective Covenants provide in part that the covenants therein may not be modified, altered or waived without the written approval of the owners of at least seventy percent (70%) of the Restricted Property. There has since been recorded certain other covenants against the Waiver Property which restrict the Waiver Property. The undersigned, being owners of more than seventy percent (70%) of the Restricted Property desire to waive the Protective Covenants as to the Waiver Property but only as to the Waiver Property. This Waiver is being made and entered into for the purpose of memorializing such waiver.

NOW, THEREFORE, in consideration of the foregoing and for other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned agree as follows:

1. Effective upon the date of recording of this Waiver with the Douglas County Register of Deeds (the "Effective Date"), the undersigned hereby waive the Protective Covenants as to the Waiver Property but only as to the Waiver Property.
2. This Waiver may be executed in one or more counterparts, all of which taken together shall constitute one agreement, and any of the undersigned may execute this Waiver by signing any such counterpart.

[SIGNATURE PAGE(S) ATTACHED]

Return to:
James D. Buser
Pansing Hogan Ernst & Bachman, LLP
10250 Regency Circle, Suite 300
Omaha, Nebraska 68114

Misc 21 154

FEE 182.00 FB See attached
 BKP _____ C/O _____ COMP dfb
 DEL _____ SCAN _____ FV _____
 v101933

IN WITNESS WHEREOF, the undersigned have caused this Waiver to be executed to be effective as of the Effective Date.

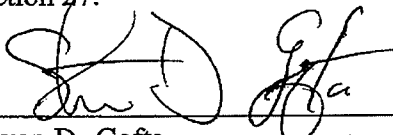
Dated this 11 day of Oct., 2006.

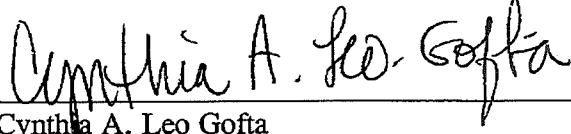
NAME OF PROPERTY OWNER:

Steven D. Gofta and
Cynthia A. Leo Gofta, husband and wife

Property Legal Description:

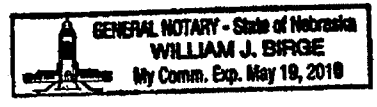
A parcel of land situated in the Southeast Quarter of Section 27, Township 16 North, Range 11 East of the 6th P.M., Douglas County, Nebraska, described as follows: Commencing at the East Quarter corner of said Section 27; thence along the Northerly line of said Southeast Quarter of Section 27, North 86°18'54" West (assumed bearing), 50.00 feet to the point on the Westerly right-of-way line of 156th Street, said point being the true point of beginning; thence parallel with the Easterly line of said Southeast Quarter and along said Westerly right-of-way line, South 03°12'51" West, 331.12 feet; thence North 86°21'43" West 1494.68 feet; thence North 03°19'24" East, 332.34 feet to a point on said Northerly line of said Southeasterly Quarter; thence along said Southerly line, South 86°18'54" East, 1494.06 feet to the true point of beginning. Being located within the Northeast Quarter of the Southeast Quarter and the Northwest Quarter of the Southeast Quarter of Section 27.



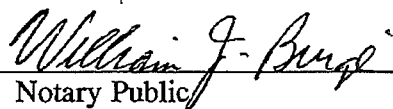
Steven D. Gofta


Cynthia A. Leo Gofta

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)



The foregoing instrument was acknowledged before me this 11 day of Oct, 2006, by Steven D. Gofta and Cynthia A. Leo Gofta, husband and wife.



Notary Public

IN WITNESS WHEREOF, the undersigned have caused this Waiver to be executed to be effective as of the Effective Date.

Dated this 9 day of Oct., 2006.

