## BOOK 771 PAGE 54

AMENDMENT TO DECLARATION OF GROVER GALLERY

This Amendment to Declaration is made on <u>March 17</u> 1985, by the owners as of the date hereof in excess of Ninety Percent (90%) of all the lots contained in the following described real estate, to-wit:

> Lots 1 through 23, inclusive, Grover Gallery, a subdivision of the City of Omaha, Douglas County, Nebraska, as surveyed, platted and recorded.

## <u>WITNESSETH</u>:

WHEREAS, a Declaration of Covenants, Conditions and Res'trictions covering the above-described real estate was executed on June 30, 1980, and filed at Page 725 through Page 734, inclusive, of Book 637 of the Miscellaneous Records in the office of the Register of Deeds of Douglas County, Nebraska; and

WHEREAS, said Declaration provides for Amendment of the Declaration by instrument signed by the owners of Ninety Percent , (90%) or more of the lots; and

WHEREAS, the undersigned are the owners of more than Ninety Percent (90%) of the lots subject to said Declaration, and it is the desire of the undersigned to make certain amendments, additions and clarifications to said Declaration.

NOW, THEREFORE, in consideration of the foregoing preambles, the undersigned declare that the following easements, restrictions, covenants and conditions as herein expressed shall apply in amendment of and in addition to the easements, restrictions, covenants and conditions contained in said Declaration to the extent and only to the extent that the same are inconsistent therewith:

1. Article IV, Section 3 is hereby amended to read as follows:

"Section 3. Maximum Annual Assessment. From and after January 1 of the year immediately following the conveyance of the first lot to an Owner, the annual assessment may be increased by the greater of: (a) Five Percent (5%) of the annual assessment for the immediately preceding year, or (b) the percentage increase in the Consumer Price Index - Wage Earner for the immediately preceding September over September of the immediately prior year."

2. Article IV, Section 4 is hereby amended to read as follows:

"Section 4. Special Assessment for Capital Improvements. In addition to the annual assessment authorized above, the Association 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 related thereto; provided that, any such assessment shall be approved by the vote of a majority of the number of votes entitled to vote at an annual meeting<sup>4</sup> called for that purpose."

3. Article IV, Section 5 is hereby deleted.

4. Article IV, Section 8 is hereby amended to read as

follows:

"Section 8. Effect of Non-Payment of Assessments: Remedies of the Association. Any annual assessment not paid within Ten (10) days after the due date shall be delinquent and shall be subject to a \$10.00 service charge. Any special assessment not paid within ten (10) days after the due date shall bear interest from the date of delinquency at the rate of Twelve Percent (12%) per annum. The Association may bring an action at law against the Owner personally obligated to pay the same, or foreclose the lien against the property. No Owner may waive or otherwise escape liability for the assessments provided for herein by non-use of the Common Area or abandonment of his lot."

5. Article XI, Section 3 is hereby amended to read as follows:

"Section 3. Amendment. The covenants and restrictions of this Declaration shall run with and bind the land, for a term of twenty (20) years from the date this Declaration is recorded, after which time they shall be automatically extended for successive periods of ten (10) years. This Declaration may be amended by an instrument signed by not less than Seventy-five Percent (75%) of the lot Owners. Any amendment must be recorded with the Register of Deeds in and for Douglas County, Nebraska."

Executed the day and year first above written. Signature of Legal Description of Lots Owned: (All in Grover Gallery) Owners 13 2 11 4 5 6 7 8 9 10 L. 7 11 12 13 14 15 16 17 18 19. 20

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BOOK 771 PAGE 56

Total lots listed above = Divided by 20 = Total lots in Properties = (Except in Common Area)

STATE OF NEBRASKA ) COUNTY OF DOUGLAS )

On this <u>1'1</u> day of <u>MARCH</u>, 1985, before me, the undersigned, a Notary Public in and for said County, personally came <u>DEBORAN A. PAVLY</u>, <u>BON'S 24ANNE SEEPTRA, LINDAJ, GARDREL, JOHNL. & DORISH, PETTT,</u> IMASEAN R. LUCKE, JOPAN P. FLICKINGER, JOYCE E'ROYJ, MURPHY, KAY? TAMMY WILSON, KAYMOND K. KENNEY

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personally known to me to be the identical persons whose names are affixed to the above Amendment to Declaration, and acknowledged the execution of the same to be their voluntary act and deed.

WITNESS my hand and notarial seal at Omaha in said County the day and year last above written.



conette So NOTARY

TOWA STATE OF NORMERA ) WOOD BURY ) SS. COUNTY OF DEFESTAS )

On this  $\frac{29}{MARCH}$ , 1985, before me, the undersigned, a Notary Public in and for said County, personally came PAULK CREGARY personally known to me to be the identical persons whose names are

personally known to me to be the identical persons whose names are affixed to the above Amendment to Declaration, and acknowledged the execution of the same to be their voluntary act and deed.

