

FILED SARPY CO. NE.
INSTRUMENT NUMBER
2005-42509

2005 NOV 17 A 8:21 9

Sharon J. Dowling
REGISTER OF DEEDS

COUNTER Ch C.E. Ch
VERIFY Ch D.E. LM
PROOF P
FEES \$ 21.50
CHECK# 21469
CHG _____ CASH _____
REFUND _____ CREDIT _____
SHORT _____ NCR _____

Prepared by & Return to: Michael C. Carter, 11506 Nicholas St., Suite 200, Omaha, NE 68154 (402) 493-2800

**FIRST AMENDMENT TO
EASEMENTS, COVENANTS
AND RESTRICTIONS
TIBURON VILLAGE
SARPY COUNTY, NEBRASKA**

This First Amendment to the Declaration of Easements, Covenants and Restriction ("ECR") is made and executed on this 14th day of November, 2005, by **Dial-Tiburon Land Development North, L.L.C.** and **Dial - Tiburon Small Shops, L.L.C.**, both Nebraska limited liability companies, and their successors or assigns ("Dial") as developer of subdivision or shopping center "Tiburon Village", a development and sub-division of Sarpy County, Nebraska, more particularly described on Exhibit "A" attached hereto and made a part herein by reference, to be platted and recorded in accordance with the laws, regulations and ordinances of County of Sarpy, State of Nebraska ("Property") and current lot owners, pursuant to the Declaration of Easements, Covenants and Restrictions executed May 12, 2005 and filed of record in the Register of Deeds office in Sarpy County, Nebraska May 13, 2005 Instrument Number 2005-15696.

The parties hereto desire to amend said ECR, adding Section 3.3, to wit:

**Article III
Uses**

3.3 Exclusion: So long as a convenience store selling automotive transportation fuels is operated on Lot 4, Lots 1-3, 5 and 7-13 may not sell automotive transportation fuels.

IN WITNESS WHEREOF, declarant has executed this ECR as of the date first above written.

DIAL - TIBURON LAND DEVELOPMENT NORTH,
L.L.C., A Nebraska limited liability company

By: *Donald J. Day*

Its: Manager

DIAL - TIBURON SMALL SHOPS, L.L.C.,
A Nebraska limited liability company

By: *Pamela M. [Signature]*

Its: Manager

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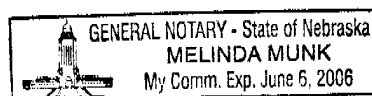
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STATE OF NEBRASKA)
)ss.
COUNTY OF DOUGLAS)

Before me this 14th day of November, 2005, Donald F. Day, to be known, and as Manager for Dial-Tiburon Land Development North, L.L.C., a Nebraska limited liability company, did execute the aforementioned First Amendment to Easements, Covenants And Restrictions as his voluntary act and deed and the voluntary act and deed of said company.

Melinda Munk
Notary Public

My Commission expires: 6-6-06

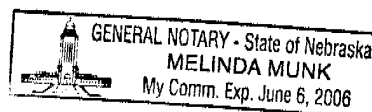


STATE OF NEBRASKA)
)ss.
COUNTY OF DOUGLAS)

Before me this 14th day of November, 2005, Robert J. Furley, to be known, and as Manager for Dial-Tiburon Small Shops, L.L.C., a Nebraska limited liability company, did execute the aforementioned First Amendment to Easements, Covenants And Restrictions as his voluntary act and deed and the voluntary act and deed of said company.

Melinda Munk
Notary Public

My Commission expires: 6-6-06



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EXHIBIT "A"

LEGAL DESCRIPTION

Tiburon Village being a Replat of Lot 400A2A, Lot 401A, Tiburon, and Lot 1 Tiburon Replat II located in Section 28, Township 14 North, Range 11 East of the 6th P.M. Sarpy County, Nebraska, Lots 1 through 13 inclusive.