

STATE OF IOWA Pottawattamie County,
Filed for record the 7 day of Feb.
1935 at 11:35 o'clock and recorded
in book 83 page 11262

COMPARED

Jul 12th

6174

John Scirtino
Recorder
William Smith
Deputy

AGREEMENT

WHEREAS, all of the undersigned have an interest as owner of one or more Lots in Musical Hills Subdivision, a Subdivision in Pottawattamie County, Iowa, and all of said Lots are subject to certain protective covenants, conditions, restrictions and easements which have become burdensome and inequitable as to Lot 3 for the reason that the dwelling house located on said Lot is nearer than 35 feet to the front Lot line and was so located at the time said Subdivision was platted and by reason of that fact said Lot with the dwelling house already erected on it is not readily saleable but can be made more readily saleable if all of the owners of Lots in said Musical Hills Subdivision agree that said protective covenants, conditions, restrictions and easements are modified to exclude the present dwelling house structure in the event the same is required to be rebuilt or re-erected at or near the same location at anytime in the future while said protective covenants, conditions, restrictions and easements are in effect,

NOW, THEREFORE, IT IS MUTUALLY AGREED by and between the undersigned owners, being all of the owners of Musical Hills Subdivision, a Subdivision in Pottawattamie County, Iowa, for and in consideration of their mutual benefits, One Dollar and other valuable considerations, to, and they do hereby release

Lot 3, Musical Hills Subdivision, a Subdivision in Pottawattamie County, Iowa,

from the following restriction:

2. No dwelling shall be erected on any residential building plot nearer than 35 feet to the front Lot line, nor nearer than 5 feet to any side Lot line. The side line restrictions shall not apply to a garage located on the rear one-quarter of a Lot, except that on corner Lots no structure shall be permitted nearer than 15 feet to the side Lot line,

and we, and each of us, do hereby abrogate, terminate, cancel and annul said restriction insofar as the same applies to the said Lot 3, Musical Hills Subdivision, a Subdivision in Pottawattamie County, Iowa.

COMPARED

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Dated this 21st day of December, 1982.

Royce C Swain

Royce Swain.

Stephen Francis Swain

~~Stephen Francis Swain~~

Stephen Francis Swain.

Richard R. Rash

Richard R. Rash.

Diane K. Rash

Diane K. Rash.

Jim A. Morgan

Jim A. Morgan.

Peggi Jo Morgan

Peggi Jo Morgan.

James F. Dolezal

James F. Dolezal.

Patricia J. Dolezal

Patricia J. Dolezal.

Kent Swain

Kent William Swain.

O. Philip Strohn

O. Philip Strohn.

Brenda C. Strohn

Brenda C. Strohn.

Louis G. Mayberry

Louis G. Mayberry.

Patsy L. Mayberry

Patsy L. Mayberry.

83 11263

COMPARED

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STATE OF IOWA)
) SS
POTTAWATTAMIE COUNTY)

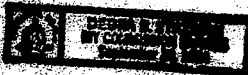
On this 4th day of February, 1983, before me the undersigned notary public, personally appeared Jim A. Morgan and Peggi Jo Morgan, husband and wife, to me known to be the persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.



Debra S. Stinson
Notary Public in the State of Iowa.

STATE OF IOWA)
) SS
POTTAWATTAMIE COUNTY)

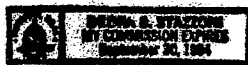
On this 4 day of February, 1983, before me the undersigned notary public, personally appeared James F. Dolezal and Patricia J. Dolezal, husband and wife, to me known to be the persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.



Debra S. Stinson
Notary Public in the State of Iowa.

STATE OF IOWA)
) SS
POTTAWATTAMIE COUNTY)

On this 4th day of February, 1983, before me the undersigned notary public, personally appeared O. Philip Strohbehn and Brenda C. Strohbehn, husband and wife, to me known to be the persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.



Debra S. Stinson
Notary Public in the State of Iowa.

STATE OF IOWA)
) SS
POTTAWATTAMIE COUNTY)

On this 4th day of February, 1983, before me the undersigned notary public, personally appeared Louis G. Mayberry and Patsy L. Mayberry, husband and wife, to me known to be the persons named in and who executed the foregoing instrument, and acknowledged that they executed the same as their voluntary act and deed.



Debra S. Stinson
Notary Public in the State of Iowa.

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COMPARED

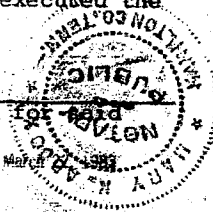
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STATE OF Louisiana)
) SS
COUNTY OF Hamilton)

On this 28 day of January, 1983, before me the undersigned notary public personally appeared Royce Swain, unmarried, to me known to be the person named in and who executed the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.

Mary K. Adams
Notary Public in and for said
County and State.

My Commission Expires March 1983



STATE OF Nebraska)
) SS
COUNTY OF Lincoln)

On this 29 day of December, 1982, before me the undersigned notary public personally appeared Richard R. Rash and Diane K. Rash, husband and wife, to me known to be the persons named in and who executed the foregoing instrument, and acknowledge that they executed the same as their voluntary act and deed.

Marilyn A. Phipps
Notary Public in and for said
County and State.



STATE OF California)
) SS
COUNTY OF Los Angeles)

On this 13th day of January, 1983, before me the undersigned notary public personally appeared Stephen Francis Swain, single, to me known to be the person named in and who executed the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.

Ruth E. Anderson
Notary Public in and for said
County and State. RUTH E. ANDERSON



STATE OF Iowa)
) SS
COUNTY OF Pottawattamie)

On this 4th day of February, 1983, before me the undersigned notary public personally appeared Kent William Swain, single, to me known to be the person named in and who executed the foregoing instrument, and acknowledged that he executed the same as his voluntary act and deed.

Debra E. Stinson
Notary Public in and for said
County and State.

