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Deb Houghtaling

COUNTY CLERK/REGISTER OF DEEDS

By: ah



AMRC

**AMENDMENT TO  
DECLARATION OF COVENANTS, CONDITIONS AND  
RESTRICTIONS FOR FAIRVIEW SOUTH 2 TOWNHOMES**

THIS AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR FAIRVIEW SOUTH 2 TOWNHOMES (this "Amendment") is made on the date hereinafter set forth by Celebrity Homes, Inc., a Nebraska corporation.


**RECITALS**

- A. On May 4, 2017 a document entitled Declaration of Covenants, Conditions and Restrictions for Fairview South 2 Townhomes was recorded against the property legally described as Lots 1 through 17, inclusive, Fairview South 2, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska, in the Office of the Register of Deeds of Sarpy County, Nebraska, as Instrument No. 2017-09890 (the "Declaration").
- B. Section 3 of Article XI of the Declaration provides that for a period of ten (10) years the Declarant has the exclusive right to amend, modify or supplement any portion of the Declaration.

NOW, THEREFORE, Declarant hereby declares the Declaration shall be amended as follows:

1. Amendment to Article III, Section 11. The Declaration is hereby amended by deleting Section 11 of Article III of the Declaration in its entirety and replacing it with the following, in order to make the language consistent with the Association's governing Bylaws:

"Section 11. Special Assessments for Capital Improvements and Extraordinary Expenses. In addition to the annual assessment authorized above, the Association, upon a two-thirds (2/3<sup>ths</sup>) majority affirmative vote of the Board of Directors at a duly-held meeting, may levy, in any assessment year, a special assessment applicable to that year only for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair or replacement of a capital improvement upon the Common Area, including fixtures and personal property

 FULI ENKAMP JOBEUN,  
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ATTN: Mandy A.

related thereto. Any such special assessment levied by the Board of Directors against each Lot in any fiscal year shall not exceed fifty percent (50%) of the annual assessment levied in the same fiscal year, unless the Members, by a majority affirmative vote of those Members present in person or by proxy at a duly-held meeting, authorize a higher amount..”

2. Governing Law. This Amendment is made under and governed by the laws of the State of Nebraska.

3. Severability. Each provision of this Amendment and the application thereof are hereby declared to be independent of and severable from the remainder of this Amendment. If any provision contained herein shall be held to be invalid or to be unenforceable or not to run with the land, such holding shall not affect the validity or enforceability of the remainder of this Amendment.

4. No Other Amendments. Except as set forth herein, the Declaration shall remain in full force and effect.

*[Remainder of Page Left Intentionally Blank; Execution Page Follows.]*

IN WITNESS WHEREOF, this Amendment was made this 26<sup>th</sup> day of March, 2020.

DECLARANT:

CELEBRITY HOMES, INC., a Nebraska corporation,


By: 

Chad Larsen, Vice-President

STATE OF NEBRASKA    )  
                                  )SS.  
COUNTY OF DOUGLAS    )

The foregoing instrument was acknowledged before me this 26 day of March, 2020 by Chad Larsen, Vice-President of Celebrity Homes, Inc., a Nebraska corporation, on behalf of the corporation.

SEAL

  
Notary Public

