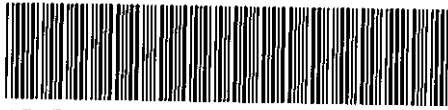




1261 460 MISC



12163 98 460-475

RICHARD M. TAKEFON
REGISTER OF DEEDS
DOUGLAS COUNTY, NE

98 AUG 31 AM 11:41

RECEIVED

THIS PAGE INCLUDED FOR INDEXING
PAGE DOWN FOR BALANCE OF INSTRUMENT

12163 51-42100
121053078
Twp _____ Co _____ Cadd _____
Dist _____ Sec _____ R _____

Return to: Robert H. Berger
307 So. 93rd Ave
Omaha, NE 68114

PARTIAL RELEASE AND AMENDMENT
TO PROTECTIVE COVENANTS AND EASEMENTS

THIS PARTIAL RELEASE AND AMENDMENT TO PROTECTIVE COVENANTS AND EASEMENTS, made on the date hereinafter set forth by the undersigned, owners of a majority of the lots comprising the real property hereinafter described,

WITNESSETH:

WHEREAS, certain Protective Covenants and Easements dated November 22, 1954,, running with the land on the real estate hereinafter described were recorded on the 23rd day of November, 1954, in Book 293 at Page 489 of the Miscellaneous Records in the Office of the Register of Deeds for Douglas County, Nebraska, to-wit:

Lots One [1] to Twelve [12], inclusive, Block One [1];
Lots One [1] to Ten [10], inclusive, Block Two [2];
Lots One [1] to Ten [10], inclusive, Block Three [3];
Lots One [1] to Ten [10], inclusive, Block four [4];
and Lots one [1] to Nine [9], inclusive, Block Five [5],
all in Westchester Second Edition, a subdivision, now
in addition to the City of Omaha, Douglas County,
Nebraska;

and,

WHEREAS, the undersigned, being the owners of a majority of said above-described lots desire to partially release and amend said Protective Covenants and Easement with respect to one of said lots only, viz., Lot Three [3], Block four [4], in said Westchester Second Addition, as hereinafter provided.

NOW, THEREFORE, the undersigned owners hereby declare that subparagraph [a] of Paragraph 6 of said Protective Covenants and Easements is hereby amended to provide that the minimum front yard building set-back line [excluding steps and unenclosed porch] for said Lot Three [3], Block Four [4], shall be changed from seventy-five [75'] feet to Fifty [50'] feet for that portion thereof on which an addition will be constructed to the existing single-family dwelling located on said Lot Three [3], Block Four [4], said addition to be Twenty-four [24'] feet in width.

Said Protective Covenants and Easements dated November 22, 1954, and recorded as aforesaid, shall be an hereby are declared to be and remain in full force and effect, except as herein specifically released and amended with respect to said Lot Three [3], Block Four [4], only.

IN WITNESS WHEREOF the undersigned, being the owners of a majority of said above-described lots, have executed this Partial Release and Amendment to said Protective Covenants and Easements on the dates hereinafter indicated.

Lot No.

Block No.

Name (s) of Owner (s)

4

1

Thomas A. Leary

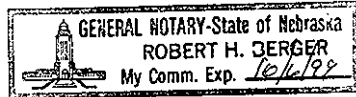
Marion H. Leary

STATE OF NEBRASKA)

) ss.

COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me on the 10 day of May, 1996, by Robert H. Berger, Tom AND MARION LEARY.



Robert H. Berger

Notary Public

My Commission Expires 10/6/99

Lot No.

Block No.

Name (s) of Owner (s)

1

1

Robert J. Jankowski

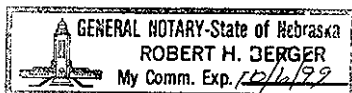
Debra Jankowski

STATE OF NEBRASKA)

) ss.

COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me on the 10 day of May, 1996, by Robert H. Berger of Dale Jankowski & Debra Jankowski



Robert H. Berger

Notary Public

My Commission Expires 10/6/99

Lot No. Block No.

 2 2

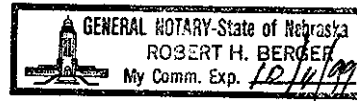
Name (s) of Owner (s)

Frances D. Kuncel
[Signature]

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me on the 24th day of August, 1998, by Robert H. BERGER of Frances D. Kuncel.

[Signature]
Notary Public
My Commission Expires 10/6/99



Lot No. Block No.

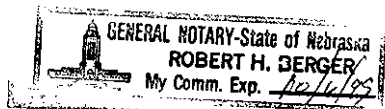
 1 2

Name (s) of Owner (s)

JOHN HORGAN
CATHERINE HORGAN

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me on the 10 day of May, 1998, by John Morgan And Catherine Morgan.



