

FILED SARPY CO. NE.  
INSTRUMENT NUMBER  
2003-21728

2003 APR 23 P 4:19

*Lloyd J. Dowding*  
REGISTER OF DEEDS

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FOR RECORDING  
INFORMATION.**

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NEXT PAGE.**

**LLOYD J. DOWDING**

SARPY COUNTY REGISTER OF DEEDS  
1210 GOLDEN GATE DRIVE, STE 1109  
PAPILLION, NE 68046-2895  
402-593-5773

① Jim. LANG  
11306 Davenport dt  
Omaha, NE 68154  
330-7900

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**AFFIDAVIT**

STATE OF NEBRASKA       )  
COUNTY OF SARPY       )SS.

The undersigned, being first duly sworn upon his oath, deposes and states as follows:

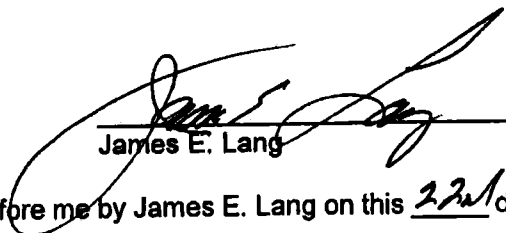
1. That he is a member of the Nebraska State Bar Association and is duly licensed to practice law in the State of Nebraska.

2. That attached hereto and by reference made a part hereof is a true and correct copy of Amendment to Declaration of Covenants, Conditions and Restrictions for Fairview Heights Subdivision ("Amendment to Covenants") which were duly approved and executed which amends the Declaration of Covenants and Restrictions recorded on the 20<sup>th</sup> day of September, 1975 in Book 48, Page 454 of the Miscellaneous Records of the Register of Deeds, Sarpy County, Nebraska which Covenants are recorded against the property which is described as follows:

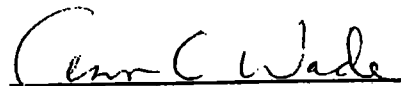
Lots 1 through 6, inclusive, and Lots 11 through 71, inclusive, in Fairview Heights, Lots 1, 2 and 3, Fairview Heights Replat No. 2, being a replat of Lots 37 and 38, Fairview Heights, and Lot 1, in Replat of Lots 8, 9 and 10, Fairview Heights, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska.

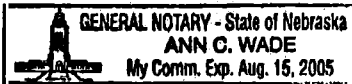
3. That the undersigned has personal knowledge that the original of the Amendment to the Covenants has been lost and after a diligent search the original of the Amendment to the Covenants has not been found. This affiant and the Amendment to Covenants attached hereto are being recorded to put all persons on notice as to this Amendment to such Covenants.

FURTHER AFFIANT SAITH NOT.

  
\_\_\_\_\_  
James E. Lang

SUBSCRIBED AND SWORN TO before me by James E. Lang on this 22<sup>nd</sup> day of April, 2003.

  
\_\_\_\_\_  
Notary Public



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**AMENDMENT TO DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS FOR  
FAIRVIEW HEIGHTS SUBDIVISION**

This Declaration, made on the date hereinafter set forth by the undersigned, who constitute owners (and spouses where applicable) of more than seventy-five percent (75%) of the following described lots, hereinafter referred to as "Owners".

WITNESSETH:

WHEREAS, Owners are the owners of more than seventy-five percent (75%) of the following described lots:

Lots 1 through 6, inclusive, and Lots 11 through 71, inclusive, in Fairview Heights, Lots 1, 2 and 3, Fairview Heights Replat No. 2, being a replat of Lots 37 and 38, Fairview Heights, and Lot 1, in Replat of Lots 8, 9 and 10, Fairview Heights, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska.

which are subject to a certain Declaration of Covenants and Restrictions (the "Covenants") recorded on the 20<sup>th</sup> day of September, 1975 in Book 48, Page 454 of the Miscellaneous Records of the Register of Deeds office of Sarpy County, Nebraska.

NOW, THEREFORE, the Owners hereby amend the Covenants by substituting the following paragraph in place of Article III, Section 3, Paragraph (n) on page 6 of the above stated Covenants.

(n) Provided the provisions of Article III, Section 3(g) and (h) above are met, up to two external buildings will be allowed. The maximum building size will be two stories and match the motif and design of the single family unit. The maximum building square footage of the building or buildings (if two are constructed) being constructed on any Lot shall not in the aggregate exceed 2,800 square feet.

Except for the above stated change, all terms and conditions of the original recorded Covenants shall remain as stated.

**General Provisions**

This documents may be signed in counterpart signatures. When the signature and

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acknowledgment pages with signatures are attached to a single document, said single document shall be as legally effective as if all of the parties hereto signed said single document and had their signatures acknowledged on said single document.

This Amendment shall be effective when it has been executed by seventy-five percent (75%) of the Owners of Lots 1 through 6, inclusive, and Lots 11 through 71, inclusive, Fairview Heights, including Lots 1, 2 and 3, Fairview Heights Replat 2, being a replat of Lots 37 and 38, Fairview Heights, and Lot 1, in Replat of Lots 8, 9 and 10, Fairview Heights, a subdivision in Sarpy County, Nebraska and recorded with the Sarpy County Register of Deeds.

The undersigned, being seventy-five percent (75%) of the Owners of Lots 1 through 6, inclusive, and Lots 11 through 71, inclusive, Fairview Heights, Lots 1, 2 and 3, Fairview Heights Replat 2, and Lot 1, a Replat of Lots 8, 9 and 10, Fairview Heights, a subdivision in Sarpy County, Nebraska hereby adopt this Amendment for the lots named herein.

The Owners have executed this Amendment to Declaration of Covenants, Conditions and Restrictions as of the date, month and year signed opposite their name.

2	<u>Deane Guder</u>	<u>13108 Kelly St</u>
	Owner	Address Lot <u>1</u> , Fairview Heights
2	<u>x Karon Guder</u>	<u>12/29/01</u>
	Owner	Date of Signature
2	<u>x Joseph Libich</u>	<u>13104 Kelly Street</u>
	Owner	Address Lot <u>2</u> , Fairview Heights
2	<u>x Stef Libich</u>	<u>12/29/01</u>
	Owner	Date of Signature
2	<u>Raymond Williams</u>	<u>13002 Kelly St.</u>
	Owner	Address Lot <u>3</u> , Fairview Heights
2	<u>Lizbeth M Williams</u>	<u>1-2-02</u>
	Owner	Date of Signature
2		
	Owner	Address Lot <u>4</u> , Fairview Heights
2		
	Owner	Date of Signature