NAME OF PROPERTY OWNER:

Steve E. Bang and
Diane M. Bang, husband and wife

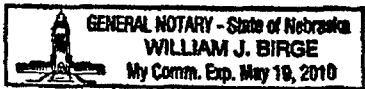
Property Legal Description:

A tract of land situated in the Northeast Quarter of the Southeast Quarter and the Northwest Quarter of the Southeast Quarter of Section 27, Township 16 North, Range 11 East of the 6th P.M., Douglas County, Nebraska, described as follows: Commencing at the Southeast corner of the Northeast Quarter of the Southeast Quarter of said Section 27; thence along the Southerly line of said Northeast Quarter of the Southeast Quarter, North 86°21'43" West (assumed bearing), 50.00 feet to the point of beginning; thence continuing along said Southerly line, North 86°21'43" West, 1273.11 feet to the Southwest Corner of Said Northeast Quarter of the Southeast Quarter; thence North 30°39'11" West, 399.85 feet to a point 330.36 feet normally distant Northerly from said Southerly line; thence along a line parallel with said Southerly line, South 86°21'43" East, 1495.94 feet to a point on the Westerly right-of-way line of 156th Street; thence along said Westerly right-of-way line, South 03°12'51" West, 330.36 feet to the point of beginning.

Steve E. Bang
Steve E. Bang

Diane M. Bang
Diane M. Bang

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)



The foregoing instrument was acknowledged before me this 9 day of Oct., 2006, by Steve E. Bang and Diane M. Bang, husband and wife.

William J. Birge
Notary Public

IN WITNESS WHEREOF, the undersigned have caused this Waiver to be executed to be effective as of the Effective Date.

Dated this 27 day of JANUARY, ~~2006~~ 2007

NAME OF PROPERTY OWNER:

Michael A. Piccolo and Teresa R. Piccolo,
husband and wife

Property Legal Description:

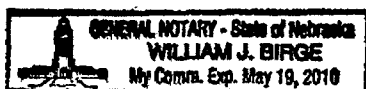
A tract of land situated in the Northeast Quarter of the Southeast Quarter and the Northwest Quarter of the Southeast Quarter of Section 27, Township 16 North, Range 11 East of the 6th P.M., Douglas County, Nebraska, described as follows: Commencing at the Southeast corner of the Northeast Quarter of the Southeast Quarter of said Section 27; thence along the East line of said Section 27, North 03°12'51" East (assumed bearing), 330.36 feet; thence along a line 330.36 feet North of and parallel with the South line of said Northeast Quarter Southeast Quarter, North 86°21'43" West, 50.00 feet to the point of beginning; thence continuing North 86°21'43" West, 1495.94 feet; thence along a line 223.46 feet West of and parallel with the West line of the said Northeast Quarter, Southeast Quarter, North 03°19'24" East, 660.00 feet; thence along a line 990.36 feet North of and parallel with the South line of said Northeast Quarter, Southeast Quarter, South 86°21'43" East, 1494.68 feet to a point on the Westerly right-of-way line of 156th Street; thence along said Westerly right-of-way line, South 03°12'51" West, 660.00 feet to the point of beginning.

By: Michael A. Piccolo
Michael A. Piccolo

By: Teresa R. Piccolo
Teresa R. Piccolo

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 27 day of Jan, 2007, by Michael A. Piccolo and Teresa R. Piccolo, husband and wife.



William J. Birge
Notary Public

IN WITNESS WHEREOF, the undersigned have caused this Waiver to be executed to be effective as of the Effective Date.

Dated this 22nd day of JANUARY, 2007.

NAME OF PROPERTY OWNER:

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

Property Legal Description:

Lot(s) 526, Pine Creek, a subdivision, as surveyed,
platted and recorded in Douglas County, Nebraska.

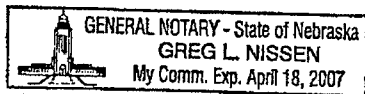
SANITARY AND IMPROVEMENT DISTRICT NO.
473 OF DOUGLAS COUNTY, NEBRASKA,

By: *Robert P. Horgan*
Robert P. Horgan, Chairman

By: _____

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 22nd day of JANUARY, 2007, by Robert P. Horgan, Chairman of SANITARY AND IMPROVEMENT DISTRICT NO. 473 OF DOUGLAS COUNTY, NEBRASKA.



