



MISC 2005100740



AUG 16 2005 11:13 P 2

Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE
8/16/2005 11:13:00.15



2005100740

**FIRST AMENDMENT TO THE
DECLARATION OF COVENANTS, CONDITIONS,
RESTRICTIONS AND EASEMENTS
OF OAKMONT**

THIS FIRST AMENDMENT is made by HEARTHSTONE HOMES, INC., assignee of Declarant's rights, hereinafter referred to as the "Declarant," and made to the Declaration of Covenants, Restrictions and Easements of Oakmont, a subdivision in Douglas County, Nebraska, dated March 30, 2004 and recorded as Document No. 2004040033 in the Miscellaneous Records of the Register of Deeds of Douglas County, Nebraska on March 30, 2004 (hereinafter referred to as the "Declaration").

PRELIMINARY STATEMENT

Article IV, Paragraph 2 of the Declaration provides that the covenants and restrictions of the Declaration may be amended by the Declarant for a period of 10 years following March 30, 2004.

NOW, THEREFORE, Declarant hereby declares that the Declaration of Covenants, Conditions, Restrictions and Easements of Oakmont, a subdivision in Douglas County, Nebraska, dated March 30, 2004 and recorded as Document No. 2004040033 in the Miscellaneous Records of the Register of Deeds of Douglas County, Nebraska on March 30, 2004, should be and hereby are amended in the following manner:

1. By deleting therefrom the legal description in the Preliminary Statement and adding in its place and stead the following:

Lots 39 thru 55, inclusive; Lots 125 thru 180, inclusive; Lot 198, Lots 200 thru 357, inclusive, and Outlot "A", Oakmont; and, Lots 1 thru 67, inclusive, Oakmont Replat One; and, Lots 1 thru 57, inclusive, Oakmont Replat Two, as surveyed, platted and recorded in Douglas County, Nebraska;

2. By deleting therefrom subsection c of paragraph 1 of Article II and adding in its place and stead the following:

(c) "Properties" shall mean and refer to: Lots 39 thru 55, inclusive; Lots 125 thru 180, inclusive; Lot 198, Lots 200 thru 357, inclusive, and Outlot "A", Oakmont; and, Lots 1 thru 67, inclusive, Oakmont Replat One; and, Lots 1 thru 57, inclusive, Oakmont Replat Two, as surveyed, platted and recorded in Douglas County, Nebraska;

IN WITNESS WHEREOF, the Declarant has caused these presents to be executed this 25th

misc *OC - 28221*
OC - 28227 Rep 1
188, 50 FB OC - 28223 Rep 2

C/O _____ COMP *99*

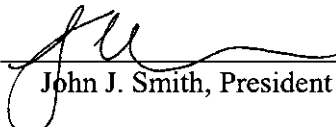
SCAN _____ FV _____

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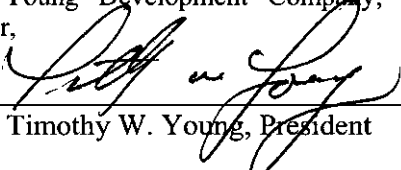
day of July 2005.

HEARTHSTONE HOMES, INC., "Declarant" by
virtue of assignment,

By: 
John J. Smith, President

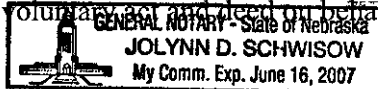
Consented to this 2nd day of ^{August} ~~July~~ 2005.

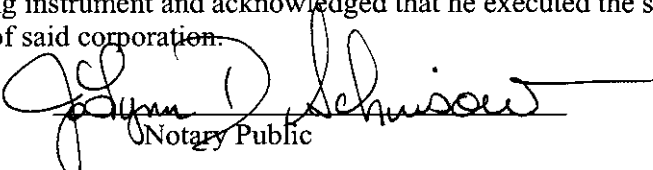
BOYER YOUNG EQUITIES I, LLC,
Boyer Young Development Company, Administrative
Member,

By: 
Timothy W. Young, President

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

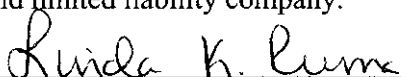
The foregoing instrument was signed before me this 23rd day of July 2005, by John J. Smith, President of HearthStone Homes, Inc., a Nebraska corporation, to me known to be the identical person named in and who executed the foregoing instrument and acknowledged that he executed the same as his ~~voluntary act and deed on behalf of said corporation.~~




Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was signed before me this 2nd day of ^{August} ~~July~~ 2005, by Timothy W. Young, as President of Boyer Young Development Company, as Administrative Member of Boyer Young Equities I, LLC, a Nebraska limited liability company, to me known to be the identical person named in and who executed the foregoing instrument and acknowledged that she executed the same as his voluntary act and deed as Manager of said limited liability company.


Notary Public

