

COUNTER *ah* C.E. *ah*  
VERIFY *ah* D.E. *ah*  
PROOF *LM*  
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CHG CASH *20.00*  
REFUND *14.00* CREDIT  
SHORT NCR

FILED SARPY COUNTY NEBRASKA  
INSTRUMENT NUMBER

2018-26064

11/02/2018 10:55:12 AM

*Clay J. Dowling*

REGISTER OF DEEDS



**SECOND AMENDMENT TO THE SECOND AMENDED AND RESTATED  
DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR  
SOUTHPORT EAST**

This Second Amendment to the Second Amended and Restated Declaration of Covenants, Conditions, Restrictions and Easements for Southport East ("Second Amendment") is made effective as of March 13, 2018 (the "Effective Date") by Southport East Landowners Association, Inc., a Nebraska nonprofit corporation (the "Association").

**RECITALS**

WHEREAS, that certain Second Amended and Restated Declaration of Covenants, Conditions and Easements for Southport East dated September 24, 2002, recorded on November 27, 2002, as Instrument No. 2002-49202 with the Sarpy County Register of Deeds, and that certain First Amendment to the Second Amended and Restated Declaration of Covenants, Conditions, Restrictions and Easements for Southport East dated July 21, 2011, recorded on August 5, 2011, as Instrument No. 2011-19133 with the Sarpy County Register of Deeds (collectively, the "Declaration") affects the property legally described on Exhibit A attached hereto (the "Property");

WHEREAS, a portion of the Property described on Exhibit B attached hereto (the "Parkway Property") is affected by that certain Declaration and Grant of Easements, Covenants and Restrictions for Lots 1 and 2 Southport East Replat Two and for Lot 3 Southport East Replat Two Replatted as Lots 1 through 10, Southport East Replat Six dated May 3, 2007, recorded on May 4, 2007, as Instrument No. 2007-13018, and amended by that certain First Amendment to Declaration of Easements, Covenants and Restrictions for Lots 1 and 2 Southport East Replat Two and for Lot 3 Southport East Replat Two Replatted as Lots 1 through 10, Southport East Replat Six dated July 12, 2007, recorded on July 16, 2007, as Instrument No. 2007-21169, all with the Register of Deeds in Sarpy County, Nebraska (collectively, the "Parkway Declaration");

WHEREAS, the Parkway Declaration is to be amended concurrently herewith to name the Association as the "association" under the Parkway Declaration;

WHEREAS, the Association desires to amend the Declaration to add a Parkway Assessment (as defined below) with respect to the Parkway Property and to clarify the Association's obligations with respect to the public infrastructure located on the Property;

RETURN TO:  
Dvorak Law Group, LLC  
13625 California Street, Suite 110  
Omaha, NE 68154

WHEREAS, Section 13.2 of the Declaration provides that the Declaration may be amended by a vote of the Owners holding at least seventy-five percent (75%) of the membership in the Association; and

WHEREAS, the Association held a meeting on March 13, 2018 at which meeting the Association approved the amendment set forth herein in accordance with Section 13.2.

NOW, THEREFORE, the Association does hereby amend the Declaration as follows:

1. Definitions. Terms used in this Amendment shall have the meanings set forth in the Declaration except as otherwise defined herein.

2. Parkway Assessment. Pursuant to Section 9.7 of the Parkway Declaration, each Lot is subject to an assessment for, and each Owner shall be obligated to pay a Common Facilities Charge (as defined in the Parkway Declaration) (the "Parkway Assessment"). As of the Effective Date of this Amendment, the Association shall be responsible for the collection and management of the Parkway Assessment. The definition of "Assessments" as set forth in the Declaration is hereby amended to include the Parkway Assessment.

3. Public Infrastructure Obligation. The Association shall be responsible for the maintenance obligations set forth on Exhibit "C" attached hereto.

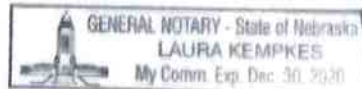
4. No Other Amendment. Except as specifically set forth herein, the Declaration shall remain in full force and effect.

**[Signature Page to Follow]**

IN WITNESS WHEREOF, the undersigned has caused this Amendment to be executed on Effective Date.

