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MISC 1988 16536

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GEORGE J. BUCLEWICZ
REGISTER OF DEEDS
DOUGLAS COUNTY, NEBRASKA

Amendment and Extension
of
DECLARATION and SUPPLEMENTARY DECLARATIONS

78-307 Lots 155-A1 and A2, Lots 155-B1 through B6, and
 Lots 155-C1 through C16, REGENCY TOWNHOMES 1st ADDITION; 51-32693
 78-323 Lots 155-A3 and A4, Lots 155-G1 through G14, and Lots 155-H1 through H15,
 REGENCY TOWNHOMES 2nd ADDITION; 51-32694
 78-337 Lot 155-A5, Lots 155-D1 through D6, Lots 155-E1 through E10, and
 Lots 155-F1 through F4, REGENCY TOWNHOMES 3rd ADDITION; and 51-32695
 78-345 Lot 155-A6 and Lots 155-J1 through J20, REGENCY TOWNHOMES 4th ADDITION. 51-32696

This AMENDMENT and EXTENSION of DECLARATION and SUPPLEMENTARY DECLARATIONS made September 29, 1988, by

REGENCY TOWNHOMES ASSOCIATION, a Nebraska non-profit corporation with its registered offices in Omaha, Douglas County, Nebraska, hereafter called "Declarant,"

WITNESSETH: THAT,

Whereas, Regency, Inc., a Nebraska business corporation wholly owned by United of Omaha Life Insurance Company (formerly named "United Benefit Life Insurance Company"), a Nebraska insurance corporation with its registered office in Omaha, Douglas County, Nebraska, hereafter called "United", and others then owning all of certain parts of Sections 20 and 21, Township 15 North, Range 12 East of the Sixth Principal Meridian in Douglas County, Nebraska, have heretofore agreed, pursuant to an unrecorded Indenture executed May 19, 1968, that so much thereof as comprises Lots 155-A1 and A2, Lots 155-B1 through B6, and Lots 155-C1 through C16, Regency Townhomes 1st Addition, Lot 155-A3, Lot 155-A4 exclusive of the first westerly .030 acre thereof, the second westerly .030 acre thereof, the third westerly .001 acre thereof, the fourth northwesterly .007 acre thereof, and the fifth northwesterly .027 acre thereof and inclusive of the first westerly .033 acre of Lot 155-G7 and the second northerly .001 acre of Lot 155-G8, Lots 155-G1 and G2, Lot 155-G3 inclusive of the first westerly .030 acre of Lot 155-A4, Lot 155-G4 inclusive of the second westerly .030 acre of Lot 155-A4, Lots 155-G5 and G6, Lot 155-G7 exclusive of the first westerly .033 acre thereof and inclusive of the second westerly .001 acre of Lot 155-A4, Lot 155-G8 exclusive of the second northerly .001 acre thereof and inclusive of the fourth northwesterly .007 acre and of the fifth northwesterly .027 acre of Lot 155-A4, Lots 155-G9 through G14, and Lots 155-H1 through H15, Regency Townhomes 2nd Addition, Lot 155-A5, Lots 155-D1 through D6, Lots 155-E1 through E10, and Lots 155-F1 through F4, Regency Townhomes 3rd Addition, and Lot 155-A6 and Lots 155-J1 through J20, Regency Townhomes 4th Addition, formerly subdivision in and now additions to City of Omaha, Douglas county, Nebraska, as surveyed, platted, and recorded, hereafter called, respectively, "Regency Townhomes 1", "Regency Townhomes 2", "Regency Townhomes 3", and "Regency Townhomes 4", would be subject to conditions and other terms appropriate, convenient or necessary to preserve and promote its clustered private residential character, inclusive of membership in Declarant,

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 JF [Signature] COMP [Signature] F/B

in conformity to and coordination with the general scheme of development and use expressed in said unrecorded Indenture throughout the period to be ended after December 31, 1998, or such later date as might be fixed through formal corporate action of Declarant;

