

ALTA COMMITMENT - 1970 Rev.

ISSUED THROUGH THE OFFICE OF:

Application No. \_\_\_\_\_ SC

1. Effective Date:  
2. Policy or Policies to be issued:  
"ALTA" OWNER'S POLICY Form B-1970-  
-Amended 10-17-70 \$

Proposed Insured:

"ALTA" LOAN POLICY 1970 Rev. \$

Proposed Insured:

Master

3. The estate or interest in the land described or referred to in this Commitment and covered herein is a fee simple, and title thereto is at the effective date hereof vested in:

4. The land referred to in this Commitment is described as follows:

Unit No. , of THE SUMMIT CONDOMINIUM PROPERTY REGIME,  
as described in Master Deed recorded in Book 1476 at  
Page 37 of the Deed Records of Douglas County, Nebraska,  
as surveyed, platted and recorded.

SCHEDULE B

In addition to the Standard Exceptions and Conditions and Stipulations recited on the face of this Commitment and the Conditions and Stipulations and Exclusions from Coverage in the Company's usual form of policy, the land referred to is, as of the effective date hereof, subject to the following:

1. General taxes due and payable at date hereof:
2. Special taxes or assessments now assessed or levied, but payable in future installments; except those recorded in the Office of the County Treasurer at date hereof; of which there are none.
3. Agreement for sanitary sewer connection and pedestrian way ingress and egress dated Mar. 4, 1965, filed Dec. 30, 1965, in Book 435 at Page 31 of the Miscellaneous Records of Douglas County, Nebraska.
4. Covenants, conditions and restrictions contained in Deed dated Mar. 4, 1966, filed Mar. 11, 1966, in Book 1280 at Page 437 of the Deed Records of Douglas County, Nebraska.
5. Covenants, conditions and restrictions contained in Deed dated Mar. 4, 1966, filed Mar. 11, 1966, in Book 1280 at Page 445 of the Deed Records of Douglas County, Nebraska.
6. Terms and conditions of Agreement Modifying Covenants and Restrictions, dated Jan. 23, 1970, filed Jan. 26, 1970, in Book 485 at Page 677 of the Miscellaneous Records of Douglas County, Nebraska, which amends covenants shown at Items No. 4 and 5 above.
7. Terms and conditions of Agreement Modifying Covenants and Restrictions, dated Mar. 23, 1970, filed Apr. 28, 1970, in Book 488 at Page 669 of the Miscellaneous Records of Douglas County, Nebraska, which amends covenants shown at Items No. 4 and 5 above.
8. Terms and conditions of Agreement Modifying Covenants and Restrictions, dated May 3, 1972, filed May 9, 1972, in Book 509 at Page 685 of the Miscellaneous Records of Douglas County, Nebraska, which amends covenants shown at Items No. 4 and 5 above.

Terms + ... dated 7-2-81, filed 8-25-81 658-104

TA  
Schedule "B" continued

9. Subject to and together with Easement for ingress and egress, dated Apr. 29, 1972, filed May 9, 1972, in Book 509 at Page 699 of the Miscellaneous Records of Douglas County, Nebraska.

10. Easement in favor of N.W. Bell Telephone and O.P.P.D. dated Aug. 24, 1972, filed Oct. 10, 1972, in Book 514 at Page 635 of the Miscellaneous Records of Douglas County, Nebraska, on, over, through, under and across a strip of land 10 ft. in width, being 5 ft. on each side of and parallel to constructed facilities.

11. Covenants, conditions and restrictions contained in Master Deed and By-Laws filed Mar. 22, 1973, in Book 1476 at Page 37 of the Deed Records of Douglas County, Nebraska.

Paragraphs 6 and 9 provide for a Board of Administrators and Assessments.

Paragraph 15 provides for consent before structural changes.

Paragraph 17 provides for entry for repair.

Paragraphs 21 and 23 provide for limitation on sale or lease and a right of first refusal. (See Item No. 12 below as to deletion of subparagraph B of Paragraph 21.)

12. Terms and conditions of Amendment to Master Deed and By-Laws, filed Apr. 14, 1975, in Book 549 at Page 639 of the Miscellaneous Records of Douglas County, Nebraska, which amends Master Deed and By-Laws shown at Item No. 11 above.

Paragraph 15 is amended.

Subparagraph B of Paragraph 21 is deleted.

13. Terms and conditions of Second Amendment to Master Deed and By-Laws, filed Oct. 12, 1978, in Book 604 at Page 601 of the Miscellaneous Records of Douglas County, Nebraska, which amends Master Deed and By-Laws shown at Item No. 11 above and Amendment to Master Deed and By-Laws shown at Item No. 12 above.

29538

March 11, 1994  
8:00 A.M.

195,000.00  
~~545,000~~

SB 269920

JAMES R. SCHUMACHER, TRUSTEE,  
9761 Hamilton Plaza

Unit No. 27 of the SUMMIT CONDOMINIUM PROPERTY REGIME, a Condominium organized under the laws of the State of Nebraska, in the City of Omaha, pursuant to Master Deed and By-Laws dated March 8, 1973, filed March 22, 1973, in Book 1476 at Page 37 of the Deed Records of Douglas County, Nebraska; as amended by Amendment to Master Deed and By-Laws dated February 21, 1975, filed April 14, 1975, in Book 549 at Page 639, and by Second Amendment to Master Deed and By-Laws dated May 30, 1978, filed October 12, 1978, in Book 604 at Page 601, both of the Miscellaneous Records of Douglas County, Nebraska.

1. Facts which would be disclosed by a comprehensive survey of the premises herein described. (1)
2. Rights and claims of parties in possession. (3)
3. The lien of second half general taxes for 1993, due and payable in 1994, and all subsequent taxes and special assessments not yet certified to the Office of the County Treasurer for collection at the date hereof.  
NOTE: The first half general taxes due and payable in 1994 are paid in full. Second half becomes delinquent August 1, 1994. The taxes are paid current at the date hereof.
4. Terms, conditions and agreements contained in Agreement dated March 4, 1966, filed March 11, 1966, in Book 435 at Page 31 of the Miscellaneous Records of Douglas County, Nebraska.
5. Covenants, conditions and agreements as set forth in Deeds dated March 4, 1966, filed March 11, 1966, in Book 1280 at pages 437 and 445 of the Deed Records of Douglas County, Nebraska.  
Agreement Modifying Covenants dated January 23, 1970, filed January 26, 1970, in Book 485 at Page 677 of the Miscellaneous Records of Douglas County, Nebraska.  
Agreement Modifying Covenants dated March 23, 1970, filed April 28, 1970, in Book 488 at Page 669 of the Miscellaneous Records of Douglas County, Nebraska.  
Agreement Modifying Covenants dated May 3, 1972, filed May 9, 1972, in Book 509 at Page 685 of the Miscellaneous Records of Douglas County, Nebraska.  
Agreement Modifying Covenants dated July 2, 1981, filed August 25, 1981, in Book 658 at Page 104 of the Miscellaneous Records of Douglas County, Nebraska.

6. Subject to and together with Easement for ingress and egress dated April 29, 1972, filed May 9, 1972, in Book 509 at Page 699 of the Miscellaneous Records of Douglas County, Nebraska.
7. Easement granted to Northwestern Bell Telephone Company and Omaha Public Power District by instrument dated August 24, 1972, filed October 10, 1972, in Book 514 at Page 635 of the Miscellaneous Records of Douglas County, Nebraska, to erect and maintain their facilities on, over, through, under and across a strip of land ten feet in width, being five feet on each side of and parallel to facilities to be constructed except those portions occupied by structures.
8. Covenants, conditions and restrictions contained in Master Deed and By-Laws filed March 22, 1973, in Book 1476 at Page 37 of the Deed Records of Douglas County, Nebraska.  
Amendment to Master Deed and By-Laws filed April 14, 1975, in Book 549 at Page 639 of the Miscellaneous Records of Douglas County, Nebraska.  
Second Amendment to Master Deed and By-Laws filed October 12, 1978, in Book 604 at Page 601 of the Miscellaneous Records of Douglas County, Nebraska.

Douglas  
Nebraska  
Nebraska  
Douglas  
Residential  
Basic Rate 1 Endorsement = \$25.00

Spence Title Services, Inc.  
p. s. 3-31-94

ALTA COMMITMENT - 1970 Rev.

Prepared by: Ann Spence  
ISSUED THROUGH THE OFFICE OF:

Application No. TA-8502

*for reference only*  
**SCHEDULE A**PRELIMINARY BINDER COVERING  
BOTH TRACTS

1. Effective Date: March 24, 1983 at 8:00 A.M.
2. Policy or Policies to be issued:  
"ALTA" OWNER'S POLICY Form B-1970-  
-Amended 10-17-70 \$ 756,500.00  
Proposed Insured: TO BE NAMED  
  
"ALTA" LOAN POLICY 1970 Rev. \$ TO BE DETERMINED  
Proposed Insured: TO BE NAMED

3. The estate or interest in the land described or referred to in this Commitment and covered herein is a fee simple, and title thereto is at the effective date hereof vested in:

DUCHESNE COLLEGE AND CONVENT OF THE SACRED HEART

4. The land referred to in this Commitment is described as follows:

Two tracts of land lying in the Northeast Quarter and the Southeast Quarter of Section 16, Township 15 North, Range 12 East of the 6th P.M., Douglas County, Nebraska, the full legal description for which is attached hereto as Exhibit "A" and incorporated herein by reference.

**SCHEDULE B**

In addition to the Standard Exceptions and Conditions and Stipulations recited on the face of this Commitment and the Conditions and Stipulations and Exclusions from Coverage in the Company's usual form of policy, the land referred to is, as of the effective date hereof, subject to the following:

1. General taxes due and payable at date hereof: Total 1982/83, \$5262.68 unpaid; first installment of \$2631.34 is due and will be delinquent Apr. 1, 1983. Key No. 2949-0003-01. Taxed as: Irreg. N330 W852.8 E1321.4 ft N $\frac{1}{2}$ SE $\frac{1}{4}$  & Irreg S180 W852.8 E1321.4 ft. S $\frac{1}{2}$ NE $\frac{1}{4}$ , 9.96 ac.
2. Special taxes or assessments now assessed or levied, but payable in future installments; Except those certified to the Office of the County Treasurer at date hereof, of which there are None.
3. Agreement to connect sewer on subject property in favor of property adjoining on the West and grant of easement, together with beneficial easement for pedestrian way as extension of Bloomfield Drive, as contained in instrument filed Mar. 11, 1966 in Book 435 at Page 31 of the Misc. Records of Douglas County, Nebraska. (Copy attached.)
4. Covenants, conditions and restrictions covering 40 acre tract owned by Duschene in favor of owners of Lots 4 and 5, Bloomfield Hills, as contained in instrument filed Mar. 11, 1966 in Book 1280 at Page 437 and in Book 1280 at Page 445 of the Deed Records of Douglas County, Nebraska.  
Section B contains restrictions for "non-conforming use" (any purpose not school), and restricts West 1/2 of 40 acre tract (of which subject property is a part) to at least as restrictive as 2nd residential. Also calls for single family housing, with lot square footage of 21,780 feet within 200' of west boundary. East 1/2 of 40 acre tract to be as restrictive as 3rd residential.  
Further calls for set back on West boundary line of 150 on South running 400 feet Northerly.  
(Copy of 1280/437 attached.)

SCHEDULE "B" CONTINUED PAGE FF.

SCHEDULE "B" CONTINUED

4. Continued:

NOTE: As portions of the original 40 acre tract have been sold off, Agreements and Modifications of the original Covenants have been recorded which specifically address that portion deeded away. These modifications are attached for reference purposes only, except as otherwise noted.

