

James D. Buser  
Gaines, Mullen, Pansing & Hogan  
10050 Regency Circle, Ste. 200  
Omaha, NE 68114

RECEIVED

JUL 8 11 37 AM '97

RICHARD N. TAKECHI  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NE



**FIRST AMENDMENT TO DECLARATION  
OF COVENANTS, CONDITIONS,  
RESTRICTIONS AND EASEMENTS OF  
THIRD PHASE OF PACIFIC SPRINGS,  
A SUBDIVISION IN  
DOUGLAS COUNTY, NEBRASKA**

This First Amendment is made to the Declaration of Covenants, Conditions, Restrictions and Easements of Third Phase of Pacific Springs, a Subdivision in Douglas County, Nebraska, dated November 20, 1996, and recorded with the Douglas County Register of Deeds on November 21, 1996, in Book 1194 at Page 189, Miscellaneous Records (the "Declaration"), by Horgan Development Company, a Nebraska corporation (the "Declarant").

PRELIMINARY STATEMENT

The Declaration was made by the Declarant in connection with the development of residential lots legally described as follows:

Lots 205 through 269, inclusive, in Pacific Springs, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska.

Such lots are herein referred to collectively as the "Lots" and individually as each "Lot."

Declarant has considered amendment of the Declaration for purposes of modifying Article I, Section 4. Article V, Section 2 of the Declaration allows the Declarant to amend the Declaration in any manner which it determines in its full and absolute discretion for a period of five (5) years from the date of the Declaration. Declarant has investigated the effect which the proposed amendment to the Declaration would have on the Lots and has concluded that the amendment would further the preservation of Pacific Springs, and would further the maintenance of the character and residential integrity of Pacific Springs, and would further the benefits and protection afforded to the lots by the Declaration.

NOW, THEREFORE, pursuant to the authority granted to the Declarant in Article V, Section 2 of the Declaration, Declarant hereby amends and supplements the Declaration as follows:

1. The first sentence of Article 1, Section 4 of the Declaration is amended in its entirety to provide as follows:

The exposed front foundation walls and any foundation walls facing any street of all main residential structures must be constructed of or faced with brick or other material approved in writing by the Association and all exposed side and rear concrete or concrete block foundation walls not facing the street must be painted.

8046  
FEE 42.50 R FB UC-29197  
DEL. C/O COMP. MS  
LEGAL PG SCAN SC FV

2. In each and every other respect, the Declaration shall remain in full force and effect according to its terms.

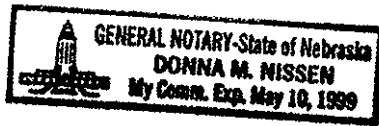
IN WITNESS WHEREOF, Declarant has executed this First Amendment as of the 19<sup>th</sup> day of MAY, 1997.

HORGAN DEVELOPMENT COMPANY, a Nebraska corporation, "Declarant"

By *Robert P. Horgan*  
Robert P. Horgan, President

STATE OF NEBRASKA )  
 ) ss.:  
COUNTY OF DOUGLAS )

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of MAY, 1997, by Robert P. Horgan, President of HORGAN DEVELOPMENT COMPANY, a Nebraska corporation, on behalf of the corporation.



*Donna M. Nissen*  
Notary Public

NOTARIAL SEAL AFFIXED  
REGISTER OF DEEDS