

-PROTECTIVE COVENANTS-

This is to certify that the undersigned owners of the property described herein do hereby create, adopt, and establish the following restrictions and protective covenants upon and against the real estate described herein:

Lots 1 to 10, inclusive, Block 1, and Lots 1 to 10, inclusive, Block 8, Woods Brothers Thompson's Summit Addition; also Lots 1 to 12, inclusive, Block 2, and Lots 1 to 12, inclusive, Block 7, Woods Replat of Woods Brothers Thompson's Summit Addition to Lincoln, Lancaster County, Nebraska,

and to that end agree to amend and modify the protective covenants contained in an instrument dated May 17, 1945, and filed for record on May 19, 1945, in Book 25 at page 555 of the records of the office of the Register of Deeds of Lancaster County, Nebraska, to wit: The real estate covered by this instrument above described, and the parties owning the same are as follows, to wit:

1. C.W. Forburger and wife, Ethel Forburger, being the owners of Lots 1, 2, 3, 4, and 5, Block 1, Woods Brothers Thompson's Summit Addition to Lincoln, Lancaster County, Nebraska, and Lots 7 and 10, Block 8, Woods Brothers Thompson's Summit Addition to Lincoln, Lancaster County, Nebraska, and Lots 1, 2, 3, 4, 5, and 6, Block 2, Woods Replat of Woods Brothers Thompson's Summit Addition to Lincoln, Lancaster County, Nebraska, and Lots 3, 4, 5, and 6, Block 7, Woods Replat of Woods Brothers Thompson's Summit Addition to Lincoln, Lancaster County, Nebraska.
2. F. Pace Woods and wife, Olive Black Woods, being the owners of the following described property: Lot 9, Block 1, and Lots 1, 4, and 8, Block 8, Woods Brothers Thompson's Summit Addition to Lincoln, Lancaster County, Nebraska, and Lots 19, 20, 21, 22, 23, and 24, Block 2, and Lots 7, 9, 10, 11, and 12, Block 7, Woods Replat of Woods Brothers Thompson's Summit Addition to Lincoln, Lancaster County, Nebraska. Also Lot 5, Block 8, Woods Brothers Thompson's Summit Addition to Lincoln, Lancaster County, Nebraska.
3. Erwin E. Peterson and wife, Hazel Marie Peterson, being the owners of Lots 16, 17, and 18, Block 2, and Lots 1, 2, 13, 14, 15, 16, 17, and 18, Block 7, Woods Replat of Woods Brothers Thompson's Summit Addition to Lincoln, Lancaster County, Nebraska. Also Lot 2, Block 8, Woods Brothers Thompson's Summit Addition to Lincoln, Lancaster County, Nebraska.
4. Deane Jensen and wife, Ruth I. Jensen, being the owners of Lots 8, 9, 10, 11, and 12, Block 2, Woods Replat of Woods Brothers Thompson's Summit Addition to Lincoln, Lancaster County, Nebraska.
5. Ben Parker, Inc., Trustee, being the owner of Lot 6, Block 8, Woods Brothers Thompson's Summit Addition to Lincoln, Lancaster County, Nebraska, and Lots 7, 13, 14, and 15, Block 2, Woods Replat of Woods Brothers Thompson's Summit Addition to Lincoln, Lancaster County, Nebraska.
6. Lester J. Francisco and wife, Linda Francisco, being the owners of Lots 6, 7, and 8, Block 1, Woods Brothers Thompson's Summit Addition to Lincoln, Lancaster County, Nebraska.
7. Verne H. Payne and his wife, Flossie E. Payne, and L.T. Leslie and his wife, Lola B. Leslie, being the owners of Lot 10, Block 1, Woods Brothers Thompson's Summit Addition to Lincoln, Lancaster County, Nebraska.
- 7½. Robert L. Benton and his wife, Edith F. Benton, and Elvin L. Benton, single, being the owners of Lot 8, Block 7, Woods Replat of Woods Brothers Thompson's Summit Addition to Lincoln, Lancaster County, Nebraska.

Milo J. Jaslavsky, single; Alice Abbott and her husband, _____ Abbott; Alva Karrosky and husband, _____ Karrosky; John J. Jaslavsky and wife, _____ Jaslavsky, being the owners of lot 3, block _____, Woods Brothers Thompson's Summit Addition to Lincoln, Lancaster County, Nebraska.

