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RICHARD M. TOWNSEND
REGISTER OF DEEDS
DOUGLAS COUNTY, NE

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**AMENDMENT NO. 1 TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS**

THIS AMENDMENT NO. 1 TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS (the "Amendment") is dated as of July 22, 1998, and is made by Dave Paik Builders, Inc., a Nebraska corporation, hereinafter referred to as the "Declarant."

RECITALS:

WHEREAS, a Declaration of Covenants, Conditions and Restrictions (the "Declaration") was recorded in Book 1206, Page 312, of the Miscellaneous Records of the Douglas County Register of Deeds Office on the 8th day of April 1997, which covered the following described real property:

Lots 13 and 14 in Hillsborough Replat 21, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska.

WHEREAS, all terms used in this Amendment without definition shall have the same meanings in this Amendment as such terms have in the Declaration.

WHEREAS, Declarant, as the Owner of one or more of the Lots, in accordance with the provisions of the Declaration, desires to amend the Declaration as hereinafter set forth.

1. **Amendments to Declaration.** The Declaration is hereby amended by deleting the existing Section 4 of Article I, and the existing Section 4 of Article VII and in lieu thereof inserting:

(a) In Article I, the following Section 4:

Section 4. "Lot" shall mean and refer to those plots of land shown as lots upon the recorded subdivision maps of Hillsborough Replat 21, of Hillsborough and of Hillsborough Northeast.

(b) In Article VII, the following Section 4:

Section 4. Special Declarant Rights. Declarant reserves the right in its sole and absolute discretion at any one or more times to amend this Declaration

*Erickson's Sederstrom
10330 Regency Dr
Omaha, Ne 68144*

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and annex and bring within the scheme of and make subject to this Declaration (i) Lots 1 through 12, inclusive, and Lots 15 through 26, inclusive, Hillsborough Replat 21, in Douglas County, Nebraska; (ii) Lots 595 through 603, inclusive, and Lots 622 through 632, inclusive, Hillsborough in Douglas County, Nebraska; and (iii) Lots 1 through 22, inclusive, Hillsborough Northeast in Douglas County, Nebraska. Declarant shall have the right to annex the foregoing real property to add additional townhome Units to this Declaration, even though at the time of such annexation Declarant owns no townhome Unit or Lot then subject to the Declaration. Each annexation shall be made by recording a supplement or amendment to this Declaration in the Register of Deeds Office of Douglas County, Nebraska, which shall have the effect of extending all the terms and provisions of this Declaration to such additional real property effective on the date of the recording of the supplement or amendment to this Declaration with the Register of Deeds Office of Douglas County, Nebraska. By this Declaration, Declarant and each future Owner of any Lots or Units consent to and approve such annexation of additional townhome Units and Lots hereto.

2. **Reference to and Effect on the Declaration.** On and after the effective date of this Amendment, each reference in the Declaration to "this Declaration," "hereof," "herein," or words of like import, shall mean and be a reference to the Declaration as amended by this Amendment. Except as specifically amended by this Amendment, the Declaration shall remain in full force and effect and hereby is ratified and confirmed.

IN WITNESS WHEREOF, this Amendment has been duly executed on behalf of the Declarant as of the date above written.

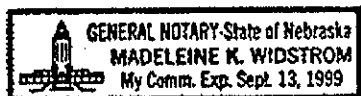
DECLARANT:

**DAVE PAIK BUILDERS, INC., a
Nebraska corporation,**

By: *DRP*
David R. Paik, President

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 22nd day of July 1998, by David R. Paik, President of Dave Paik Builders, Inc., a Nebraska corporation, on behalf of the corporation.



Madeleine K. Widstrom
Notary Public