




MISC 2007125917



NOV 08 2007 15:34 P 3

F

Misc. 50  
 FEE 101.00 FB see attached  
 3  
 173  
 BKP \_\_\_\_\_ C/O \_\_\_\_\_ COMP \_\_\_\_\_  
 DEL \_\_\_\_\_ SCAN \_\_\_\_\_ FV \_\_\_\_\_

Received - DIANE L. BATTIATO  
 Register of Deeds, Douglas County, NE  
 11/8/2007 15:34:26.27  
  
 2007125917

Return to: Jerry M. Slusky, Slusky Law, LLC, 17445 Arbor Street, #300, Omaha, NE 68130

FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR FALLING WATERS

This First Amendment to the Declaration of Covenants, Conditions, Restrictions and Easements for Falling Waters ("First Amendment") is made effective as of the 1<sup>st</sup> day of March, 2007, by Dial Harrison, L.L.C., a Nebraska limited liability company, the Declarant ("Declarant") as set forth in the Declaration of Covenants, Conditions, Restrictions and Easements for Falling Waters recorded as instrument #2006075199 in the Register of Deeds Office of Douglas County, Nebraska (the "Declaration").

RECITALS

WHEREAS, Subparagraph 1) c) of Section 2, Article VI, provides that the above ground finished and enclosed living area of main residential structures, exclusive of porches, breezeways, basements and garages, shall be not less than 2600 square feet for an R4 Single Family Housing Two Story House ("House"); and

WHEREAS, the Declarant desires to amend such section to decrease the required square footage of such House to 2400 square feet; and

WHEREAS, the undersigned execute this First Amendment with the express intent that the Declaration, as amended, be valid and binding upon each Lot, and that each Declarant and Owner of a Lot upon which the Declaration and any amendments are recorded be bound by the duties and obligations and have all rights and benefits set forth therein.

1329  
13149

NOW, THEREFORE, Paragraph 1) c) of Section 2, Article VI, of the Declaration of Covenants, Conditions, Restrictions and Easements for Falling Waters is hereby amended and restated in its entirety as follows:

"c) Two Story House 2400 sq. ft. Min. above grade"

Except as provided in this First Amendment, all other terms and conditions of the Declaration remain unchanged, in full force and effect, and enforceable in accordance with the laws of the State of Nebraska and the terms of the Declaration as previously amended.

IN WITNESS WHEREOF, the undersigned have caused these presents to be executed on the 11 day of April, 2007.

DIAL HARRISON, L.L.C.

By: [Signature]  
Its: manager

State of Nebraska )  
                                  ) ss:  
County of Douglas )

The foregoing instrument was executed before me, a notary public in and for the State of Nebraska, by Patrick G. Day on behalf of and as the duly authorized representative of Dial Harrison, L.L.C., and he acknowledged that execution of the foregoing is his voluntary act and deed in his authorized capacity on behalf of the Declarant. Such representative is personally known to me, or was identified to me through satisfactory evidence to be the identical person executing this instrument.

Wherefore I set my hand and seal this 11 day of April, 2007.

[Signature]  
Notary Public

#13230

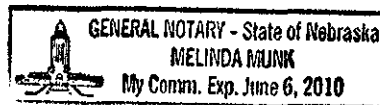


EXHIBIT "A"

OC-11945

Lots 46-172, inclusive, and Outlots B and C, in Falling Waters, a Subdivision, located in Douglas County, Nebraska, as surveyed, platted and recorded.

(129)

OC-11946

Lots 1, 2, 3, 4, 6, 7, 9 - 27 and Lots 30-42 of Replat 1 in Falling Waters, a Subdivision, located in Douglas County, Nebraska, as surveyed, platted and recorded (lots 5 and 8 are vacated).

(38) ✓

OC-11947

Lots 1 - 3 and Outlot A of Replat 2, in Falling Waters, a Subdivision, located in Douglas County, Nebraska, as surveyed, platted and recorded.

(4) ✓

OC-11948

Lots 1 and 2, Replat 3, in Falling Waters, a Subdivision, located in Douglas County, Nebraska, as surveyed, platted and recorded.

(2) ✓