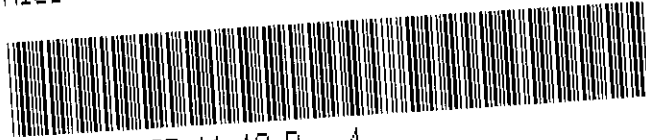




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Received - DIANE L. BATTIATO  
Register of Deeds, Douglas County, NE  
1/5/2005 11:18:57.15



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14 DEL \_\_\_\_\_ SCAN \_\_\_\_\_ FV \_\_\_\_\_

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16

Prepared by and return to:

James D. Thornton  
Thornton & Associates, PLC  
4701 Cox Road, Suite 207  
Glen Allen, Virginia 23060

**AMENDMENT TO DECLARATION  
OF COVENANTS, CONDITIONS, RESTRICTIONS,  
AND EASEMENTS**

**THIS AMENDMENT** (the "Amendment") is dated as of December 31, 2004, by **WEST DODGE PLACE, L.L.C.**, a Nebraska limited liability company ("Delcarant").

WITNESSETH:

**Recitals**

Declarant executed and recorded a Declaration of Covenants, Conditions, Restrictions and Easements, dated September 4, 2003, recorded in the Douglas County, Nebraska, Register of Deeds Office (the "Land Records") on April 5, 2004 as Instrument Number 2004042571 (the "Declaration").

Pursuant to Section 15.7 of the Declaration, Declarant reserved the right to amend the Plat, as defined in the Declaration. Declarant has recorded an amendment to the Plat (the "Amended Plat") dated May 3, 2004 prepared by Thompson, Dreessen & Dornier, Inc., entitled "West Dodge Place Replat 2," such Amended Plat having been recorded in the Land Records as Instrument Number 2004122178.

**Amendment**

NOW, THEREFORE, for in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Parties, the Parties agree as follows.

1. Recitals, Definitions. The Recitals above are a material part of this Amendment and are hereby incorporated as if fully set forth herein. Capitalized terms used and not defined herein shall have the meanings assigned to such terms in the Declaration.
2. Amendment to Plat. The Plat is hereby amended as set forth on the Amended Plat, and the real property shown on the Amended Plat is hereby declared to be a part of the Property, and to be subject to, and to benefit from, the terms, conditions, restrictions, and easements set forth in the Declaration. The land shown on the Amended Plat shall be owned, held, transferred, sold, leased, conveyed, developed, used, occupied, operated, improved, and mortgaged or otherwise encumbered subject to the provisions of the Declaration.

3. Designation of Lots.

(a) Section 1.5 of the Declaration is hereby deleted and replaced with the following:

1.5 Auto Park Lots. "Auto Park Lots" shall mean and refer to (i) Lots 5 and 6 in West Dodge Place, a subdivision as surveyed, platted, and recorded in Douglas County, Nebraska, and all combinations or subdivisions thereof, (ii) Lot 1, West Dodge Place Replat, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska, and all combinations or subdivisions thereof, and (iii) Lots 1 through 4, inclusive, West Dodge Place Replat 2, a subdivision as surveyed, platted, and recorded in Douglas County, Nebraska, and all combinations or subdivisions thereof.

(b) The first sentence of Section 1.15 of the Declaration is hereby deleted and replaced with the following:

"Lot" or "Lots" shall mean Lots 5 and 6, West Dodge Place, Lots 1 through 7, inclusive, West Dodge Place Replat, and Lots 1 through 7, 4 inclusive, West Dodge Place Replat 2, or any subsequent administrative subdivision, replat, revision, or amendment thereof.  
*and Lot 1 West Dodge Replat 4*

*OC-42354*  
*OC-42358 Rep*  
*OC-42359 Rep 2*  
*OC-42380 Rep 4*

4. Successors and Assigns. This Amendment shall run with the Property and shall be binding on the Owners of the Property for so long as the Property is burdened by the Declaration.

[Signature Follows]

IN WITNESS WHEREOF, this Amendment has been executed as of the date first set forth above.

WEST DODGE PLACE, L.L.C., a Nebraska limited liability company

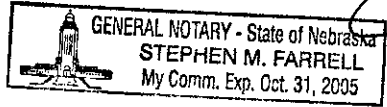
By: Talton K. Anderson  
Talton K. Anderson  
Manager

STATE OF NEBRASKA

CITY/COUNTY OF Douglas

This instrument was acknowledged before me on the 31<sup>st</sup> day of December, 2004, by Talton K. Anderson, who is Manager of West Dodge Place, L.L.C., a Nebraska limited liability company, on behalf of said limited liability company.

Stephen M. Farrell  
Notary Public



\_\_\_\_\_  
Printed Name

My commission expires: \_\_\_\_\_