

AMENDMENT TO DECLARATION
OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR CRESCENT OAKS
LOTS 27 THROUGH 46, INCLUSIVE
AND LOTS 112 THROUGH 131, INCLUSIVE
AND LOTS 136 THROUGH 145, INCLUSIVE

THIS AMENDMENT TO DECLARATION, made on the date hereinafter set forth by the undersigned, Carl A. Brady,

WITNESSETH:

WHEREAS, that certain Declaration of Covenants, Conditions and Restrictions for Crescent Oaks Lots 15 through 103, inclusive, and out lot 1, dated and recorded February 14, 1978, in Book 593 at Page 410 of Miscellaneous Records in the Register of Deeds of Douglas County, Nebraska, permits the Declarant in paragraph C-2 to designate in writing a person, firm, corporation, partnership, or entity to act in place of the Declarant; and

WHEREAS, by designation, dated October 6, 1981 and recorded October 7, 1981, in Book 660 at Page 609 of said Miscellaneous Records, the undersigned was designated to act as designee of Declarant pursuant to paragraph C-2 of said Declaration, and the undersigned has continued to and does now, act in such capacity; and

WHEREAS, that certain Declaration of Covenants, Conditions and Restrictions for Crescent Oaks Lots 112 through 131, inclusive, and Lots 136 through 247, inclusive, recorded December 4, 1979, in Book 625 at Page 197 of Miscellaneous Records in the Register of Deeds of Douglas County, Nebraska, provide that Carl A. Brady is the Declarant thereof; and

WHEREAS, Carl A. Brady, pursuant to the authority granted as Designee and Declarant, respectively, of both of the above described Declarations of Covenants, Conditions and Restrictions, desires to amend said Declarations on the following described real property:

Lots 27 through 46, inclusive, and Lots 112 through 131, inclusive, and Lots 136 through 145, inclusive, all in Crescent Oaks, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska.

NOW, THEREFORE, Carl A. Brady, as Designee and Declarant, pursuant to the authority granted in paragraph C-2 of said Declarations does hereby state, declare and publish the following amendments affecting the above described real property:

(1) The heading of PART A of the original Declarations shall read as follows:

"PART A. RESTRICTIONS FOR THE RESIDENTIAL AREA"

(2) Paragraph A-3 shall be amended to read as follows:

"A-3. No building shall be created, altered, placed, or permitted to remain on any lot other than:

1) One duplex per lot, provided that such lot is properly zoned for such purposes by the City of Omaha. Any such duplex shall, as a minimum, have a one-car garage for each of the two units, and each garage shall have a minimum inside space of 10 feet by 20 feet;

OR

2) One detached single-family dwelling, conforming to the following requirements:

<u>TYPE OF SINGLE-FAMILY DWELLING</u>	<u>MINIMUM AREA</u>	<u>LOCATION OF MINIMUM AREA</u>
a. One story house with attached garage.	1,050 sq. ft.	On the main floor. (Garage must be at approximately the same level as the main floor.)
b. One story house with with basement garage.	1,150 sq. ft.	On the main floor.
c. One and one-half.	1,150 sq. ft.	On the main floor.
d. Two story house.	1,600 sq. ft.	Total area above the basement level.
	1,000 sq. ft.	Minimum area on the main floor.
e. Split entry (Bi-level) house.	1,050 sq. ft.	On the main floor.
f. Tri-level (Split-level) house.	1,400 sq. ft.	Total area above grade.

The maximum height of a dwelling shall be two stories. A basement is not considered a story if it is 100% above grade on one side and essentially below grade on the other three sides; if the basement is more exposed above grade, it is a story. Area means finished habitable space measured to the exterior of the enclosing walls, and does not include porches, breezeways, courtyards, patios, basements, garages or carports. Each single family dwelling shall have a two car garage with a minimum inside space of 20 feet by 20 feet."

The above described Amendment shall supersede any and all prior amendments inconsistent herewith, however, the remainder of the Declaration of Covenants, Conditions and Restrictions recorded in Book 593 at Page 410 of

Miscellaneous Records and in Book 625 at Page 197 of Miscellaneous Records shall remain in full force and effect as originally set forth or properly amended hereafter.

The Amendments shall run with the real property and shall be binding upon all parties having or acquiring the right, title or interest in the above described lots, or any part thereof, and they shall inure to the benefit of each owner thereof.

IN WITNESS WHEREOF, Carl A. Brady, as Designee and Declarant, has caused these presents to be executed on this 31st day of May, 1982.

DESIGNEE AND DECLARANT

By: Carl A. Brady
Carl A. Brady

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On this 31st day of May, 1982, before me the undersigned, a Notary Public in and for said County and State, personally came Carl A. Brady, and he acknowledged that he executed the same as his voluntary act and deed.

Witness my hand and seal the day and year last above written.

John G. Rauth
Notary Public



kaj3

36 Advice

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C. HAROLD OSTLER
REGISTER OF DEEDS
DOUGLAS COUNTY, NEBR.

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