

FILED SARPY CO. NE.
INSTRUMENT NUMBER
2004-47412

2004 DEC 17 P 1:22

Shirley J. Dowling
REGISTER OF DEEDS

COUNTER 1 C.E. 1
VERIFY 1 D.E. 1
PROOF 1
FEES \$ 17.50
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**AMENDMENT TO THE DECLARATION
OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS
OF VAL VERDE PLACE**

This Amendment to the Declaration of Covenants, Conditions, Restrictions and Easements of Val Verde Place is made on this 10th day of December 2004, by Val Verde, L.L.C., a Nebraska limited liability company (hereinafter referred to as the "Declarant").

WITNESSETH:

WHEREAS, the original Declaration of Covenants, Conditions, Restrictions and Easements of Val Verde Place were filed of record on July 13, 1999, in the office of the Sarpy County Register of Deeds, Instrument No. 99-022140 (the "Declaration").

WHEREAS, the Declarant, pursuant to Section 14 of the Declaration, desires to amend the Declaration which amendment shall be filed of record against the following described real estate, to wit:

Lots 250 through 254, inclusive, Val Verde, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska.

WHEREAS, the purpose of this amendment is to provide for the permanent nature of the easements granted in Section 13(l) of the Declaration and to restrict the further amendment, cancellation, modification or termination with respect thereto without the prior written consent of the owners of the above-described real estate.

NOW, THEREFORE, in furtherance thereof, the Declarant hereby adopts, declares, and provides as follows:

1. **Definitions.** Unless otherwise defined in this Amendment, all capitalized terms used in the Declaration shall have the same meaning set forth for such terms in the Declaration.

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2. Amendment to Declaration. Section 13(l) is hereby amended as follows:

The easements granted in Section 13(l) are for the benefit and use of the Association and the owners of Lots 250 through 254, inclusive, and their respective agents, servants, tenants, customers, invitees and licensees. The easements, granted in Section 13(l) of the Declaration shall be non-exclusive permanent easements that run with the land and shall bind any person or entity having at any time any interest of estate in said real estate, and shall inure to the benefit of such lot owners. The easements granted by this Section 13(l) may not be modified, amended, canceled or terminated by the Declarant or the Association without the prior written consent of the owners of the lot or lots affected thereby.

The foreclosure of any mortgage covering all or a portion of a Lot or Lots shall in no way affect or diminish any easements granted herein, for all such easements shall remain in full force and effect for the benefit of the grantees described herein. The easements hereby created are not public easements, but are permanent, private easements for the use and benefit of the owners, future owners, occupants, mortgagees, and their respective agents, servants, tenants, customers, invitees and licensees. The Declarant expressly disclaims the creation of any rights in or for the benefit of the public generally. It is understood and agreed that the easements shall continue for so long as any of the above-described real estate shall remain in existence.


No barricades, signs, fences, or other dividers will be constructed and nothing will be done to prohibit or discourage the free and uninterrupted flow of pedestrian or vehicular traffic through the easement area.

3. Governing Law. This Amendment is declared to have been made under the laws of the State of Nebraska.

4. No Further Modifications. Except for such modifications to the Declaration set forth in this Amendment, there shall be no further modifications to the Declaration.

IN WITNESS WHEREOF, the undersigned has caused this Amendment to be executed on the day and year first above written.

VAL VERDE, L.L.C., a Nebraska limited liability company,

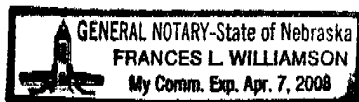
By: 
Charles R. Clatterbuck, Managing Member

2004-47412B

STATE OF NEBRASKA)
) SS:
COUNTY OF SARPY)

Before me, a Notary Public in and for said County and State, personally appeared Charles R. Clatterbuck, by me known to be the Managing Member of Val Verde, L.L.C., a Nebraska limited liability company, who acknowledged the execution of the foregoing "Amendment to the Declaration of Covenants, Conditions, Restrictions and Easements of Val Verde Place" on behalf of said limited liability company.

Witness my hand and Notarial Seal this 10 day of December, 2004.



Frances Williamson
Notary Public