Greg L. Nissen
Notary Public

IN WITNESS WHEREOF, the undersigned have caused this Waiver to be executed to be effective as of the Effective Date.

Dated this 16 day of Nov, 2006.

NAME OF PROPERTY OWNER:

BIRGE HOME BUILDERS, INC., a Nebraska corporation

Property Legal Description:

Lot(s) 530, 531, 553, 566-569, 586 & 590 Pine Creek, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska.

585 W.J.B.

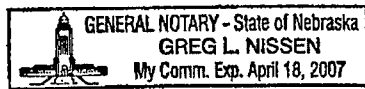
BIRGE HOME BUILDERS, INC., a Nebraska corporation

By: *William J. Birge - Pres.*
William J. Birge, President

By: _____

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 16th day of November, 2006, by William J. Birge, President of BIRGE HOME BUILDERS, INC., a Nebraska corporation, for and on behalf of the corporation.



[Signature]
Notary Public

IN WITNESS WHEREOF, the undersigned have caused this Waiver to be executed to be effective as of the Effective Date.

Dated this 20 day of December, 2006.

NAME OF PROPERTY OWNER:

ROBERT F. WYNNE AND PATRICIA K. WYNNE,
husband and wife

Property Legal Description:
Lot(s) 541, Pine Creek, a subdivision as surveyed,
platted and recorded in Douglas County, Nebraska.

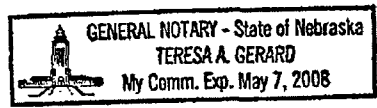
ROBERT F. WYNNE AND PATRICIA K. WYNNE,
husband and wife

By: Robert F Wynne
Robert F. Wynne

By: Patricia K Wynne
Patricia K. Wynne

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 20th day of December, 2006, by ROBERT F. WYNNE AND PATRICIA K. WYNNE, husband and wife.



Teresa A Gerard
Notary Public

IN WITNESS WHEREOF, the undersigned have caused this Waiver to be executed to be effective as of the Effective Date.

Dated this 14th day of October, 2006.

NAME OF PROPERTY OWNER:

Anthony A. Batten, Sr. and
Lisa A. Batten, husband and wife

Property Legal Description:

Lot 554, Pine Creek, a subdivision as surveyed,
platted and recorded in Douglas County, Nebraska.

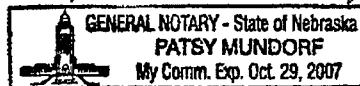
Anthony A. Batten, Sr.
Anthony A. Batten, Sr.

Lisa A. Batten
Lisa A. Batten

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 14th day of October, 2006, by Anthony A. Batten, Sr., and Lisa A. Batten, husband and wife.

Patsy Mundorf
Notary Public



IN WITNESS WHEREOF, the undersigned have caused this Waiver to be executed to be effective as of the Effective Date.

Dated this 17th day of November, 2006.

NAME OF PROPERTY OWNER:

BUILDING CONCEPTS, INC., a Nebraska corporation

Property Legal Description:

Lot(s) 572, Pine Creek, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska.

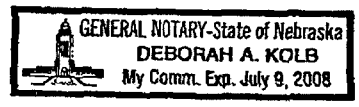
BUILDING CONCEPTS, INC., a Nebraska corporation

By: Kathy Heupel, Pres.
Kathy Heupel, President

By: _____

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 17th day of November, 2006, by Kathy Heupel, President of BUILDING CONCEPTS, INC., a Nebraska corporation, for and on behalf of the corporation.



Deborah A. Kolb
Notary Public

IN WITNESS WHEREOF, the undersigned have caused this Waiver to be executed to be effective as of the Effective Date.

Dated this 16 day of November, 2006.

