

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

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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 _______2006.

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

Consented to this <u>Ju</u> day of <u></u>	By: John J. Smith, President 2006. BOYER YOUNG EQUITIES III, L.L.C., DECLARANT, Assignor: By: Boyer Young Development Company, as
	Administrative Member, By: Low Sure Timothy W. Young, President
STATE OF NEBRASKA	
COUNTY OF DOUGLAS)	
John J. Smith, President of HearthStone Ho	ed before me this 14 day of July 2006, by mes, Inc., a Nebraska corporation, to me known to be the ted the foregoing instrument and acknowledged that he deed on behalf of said corporation. Output Notary Public
STATE OF NEBRASKA)	SS. GENERAL NOTARY - State of Nebraska
COUNTY OF DOUGLAS)	CHRISTIE K. GROEBLI My Comm. Exp. Jan. 1, 2009
county, this 24 day of 4 2 Development Company as Administrative M	wledged before me, a Notary Public in and for said state and 2006 by Timothy W. Young, as President of Boyer Young Member of Boyer Young Equities III, L.L.C., a Nebraska o me who acknowledged the same to be his/her voluntary
·	Rinda K. Ruma
GENERAL NOTARY - State of Nebr LINDA K. RUMA My Comm. Exp. Dec. 8, 2009	

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