

## ADDENDUM TO DECLARATION

COMES NOW BENCHMARK HOMES, INC., a Nebraska corporation (the "Declarant"), and as an Addendum to the Declaration filed at Book 726, Page 419 of the Miscellaneous Records in the office of the Register of Deeds of Douglas County, Nebraska, does hereby set forth and declare the following:

WHEREAS, the Declarant is the owner of those lots and/or portions of lots (herein called the "Lots") in LINDEN PLACE, a cluster subdivision as surveyed, platted and recorded in Douglas County, Nebraska, which are legally described on Exhibit "A" attached hereto and incorporated herein by this reference; and

WHEREAS, Declarant wishes to bind the Lots in the manner set forth herein with respect to the installation of telephone service by Northwestern Bell Telephone Company and payment therefor.

NOW, THEREFORE, Declarant hereby declares that the Lots shall be held, sold and conveyed subject to the covenant and condition that in the event that ninety (90%) percent of all of the lots within Linden Place are not improved on or before January 27, 1990, then every Lot that is unimproved as of said date shall be subject to a charge of Four Hundred Fifty (\$450.00) Dollars by Northwestern Bell Telephone Company or its successors. A Lot shall be considered as unimproved if construction of a permanent structure has not commenced on that Lot. Construction shall be considered as having commenced if a footing inspection has been made on the Lot in question by officials of the City of Omaha or other appropriate governmental authority. It is understood that Northwestern Bell Telephone Company has completed the installation of its distribution system within Linden Place.

Such charge, if payable, shall be due and owing immediately on January 27, 1990, and if such charge is not paid within sixty (60) days after the sending of written notice by Northwestern Bell Telephone Company or its successors to the owner of an unimproved lot that such charge is due, then such charge will begin drawing interest commencing upon the expiration of the sixty (60) day period at the rate of twelve (12%) percent per annum, or the maximum rate allowed by law if said maximum rate is less than twelve (12%) percent per annum at that time.



EXHIBIT "A"

Lots 1 through 5, 6 (North 33.17 feet), 7, 8, 9, (West 44.27 feet), 10 through 14, 15 (West 35.83 feet), 16 through 19, 27, 28, 31 through 43, 44 (West 33.17 feet), 45 (West 33.17 feet), and 46 through 70, in LINDEN PLACE, a cluster subdivision, being a replatting of Lot 300, PHEASANT RUN, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska; and

Lot 26, LINDEN PLACE, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska, except that part described as follows: Beginning at the most Northerly corner of said Lot 26; then South 26 degrees 45'57" East (assumed bearing) on the common line between Lots 25 and 26, said Linden Place, 120.00 feet; thence South 40 degrees, 06'56" West on the Southeasterly line of said Lot 26, 49.82 feet; thence North 45 degrees, 03'36" West, 130.60 feet to the Northwesterly line of said Lot 26; thence Northeasterly on the Northwesterly line of said Lot 26 on a 250.00 foot radius curve to the right, chord bearing North 53 degrees, 04'28" East, chord distance 88.20 feet, an arc distance of 88.66 feet to the point of beginning.

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