WITNESS my hand and notarial seal at Omaha in said County ay and year last above written.

erona PUBLIC

STATE OF NEBRASKA ) ) ss. COUNTY OF DOUGLAS )

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On this <u>4</u>th day of <u>april</u>, 1985, before me, the undersigned, a Notary Public in and for said County, personally came <u>GARY ROBERTS & LEE A. ROBERTS</u> personally known to me to be the identical persons whose names are

personally known to me to be the identical persons whose names are affixed to the above Amendment to Declaration, and acknowledged the execution of the same to be their voluntary act and deed.

WITNESS my hand and notarial seal at Omaha in said County the day and year last above written.

GENERAL NOTARY-State of NLDILLA JEANETTE SCHNEIDERWIND My Comm. Exp. Febr. 6, 1989

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STATE OF NEBRASICA
CCUNTY OF Douglas ) ss. BOOK 771 PAGE 58
In this <u>/</u> day of <u>March</u> , 1986, before me, the undersigned, a Notary Fublic in and for said County, personally came <u>RANDALL R. SCHWPETZ</u> personally known to me to be the identical persons whose names are affixed to the above Amendment to Declaration, and acknowledged the execution of the same to be their voluntary act and deed.
"ITNESS my hand and notarial seal at <u>Omena</u> in said County the day and year last above written.
Geanette Schneidenvind NUTARY PUBLIC
/ NOTARY PUBLIC
STATE OF NEBRASICA ; SS.
CCURIT OF _1/009/45

In this <u>12</u> day of <u>10</u> the undersioned, a Notary Fublic in and 0,212,1986, before me, for said County, personally came <u>PATRICIA</u> D. RYAN personally known to me to be the identical persons whose names are

affixed to the above Amendment to Declaration, and acknowledged the execution of the same to be their voluntary act and deed.

"ITKESS my hand and notarial seal at UMAHA in said County the day and year last above written.

GENERAL NOTARY-State of Nebraska JEANETTE SCHNEIDERWIND

My Comm. Exp. Febr. 6, 1989

STATE OF NEBRASKA CCUNTY CF -

In this 12 day of <u>April</u>, 1986, before me, the undersigned, a lotary Fublic in and for said County, personally came <u>L.A. Monson & DIANE K. Monson</u> personally known to me to be the identical persons whose names are

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affixed to the above Amendment to Declaration, and acknowledged the execution of the same to be their voluntary act and deed.

"ITNESS my hand and notarial seal at in said County the day and year last above written

NUTARY PUBLIC



## BOCK 771 PAGE 59

"Section 8. Effect of Non-Payment of Assessments: Remedies of the Association. Any annual assessment not paid within Ten (10) days after the due date shall be delinquent and shall be subject to a \$10.00 service charge. Any special assessment not paid within ten (10) days after the due date shall bear interest from the date of delinquency at the rate of Twelve Percent (12%) per annum. The Association may bring an action at law against the Owner personally obligated to pay the same, or foreclose the lien against the property. No Owner may waive or otherwise escape liability for the assessments provided for herein by non-use of the Common Area or abandonment of his lot."

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Executed the day and year first above written.

Legal Description of Lots Owned: (All in Grover Gallery)	Signature of Owners
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STATE OF Aebroska !		771 PAGE 60	
CCUNTY OF <u>Douglas</u> ;	SS.		
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Cn this <u>15</u> day of <u>flottary</u>, 1986, before me, the undersigned, a Notary Fublic in and for said County, personally came <u>Manflin H. Dandeburg</u> <u>H</u> personally known to me to be the identical persons whose names are affixed to the above Amendment to Declaration, and acknowledged the execution of the same to be their voluntary act and deed.

"ITNESS my hand and notarial seal at <u>Oncha</u> in said County the day and year last above written.

M.Stale of Telestica RAMOLD e Fabr 19. 1986

## BOOK 771 PAGE 61

"Section 8. Effect of Non-Payment of Assessments: Remedies of the Association. Any annual assessment not paid within Ten (10) days after the due date shall be delinquent and shall be subject to a \$10.00 service charge. Any special assessment not paid within ten (10) days after the due date shall bear interest from the date of delinquency at the rate of Twelve Percent (12%) per annum. The Association may bring an action at law against the Owner personally obligated to pay the same, or foreclose the lien against the property. No Owner may waive or otherwise escape liability for the assessments provided for herein by non-use of the Common Area or abandonment of his lot."

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BOOK. 771 PAGE 62 STATE OF <u>Nolreaka</u> ss. CLUNTY OF Dougla Cn this 27 day of <u>Levenn</u> the maersiened, a Notary Fublic in and for came <u>James J. Bruant</u> ,1986, before me, said County, personally known to me to be the identical persons whose names are personally affixed to the above Amendment to Declaration, and acknowledged the execution of the same to be their voluntary act and deed. "ITNESS my hand and notarial seal at  $\bigcirc m$ in said County the day and year last above written. JAN M. SCHUTZ GENERAL NOT ARY-State of Nebr My Comm. Exp. Mar. 10, 1989 . . Del\_ 87-6.50 APR 16 PM 4: 02 RECEIVED Indx <u>II</u>I MC Comp\_\_\_ Comp

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