



MISC 2008035367



APR 11 2008 14:56 P 5

Misc 91.00
 5
 132
 6
 OC-34518-Rep2.
 OC-34517-Rep1.
 OC-34516-5.
 C/O _____ Comp 8B
 DEL _____ SCAN _____ FV _____

Received - DIANE L. BATTIATO
 Register of Deeds, Douglas County, NE
 4/11/2008 14:56:15.66



2008035367

FIRST AMENDMENT TO
 DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS
 AND EASEMENTS OF SAGEWOOD,
 A SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA
 (Townhomes and Villas of Sagewood)

This First Amendment to Declaration is made the 7th day of March, 2008, by SAGEWOOD DEVELOPMENT COMPANY, LLC, a Nebraska limited liability company, hereinafter referred to as the "Declarant".

PRELIMINARY STATEMENT

By Declaration of Covenants, Conditions, Restrictions and Easements of Sagewood, dated December 28, 2005, and recorded as Instrument No. 2005163067 of the records of Douglas County, Nebraska (herein the "Declaration"), the Declarant imposed covenants, conditions and restrictions on Lots 285 through 314, inclusive, Lots 323 through 357, inclusive, Lots 422 through 438, inclusive, Sagewood, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska and Lots 1 through 6, inclusive, Sagewood Replat 1, and Lots 1 and 2, Sagewood Replat 2. In Article II, Paragraph 16 and Article III, Paragraph 11, the Declarant reserved the right to amend the Declaration. Article II, Paragraph 16 of the Declaration provides as follows:

16. Additional Lots. Declarant reserves the right, without consent or approval of any Owner or Member, to expand the Association to include additional residential lots in any subdivision which is contiguous to any of the Lots. Such expansion(s) may be affected from time to time by the Declarant or Declarant's assignee by recordation with the Register of Deeds of Douglas County, Nebraska, of a Declaration of Covenants, Conditions, Restrictions and Easements, executed and acknowledged by Declarant or Declarant's assignee, setting forth the identity of the additional residential lots (hereafter the "Subsequent Phase Declaration").

Upon the recording of any Subsequent Phase Declaration which expands the residential lots included in the Association, the additional lots identified in the Subsequent Phase Declaration shall be considered to be and shall be included in the "Lots" for purposes of this Article II, and the Owners of the additional residential lots shall be Members of the Association with all rights, privileges and obligations accorded or accruing to Members of the Association.

Article III, Paragraph 11 of the Declaration provides as follows:

Return: Pans 1 A

✓ 7504

11. Additional Lots. Declarant reserves the right, without consent or approval of any Owner or Member, to expand the property to which this Declaration is applicable to include additional residential lots in any subdivision which is contiguous to any of the Lots. Such expansion may be affected from time to time by the Declarant by recordation with the Register of Deeds of Douglas County, Nebraska, of an Amendment of Declaration, executed and acknowledged by Declarant, setting forth the identity of the additional residential lots which shall become subject to this Declaration.

Upon the filing of any Amendment to Declaration which expands the property subject to this Declaration, the additional residential lots identified in the Amendment shall be considered to be and shall be included in the "Lots" for all purposes under this Declaration, and the Owners of the additional residential lots shall be Members of the Townhome/Villa Association with all rights, privileges and obligations accorded or accruing to Members of the Townhome/Villa Association.

Declarant desires to expand the property subject to the Declaration to include the property identified on Exhibit "A" attached hereto and incorporated herein by reference, and to amend the Declaration.

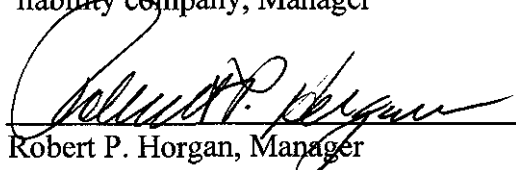
WHEREFORE, the Declarant hereby amends the Declaration, as follows:

1. The Declarant hereby expands the property subject to the Declaration to include the property identified on Exhibit "A" (herein the "Additional Lots"). Henceforth, the Additional Lots shall be considered to be and shall be included in the "Lots" for all purposes under the Declaration, and the Owners of the Additional Lots shall be Members of the Sagewood Homeowners Association with all rights, privileges and obligations accorded and accruing to Members of the Homeowners Association and shall be Members of the Sagewood Townhome & Villa Association with all rights, privileges and obligations accorded and accruing to Members of the Townhome & Villa Association.

IN WITNESS WHEREOF, the Declarant has caused this Amendment to Declaration to be executed on the date and year first above written.

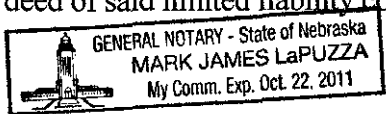
SAGEWOOD DEVELOPMENT COMPANY,
LLC, a Nebraska limited liability company

By: CJ Investments, LLC, a Nebraska limited
liability company, Manager

By: 
Robert P. Horgan, Manager

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On this 7th day of March, 2008, before me, a Notary Public, personally came ROBERT P. HORGAN, Manager of CJ Investments, LLC, a Nebraska limited liability company, Manager of Sagewood Development Company, LLC, a Nebraska limited liability company, to me personally known to be the identical person whose name is affixed to the above and foregoing instrument, and he acknowledged the same to be his voluntary act and deed and the voluntary act and deed of said limited liability company.



Mark James LaPuzza
Notary Public

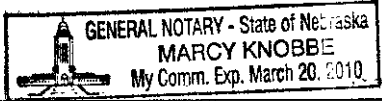
CONSENT TO AMENDMENT

The undersigned, being the legal owner of Lot 279, Sagewood, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska, does hereby consent to the foregoing Amendment.


Linda Kay Dawson, Owner Lot 279

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

On this 31 day of March 2008, before me, a Notary Public, personally came LINDA KAY DAWSON, to me personally known to be the identical person whose name is affixed to the above and foregoing instrument, and she acknowledged the same to be her voluntary act and deed and the voluntary act.



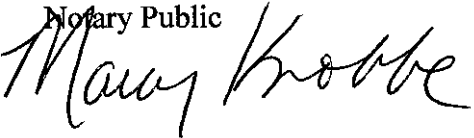
Notary Public


EXHIBIT "A"
Legal Description of Additional Lots

Lots 243 through 284, inclusive, Sagewood, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska.