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Angie
REGISTER OF DEEDS

INST. NO 99

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AMENDED RESTRICTIVE COVENANTS

The undersigned (Owner) is the Owner of at least two-thirds (2/3) of the following-described real estate:

Lots 2 through 17, Block 3, and Lots 1 through 12, Block 4, HiMark Estates Addition, Lincoln, Lancaster County, Nebraska, (collectively referred to as "the Golf Course Lots") and

Lots 1 through 9, Block 1, and Lots 1 through 6, ^{Block 2 *pm*} HiMark Estates Addition, Lincoln, Lancaster County, Nebraska (collectively, "the Non-Golf Course Lots"); and

Lots to be designated in future additions by amendment to these Restrictive Covenants ("Townhouse Lots"); and Outlots A, B, C, and F, HiMark Estates Addition, Lincoln, Lancaster County, Nebraska ("Commons").

The Golf Course Lots, the Non-Golf Course Lots, and the Townhouse Lots are sometimes collectively referred to below as the "Properties".

The Restrictive Covenants recorded on June 17, 1999, as Instrument No. 99-33809 are hereby amended as follows:

1. Paragraph 2, Commencement and completion of Construction is amended to read as follows:

Construction of a dwelling shall commence on each lot within three years of the conveyance of such lot from the Owner to a new titleholder (Original Sale). If construction has not commenced within three years, Owner shall have the option to repurchase the lot at the same price as the Original Sale, less any real estate commissions or other closing costs paid by Owner at the time of the Original Sale.

Any building placed or constructed upon any lot within the Properties shall be completed within eighteen months after the commencement of construction.

2. The following is added as an additional covenant:

DRIVING RANGE: By acceptance of a deed to any lot within the Properties, each titleholder acknowledges the existence of a lighted driving range on the Golf Course, and waives any and all claims or causes of action against the Owner and any operator of the Golf Course or driving range arising from the use of lights on the driving range,

Except as specifically amended herein, the Restrictive Covenants filed June 17, 1999, as Instrument No. 99-33809, remain in full force and effect.

*Dan or Angie Muhlauer
6321 Doe Creek Cr.
(16)*

Dated: July 22, 1999.

HiMark Development, Inc., a Corporation

By: [Signature]
Dru Lammle, President

D & M Development, LLC

[Signature]
Dan Muhleisen, Manager

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this 22nd day of July, 1999, by Dru Lammle, President of HiMark Development, Inc., a Nebraska Corporation, on behalf of the Corporation.



[Signature]
Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

The foregoing instrument was acknowledged before me this 22nd day of July 22, 1999, by Dan Muhleisen, Manager of D & M Development, LLC, a limited liability company, on behalf of the company.



[Signature]
Notary Public

(C:WPPLAMH12-9-8E.R8)