**SOUTHPORT EAST LANDOWNERS ASSOCIATION, INC.**, a Nebraska nonprofit corporation

By: John L. Haigh  
Name: John L. Haigh  
Its: President  
Date: March 13, 2018



STATE OF NE )  
COUNTY OF Douglas ) SS

On this 26 day of March, 2018, before me, a Notary Public in and for said county and state, personally appeared John L. Haigh, President of Southport East Landowners Association, Inc., a Nebraska nonprofit corporation, who executed the foregoing Amendment, and acknowledged before me that he was duly authorized and did execute the same, on behalf of the corporation.

GIVEN under my hand and Notarial Seal, this 26 day of March, 2018.

Laura Kempkes  
Notary Public

My Commission expires: Dec. 30, 2020



C

**EXHIBIT A**

**Legal Description**

Lot 5, Lot 6, Lot 16 except for part of Eastport Parkway, Outlot "A", Southport East, City of La Vista, Sarpy County, Nebraska.

Lot 1, Southport East Replat 1, City of La Vista, Sarpy County, Nebraska.

Lot 1 except road right-of-way, Lot 2, Southport East Replat Three, City of La Vista, Sarpy County, Nebraska.

Lot 1, Lot 2, Southport East Replat Four, City of La Vista, Sarpy County, Nebraska.

Lot 11A, Southport East Replat Five, City of La Vista, Sarpy County, Nebraska.

Lot 14-A, Lot 15-A, Southport East Replat Eight, City of La Vista, Sarpy County, Nebraska.

Lot 2, Southport East Replat Ten, City of La Vista, Sarpy County, Nebraska.

Lot 2, Outlot A, Southport East Replat Eleven, City of La Vista, Sarpy County, Nebraska.

Lot 1, Lot 2, Southport East Replat Twelve, City of La Vista, Sarpy County, Nebraska.

Lot 1, Lot 2, Southport East Replat Thirteen, City of La Vista, Sarpy County, Nebraska.

Lot 1, Lot 2, Southport East Replat Fourteen, City of La Vista, Sarpy County, Nebraska.

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Lot 1 and Lot 2, Southport East Replat Two, City of La Vista, Sarpy County, Nebraska.

Lot 3, Lot 4, Lot 5, Lot 6, Lot 7, Lot 8, Lot 9, and Lot 10, Southport East Replat Six, City of La Vista, Sarpy County, Nebraska.

Lot 1, Lot 2, Lot 3, and Lot 4, Southport East Replat Nine, City of La Vista, Sarpy County, Nebraska.

**Exhibit B**  
**Parkway Property**

Lot 1 and Lot 2, Southport East Replat Two, City of La Vista, Sarpy County, Nebraska.

Lot 3, Lot 4, Lot 5, Lot 6, Lot 7, Lot 8, Lot 9, and Lot 10, Southport East Replat Six, City of La Vista, Sarpy County, Nebraska.

Lot 1, Lot 2, Lot 3, and Lot 4, Southport East Replat Nine, City of La Vista, Sarpy County, Nebraska.

E

EXHIBIT "C"

SOUTHPORT EAST LANDOWNERS' ASSOCIATION

SCOPE OF INFRASTRUCTURE TO BE MAINTAINED

CRITERIA & EXHIBITS

SEPTEMBER 2018

1. All sidewalks are to be maintained by the individual property owners whether located on the lots or in public street right of ways abutting the lots.
2. The City of La Vista will provide traffic control signage at intersections of private roadways with public streets. This is typically stop signs facing the private roadway approach and street name signs.
3. Each lot owner shall be responsible for operation and maintenance of street lighting along private roadways located on their lots. This is not an Association obligation.
4. The Southport East Landowners' Association is referred to as "SELA".

The following exhibits are identify the locations in which private, shared infrastructure such as driveways, storm sewers, sanitary sewers and landscaping exist which is to be maintained by the association.

- Sewers to be maintained by SELA
- Pavements to be repaired and maintained by SELA
- Landscaped islands to be maintained by SELA
- Lake to be maintained by certain owners in SELA





Lake Maintenance & Limits of SELA Participants





Landscaping Areas Maintained by SELA





Pavement Repair & Winter Maintenance by SELA



2018-26064 I



SEWERS TO BE MAINTAINED BY SELA