Whereas, said Regency, Inc., has heretofore provided, pursuant to said unrecorded Indenture and pursuant to a certain Declaration executed July 30, 1971, and recorded at Pages 7 through 21 of Book 502 of the Miscellaneous Records of the Register of Deeds of Douglas County, Nebraska, as to Regency Townhomes 1 for the creation and imposition thereon of certain conditions and other terms set out in said Declaration, for the inclusion of Lots 155-B1 through B6 and Lots 155-C1 through C16 thereof in membership in Regency Homes Association, a Nebraska non-profit corporation hereafter called "Homes Association," and also in membership in Declarant, and for the extension of such conditions and other terms to additional real property; and both said Homes Association and Declarant have heretofore accepted such respective inclusions in their respective memberships;

Whereas, said United has heretofore provided, pursuant to said unrecorded Indenture, to said Declaration, and to a certain Supplementary Declaration executed May 22, 1972, and recorded at Pages 209 through 215 of Book 510 of the Miscellaneous Records of the register of Deeds of Douglas County, Nebraska, as modified by a certain Amendment to Supplementary Declaration executed May 24, 1976, by Declarant, accepted by said Homes Association and also accepted by a certain Adoption and Ratification of Amendment to Supplementary Declaration executed May 28, 1976, by said United and recorded, respectively, at Pages 365 through 369 and at Pages 729 and 730 of Book 565 of the Miscellaneous Records of the Register of Deeds of Douglas County, Nebraska, as to Regency Townhomes 2 for the creation and imposition and extension thereto of certain conditions and other terms set out in said Declaration and in said Supplementary Declaration and for the inclusion of Lots 155-G1 and G2, Lot 155-G3 inclusive of the first westerly .030 acre of Lot 154-A4, Lot 155-G4 inclusive of the second .030 acre of Lot 154-A4, Lots 155-G5 and G6, Lot 155-G7 exclusive of the first westerly .033 acre thereof and inclusive of the second westerly .001 acre of Lot 154-A4, Lot 155-G8 exclusive of the second northerly .001 acre thereof and inclusive of the fourth northwesterly .007 acre and of the fifth northwesterly .027 acre of Lot 154-A4, Lots 155-G9 through G14, and Lots 155-H1 through H15 thereof in membership in said Homes Association and also in membership in Declarant; and both said Homes Association and Declarant have heretofore accepted such respective inclusions in their respective memberships as so modified;

Whereas, said United has heretofore provided, pursuant to said unrecorded Indenture, to said Declaration, and to a certain Supplementary Declaration executed October 1, 1975, and recorded at Pages 333 through 339 of Book 556 of the Miscellaneous Records of Douglas County, Nebraska, as to Regency Townhomes 3, for the creation and imposition thereon and extension thereto of certain conditions and other terms set out in said Declaration and in said Supplementary Declaration and for the inclusion of Lots 155-D1 through D6, Lots 155-E1 through E10, and Lots 155-F1 through F4 thereof in membership in said Homes Association and also in membership in Declarant; and both said Homes Association and Declarant have heretofore accepted such respective inclusions in their respective memberships.

Whereas, said United has heretofore provided, pursuant to said unrecorded Indenture, to said Declaration and to a certain Supplementary Declaration executed June 13, 1977, and recorded at Pages 353 through 360 of Book 583 of the Miscellaneous Records of the Register of Deeds of Douglas County, Nebraska, as to Regency Townhomes 4 for the creation and imposition thereon and extension thereto of certain conditions and other terms set out in said Declaration and in said Supplementary Declaration and for the inclusion of Lots 155-J1 through J20 thereof in membership in said Homes Association and also in membership in Declarant; and both said Homes Association and Declarant have heretofore accepted such respective inclusions in their respective memberships; and

Whereas, said Homes Association has heretofore provided upon due exercise of its corporate authority and power in the manner set out in its Articles of Incorporation and its By-Laws, as amended, pursuant to Paragraph 4 of said Declaration executed October 24, 1978, to Paragraph 6a of a certain Declaration executed March 19, 1968, by said Regency, Inc., and recorded at Pages 103 through 115 of Book 461 of the Miscellaneous Records of the Register of Deeds of Douglas County, Nebraska, and to Paragraph 2 of a certain Amendment and Extension of Declarations and Supplementary declarations executed August 23, 1988, by said Homes Association and recorded at Pages 741 through 749 of Book 859 of the Miscellaneous Records of the Register of Deeds of Douglas County, Nebraska, for the extension of the inclusion in membership in said Homes Association of Lots 155-B1 through B6 and Lots 155-C1 through C16 of Regency Townhomes 1, Lots 155-G1 and G2, Lot 155-G3 inclusive of the first westerly .030 acre of Lot 154-A4, Lot 155-G4 inclusive of the second westerly .030 acre of Lot 154-A4, Lots 155-G5 and G6, Lot 155-G7 exclusive of the first westerly .033 acre thereof and inclusive of the second westerly .001 acre of Lot 155-A4, Lot 155-G8 exclusive of the second northerly .001 acre thereof and inclusive of the fourth northwesterly .007 acre and of the fifth northwesterly .027 acre of Lot 155-A4, Lots 155-G9 through G14, and Lots 155-H1 through 155-H15 of Regency Townhomes 2, Lots 155-D1 through D6, Lots 155-E1 through E10, and Lots 155-F1 through F4 of Regency Townhomes 3, and Lots 155-J1 through J20 of Regency Townhomes 4 throughout this period to be ended after December 31, 2028, or such later date as might be fixed through formal corporate action of said Homes Association;