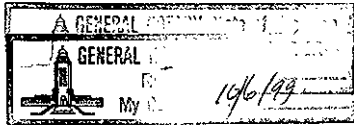
[Signature]
Notary Public
My Commission Expires 10/6/99

Lot No. 4 Block No. 2

Name (s) of Owner (s)
Nancy Fitzgerald
Edna W. Fitzgerald

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me on the 10 day of May, 1998, by Robert H. BERGER of Nancy And Ed Fitzgerald.



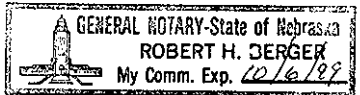
Robert H. Berger
Notary Public
My Commission Expires 10/6/99

Lot No. 3 Block No. 2

Name (s) of Owner (s)
Gertrude B. Crosby

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me on the 10 day of May, 1998, by Robert H. BERGER of Gertrude Crosby.



Robert H. Berger
Notary Public
My Commission Expires 10/6/99

Lot No.

Block No.

Name (s) of Owner (s)

7

2

x Wanda E. Brown

Marla C. Brown

STATE OF NEBRASKA)

) ss.

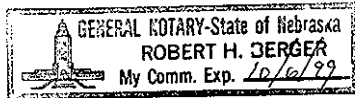
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me on the 10 day of May, 1996, by Robert H. Berger of Wanda E. and Marla Brown.

Robert H. Berger

Notary Public

My Commission Expires 10/6/99



Lot No.

Block No.

Name (s) of Owner (s)

6

2

David Pesavento

Pesavento

STATE OF NEBRASKA)

) ss.

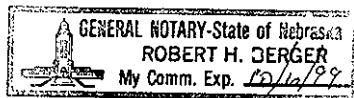
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me on the 10th day of May, 1996, by Robert H. Berger of David Pesavento.

Robert H. Berger

Notary Public

My Commission Expires 10/6/99



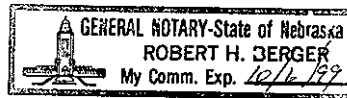
Lot No. Block No.
10 2

Name (s) of Owner (s)
Dorothy L. Cihal
Sandra Cihal

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me on the 10 day of May, 1998, by Robert H. BERGER of Don and Sandra Cihal.

Robert H. Berger
Notary Public
My Commission Expires 10/6/99



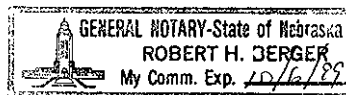
Lot No. Block No.
9 2

Name (s) of Owner (s)
Phyllis Riddle

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me on the 10 day of May, 1998, by Robert H. BERGER of Phyllis Riddle.

Robert H. Berger
Notary Public
My Commission Expires 10/6/99



Lot No. 3 Block No. 3

Name (s) of Owner (s)
N.P. Dodge Jr.
Kathleen C. Dodge

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me on the 10 day of May, 1998, by Robert H. Berger of N.P. Dodge And Kathleen Dodge

Robert H. Berger
Notary Public
My Commission Expires 10/6/99



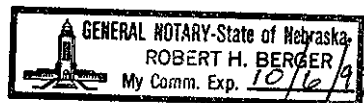
Lot No. 2 Block No. 3

Name (s) of Owner (s)
Mary Stephenson
Claudette M Stephenson

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me on the 24th day of August, 1998, by Robert H. BERGER of Mary and Claudette M. Stephenson

Robert H. Berger
Notary Public
My Commission Expires 10/6/99



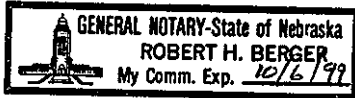
Lot No. 5 Block No. 3

Name (s) of Owner (s)

Ribalh Elias
Imy E. Guaso

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me on the 24th day of August, 1998, by Robert H. BERGER of Rich and Sheryl Chisac.



Robert H. Berger
Notary Public
My Commission Expires 10/6/99

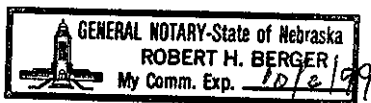
Lot No. 4 Block No. 3

Name (s) of Owner (s)

Tracy B. Kucorby

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me on the 24th day of August, 1998, by Robert H. Berger by Shirley Kucorby.



Robert H. Berger
Notary Public
My Commission Expires 10/6/99

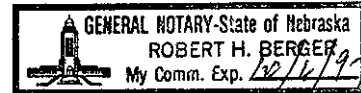
Lot No. 1 Block No. 3

Name (s) of Owner (s)
Thomas D Swanson
Deborah E Swanson

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me on the 24th day of August, 1998, by Robert H. BERGER of Tom and Deborah Swanson.

