

FILED SARPY CO. NE.

INSTRUMENT NUMBER

200407031

2004 MAR -1 P 2:11 PM

*Glenn J. Dowling*  
REGISTER OF DEEDS

COUNTER *20* C.E. *NK*  
VERIFY *20* D.E. *20*  
PROOF *20*  
FEES \$ *73.50*  
CHECK# *4650*  
CHG \_\_\_\_\_ CASH \_\_\_\_\_  
REFUND \_\_\_\_\_ CREDIT \_\_\_\_\_  
SHORT \_\_\_\_\_ NCR \_\_\_\_\_  
STAMPED COPY

**SECOND AMENDMENT TO  
DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS  
AND EASEMENTS FOR A PART OF EAGLE HILLS,  
A SUBDIVISION IN SARPY COUNTY, NEBRASKA**

This Second Amendment is made to the Declaration of Covenants, Conditions, Restrictions and Easements for a Part of Eagle Hills, a Subdivision in Sarpy County, Nebraska, dated June 27, 2003, and recorded with the Sarpy County Register of Deeds on June 27, 2003, as Instrument No. 2003-35327, as amended by First Amendment to Declaration of Covenants, conditions, Restrictions and Easements for a part of Eagle Hills, a subdivision in Sarpy County, Nebraska, dated August 22, 2003, and recorded with the Sarpy County Register of Deeds on August 22, 2003, as Instrument No. 2003-47622 (as amended, the "Declaration"), by Eagle Ridge Development Company, a Nebraska corporation (the "Declarant").

**Preliminary Statement**

The Declaration was made by Declarant in connection with the development of the real estate legally described as follows:

Lots 269 through 395, inclusive, in Eagle Hills, a subdivision, as surveyed,  
platted and recorded in Sarpy County, Nebraska.

Such lots are herein referred to collectively as the "Lots" and individually as each "Lot."

The Declarant has considered amendment of the Declaration for purposes of amending Article I, Section 19. Article V, Section 3, allows the Declarant to amend the Declaration in any manner in which it may determine in its full and absolute discretion, for a period of five (5) years from the date of the Declaration. Declarant has investigated the impact which the proposed amendment to Declaration would have on the Lots and has concluded that the amendment would further the preservation of Eagle Hills, would further the maintenance of the character and residential integrity of Eagle Hills, and would further the benefit and protection afforded to the Lots by the Declaration.

NOW, THEREFORE, pursuant to the authority granted to Declarant in Article V, Section 3, of the Declaration, Declarant hereby amends and supplements the Declaration as follows:

1. Article I, Section 19, is amended and replaced in its entirety to provide as follows:

19. Neither the Declarant nor the City of Papillion, Nebraska (which, for purposes of this Article I, Section 19, is referred to as the "Additional Declarant") makes any representation or warranty concerning soil compaction, buildable quality or bearing capacity of the soils on the Lots. It is the responsibility of each Owner to make appropriate tests to determine the buildable quality of the Lot. The slope at the rear of Lots 307 through 328, inclusive (the "Bluff Lots") may be subject to instability. Excessive irrigation may destabilize the slope and result in loss of yard area. Therefore, it is recommended that irrigation within the rear yards of the Bluff Lots should be carefully controlled and

2004-07031A

limited only to the amount necessary to sustain vegetation. Additionally, Lots 307 and 308 shall not be permitted to have sprinkler systems. The final grade of the Bluff Lots must result in all surface water draining from the existing high point at the top of the bluff on such Lots to the public street abutting such Lot. The owners of Lots 307, 308, 309, 311, 312, 313 and 314 shall install and maintain an underground pipe system that collects roof drainage and directs it to the storm sewer in the street. Construction of in-ground swimming pools on the Bluff Lots will have further restrictions as imposed and administered by the Declarant and/or Additional Declarant. Underground water lines should be pressure tested after installation to reduce the risk of leakage. The Owner of a Bluff Lot shall be solely responsible for taking all reasonable and appropriate measures to prevent sloughing of their Lot. All Improvements as defined in this Declaration shall be subject to the approval of the Declarant as provided herein, and all Improvements to the Bluff Lots shall be subject to review and approval by the Additional Declarant in accordance with the building, construction and permitting procedures, rules and guidelines of the Additional Declarant. In the event that Declarant or Additional Declarant determine that there is excessive moisture content in the soils on one or more of the Bluff Lots, Declarant or Additional Declarant may restrict or prohibit watering or sprinklering of such Bluff Lots, and may otherwise adopt rules and regulations that may require the Owner of the applicable Bluff Lot to take corrective or remedial action to address excessive moisture content in the soils on their Bluff Lot.

2. Except as amended and modified herein, the Declaration shall remain in full force and effect according to its terms.

IN WITNESS WHEREOF, the Declarant has executed this First Amendment as of the 27<sup>th</sup> day of FEBRUARY, 2004.

EAGLE RIDGE DEVELOPMENT COMPANY, a  
Nebraska corporation,

By: [Signature]  
Michael F. Rogers, President

STATE OF NEBRASKA       )  
                                      ) ss.  
COUNTY OF DOUGLAS     )

The foregoing instrument was acknowledged before me this 27 day of FEB., 2004, by Michael F. Rogers, President of Eagle Ridge Development Company, a Nebraska corporation, on behalf of the corporation.

[Signature]  
Notary Public

00185560

