

RELEASE OF COVENANT RUNNING WITH LAND

WHEREAS, the undersigned, Wyman M. Woodyard and Eunice C. Woodyard, husband and wife, entered into an agreement with H. J. Lindeman and Helen L. Lindeman, husband and wife, dated February 26, 1942, and recorded on February 27, 1942, in Book 163 Page 643 of the records in the Office of the Register of Deeds of Douglas County, Nebraska, which said agreement pertained to a replat of Lots 7, 24, 23, 8, 22, and 9 of subdivision of Lots 1, 2, 3, 4, 5, and 6 of Block 1, Washington Hill, and which said property so platted provided for streets and lots to be known as South Country Club Heights, all in the City of Omaha, Douglas County, Nebraska, and said streets have been dedicated for public use as shown by the surveyor's certificate recorded on February 27, 1942, in Book 699 Page 413, in the office of the Register of Deeds of Douglas County, Nebraska, and on said date and in said same books was recorded the dedication, the Treasurer's certificate, and the approval thereof; and

WHEREAS, H. L. Lindeman and Helen L. Lindeman, husband and wife, who were the parties to the agreement above referred to recorded in Book 163 at Page 643, decided, for a valuable consideration, to give up all right, title, and interest in and to Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 25 in said South Country Club Heights and duly recorded the conveyance of all further interest in said last-described property to Eunice C. Woodyard, said deed being recorded in Book 745 at Page 127, and was so recorded on December 8, 1944, in the office of the Register of Deeds of Douglas County, Nebraska; and

WHEREAS, the said Eunice C. Woodyard and her husband, Wyman M. Woodyard, became the owners of all lots in said subdivision; and

WHEREAS, the said Eunice C. Woodyard and Wyman M. Woodyard, her husband, on December 27, 1948, conveyed by warranty deed, duly recorded on December 30, 1948, in Book 848 Page 187 in the office of the Register of Deeds of Douglas County, Nebraska, to James F. Lillis Homes, Inc., a corporation duly authorized to hold real estate and carry on its business in the State of Nebraska, Lot 1, South Country Club Heights, an addition to the City of Omaha as surveyed, platted, and recorded, being a replat of Lots 7, 24, 23, 8, 22, and 9 of subdivision of Lots 1, 2, 3, 4, 5, and 6, Block 1, Washington Hill, located in the Northwest Half of Section 18, Township 15 North, Range 13, East of the 6th P.M., Douglas County, Nebraska; and also the said Wyman M. Woodyard and Eunice C. Woodyard, husband and wife, conveyed to C. Otis Jett and Elsie S. Jett, husband and wife, Lot 26, South Country Club Heights, recorded in Book 772 at Page 319 of the deed records of the office of the Register of Deeds of Douglas County, Nebraska; and to Frank E. Prawl and Margaret L. Prawl, husband and wife, Lot 25, South Country Club Heights, recorded in Book 772 Page 610 of the deed records of the office of the Register of Deeds of Douglas County, Nebraska; and to Carl R. Lomatch, Sr., and Mabel Z. Lomatch, husband and wife, Lot 24, South Country Club Heights, recorded in Book 786 Page 689 of the deed records of the office of the Register of Deeds of Douglas County, Nebraska; and

WHEREAS, at this time Wyman M. Woodyard and Eunice C. Woodyard, his wife; James F. Lillis Homes, Inc., a corporation; and ~~C. Otis Jett and Elsie S. Jett, husband and wife; Frank E. Prawl and Margaret L. Prawl, husband and wife; and Carl R. Lomatch, Sr., and Mabel Z. Lomatch, husband and wife,~~ are the owners of all the lots in the subdivision above referred to and are the owners of all the property upon and concerning which the aforesaid agreement dated February 26, 1942, recorded February 27, 1942, in Book 163 Page 643 in the office of the Register of Deeds of Douglas County, Nebraska, applies; and

WHEREAS, it is the intention of all said owners of the property described in said agreement to change and modify the same;

NOW, THEREFORE, for and in the consideration of One Dollar in hand paid, one unto the other, and for and in the consideration of the mutual covenants and agreements herein contained, each and all the aforementioned persons whose names are signed hereto do hereby eliminate from said agreement, recorded in Book 163 Page 643 in the office of the Register of Deeds of Douglas County, Nebraska, and do accordingly strike from said agreement and nullify, paragraphs 4 and 5, which said paragraphs read as follows:

4. No structure shall be moved onto any lot unless it meets with the approval of the Committee hereinafter referred to, or if there is no committee, it shall conform to and be in harmony with existing structures in the tracts.

