



MISC 2006017434



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Received - DIANE L. BATTIATO  
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2/16/2006 15:20:40.10

**FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS & RESTRICTIONS**



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This First Amendment to Declaration of Covenants, Conditions and Restrictions (herein "Amendment") is made on February 13, 2006 by Standing Bear Townhomes Association, Inc., a Nebraska non-profit corporation hereinafter referred to as "Declarant".

**RECITALS:**

WHEREAS, a Declaration of Covenants, Conditions and Restrictions (the "Declaration") was executed by Standing Bear Development Corp., a Nebraska corporation, then owner of all of the real property subject to such Declaration and such Declaration was filed on September 29, 1998 with the Register of Deeds Office, Douglas County, Nebraska at Book 1265, Pages 001 through 009, inclusive, wherein Declarant subjected Lots 1 through 26, inclusive, in Standing Bear Pointe Replat 1, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska to certain restrictions, covenants, conditions and easements contained therein.

WHEREAS, Section 3 of Article VII of the Declaration sets forth the manner in which the Declaration can be amended and provides that the Declaration may be amended by an instrument signed by the Declarant.

WHEREAS, Section 4 of Article VII provides for the manner in which Declarant can terminate its status as Declarant and appoint a successor Declarant who has all of the same powers and authorities as the original Declarant and pursuant thereto the Declarant, Standing Bear Development Corp., has pursuant to a Notice of Termination of Status as Declarant terminated its status as Declarant under the Declaration and appointed Standing Bear Townhomes Association, Inc. as the new Declarant under the Declaration.

WHEREAS, Standing Bear Townhomes Association, Inc., as the new Declarant under the Declaration, has the power and authority to amend the Declaration pursuant to Section 3, Article VII of the Declaration and pursuant to such power and authority granted to it in the Declaration is desirous of amending the Declaration, all as more particularly hereinafter set forth.

WHEREAS, there is no longer existing any Class B membership in the Association under Section 5, Article VII, and consequently no approval of the Federal Housing Administration or the Veterans Administration is required to approve and make effective this Amendment.

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WHEREAS, all terms used in this Amendment without definition shall have the same meanings in this Amendment as such terms have in the Declaration.

NOW, THEREFORE, in consideration of the matters herein recited and upon due exercise of its corporate power and authority in the manner set out in its Articles of Incorporation, its Bylaws and the Declaration, Declarant does hereby amend the Declaration as follows:

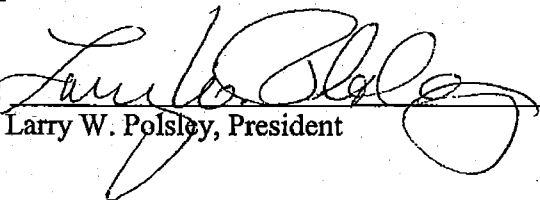
1. **Amendment.** A new Section 2 of Article V of the Declaration shall be added immediately after the existing Section 1 of Article V as follows:

"Section 2. **No Leasing or Rental of Lot and/or Unit.** No Owner shall at any time lease or rent the Lot and/or Unit and no lessee, renter, tenant, or any other person providing any consideration for such occupancy or use will be permitted to at anytime occupy or use all or any part or parts of any Lot and/or Unit.

2. **Reference to and Effect on the Declaration.** When and after the effective date of this Amendment, each reference in the Declaration to "this Declaration", "hereof", "herein" or words of like import shall mean and be a reference to the Declaration as amended by this Amendment and except as specifically amended by this Amendment, the Declaration shall remain in full force and effect and hereby is ratified and confirmed in all respects.

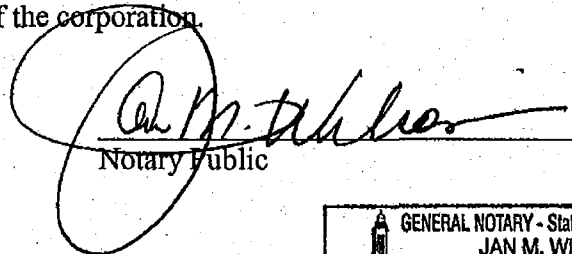
IN WITNESS WHEREOF, Declarant has executed this Amendment effective on the date first set forth above.

STANDING BEAR TOWNHOMES  
ASSOCIATION, INC., a Nebraska non-profit  
corporation

By:   
Larry W. Polsley, President

STATE OF NEBRASKA    )  
  ) ss.  
COUNTY OF DOUGLAS    )

The foregoing instrument was acknowledged before me this 13 day of February, 2006, by Larry W. Polsley, President of Standing Bear Townhomes Association, Inc., a Nebraska nonprofit corporation, on behalf of the corporation.

  
Notary Public

