



MISC 2005011876



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Received - DIANE L. BATTIATO
Registrar of Deeds, Douglas County, NE
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2005011876

**FIRST AMENDMENT TO THE
DECLARATION OF COVENANTS, CONDITIONS,
RESTRICTIONS AND EASEMENTS
OF DEERWOOD**

THIS FIRST AMENDMENT is made by HEARTHSTONE HOMES, INC., assignee of Declarant's rights, hereinafter referred to as the "Declarant," and made to the Declaration of Covenants, Conditions, Restrictions and Easements of Deerwood, a subdivision in Douglas County, Nebraska, dated July 26, 2004 and recorded as Document No. 2004098730 in the Miscellaneous Records of the Register of Deeds of Douglas County, Nebraska on July 26, 2004 (hereinafter referred to as the "Declaration").

PRELIMINARY STATEMENT

Article IV, Paragraph 2 of the Declaration provides that the covenants and restrictions of the Declaration may be amended by the Declarant for a period of 10 years following July 26, 2004.

NOW, THEREFORE, Declarant hereby declares that the Declaration of Covenants, Conditions, Restrictions and Easements of Deerwood, a subdivision in Douglas County, Nebraska, dated July 26, 2004 and recorded as Document No. 2004098730 in the Miscellaneous Records of the Register of Deeds of Douglas County, Nebraska on July 26, 2004, should be and hereby are amended in the following manner:

1. By deleting therefrom the legal description in the Preliminary Statement and adding in its place and stead the following:

OU-01358
Lots 3 - 20, inclusive, Lots 36 - 333, inclusive, all in Deerwood, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska; Lots 1 - 14, inclusive, all in Deerwood Replat One, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska; Lots 92 and 93, Avalon North, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska and Lots 1 - 7, inclusive, all in Avalon North Replat One, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska, *OU-01359*

2. By deleting therefrom subsection c of paragraph 1 of Article II and adding in its place and stead the following:

(c) "Properties" shall mean and refer to: Lots 3 - 20, inclusive, Lots 36 - 333, inclusive, all in Deerwood, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska; Lots 1 - 14, inclusive, all in Deerwood Replat One, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska; Lots 92 and 93, Avalon North, a subdivision as surveyed,

FULLENKAMP, DOYLE & JOBEUN
11440 WEST CENTER ROAD
OMAHA, NEBRASKA 68144-4482

AJH

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BKP _____ C/O _____ COMP kw
339 DEL _____ SCAN _____ FV _____

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platted and recorded in Douglas County, Nebraska and Lots 1 - 7, inclusive, all in Avalon North Replat One, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska;

All other terms of said Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, the Declarant has caused these presents to be executed this 31 day of January 2005.

HEARTHSTONE HOMES, INC., "Declarant" by virtue of assignment,

By: [Signature]
John J. Smith, President

Consented to this 31 day of January 2005.

IDA STREET, LLC,

By: [Signature]
Barbara Udes Shaw, Manager

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was signed before me this 31st day of January 2005, by John J. Smith, President of HearthStone Homes, Inc., a Nebraska corporation, to me known to be the identical person named in and who executed the foregoing instrument and acknowledged that he executed the same as his voluntary act and deed on behalf of said corporation.

[Signature]
Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was signed before me this 31st day of January 2005, by Barbara Udes Shaw, Manager of Ida Street, LLC, a Nebraska limited liability company, to me known to be the identical person named in and who executed the foregoing instrument and acknowledged that she executed the same as her voluntary act and deed as Manager of said limited liability company.

[Signature]
Notary Public

MY COMMISSION EXPIRES:
JULY 26, 2005