Book 485, Page 677 affects 10 acre tract on East (435x1000).

Book 488, Page 669 Amends C-1 of original covenants to show Lot 5 and a portion of Lot 4 as the affected parties to control covenants. (Copy attached.)

Book 509, Page 685 adds a New paragraph B-3 to the original covenants, providing for development of 15.84 acre tract into Condominium project (Exh. B), further use of 3.18 acre tract (Exh. A) and easement to 15.84 tract for ingress and egress, being 1.17 acre (Exh. C) and is shown on survey attached. The easement appears to be for use of and responsibility for upkeep for Condo project, lying North of subject property.

Book 658, Page 104 affects 15.84 acre tract and easement, the Tracts A, B, & C mentioned (but not identified on Exhibits as body of document indicates), but legal description for those tracts lie within the 15.84 acre tract. Further the references to Tracts C, D, and E in said document are references to the deed filed June 15, 1978 in Book 1598 at Page 518, which deed is also attached, and conveys the 15.84 acre tract.

5. Easement in favor of the City of Omaha, being 15 feet in width, which appears to begin in a portion of subject property, for storm sewer, as contained in instrument filed Nov. 19, 1975 in Book 558 at Page 49 of the Misc. Records of Douglas County, Nebraska. (Copy attached.)

Note: Surveyor should locate said storm sewer, as it appears to be a connection to an existing storm sewer crossing subject property.

6. Easement for ingress and egress from property adjoining on the North of subject property to Nicholas Street (shown on survey attached), being 100 feet in width, running North and South on East property line, as contained in instrument filed May 9, 1972 in Book 509 at Page 699 of the Misc. Records of Douglas County, Nebraska. (Copy attached.)

NOTE: This document does not make provisions for usage by other than those with an interest in the Condo development, and would need to be expanded by agreement with the owners of the units and any governing body for the common elements, as well as by Duschene and covenant beneficiaries.

7. Easement in favor of Metropolitan Utilities District, being the South 20 feet of a portion of subject property, adjacent to Nicholas Street, as contained in instrument filed Jan. 9, 1976 in Book 559 at Page 658 of the Misc. Records of Douglas County, Nebraska. (Copy attached.)

NOTE: This company reserves the right to make requirements of buyer and seller when the actual sale binder is ordered.

NOTE: Easement for road is taxed with subject property.

TA-8502

LEGAL DESCRIPTION

EXHIBIT "A"

Two tracts of land lying within the Northeast Quarter and Southeast Quarter of Section 16, Township 15 North, Range 12 East of the 6th P.M., Douglas County, Nebraska, more particularly described as follows:

Beginning at a point 330.0 feet South, and 568.6 feet West of the East Quarter corner of Section 16, Township 15 North, Range 12 East of the 6th P.M., Douglas County, Nebraska; thence continuing Westerly a distance of 753.5 feet to a point on the West line of the Northeast Quarter of the Southeast Quarter; thence right in a Northerly direction along said West line of the Northeast Quarter of the Southeast Quarter a distance of 510.0 feet to a point, now on the West line of the Southeast Quarter of the Northeast Quarter, thence right in an Easterly direction along a straight line a distance of 752.8 feet; thence right in a Southerly direction parallel to the East line of said Section 16, a distance of 510.0 feet to the point of beginning and containing a calculated area of 8.82 acres.

Together With

Beginning at a point 330.0 feet South and 468.6 feet West of the East One-Quarter corner of Section 16, Township 15 North, Range 12 East of the 6th P.M., Douglas County, Nebraska; thence continuing in a Westerly direction, along the previously described course, a distance of 100.0 feet; thence right, in a Northerly direction, parallel to the East line of said Section 16, a distance of 510.0 feet, thence right, in an Easterly direction, parallel to the penultimately described course, a distance of 100.0 feet; thence right, in a Southerly direction, parallel to the East line of said Section 16, a distance of 510.0 feet to the point of beginning and containing a calculated area of 1.17 acres, more or less.