Lawrence J. Michant and husband, Joseph J. Michant, being the owners of lot 3, block _____, Woods Brothers Thompson's Summit Addition to Lincoln, Lancaster County, Nebraska.

10. Carl Dunlin and _____ Dunlin, his wife, being the owners of lot 24, block _____, Woods Brothers Thompson's Summit Addition to Lincoln, Lancaster County, Nebraska.

11. W. J. Lappe Lumber Company, a corporation, being the owners of lots 19, 21, and 23, block _____, Woods Brothers Thompson's Summit Addition to Lincoln, Lancaster County, Nebraska.

12. John J. Hoyle and wife, Marie J. Hoyle, being the owners of lots 1 and 13, block _____, Woods Brothers Thompson's Summit Addition to Lincoln, Lancaster County, Nebraska.

13. The Commercial National Bank of Lincoln, being the holder of the mortgage on the real estate described in this instrument, hereby consents to this instrument being recorded in the public records of Lincoln, Nebraska.

All other conditions and restrictions of the _____ are hereby waived, to-wit:

1. All lots in this subdivision shall be used for residential purposes only. No commercial, industrial, or other non-residential use shall be permitted on any lot in this subdivision. No building in this subdivision shall be taller than 35 feet above the ground level. No building in this subdivision shall be more than two and one-half stories high.

2. No building shall be erected on any lot in this subdivision which is closer than 10 feet to the front lot line, nor closer than 5 feet to any side street line. No building, except a detached one-half building, shall be located nearer than 10 feet to the rear lot line, except in reference to the _____, block _____, Woods Brothers Thompson's Summit Addition to Lincoln, Lancaster County, Nebraska, a residential building shall be located at least 10 feet to the front lot line.

3. No residential structure shall be erected or placed on any building plot, which plot has an area of less than 400 square feet nor a width of less than 15 feet at the front building setback line, provided that lot 13, block _____, Woods Brothers Thompson's Summit Addition to Lincoln, Lancaster County, Nebraska, may be divided so that two residential structures may be placed thereon facing High Street, at the option of the owner of the same.

4. No noxious or offensive trade or activity shall be carried on any lot nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

5. No persons of any race other than the Caucasian race shall use or occupy any building or any lot, except that this covenant shall not prevent occupancy by domestic servants of a different race domiciled with an owner or tenant.
6. No trailer, basement, tent, shack, garage, barn or other outbuilding erected in the tract shall at any time be used as a residence temporarily or permanently nor shall any structure of a temporary character be used as a residence. No building shall be moved on to said lots, except that buildings erected upon any lot or lots above described may be moved to any of the other lots above described.
7. An easement is reserved over the rear five feet of each lot for utility installation and maintenance.
8. The foregoing restrictions are to run with the land and shall be binding upon the undersigned, their heirs, executors, administrators, and assigns and all persons who shall in any manner become the owner or owners of any of said lots until January 1, 1971, at which time the foregoing restrictions shall terminate.
9. In the event that any person shall violate or attempt to violate any of the foregoing restrictions prior to January 1, 1971, it shall be lawful for any other person or persons owning any of said lots to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such restriction and prevent him or them from so doing or recover damages for such violation.

Each of the parties hereto agrees that the above and foregoing shall be the restrictions and protective covenants instead of any heretofore established thereon.

IN WITNESS WHEREOF, we have hereunto subscribed our names.

Lester J. Francisco
Lester J. Francisco

Linda Francisco
Linda Francisco

Verne H. Payne
Verne H. Payne

Thosie E. Payne
Payne

L. T. Leslie
L. T. Leslie

Lola B. Leslie
Leslie

Milo C. Caslavsky
Milo C. Caslavsky

No wife
Caslavsky

Alice Abbott
Abbott

C. W. Forburger
C. W. Forburger

Ethel Forburger
Ethel Forburger

F. Face Woods
F. Face Woods

Olive Black Woods
Olive Black Woods

Erwin E. Peterson
Erwin E. Peterson

Mazel Marie Peterson
Mazel Marie Peterson

Deane Jensen
Deane Jensen

Ruth I. Jensen
Ruth I. Jensen

Boyer Banker, Inc. Trustee
Boyer Banker, Inc. Trustee.

Carl Sundin
Carl Sundin
Mrs Laura Sundin
Sundin

Olga Karrosky
Karrosky

W.F. Hoppe Lumber Co.
a corp.
By John L. Hoppe
John L. Hoppe
Claire R. Hoppe
Hoppe

John C. Caslavsky
Caslavsky

The Continental National Bank
By Edward A. Becker Vice Pres.

