



MISC 2011029929



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Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE
4/5/2011 08:43:03.53



2011029929

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**AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS,
RESTRICTIONS AND EASEMENTS OF HANOVER FALLS**

This Amendment to Declaration of Covenants, Conditions, Restrictions and Easements of Hanover Falls (this "Amendment") is entered into by Hearthstone Homes, Inc., a Nebraska corporation ("Hearthstone").

WHEREAS, Military Holdings, LLC, a Nebraska limited liability company ("Military Holdings"), was the original Declarant under that certain Declaration of Covenants, Conditions, Restrictions and Easements of Hanover Falls which was recorded in the office of the Douglas County Register of Deeds on October 16, 2006 as Instrument Number 2006119008 (the "Declaration"), which Declaration was filed against the following described real property, to-wit:

Lots 1 thru 113, inclusive, Lots 115 thru 122, inclusive, and Outlots
"A" thru "C", inclusive, Hanover Falls, as surveyed, platted and
recorded in Douglas County, Nebraska.

WHEREAS, Military Holdings assigned its rights as Declarant to Hearthstone, and Hearthstone expressly assumed such rights, pursuant to that certain Revocable Assignment and Assumption of Declarant Rights and Notice dated as of October 12, 2006 and recorded with the Douglas County Register of Deeds on October 16, 2006 as Instrument No. 2006119009 (the "Assignment").

WHEREAS, Article IV, Paragraph 2 of the Declaration provides that the Declaration may be amended by the Declarant, or any person, firm, corporation, partnership, or entity designated in writing by the Declarant, in any manner which it may determine in its full and absolute discretion for a period of ten (10) years following October 11, 2006.

NOW, THEREFORE, Hearthstone, as the Declarant, hereby declares as follows:

1. Amendment. The Declaration is hereby amended as follows:
 - a. The second sentence of Paragraph 8 of Article I shall be deleted in its entirety and shall be replaced with the following:

"Fences constructed adjacent to 156th Street and Bondesson Street Outlots "A" and "C", inclusive, Hanover Falls (Lots 1 thru 12, inclusive; and, Lot 70, Hanover Falls) must be a six

(6) foot high privacy type with pickets, which fence must meet the specifications set forth on Exhibit "A-1" attached hereto and incorporated herein by reference, or equivalent."

- b. Exhibit "A-1" shall be deleted in its entirety and shall be replaced with Exhibit "A-1" attached hereto.

2. No Other Amendments. Except as set forth herein, all of the other terms and conditions of the Declaration shall remain the same and in full force and effect.

IN WITNESS WHEREOF, the undersigned have caused this Amendment to be executed on the 29th day of March, 2011.

DECLARANT:

Hearthstone Homes, Inc.,
a Nebraska corporation

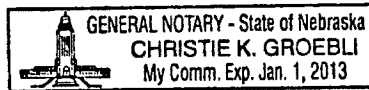
By: _____

Neil Smith, Vice President

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

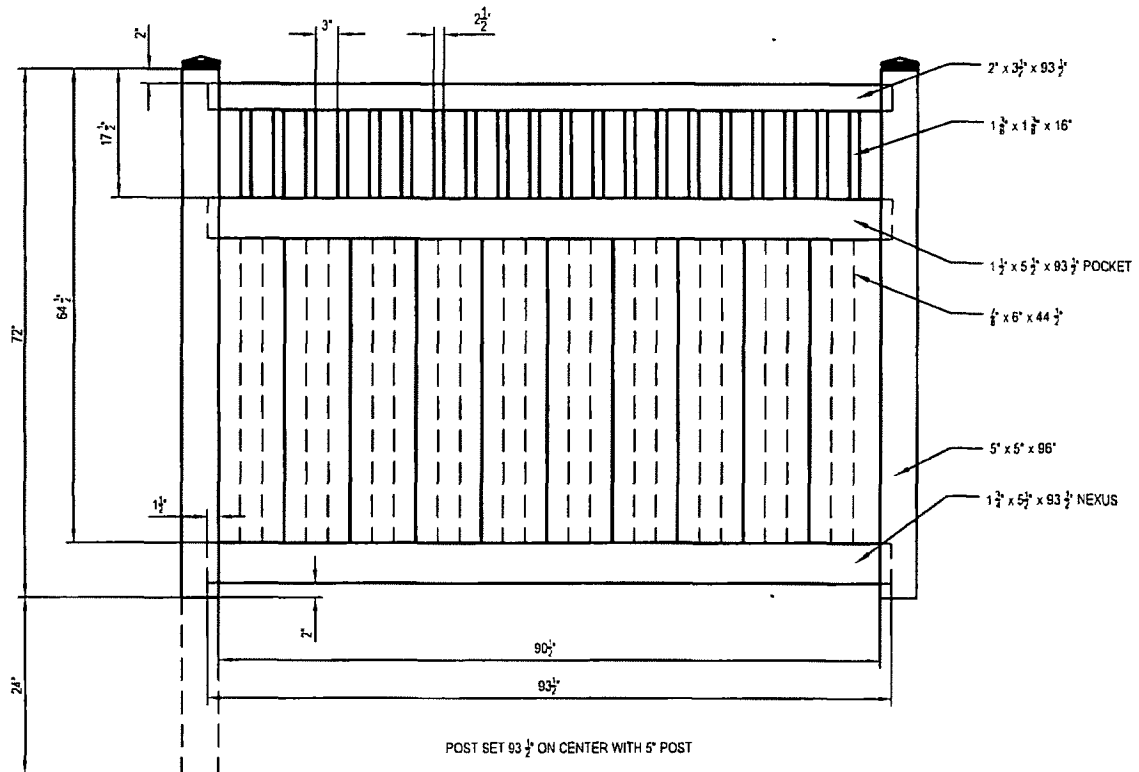
Before me, a notary public, in and for said county and state, personally came Neil Smith, Vice President of Hearthstone Homes, Inc., a Nebraska corporation, known to me to be the identical person who executed the above instrument and acknowledged the execution thereof to be his voluntary act and deed and the voluntary act and deed of said corporation.

Witness my hand and Notarial Seal this 29th day of March, 2011.



Christie K. Groebli
Notary Public

EXHIBIT A



72" SOLID PRIVACY FENCE WITH ACCENT 8' WIDTH



E&A CONSULTING GROUP, INC.
ENGINEERING • PLANNING • FIELD SERVICES
330 NORTH 117TH STREET OMAHA, NE 68154 PHONE: (402) 895-4700

Drawn by: RPF

Scale: 1" = 2'

Job No.: P2010.001.001

Date: 12/02/2010

**72" SOLID PRIVACY FENCE WITH ACCENT
8' WIDTH**