

FILED SARPY CO. NE.

INSTRUMENT NUMBER

2001-03230

2001 FEB 13 PM 3:07

*Glenn J. Hawking*

REGISTER OF DEEDS

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D.E. SK

Proof SK

Fee \$ 91.50

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**AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS,  
RESTRICTIONS AND EASEMENTS  
OF SOUTHWIND, A SUBDIVISION IN SARPY COUNTY, NEBRASKA**

This Amendment to Declaration is made the 9th day of February, 2001, by SOUTHWIND LAND CORP., a Nebraska corporation, hereinafter referred to as the "Declarant".

PRELIMINARY STATEMENT

By Declaration of Covenants, Conditions, Restrictions and Easements of Southwind, a Subdivision in Sarpy County, Nebraska dated February 19, 1999 and recorded as Instrument No. 99-005374 of the records of Sarpy County, Nebraska (herein the "Declaration"), the Declarant imposed covenants, conditions and restrictions on Lots 1 through 175, inclusive in Southwind, a subdivision in Sarpy County, Nebraska. In Article IV, Paragraph 2, the Declarant reserved the right to amend the Declaration. Article II, Paragraph 16 of the Declaration provides as follows:

3. 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 Sarpy 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 (hereinafter 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.

Declarant desires to expand the property subject to the Declaration to include Lots 1 through 162, inclusive and Outlot "A" in Southwind Two, and to amend the Declaration.

Return to:

*R & R*

John Q. Bachman  
GAINES, PANSING & HOGAN  
10050 Regency Circle, Suite 200  
Omaha, Nebraska 68114

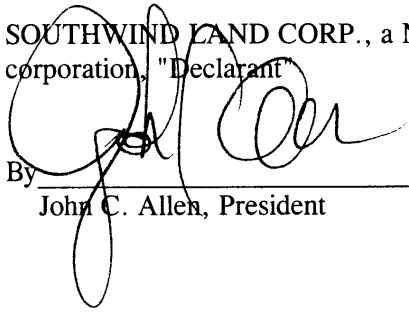
WHEREFORE, the Declarant hereby amends the Declaration, as follows:

1. The Declarant hereby expands the property subject to the Declaration to include Lots 1 through 162, inclusive and Outlot "A", in Southwind Two, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska (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 Southwind Homeowners Association with all rights, privileges and obligations accorded and accruing to Members of the Association.

2. The Declarant confirms that other easements concerning certain of Additional Lots are provided for in the final plat of Additional Lots in Southwind Two, which is filed with the Register of Deeds of Sarpy County, Nebraska (Instrument No. 200023342).

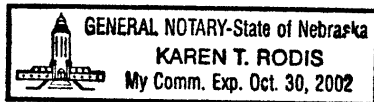
IN WITNESS WHEREOF, the Declarant has caused this Amendment to Declaration to be executed on the date and year first above written.

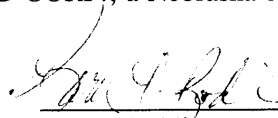
SOUTHWIND LAND CORP., a Nebraska corporation, "Declarant"

By  \_\_\_\_\_  
John C. Allen, President

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

The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of February, 2001, by JOHN C. ALLEN, President of SOUTHWIND LAND CORP., a Nebraska corporation.



 \_\_\_\_\_  
Notary Public