

FILED SARPY COUNTY NEBRASKA  
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Mark J. LaPuzza  
Pansing Hogan Ernst & Bachman LLP  
10250 Regency Circle, Suite 300  
Omaha, NE 68114

**FIRST AMENDMENT TO AMENDED AND RESTATED DECLARATION  
OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS  
FOR FALCON POINTE, A SUBDIVISION  
IN SARPY COUNTY, NEBRASKA**

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**THIS PAGE ATTACHED FOR RECORDING PURPOSES**

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**FIRST AMENDMENT TO AMENDED AND RESTATED DECLARATION  
OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS  
FOR FALCON POINTE, A SUBDIVISION  
IN SARPY COUNTY, NEBRASKA**

THIS FIRST AMENDMENT TO FIRST AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR FALCON POINTE (this "Declaration"), is made by CHARLESTON HOMES, LLC, a Nebraska limited liability company ("Declarant") on this 24 day of September, 2019.

PRELIMINARY STATEMENT

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

Lots 1 through 72, inclusive, Lots 76-144 inclusive, and Lots 146-228, inclusive in Falcon Pointe, a subdivision, as surveyed, platted and recorded in Sarpy County, Nebraska, together with Lots 1, 2 and 3, Falcon Pointe Replat 1, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska (the "Lots").

WHEREAS, Declarant is awarded certain rights under a Declaration of Covenants, Conditions, Restrictions and Easements for Falcon Pointe dated November 1, 2018 and recorded on November 5, 2018 as Instrument No. 2018-26276 in the records of the Sarpy County Register of Deeds (the "Original Declaration"), as amended by a First Amended and Restated Declaration of Covenants, Conditions, Restrictions and Easements for Falcon Pointe, dated August 9, 2019 and recorded on August 14, 2019, as Instrument No. 2019-18278 in the records of the Sarpy County Register of Deeds (herein collectively the "Declaration").

WHEREAS pursuant to Article IV, Section 2 of the Declaration, Declarant is authorized to amend or modify the Declaration in its discretion.

WHEREAS Declarant has determined to amend the Declaration as set forth herein:

Now, therefore, in consideration of the foregoing, and in further consideration of the provisions set forth below, the Declaration is hereby amended as follows:

1. Definitions. Except as expressly stated or as context clearly requires otherwise, capitalized terms used herein shall be ascribed to the same meaning as set forth in the Declaration.

2. Amendment. Article I Section 10. of the Declaration is hereby deleted in its entirety and replaced as follow:

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No fence shall be permitted to extend beyond the front line of a main residential structure unless written approval is first obtained from Declarant. All fences must be constructed of wrought iron, wood or white or black vinyl or other type of material approved by Declarant, provided that no fence may be installed without the prior approval of the Declarant, and no fences or walls shall exceed a height of six (6) feet unless otherwise approved by Declarant. No chain link fences shall be permitted on any lot. Any lot with a rear lot boundary that is adjacent to 48<sup>th</sup> Street or Capehart Road shall be required to have and maintain a six (6) foot board-on-board cedar picket fence with a scalped top, including, but not limited to Lots 67-69, 76, 78 and 79, 80, 83, 107-113 and 181-186 and Lots 1, 2 and 3, Replat 1,. No hedges or mass planted shrubs shall be permitted more than ten (10) feet in front of the front building line. All produce or vegetable gardens shall be maintained only in rear yards.

3. Limitation of Amendment. Except as expressly set forth herein, the Declaration shall continue in full force and effect according to its terms.

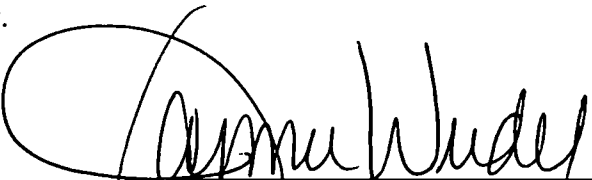
24<sup>th</sup> IN WITNESS WHEREOF, the Declarant has caused these presents to be executed this day of September, 2019.

CHARLESTON HOMES, LLC, a Nebraska limited liability company

By:   
Marc Stodola, Manager

STATE OF NEBRASKA     )  
  ) ss.:  
COUNTY OF DOUGLAS    )

The foregoing instrument was acknowledged before me this 24<sup>th</sup> day of September, 2019, by Marc Stodola, Manager of Charleston Homes, LLC, a Nebraska limited liability company, on behalf of the company.

  
Notary Public

