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## THIRD AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS OF PLUM CREEK, A SUBDIVISION IN SARPY COUNTY, NEBRASKA

This Third Amendment to Declaration is made to the Declaration of Covenants, Conditions, Restrictions and Easements of Plum Creek, a subdivision in Sarpy County, Nebraska, dated August 11, 1995, and recorded as Instrument No. 95-13031 through 13031M of the Register of Deeds of Sarpy County, Nebraska (the 'Declaration') as amended by the First Amendment to Declaration of Covenants, Conditions, Restriction, and Easements of Plum Creek, a subdivision in Sarpy County, Nebraska, dated February 20, 1996, and recorded on February 29, 1996, as Instrument No. 9603805 through 03805C of the Register of Deeds of Sarpy County, Nebraska (the 'First Amendment to Declaration') and as amended by the Second Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for Plum Creek, a subdivision in Sarpy County, Nebraska, dated November 30, 1997, and recorded December 5, 1997, as Instrument No. 97-027573 through 027573B of the Register of Deeds of Sarpy County, Nebraska (the 'Second Amendment to Declaration') by PLUM CREEK, L.L.C., a Nebraska limited liability company ('Declarant').

## **PRELIMINARY STATEMENT**

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A. The Declaration was made by Declarant in connection with the development of residential lots in Plum Creek, a subdivision, as surveyed, platted and recorded in Sarpy County, Nebraska ('Plum Creek'). Certain lots of Plum Creek which are subject to the Declaration have been replatted and, due to the various replatting, the lots encumbered by the Declaration are now legally described as follows (the "Declaration Lots"):

Lots 1 through 20, inclusive, Lots 24 through 28, inclusive, Lot 29A, Lot 30A, Lot 31 through 113, inclusive, and Lots 115 through 134, inclusive, in Plum Creek, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska.

B. Lots 24 and 25, Plum Creek, have been replatted, along with Lots 22 and 23, Plum Creek, into Lots 1 through 15, inclusive, Plum Creek Replat 4, a subdivision as surveyed, platted, and recorded in Sarpy County, Nebraska.

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- C. Declarant desires to amend the Declaration for purposes of excluding Lots 24 and 25, Plum Creek, which have been replatted, in part, into Lots 1 through 15, inclusive, Plum Creek Replat 4, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska.
- D. Declarant is the owner of additional residential lots adjacent to the Declaration Lots, which are legally described as follows:

Lots 135 through 264, inclusive, in Plum Creek, Second Platting, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska (the "Additional Lots").

- E. Declarant desires to provide for the preservation of the values and amenities of the Additional Lots, and for the maintenance of the character and residential integrity of the Additional Lots by encumbering and subjecting the Additional Lots to the covenants, conditions, restriction and easements set forth in the Declaration.
- F. Declarant desires to amend the Declaration for purposes of including the Additional Lots as 'Lots' subject to the Declaration and subject to each and all of the covenants, restrictions and easements as set forth in the Declaration.
  - G. Article V, Paragraph 2 of the Declaration provides as follows:

The covenants and restrictions of this Declaration shall run with and bind the land in perpetuity. This Declaration may be amended by Declarant, or any person, firm, corporation, partnership, or entity designated in writing by Declarant, in any manner which it may determine in its full and absolute discretion for a period of five (5) years from the date hereof. Thereafter, this Declaration may be amended by an instrument signed by the owners of not less than seventy-five percent (75%) of the Lots covered by this Declaration. Provided, however, that the provisions of Article I, Paragraph 21 shall not be amended or changed by Declarant, any person, firm, corporation, partnership or entity designated in writing by Declarant, or seventy-five percent (75%) of the owners of the Lots.

H. Declarant has investigated the effect which the proposed amendments to the Declaration would have on the Lots as defined in the Declaration and has concluded that the amendments would further the preservation of Plum Creek, will further the maintenance of the character and residential integrity of Plum Creek, and further the benefits and protections afforded to the Lots by the Declaration.

NOW, THEREFORE, pursuant to the authority granted to the Declarant in Article V, Paragraph 2 of the Declaration, Declarant hereby amends and supplements the Declaration as follows:

1. Lots 24 and 25, Plum Creek, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska, shall no longer be restricted or encumbered by the Declaration.

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2. Lots 135 through 264, inclusive, Plum Creek, Second Platting, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska, shall be subject to the Declaration and to each and all of the covenants, conditions, restrictions, and easements as set forth in the Declaration, and shall hereby be deemed to be 'Lots' as such term is defined in the Declaration.

3. The Declaration is in all other matters ratified and affirmed.
4. Invalidation of any covenant by judgment or court order shall in no way affect any of the other provisions hereof, which shall remain in full force and effect.
The Declarant has executed this Third Amendment to Declaration as of this thin day of April, 1998.
PLUM CREEK, L.L.C., a Nebraska limited liability company, 'Declarant'
By:
By: Mariager
Manager
STATE OF NEBRASKA )
) ss: COUNTY OF DOUGLAS )
The foregoing instrument was acknowledged before me this 15 <sup>4h</sup> day of April, 1998, by PAUL McCUNE, Manager of PLUM CREEK, L.L.C., a Nebraska limited liability company, on behalf of the company.
GENERAL NOTARY-State of Nebraska MARY F. GOSTOMSKI My Comm. Exp. March 31, 2001  Notary Public
STATE OF NEBRASKA )
) ss: COUNTY OF DOUGLAS )
The foregoing instrument was acknowledged before me this 15th day of April, 1998, by KEVIN IRISH, Manager of PLUM CREEK, L.L.C., a Nebraska limited liability company, on behalf of the company.
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GENERAL NOTARY-State of Nebraska MARY F. GOSTOMSKI My Comm. Exp. March 31, 2001

Notary Public