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Deb Houghtaling

Pages: 6

COUNTY CLERK/REGISTER OF DEEDS

By: PM

Submitter: TITLECORE NATIONAL, LLC

S-File



AMD

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220 N. 89<sup>th</sup> Street, Suite 201  
Omaha, NE 68114

**THIRD AMENDMENT TO  
DECLARATION OF COVENANTS, CONDITIONS,  
RESTRICTIONS AND EASEMENTS  
FOR 370 NORTH**

THIS THIRD AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR 370 NORTH ("Declaration") is made effective on this 20<sup>th</sup> day of December, 2021, by Dowd Grain Company, Inc., a Nebraska corporation, TKA Properties, LLP, a Nebraska limited liability partnership, and NEXGEN RE, LLC, a Nebraska limited liability company, and shall pertain to and be recorded against the real property legally described as follows:

Lots 1 through 7, Lots 10 and 11, Lot 14, Lots 16 and 17, Outlots A and B, 370 North being a platting of Tax Lot 5 and part of the South 1/2 of the SE 1/4 all in the South 1/2 of Section 26, T14N, R11E of the 6<sup>th</sup> P.M., a subdivision, as surveyed, platted and recorded in Sarpy County, Nebraska.

Lots 1 and 2, 370 North Replat One, a Subdivision in Sarpy County, Nebraska, being a replatting of Lots 8 and 9, 370 North, a Subdivision in Sarpy County, Nebraska.

Lots 2 through 7, 370 North Replat Two, a Subdivision in Sarpy County, Nebraska, being a replatting of Lot 15, 370 North, a Subdivision in Sarpy County, Nebraska.

Outlots "A" and "B", 370 North Replat Three, a Subdivision in Sarpy County, Nebraska, being a replatting of Outlots "A" and "B", 370 North, 370 North, a Subdivision in Sarpy County, Nebraska.

Lot 1 and Outlot "A", 370 North Replat Four, a Subdivision in Sarpy County, Nebraska, being a replatting of Lot 1, 370 North Replat Two, a Subdivision in Sarpy County, Nebraska and Outlot "E", 370 North, a Subdivision in Sarpy County, Nebraska.

Lots 1 and 2, 370 North Replat Five, a Subdivision in Sarpy County, Nebraska, being a replatting of Lots 12 and 13, 370 North, a Subdivision in Sarpy County, Nebraska.

## RECITALS

WHEREAS, the Declaration of Covenants, Conditions, Restrictions and Easements for 370 North dated June 19, 2017 was recorded on June 21, 2017 at Instrument No. 2017-14411 in the Records of the Sarpy County Register of Deeds (the "Original Covenants"), which was recorded against the following real property:

Lots 1 through 17 and Outlots A through E, 370 North being a platting of Tax Lot 5 and part of the South 1/2 of the SE 1/4 all in the South 1/2 of Section 26, T14N, R11E of the 6<sup>th</sup> P.M., a subdivision, as surveyed, platted and recorded in Sarpy County, Nebraska

WHEREAS, on or about April 29, 2019, 370 North Replat One was recorded as Instrument No. 2019-08230 in the Office of the Sarpy County Register of Deeds; said 370 North Replat One being a replatting of Lots 8 and 9, 370 North, a Subdivision in Sarpy County, Nebraska; and

WHEREAS, on or about June 4, 2019, 370 North Replat Two was recorded as Instrument No. 2019-11393 in the Office of the Sarpy County Register of Deeds; said 370 North Replat Two being a replatting of Lot 15, 370 North, a Subdivision in Sarpy County, Nebraska; and

WHEREAS, on or about July 2, 2019, 370 North Replat Three was recorded as Instrument No. 2019-14136 in the Office of the Sarpy County Register of Deeds; said 370 North Replat Two being a replatting of Outlots "C" and "D", 370 North, a Subdivision in Sarpy County, Nebraska; and

WHEREAS, a Corrective Affidavit dated September 18, 2019 was recorded on September 23, 2019 at Instrument No. 2019-22528 in the Records of the Sarpy County Register of Deeds (the "Corrective Affidavit"); and

WHEREAS, an Amendment to Covenants dated September 18, 2019 was recorded on September 23, 2019 at Instrument No. 2019-22529 in the Records of the Sarpy County Register of Deeds (the "First Amendment to Covenants"); and

WHEREAS, on or about March 16, 2021, 370 North Replat Four was recorded as Instrument No. 2021-10115 in the Office of the Sarpy County Register of Deeds; said 370 North Replat Four being a replatting of Lot 1, 370 North Replat Two, a Subdivision in Sarpy County, Nebraska and Outlot "E", 370 North, a Subdivision in Sarpy County, Nebraska; and

