

2010 SEP 13 AM 10:36

Carol Stevens
DODGE COUNTY
REGISTER OF DEEDS
CONVEYANCE FEE \$ 36

**Amendments to Declaration
for Oakwood Homeowners Association**

These Amendments to Declaration are made this 7th day of September 2010 by Oakwood Homeowners Association, a Nebraska Non-Profit Corporation.

These Amendments to Declaration affects each townhome lot and dwelling unit in Oakwood Subdivision, a subdivision in Dodge County, Nebraska, as surveyed, platted and recorded, including the real property in Dodge County, Nebraska, more specifically described in Exhibit A attached hereto and incorporated herein by reference; and, these Amendments shall be recorded against the said described real property and shall run with the land.

At the Annual Meeting of the Members of Oakwood Homeowners Association held September 7, 2010, and pursuant to the Nebraska Non-Profit Corporation Act, as amended, the existing Articles of Incorporation, By-Laws and Declaration of Oakwood Homeowners Association, and as otherwise provided by Nebraska law, the Declaration has been amended in the particulars hereinafter set forth:

1. Paragraph 2 – Covenants, Subparagraph b of the Declaration has been amended to add additional words and provisions, and the new and amended Subparagraph b to the Declaration shall hereafter provide and read as follows:
2. Covenants:
 - b. Except for such townhome or townhome lots or part thereof as may from time to time be added to or occupied or used as part of or in connection with the common ground, no townhome lot will be occupied or used for other than single-family townhome residential purposes; and no townhome lot will be occupied or used for such residential purposes at a density greater than one single-family townhome residence for each townhome lot.

Each townhome lot and dwelling unit in Oakwood Subdivision, a subdivision in Dodge County, Nebraska, as surveyed, platted and recorded, and any townhome lot and dwelling unit within the limits of any other real property accepted for inclusion, and by agreement, covenant, or otherwise required to be included, the "Property", is intended to constitute housing intended and operated for

upst

occupancy by at least one person fifty-five (55) years of age or older per dwelling unit under the Fair Housing Act and the Housing for Older Persons Act of 1995. Except as provided below, at least one occupant of each residential dwelling unit must be fifty-five (55) years of age or older, and no person under nineteen (19) years of age shall occupy or reside in a residential dwelling unit for more than ninety (90) days in any twelve (12) month period.

The Association may, in its sole and absolute discretion, grant variances from the above restrictions, unless the granting of a variance would result in less than eighty percent (80%) of the residential dwelling units being occupied by one person fifty-five (55) years of age or older or would otherwise jeopardize the Property's status as housing for older persons under the Fair Housing Act and the Housing for Older Persons Act of 1995. Any request for a variance submitted to the Association pursuant to this subsection shall set forth the names and ages of all proposed residents of the residential dwelling unit, the reason for the request and such other information as the Association may reasonably require.

The Association's Board shall adopt, publish and enforce such policies and procedures and rules and regulations as are deemed necessary by the Board in order to demonstrate an intent to provide housing for occupancy by at least one person fifty-five (55) years of age or older per dwelling unit and to maintain the status of the Property as housing for older persons under the Fair Housing Act and the Housing for Older Persons Act of 1995. Such policies and procedures shall provide for verification of the age of the residents by reliable surveys and affidavits, and each resident, if requested to do so by the Association, shall furnish the Association with the names and ages of all occupants at the residential dwelling unit and such affidavit and other documents as the Association may request to verify the ages of such occupants.

These housing for older persons provisions and age restrictions are effective immediately, provided, however, that the provisions and age restrictions do not apply to the present occupancy of the dwelling units that are currently not in compliance with this Subparagraph b as of the time these provisions and age restrictions become effective and further provided any change in occupancy of any dwelling unit after these provisions and restrictions become effective will be and is subject to the housing for older persons provisions and age restrictions contained herein.

3. The above new and amended Subparagraph b to Paragraph 2 – Covenants supersedes the existing Subparagraph b of Paragraph 2 – Covenants of the Declaration effective immediately.
 4. The date of adoption of these Amendments to the Declaration was September 7, 2010.
-

5. These Amendments to the Declaration were adopted by a two-thirds (2/3) vote at the Annual Meeting of the Oakwood Homeowners Association held September 7, 2010, the proposed Amendments having been mailed to all members of the Oakwood Homeowners Association at least twenty (20) days but not more than thirty (30) days prior to the date of the Annual Meeting.
6. At the time of proposing these Amendments to the Declaration and giving notice thereof as well as at the time of the adoption of these Amendments to the Declaration at least 80% of the residential dwelling units were occupied by at least one person fifty-five (55) years of age or older.

The undersigned, Ken Grosse and Kay Browder, hereby certify that they are the duly elected President and Secretary, respectively, of Oakwood Homeowners Association, a Nebraska Non-Profit Corporation, and the foregoing Amendments to the Declaration were duly adopted by two-thirds (2/3) affirmative vote of the members at the corporation's Annual Meeting held on September 7, 2010, and the foregoing do constitute the Amendments to the Declaration.

In witness whereof we have hereunto subscribed our names this 8th day of September 2010.

Oakwood Homeowners Association

By *Ken Grosse*
Ken Grosse, President

By *Kay E. Browder*
Kay Browder, Secretary

State of Nebraska, County of Dodge) ss.

The foregoing instrument was acknowledged before me this 8th day of September 2010, by Ken Grosse, President of Oakwood Homeowners Association on behalf of the association.



Laura A. Nieman
Notary Public

State of Nebraska, County of Dodge) ss.

The foregoing instrument was acknowledged before me this 8th day of September 2010, by Kay Browder, Secretary of Oakwood Homeowners Association on behalf of the association.



Laura A. Nieman
Notary Public

**Exhibit A to Amendments to Declaration
Oakwood Homeowners Association**

A tract of land located in the NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 15 and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 14, all in Township 17 North, Range 8 East of the 6th P.M., Dodge County, Nebraska and being more particularly described as follows: Beginning at the point of intersection of the northerly R.O.W. line of Twenty-first Street and the westerly R.O.W. line of Nye Avenue as platted in the City of Fremont, Nebraska; thence N 90°00'00"W (assumed bearing) along the northerly R.O.W. line of said Twenty-first Street a distance of 640.00 feet; thence N 0°17'00"W parallel to the westerly R.O.W. line of Nye Avenue for a distance of 230.00 feet; thence N 46°12'15"E for a distance of 223.65 feet; thence N 0°17'00"W for a distance of 110.00 feet; thence S 89°58'03"E for a distance of 477.80 feet to a point on the westerly R.O.W. line of Nye Avenue; thence S 0°17'00"E along said R.O.W. line for a distance of 494.52 feet to the point of beginning.

And further described to include Lots 1 through 8, Block 1, and Lots 3 through 14, Block 2, all in Oakwood Subdivision, and Lots 9 through 15, Block 1 and Lots 1, 2, 15 and 16, Block 2, all in Oakwood First Addition, all as platted and recorded in Fremont, Dodge County, Nebraska.