NAME OF PROPERTY OWNER:

ROBERT R. BROWN AND VIRGINIA L. BROWN,
husband and wife

Property Legal Description:
Lot(s) 575, Pine Creek, a subdivision as surveyed,
platted and recorded in Douglas County, Nebraska.

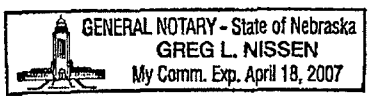
ROBERT R. BROWN AND VIRGINIA L. BROWN,
husband and wife

By: Robert R. Brown
Robert R. Brown

By: Virginia L. Brown
Virginia L. Brown

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 16th day of November, 2006, by ROBERT R. BROWN AND VIRGINIA L. BROWN, husband and wife.



Greg L. Nissen
Notary Public

IN WITNESS WHEREOF, the undersigned have caused this Waiver to be executed to be effective as of the Effective Date.

Dated this 8th day of December, 2006.

NAME OF PROPERTY OWNER:

PATRICK L. LOVATO, A SINGLE PERSON AND LISA A. CONKEL, A SINGLE PERSON

Property Legal Description:
Lot(s) 588, Pine Creek, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska.

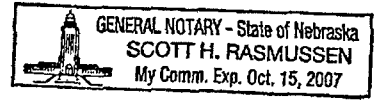
PATRICK L. LOVATO, A SINGLE PERSON AND LISA A. CONKEL, A SINGLE PERSON

By: [Signature]
Patrick L. Lovato

By: [Signature]
Lisa A. Conkel

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 8th day of December, 2006, by PATRICK L. LOVATO, A SINGLE PERSON AND LISA A. CONKEL, A SINGLE PERSON.



[Signature]
Notary Public

IN WITNESS WHEREOF, the undersigned have caused this Waiver to be executed to be effective as of the Effective Date.

Dated this 8TH day of December, 2006.

NAME OF PROPERTY OWNER:

THALIA R. ABEL AND KENNETH H. ABEL,
Trustees of THALIA R. ABEL LIVING TRUST,
dated February 20, 2006

Property Legal Description:
Lot(s) 611, Pine Creek, a subdivision as surveyed,
platted and recorded in Douglas County, Nebraska.

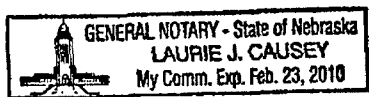
THALIA R. ABEL AND KENNETH H. ABEL,
Trustees of THALIA R. ABEL LIVING TRUST,
dated February 20, 2006

By: Thalia R. Abel, Trustee
Thalia R. Abel, Trustee

By: Kenneth H. Abel, Trustee
Kenneth H. Abel, Trustee

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 8th day of December, 2006, by THALIA R. ABEL AND KENNETH H. ABEL, Trustees of THALIA R. ABEL LIVING TRUST, dated February 20, 2006.



Laurie J. Causey
Notary Public

IN WITNESS WHEREOF, the undersigned have caused this Waiver to be executed to be effective as of the Effective Date.

Dated this 12 day of December, 2006.

NAME OF PROPERTY OWNER:

MARK BRAASCH, a single man

Property Legal Description:

Lot(s) 613, Pine Creek, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska.

MARK BRAASCH, a single man

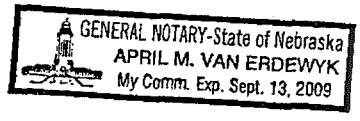
By: *Mark Braasch*
Mark Braasch

By: _____

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 12th day of December, 2006, by MARK BRAASCH, a single man.

April M. Van Erdevyk
Notary Public



IN WITNESS WHEREOF, the undersigned have caused this Waiver to be executed to be effective as of the Effective Date.

Dated this 4th day of December, 2006.

NAME OF PROPERTY OWNER:

DOUGLAS D. FILE AND CHARLENE M. FILE,
husband and wife

Property Legal Description:
Lot(s) 634, Pine Creek, a subdivision as surveyed,
platted and recorded in Douglas County, Nebraska.