Robert H. Berger
Notary Public
My Commission Expires 10/16/99



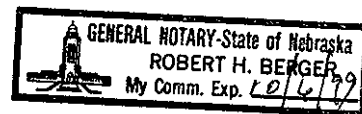
Lot No. 6 Block No. 3

Name (s) of Owner (s)
Colin Blasek
Elizabeth Blasek

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me on the 24th day of August, 1998, by Robert H. BERGER by Colin and Elizabeth Blasek.

Robert H. Berger
Notary Public
My Commission Expires 10/16/99



Lot No.
3

Block No.
4

Name [s] of Owner [s]

Robert H. Berger
Owner

Sharyl L. Berger
Owner

STATE OF NEBRASKA }
 } ss.
COUNTY OF DOUGLAS }

The foregoing instrument was acknowledged before me on the 26th day of May, 1998, by Robert H. & Sharyl L. Berger.

Robert H. Berger
Notary Public
My Commission Expires 10/6/99



Lot No.
2

Block No.
4

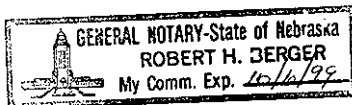
Name (s) of Owner (s)

Elizabeth B. Hanerck
John Hanerck

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me on the 10th day of May, 1998, by Robert H. Berger

Robert H. Berger
Notary Public
My Commission Expires 10/6/99



Lot No.

Block No.

Name (s) of Owner (s)

5

4

Donald R. Ostrom
Virginia A. Ostrom

STATE OF NEBRASKA)

) ss.

COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me on the 10 day of May, 1996, by Robert H. Berger.



Robert H. Berger
Notary Public
My Commission Expires 10/6/99

Lot No.

Block No.

Name (s) of Owner (s)

4

4

Edmille Ryan
Mark Ryan

STATE OF NEBRASKA)

) ss.

COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me on the 24th day of August, 1996, by Robert H. Berger.

Robert H. Berger
Notary Public
My Commission Expires 10/6/99



Lot No. 7 Block No. 4

Name (s) of Owner (s)
Robert & McArthur
Oliver E McArthur

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me on the 10 day of May, 1998, by Robert H. Berger



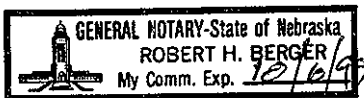
Notary Public
My Commission Expires 10/6/99

Lot No. 6 Block No. 4

Name (s) of Owner (s)
Kim Shehan
Chris Shehan

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me on the 24th day of August, 1998, by Robert H. BERGER



Robert H. Berger
Notary Public
My Commission Expires 10/6/99

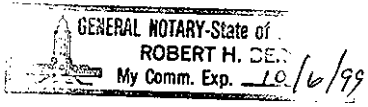
Lot No. Block No.
9 4

Name (s) of Owner (s)
Jennifer H Berger
JM Berger

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me on the 24th day of May, 1996, by Robert H Berger.

Robert H. Berger
Notary Public
My Commission Expires 10/6/99



Lot No. Block No.
8 4

Name (s) of Owner (s)
Coralyn J Kermit
Thomas J Kermit

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me on the 24 day of August, 1996, by Robert H Berger.

Robert H. Berger
Notary Public
My Commission Expires 10/6/99



Lot No.

Block No.

Name (s) of Owner (s)

1

5

John C Burke
Ronald Ernest Burke

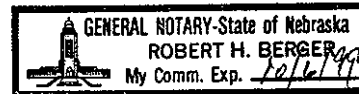
STATE OF NEBRASKA)

) ss.

COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me on the 24th day of August, 1996, by Robert H. BERGER

Robert H. Berger
Notary Public
My Commission Expires 10/6/99



Lot No.

Block No.

Name (s) of Owner (s)

10

4

Irish Ann

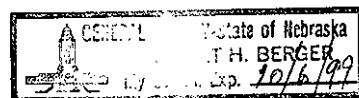
STATE OF NEBRASKA)

) ss.

COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me on the 24th day of August, 1996, by Robert H. BERGER

Robert H. Berger
Notary Public
My Commission Expires 10/6/99



Lot No.

Block No.

Name (s) of Owner (s)

6

5

Burt Brang
Carol Brang

STATE OF NEBRASKA)

) ss.

COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me on the 10 day of May, 1998, by 8

Robert H. Benz

GENERAL NOTARY-STATE OF NEBRASKA
ROBERT H. BENZ
My Comm. Exp. 10/6/99

Notary Public

My Commission Expires 10/6/99