5. No building shall be erected on any lot until the design and location thereof have been approved in writing by a committee appointed by the Sub-divider or elected by a majority of the owners of lots in said Sub-division. However, in the event that such committee is not in existence or fails to approve or disapprove such design or location within 10 days, then such approval will not be required provided the design and location on the lot conform to and are in harmony with existing structures in the tract.

All the remaining covenants of said agreement so recorded in Book 163 Page 643 in the office of the Register of Deeds of Douglas County, Nebraska, shall remain in full force and effect unless changed or altered as by law provided.

This instrument shall be effective forthwith and shall release and relinquish the property sold and purchased by the undersigned as described in said instrument of conveyance, from the terms and conditions thereof as far as the release of said paragraphs 4 and 5 are concerned, they being nullified, cancelled, and rendered void, the same and in all respects as if they had never been set forth in said instrument recorded in Book 163 Page 643.

In witness whereof, the parties hereto have signed their names and executed these presents on the date set opposite their respective names.

Date:

Jan. 17, 1949

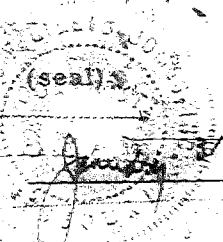
Wyman M. Woodyard
Wyman M. Woodyard

Eunice C. Woodyard
Eunice C. Woodyard

JAMES F. LILLIS HOMES, INC., a Corporation

By James F. Lillis President

Attest: James M. Brown Secretary



~~G. Otis Jett~~

~~Elis S. Watt~~

Date:

~~Frank E. Prawl~~

~~Margaret L. Prawl~~

~~Carl R. Lomatch Sr.
Carl R. Lomatch, Sr.~~

~~Jan. 17, 1949~~

~~Mabel Z. Lomatch
Mabel Z. Lomatch~~

STATE OF NEBRASKA) ss
COUNTY OF DOUGLAS)

On this 17 day of January, 1949, before me, a notary public in and for said county, personally came the above-named Wyman M. Woodyard and Eunice C. Woodyard, husband and wife, who are personally known to me to be the identical persons whose names are affixed to the foregoing instrument, and they severally acknowledged the execution and delivery of said instrument to be their voluntary act and deed.

In witness whereof, I have signed my name and affixed my notarial seal the day and date last above-mentioned.

M. A. Foy
Notary Public

STATE OF MISSOURI) ss
COUNTY OF JACKSON)

On this 3 day of ^{FEB} January, 1949, before me, a notary public in and for said county, personally came the above-named corporation, James F. Lillis Homes, Inc., by James F. Lillis, president, and Terence M. O'Brien secretary, who are personally known to me to be the president and secretary of said corporation and to be duly authorized to acknowledge this instrument for and on its behalf; also said persons are known to me to be the identical persons whose names are affixed to the foregoing instrument as president and secretary, respectively, of said corporation, and they severally acknowledged the execution and delivery of said instrument to be the voluntary act and deed of said corporation and the voluntary act and deed of each of said officers of said corporation.

Witness my hand and notarial seal the day and date last above-mentioned.

Pauline J. Featts
Notary Public
My Commission Expires Jan. 11, 1950

STATE OF NEBRASKA) ss
COUNTY OF DOUGLAS)

On this _____ day of January, 1949, before me, a notary public in and for said county, personally came the above-named C. Otis Jett and Elsie S. Jett, husband and wife, who are personally known to me to be the identical persons whose names are affixed to the foregoing instrument, and they severally acknowledge the execution and delivery of said instrument to be their voluntary act and deed.

Witness my hand and notarial seal the day and date last above-mentioned.

Notary Public

STATE OF NEBRASKA) ss.
COUNTY OF DOUGLAS)

On this day of January, 1949, before me, a notary public in and for said county, personally came the above-named Frank E. Prawl and Margaret L. Prawl, husband and wife, who are personally known to me to be the identical persons whose names are affixed to the foregoing instrument, and they severally acknowledged the execution and delivery of said instrument to be their voluntary act and deed.

Witness my hand and notarial seal the day and date last above-mentioned.

Notary Public

STATE OF NEBRASKA) ss.
COUNTY OF DOUGLAS)

On this 17 day of January, 1949, before me, a notary public in and for said county, personally came the above-named Carl R. Lomatch, Sr., and Mabel Z. Lomatch, husband and wife, who are personally known to me to be the identical persons whose names are affixed to the foregoing instrument, and they severally acknowledged the execution and delivery of said instrument to be their voluntary act and deed.

Witness my hand and notarial seal the day and date last above-mentioned.

W. A. Hoy
Notary Public

NOTARIAL FEE PAID TO THE CLERK OF DISTRICT COURTS IN NEBRASKA, COUNTY OF DOUGLAS, NEBRASKA
2.07 GEORGE L. O'CONNOR, CLERK OF DISTRICT COURTS 6.00