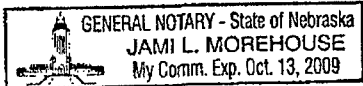
DOUGLAS D. FILE AND CHARLENE M. FILE,
husband and wife

By: Douglas D. File

By: Charlene M. File

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 4 day of December, 2006, by DOUGLAS D. FILE AND CHARLENE M. FILE, husband and wife.



Jami L. Morehouse
Notary Public

IN WITNESS WHEREOF, the undersigned have caused this Waiver to be executed to be effective as of the Effective Date.

Dated this 22 day of January, 2006.

NAME OF PROPERTY OWNER:

BILLI R. HARRILL, a single person

Property Legal Description:

Lot(s) 660, Pine Creek, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska.

BILLI R. HARRILL, a single person

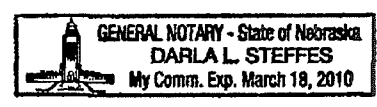
By: Billi R. Harrill
Billi R. Harrill

By: _____

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 22nd day of January, 2006, by BILLI R. HARRILL, a single person.

Darla L. Steffes
Notary Public



IN WITNESS WHEREOF, the undersigned have caused this Waiver to be executed to be effective as of the Effective Date.

Dated this 6th day of February, 2007.

NAME OF PROPERTY OWNER:

PINNACLE HOMES, INC., a Nebraska corporation

Property Legal Description: **L53**
Lot(s) 617-630, ~~632~~, 633, 635-649, ~~652-657~~ & 664-676, Pine Creek, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska;

and

Lot 2 Pine Creek Replat 3, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska.

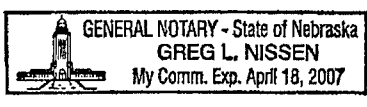
PINNACLE HOMES, INC., a Nebraska corporation

By: Richard C. Morgan
Richard C. Morgan, Vice President

By: _____

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 6th day of February, 2007, by Richard C. Morgan, Vice President PINNACLE HOMES, INC., a Nebraska corporation, for and on behalf of the corporation.



Greg L. Nissen
Notary Public

IN WITNESS WHEREOF, the undersigned have caused this Waiver to be executed to be effective as of the Effective Date.

Dated this 22nd day of JANUARY, 2007.

NAME OF PROPERTY OWNER:

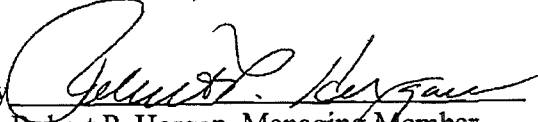
NORTH IDA STREET INVESTMENTS, LLC,
a Nebraska limited liability company

Property Legal Description:

Lot(s) 527-529, inclusive, 532-540, inclusive, 545-552, inclusive, 555-565, inclusive, 570, 573, 577, 578, 581, 583, 584, 589, 591-597, inclusive, 599-608, inclusive, 610, 614, and Outlots 19 & 20, Pine Creek, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska.

NORTH IDA STREET INVESTMENTS, LLC,
a Nebraska limited liability company

By: JC PROPERTIES, LLC, Member

By: 
Robert P. Horgan, Managing Member

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 22nd day of JANUARY, 2007, by Robert P. Horgan, Managing Member of JC PROPERTIES, LLC, Member of NORTH IDA STREET INVESTMENTS, LLC, a Nebraska limited liability company, for and on behalf of the company.



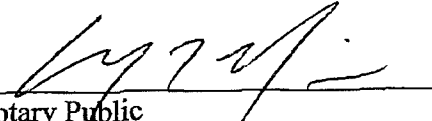

Notary Public

EXHIBIT "A"

