

AMENDMENT

to

DECLARATION

This AMENDMENT TO DECLARATION, made August 31st, 1976, by

THE UNITED STATES NATIONAL BANK OF OMAHA, a National banking corporation with an office in Douglas County, Nebraska, hereafter called "Owner",

WITNESSETH: THAT,

Whereas The Edward E. Wilczewski-Hawkins Investment Company Limited Partnership No. 1 - Joint Venture, then owning all of Lots 1 through 188 and Lot 191, The Knolls 2nd Addition, a subdivision in Douglas County, Nebraska, as surveyed, platted, and recorded, hereafter called "Knolls second phase lots", has heretofore provided, pursuant to a certain Declaration executed August 13, 1973, and recorded at Pages 129 through 135 of Book 536 of the Miscellaneous Records of the Register of Deeds of Douglas County, Nebraska, that said Declaration will be subject to amendment by an instrument executed by the owner or owners of not less than ninety (90%) per centum of the Knolls second phase lots; and

Whereas Owner, now owning more than ninety (90%) per centum thereof inclusive of Lots 169 through 180 thereof, desires to amend said Declaration so as to subject the Knolls second phase lots to modified conditions and other terms appropriate, convenient, or necessary to preserve and promote their private residential character in conformity to and coordination with a general plan of development and improvement inclusive of duplex residences;

Now, Therefore, in consideration of the matters herein recited, Owner does hereby

AMEND said Declaration as follows, to-wit:

- 1. Definitions: Sections 3 and 5 of Article I are and will be amended in their entirety; and the following do and will constitute new Sections 3 and 5 of Article I as from August 13, 1973:

"Section 3. "Properties" shall mean and refer to Lots 1 through 188 and Lot 191 of the Knolls second phase lots and such additions thereto as may hereinafter be brought within the jurisdiction of the Association; and "Duplex Properties" shall mean and refer to that part of the Properties comprised of Lots 169 through 188 of the Knolls second phase lots."

"Section 5. "Lot" shall mean and refer to any plot of land shown upon any recorded subdivision map of the Properties with the exceptions of the Duplex Properties and the Common Area and shall mean and refer to any one of not more than two halves or adjoining parts of any plot of land shown upon any recorded subdivision map of the Duplex Properties."

- 2. Membership and Voting Rights: Section 1 of Article III is and will be amended in its entirety; and the following does and will constitute new Section 1 of Article III as from August 13, 1973:

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"Section 1. Every owner of a lot within the Properties inclusive of the Duplex Properties shall be a member of the Association; and membership shall be appurtenant to and may not be separated from ownership of any Lot in the Properties or the Duplex Properties which is subject to assessment."

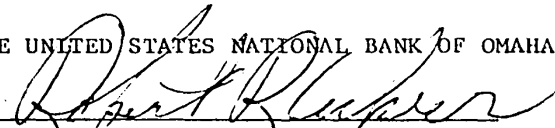
3. General Restrictions: Sections 2(d) and 11 of Article VI are and will be amended in their entirety; and the following do and will constitute new Sections 2(d) and 11 of Article VI as from August 13, 1973:

"Section 2(d). To any portion of a building leased for residential purposes on any Lot of the Duplex Properties for any term or on any other Lot for a term exceeding one year."

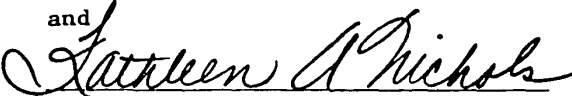
"Section 11. All lots within the Properties other than the Duplex Lots and the Common Area shall be used only for detached single family residences, and all lots within the Duplex Properties shall be used only for attached or detached single family residences. Not more than one single family dwelling with garage attached shall be erected, altered, placed or permitted to remain on any one of said lots; and not more than two such dwellings shall be attached to each other on any two adjoining Lots of the Duplex Properties. No such dwelling shall exceed two stories in height. All homes constructed on said lots must have two-car garages, and must have completed at the time of occupancy the equivalent of two full baths as said term is used in the custom and practice of the homebuilding industry in Omaha, Nebraska. On all Lots except Duplex Lots, the ground floor enclosed area of every single family dwelling, exclusive of open porches, open breezeways, basements and garages, shall be not less than 1,200 square feet for a one-story dwelling, and not less than 1,000 square feet for a one and one-half or two-story dwelling; and on all Duplex Lots, the enclosed area of every single family dwelling, exclusive of open porches, open breezeways, basements, and garages, shall be not less than 1,000 square feet for any one, one and one-half, or two-story dwelling. All exposed foundations of each improved lot shall be either bricked, brick-scored concrete block painted in brick colors to harmonize with the exterior of the home, or painted, poured brick, formed foundations. Foundations may also be finished with stucco provided the same shall harmonize with the architectural design of the dwelling. Declarant hereby reserves and shall have the exclusive right to modify or waive the provisions of this Section 11 of Article VI of this Declaration, in whole or in part, as to any lot or lots in cases where in the exercise of Declarant's discretion Declarant deems such modification or waiver to be necessary or advisable by reason of special circumstances, to prevent hardship, or for any other reason considered sufficient by Declarant."

IN WITNESS WHEREOF, Owner has executed this Amendment to Declaration at Omaha, Douglas County, Nebraska.

THE UNITED STATES NATIONAL BANK OF OMAHA

BY   
Robert R. Culver,  
Its Vice President

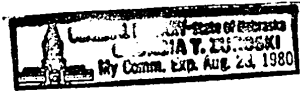
and

  
Kathleen A. Nichols  
Its Real Estate Banking Officer  
Owner

STATE OF NEBRASKA )  
 ) ss  
COUNTY OF DOUGLAS )

Before me, a Notary Public qualified for said County, personally appeared Robert R. Culver, Vice President of The United States National Bank of Omaha, known to me to be the officer and identical person who executed the foregoing instrument, acknowledged the execution thereof to be his voluntary act and deed as such officer and the voluntary act and deed of such bank, and declared the execution and delivery thereof to be duly authorized.

Witness my hand and Notarial Seal on August 31st 1976.



*Georgia J. Zimorski*  
Notary Public

14 March  
RECEIVED  
1976 SEP - 6 AM 3:05  
NOTARY PUBLIC  
STATE OF NEBRASKA  
DOUGLAS COUNTY, NEBR.

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