Lourene B. Wishart
Joseph S. Wishart
Robert L. Benton
Robert L. Benton
Edith J. Benton
Benton
Chin L. Benton

AFFIDAVIT

I, David Haecker, do certify that the attached instrument or instruments herein referred to were signed by me personally; that I received no remuneration of any kind or name of kind from any of the signers, but acted as an agent of the joint land-owners whose signatures are affixed hereto.
Signed this 9th day of July, 1946.

In the presence of:
Paul Woods

David Haecker

State of Nebraska,
Lancaster County

ss. On this 9th day of July, A.D. 1946, before me, the undersigned, Notary Public duly commissioned and qualified for and residing in said County, personally came DAVID HAECCKER, to me known to be the identical person whose name is affixed to the above Affidavit and Acknowledgment, and he declared to me his voluntary act and deed.



Witness my hand and Notarial Seal this day and year last above written.
G. Anderson
Notary Public.

My Commission expires the 1st day of May, 1947.

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GENERAL *Misc* 18-228-2-5
COMPARED
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GENERAL
COMPARED 18-23⁴⁹-228
PAGED

STATE OF NEBRASKA }
Lancaster County } ss.
Entered on Numerical Index and
filed for record in the Register of
Deeds Office of said County the
10th day of July 1946
at 1st P.M. and recorded in
Book 29 of *Misc*
at page 325
J. G. Vaughan Register of Deeds
Deputy
\$4.50

STATE OF NEBRASKA }
Lancaster County } ss.
Entered on Numerical Index and
filed for record in the Register of
Deeds Office of said County the
3rd day of October 1946
at 3 o'clock and 45
minutes P.M. and recorded in
Book of
at page
J. G. Vaughan Register of Deeds
Deputy
\$4.50

Milo S. Caslavsky, single; Alice Abbott and her husband, _____ Abbott; Alma Karrosky and Barbara Karrosky; John S. Caslavsky and wife, _____ Caslavsky, being the owners of lot 7, block _____ Woods Brothers Thompson's Summit Addition to Lincoln, Lancaster County, Nebraska.

Lois and husband, Joseph, being the owners of lot 8, block _____ Woods Brothers Thompson's Summit Addition to Lincoln, Lancaster County, Nebraska.

17. Carl Junlin and _____ Junlin, his wife, being the owners of lot 24, block _____ Woods Brothers Thompson's Summit Addition to Lincoln, Lancaster County, Nebraska.

18. J. J. Leppa Lumber Company, a corporation, being the owners of lots 19, 21, and 27, block _____ Woods Brothers Thompson's Summit Addition to Lincoln, Lancaster County, Nebraska.

19. John J. Leppa and wife, Marie J. Leppa, being the owners of lots 20 and 22, block _____ Woods Brothers Thompson's Summit Addition to Lincoln, Lancaster County, Nebraska.

20. The Commercial National Bank of Omaha, being the holder of a mortgage on part of the real estate described in this instrument, hereby certifies that this instrument is a true and correct copy of the original as recorded in the public records of the County of Lancaster, Nebraska.

21. All rights in and to the above described real estate shall be subject to the following conditions:

a. All lots in this subdivision shall be used for residential purposes only. No commercial, industrial, or other non-residential structures shall be erected on any lot in this subdivision. The minimum height of any structure shall be two and one-half stories.

b. No building shall be erected on any residential lot which is narrower than 30 feet, the rear lot line, nor nearer than 10 feet to any side street line. No building shall be erected on any residential lot which is less than 30 feet or more than 10 feet from the rear lot line, shall be located nearer than 10 feet to any side lot line, except in reference to the 10 feet inclusive, block 4, Woods Brothers Thompson's Summit Addition to Lincoln, Lancaster County, Nebraska, a residential building shall be located at least 10 feet to the front lot line.

c. No residential structure shall be erected or placed on any building plot, which plot has an area of less than 2000 square feet nor a width of less than 40 feet at the front building setback line, provided that lot 10, block _____ Woods Brothers Thompson's Summit Addition to Lincoln, Lancaster County, Nebraska, may be divided so that two residential structures may be placed thereon facing 11th Street, at the option of the owner of the same.

4. No noxious or offensive trade or activity shall be carried on any lot nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.