WAIVER PROPERTY

✓ Lots 526 through 649, inclusive, Lots 652 through 676, inclusive, and Outlots 19 and 20, Pine Creek, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska; 05-30530

and

✓ Lots 1 and 2, Pine Creek Replat 3, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska; 05-30533

and

01-16000
27-16-11

✓ A tract of land situated in the Northeast Quarter of the Southeast Quarter and the Northwest Quarter of the Southeast Quarter of Section 27, Township 16 North, Range 11 East of the 6th P.M., Douglas County, Nebraska, described as follows: Commencing at the Southeast corner of the Northeast Quarter of the Southeast Quarter of said Section 27; thence along the East line of said Section 27, North 03°12'51" East (assumed bearing), 330.36 feet; thence along a line 330.36 feet North of and parallel with the South line of said Northeast Quarter Southeast Quarter, North 86°21'43" West, 50.00 feet to the point of beginning; thence continuing North 86°21'43" West, 1495.94 feet; thence along a line 223.46 feet West of and parallel with the West line of the said Northeast Quarter, Southeast Quarter, North 03°19'24" East, 660.00 feet; thence along a line 990.36 feet North of and parallel with the South line of said Northeast Quarter, Southeast Quarter, South 86°21'43" East, 1494.68 feet to a point on the Westerly right-of-way line of 156th Street; thence along said Westerly right-of-way line, South 03°12'51" West, 660.00 feet to the point of beginning;

and

✓ A parcel of land situated in the Southeast Quarter of Section 27, Township 16 North, Range 11 East of the 6th P.M., Douglas County, Nebraska, described as follows: Commencing at the East Quarter corner of said Section 27; thence along the Northerly line of said Southeast Quarter of Section 27, North 86°18'54" West (assumed bearing), 50.00 feet to the point on the Westerly right-of-way line of 156th Street, said point being the true point of beginning; thence parallel with the Easterly line of said Southeast Quarter and along said Westerly right-of-way line, South 03°12'51" West, 331.12 feet; thence North 86°21'43" West 1494.68 feet; thence North 03°19'24" East, 332.34 feet to a point on said Northerly line of said Southeasterly Quarter; thence along said Southerly line, South 86°18'54" East, 1494.06 feet to the true point of beginning. Being located within the Northeast Quarter of the Southeast Quarter and the Northwest Quarter of the Southeast Quarter of Section 27;

and

✓ A tract of land situated in the Northeast Quarter of the Southeast Quarter and the Northwest Quarter of the Southeast Quarter of Section 27, Township 16 North, Range 11 East of the 6th P.M., Douglas County, Nebraska, described as follows: Commencing at the Southeast corner of the Northeast Quarter of the Southeast Quarter of said Section 27; thence along the Southerly line of said Northeast Quarter of the Southeast Quarter, North 86°21'43" West (assumed bearing), 50.00 feet to the point of beginning; thence continuing along said Southerly line, North 86°21'43" West, 1273.11 feet to the Southwest Corner of Said Northeast Quarter of the Southeast Quarter; thence North 30°39'11" West, 399.85 feet to a point 330.36 feet normally distant Northerly from said Southerly line; thence along a line parallel with said Southerly line, South 86°21'43" East, 1495.94 feet to a point on the Westerly right-of-way line of 156th Street; thence along said Westerly right-of-way line, South 03°12'51" West, 330.36 feet to the point of beginning;

and

✓ That part of the West Half of the Southeast Quarter of Section 27, Township 16 North, Range 11 East of the 6th P.M., Douglas County, Nebraska, described as follows:

Commencing at the southeast corner of the West Half of the Southeast Quarter of Section 27; Thence North 03°00'46" West (bearings referenced to the Final Plat of PINE CREEK, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska) for 33.00 feet along the east line of the said West Half of the Southeast Quarter of Section 27 to the TRUE POINT OF BEGINNING; Thence South 87°15'40" West for 364.90 feet parallel with and 33.00 feet north of the south line of the said West Half of the Southeast Quarter of Section 27; Thence North 03°00'39" West for 1620.66 feet; Thence North 87°25'35" East for 141.63 feet; Thence South 36°55'50" East for 400.02 feet to the northwest corner to the Southeast Quarter of the Southwest Quarter of Section 27; Thence South 03°00'46" East for 1289.37 feet to the Point of Beginning.