Now, Therefore, in consideration of the matters herein recited and upon due exercise of its corporate authority and power in the manner set out in its Articles of Incorporation and its By-Laws, as amended, Declarant does hereby

AMEND and EXTEND said Declaration and Supplementary Declarations as follows, to-wit:

1. Respective Paragraphs 2 of each of said Declaration executed July 30, 1971, as to Regency Townhomes 1, said Supplementary Declaration executed May 22, 1972, as so modified and accepted, as to Regency Townhomes 2, said Supplementary Declaration executed October 1, 1975, as to Regency Townhomes 3, and said Supplementary Declaration executed June 13, 1977, as to Regency Townhomes 4 are and will be amended forthwith by substitution of the date, "December 31, 2028," for and in place of the date, "December 31, 1998," so as to extend throughout the period ended on or after such substituted later date the applicability to the involved property and the enforceability of the covenants.

2. In conformity with and recognition of such amendment and extension effectuated by said Homes Association, respective Paragraphs 4 of each of said Declaration executed July 30, 1971, as to Regency Townhomes 1, said Supplementary Declaration executed May 22, 1972, as so modified and accepted, as to Regency Townhomes 2, said Supplementary Declaration executed October 1, 1975, as to Regency Townhomes 3, and said Supplementary Declaration executed June 13, 1977, as to Regency Townhomes 4 are and will be amended as from August 23, 1988, by substitution of the date, "December 31, 2028," for and in place of the date, "December 31, 1998," so as to reflect the extension throughout the period ended on or after such substituted later date of the benefit and burden for the involved property of membership in said Homes Association.

3. Respective Paragraphs 5 of each of said Declaration executed July 30, 1971, as to Regency Townhomes 1, said Supplementary Declaration executed May 22, 1972, as so modified and accepted, as to Regency Townhomes 2, said Supplementary Declaration executed October 1, 1975, as to Regency Townhomes 3, and said Supplementary Declaration executed June 13, 1977, as to Regency Townhomes 4 are and will be amended forthwith by substitution of the date "December 31, 2028," for and in the place of the date, "December 31, 1998," so as to extend throughout the period ended on or after such substituted later date the benefit and burden for the involved property of membership in Declarant.

IN WITNESS WHEREOF, Declarant has executed this Amendment and Extension of Declaration and Supplementary Declarations at Omaha, Douglas County, Nebraska.

REGENCY TOWNHOMES ASSOCIATION

By Ernestine J. Bergquist
Ernestine J. Bergquist
Its President

Attest:

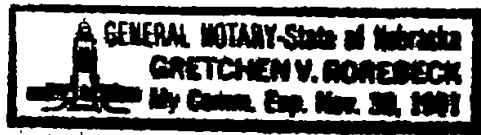
By Robert D. Shreve
Robert D. Shreve
Its Secretary

STATE OF NEBRASKA)
) SS.
COUNTY OF DOUGLAS)

Before me, a Notary Public qualified for said County, personally appeared Ernestine J. Bergquist, President of Regency Townhomes Association, a Nebraska non-profit corporation, known to me to be the President and identical person who executed the foregoing instrument, acknowledged the execution thereof to be his voluntary act and deed as such officer and the voluntary act and deed

of said corporation, and declared the execution and delivery thereof to be duly authorized and its corporate seal to be thereto affixed by its authority.

WITNESS my hand and Notarial Seal on September 29, 1988.



Gretchen Rorebeck

Notary Public

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