WHEREAS, on or about March 29, 2021, a Second Amendment to Covenants was recorded at Instrument No. 2021-11998 in the Records of the Sarpy County Register of Deeds (the "Second Amendment to Covenants"); and

WHEREAS, on or about September 17, 2021, 370 North Replat Five was recorded as Instrument No. 2021-35352 in the Office of the Sarpy County Register of Deeds; said 370 North Replat One being a replatting of Lots 12 and 13, 370 North, a Subdivision in Sarpy County, Nebraska; and

WHEREAS, the Original Covenants, the Corrective Affidavit, the First Amendment to Covenants and the Second Amendment to Covenants shall be collectively referred to herein the "Covenants"; and

WHEREAS, pursuant to Section 13.2 of the Covenants, the Covenants or any provisions thereof, may be terminated, modified, or amended with respect to all or any portion of 370 North, by a vote of all Owners holding at least 2/3rds of the memberships in the Association; and

WHEREAS, the Owners holding in excess of 2/3rds of the memberships in the Association have voted to approve this Third Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for 370 North; and

WHEREAS, the Owners holding in excess of 2/3rds of the memberships in the Association have executed this Third Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for 370 North.

NOW, THEREFORE, in consideration of the following covenants and conditions the parties agree as follows:

1. As a result of Replats One, Two, Three, Four and Five, a revised Exhibit "B" to the Declaration has been prepared and which is attached hereto and incorporated herein by this reference. The revised Exhibit "B" shall be and become Exhibit "B" to the Declaration for all purposes set forth in the Declaration.

2. Exhibit "B" to the Declaration may be amended to reflect future replats by the Declarant alone.

3. Provisions Not Amended. All provisions of the Covenants not herein amended shall remain in full force and effect.

4. Conflict. In the event of a conflict between the terms of this Third Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for 370 North, the Corrective Affidavit, the First Amendment or the Second Amendment, the terms of this Third Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for 370 North shall control.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the parties have executed this Third Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for 370 North as of the day and year first above written.

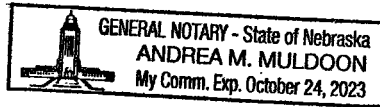
DOWD GRAIN COMPANY, INC.,  
a Nebraska corporation

By: *[Signature]*  
Its: *[Signature]*

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF DOUGLAS )

Before me, the undersigned Notary Public in and for said county and state, appeared Duane J. Dowd, President of Dowd Grain Company, Inc., a Nebraska corporation, known to me to be the identical person who executed the above instrument and acknowledged the execution thereof to be his voluntary act and deed on behalf of said corporation.

WITNESS my hand and Notarial Seal this 20<sup>th</sup> day of December, 2021.



*[Signature]*  
Notary Public

TKA PROPERTIES, LLP  
a Nebraska limited liability partnership

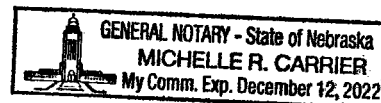
By: *[Signature]*  
Its: *[Signature]*

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF DOUGLAS )

*Smiley Anderson, Authorized* Before me, the undersigned Notary Public in and for said county and state, appeared *Smiley Anderson, Authorized* of TKA Properties, LLP, a Nebraska limited liability partnership, known to me to be the identical person who executed the above instrument and acknowledged the execution thereof to be his voluntary act and deed on behalf of said limited liability partnership.

WITNESS my hand and Notarial Seal this 16<sup>th</sup> day of December, 2021.

*[Signature]*  
Notary Public





**EXHIBIT "B"**  
**TO**  
**DECLARATION OF COVENANTS, CONDITIONS,**  
**RESTRICTIONS AND EASEMENTS**  
**FOR 370 NORTH**

**NET ACRES AND MEMBERSHIPS**

<b>LOT NUMBER</b>	<b>NET ACRES</b>	<b>MEMBERSHIPS</b>
1	2.413	2.413
2	1.000	1.000
3	1.000	1.000
4	1.000	1.000
5	1.000	1.000
6	1.000	1.000
7	2.017	2.017
10	13.000	13.000
11	13.000	13.000
14	7.000	7.000
16	1.000	1.000
17	1.000	1.000
Lot 1, Replat One	13.128	13.128
Lot 2, Replat One	6.436	6.436
Lot 2, Replat Two	3.058	3.058
Lot 3, Replat Two	3.354	3.354
Lot 4, Replat Two	2.127	2.127
Lot 5, Replat Two	1.147	1.147
Lot 6, Replat Two	1.147	1.147
Lot 7, Replat Two	1.996	1.996
Lot 1, Replat Four	19.959	19.959
Lot 1, Replat Five	11.661	11.661
Lot 2, Replat Five	9.095	9.095
<b>TOTALS:</b>	<b>117.538</b>	<b>117.538</b>