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 AFTER RECORDING, RETURN TO: DANIEL B. KINNAMON, ERICKSON & SEDERSTROM, P.C., 10330 REGENCY PARKWAY DRIVE, OMAHA, NE 68114

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## FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS

THIS FIRST AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS (the "Amendment") is dated as of September \_\_, 2002 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 the office of the Register of Deeds of Sarpy County, Nebraska on October 19, 1998 as Instrument No. 98-029337, which covered the following described real property:

Lots 321 A & B through Lots 327 A & B, inclusive, and Lots 332 A & B through Lots 340 A & B, inclusive, in Millard Park, a subdivision as surveyed, platted and recorded in Sarpy 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 seventy-five percent (75%) or more of the Lots, in accordance with Article VII, Section 3 of the Declaration desires to amend the Declaration as hereinafter set forth:

1. Addition of Property to Declaration. Declarant is the Owner of the following described real property (herein "Replat Lots"):

Lots 1 through 10, inclusive in Millard Park Replat 6 (being a replatting of Lots 8A through 13B, Millard Park Replat 5), a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska.

The foregoing Replat Lots shall be added to and become a part of the Properties under the Declaration and all of the terms, covenants, restrictions, conditions, reservations, and provisions of the Declaration shall be extended to and be applicable to such Replat Lots for all purposes. This Amendment shall be deemed to be effective on the date of the recording of the Amendment with the Register of Deeds of Sarpy County, Nebraska.

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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. The reference to "Lot" in Article I, Section 4 shall be amended to include, in addition to lots upon the recorded subdivision maps of Millard Park, the lots in Millard Park Replat 6. 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.

**Dave Paik Builders, Inc., a Nebraska Corporation,**

By:   
**David R. Paik, President**

STATE OF NEBRASKA     )  
                                      ) SS.  
COUNTY OF DOUGLAS    )

The foregoing instrument was acknowledged before me this 11<sup>th</sup> day of September, 2002, by David R. Paik, President of Dave Paik Builders, Inc., a Nebraska corporation, on behalf of the Corporation.

\_\_\_\_\_  
Notary Public 

