



MISC 2006083816



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**FIRST AMENDMENT TO THE
DECLARATION OF COVENANTS, CONDITIONS,
RESTRICTIONS AND EASEMENTS
OF ARBOR GATE**

Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE
7/25/2006 13:21:09.17



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THIS FIRST AMENDMENT is made by HEARTHSTONE HOMES , INC., assignee of Declarant's rights, hereinafter referred to as the "Declarant," and made to the Declaration of Covenants, Conditions, Restrictions and Easements of Arbor Gate, a subdivision in Douglas County, Nebraska, dated January 9, 2006 and recorded as Document No. 2006002759 in the Miscellaneous Records of the Register of Deeds of Douglas County, Nebraska on January 9, 2006 (hereinafter referred to as the "Declaration").

PRELIMINARY STATEMENT

Article IV, Paragraph 2 of the Declaration provides that the covenants and restrictions of the Declaration may be amended by the Declarant for a period of 10 years following January 9, 2006.

NOW, THEREFORE, Declarant hereby declares that the Declaration of Covenants, Conditions, Restrictions and Easements of Arbor Gate, a subdivision in Douglas County, Nebraska, dated January 6, 2006 and recorded as Document No. 2006002759 in the Miscellaneous Records of the Register of Deeds of Douglas County, Nebraska on January 9, 2006, should be and hereby are amended in the following manner:

1. By deleting therefrom the legal description in the Preliminary Statement and adding in its place and stead the following:

Lot 1 thru 23, inclusive; Lots 26 thru 69, inclusive; Lots 72 thru 399, inclusive; Lots 401 thru 468, inclusive; and Outlots "A", "B", "C" and "D", all in Arbor Gate, and Lots 1 thru 5, inclusive; and, Outlot "A", all in Arbor Gate Replat One, all as surveyed, platted and recorded in Douglas County, Nebraska.

All other terms of said Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, the Declarant has caused these presents to be executed this 24 day of July 2006.

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DEL _____ SCAN _____ FV _____

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HEARTHSTONE HOMES, INC., "Declarant" by virtue of assignment,

By: [Signature]
John J. Smith, President

Consented to this 24 day of July 2006.

BOYER YOUNG EQUITIES III, L.L.C.,
DECLARANT, Assignor:

By: Boyer Young Development Company, as
Administrative Member,

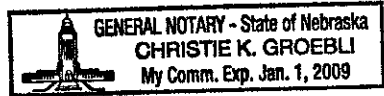
By: [Signature]
Timothy W. Young, President

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was signed before me this 24th day of July 2006, by John J. Smith, President of HearthStone Homes, Inc., a Nebraska corporation, to me known to be the identical person named in and who executed the foregoing instrument and acknowledged that he executed the same as his voluntary act and deed on behalf of said corporation.

[Signature]
Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)



The foregoing instrument was acknowledged before me, a Notary Public in and for said state and county, this 24 day of July 2006 by Timothy W. Young, as President of Boyer Young Development Company as Administrative Member of Boyer Young Equities III, L.L.C., a Nebraska limited liability company, a person known to me who acknowledged the same to be his/her voluntary act and deed on behalf of said entity.

[Signature]
Notary Public

