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2004 MAY 17 P 2:33 PM

Glenn J. [Signature]

REGISTER OF DEEDS

COUNTER LM C.E. K
VERIFY SA D.E. P
PROOF SA
FEES \$ 194.50
CHECK# 3811 + 31318
CHG. CASH
REFUND CREDIT
SHORT NCR

SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS,
RESTRICTIONS AND EASEMENTS OF SUGAR CREEK, A SUBDIVISION
IN SARP COUNTY, NEBRASKA

This Second Amendment is made to the Declaration of Covenants, Conditions, Restrictions and Easements of Sugar Creek, a subdivision in Sarpy County, Nebraska, filed October 26, 2001, as Instrument No. 2001-35162 in the Register of Deeds of Sarpy County, Nebraska and the First Amendment to such Declaration filed June 12, 2002, as Instrument No. 2002-22056 in the Register of Deeds of Sarpy County, Nebraska (hereinafter collectively referred to as the "Declaration") both executed and filed by Sugar Creek, L.L.C., a Nebraska limited liability company (hereinafter referred to as the "Declarant").

PRELIMINARY STATEMENT

A. The Declarant is, or was, at all times material hereto, the owner of certain real property located within Sarpy County, Nebraska and described as follows:

Lots 1 through 30, inclusive; Lots 32 through 58, inclusive; Lots 60 through 220, inclusive, Lots 221 - 358, inclusive, all in Sugar Creek, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska, and replats thereof and additions thereto,

B. Declarant desires to amend the Declaration for purpose of expanding the property to which the Declaration is applicable to include additional residential lots as "Lots" subject to the Declaration, adding lots subject to the landscape buffer, and subject to each and all of the covenants, conditions, restrictions and easements as set forth in the Declaration, and the property being added as additional residential lots is also owned by the Declarant, and is described as follows:

Lots 1 - 13, inclusive, all in Sugar Creek Replat 3, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska (hereinafter "Additional Lots"),

C. Declarant desires to provide for the preservation of the values and amenities of the Additional Lots, and for the maintenance of the character and residential integrity of the Additional Lots by encumbering and subjecting the Additional Lots to the covenants, conditions, restrictions and easements set forth in the Declaration,

RA1 Return to: Jara L. McDonald
Graves Development Resources
11920 Burt St., Suite 165
Omaha, NE 68154

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D. Article III, Paragraph 3 and Article V, Paragraph 2 of the Declaration grants Declarant the authority to amend the Declaration, in its full and absolute discretion until October 24, 2011.

NOW, THEREFORE, pursuant to the authority granted to the Declarant in Article III, Paragraph 3 and Article V, Paragraph 2 of the Declaration, Declarant hereby amends and supplements the Declaration as follows:

1. Lots 1 - 13, inclusive, all in Sugar Creek Replat 3, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska, shall be subject to the Declaration and to each and all of the covenants, conditions, restrictions and easements as set forth in the Declaration, and shall hereby be deemed to be "Lots" as such term is defined in the Declaration.

2. The Declaration is in all other matters ratified and affirmed.

3. Invalidity of any covenant by judgment or court order shall in no way affect any of the other provisions hereof, which shall remain in full force and effect.

The Declarant has executed this Second Amendment to Declaration as of this 17 day of May 2004.

SUGAR CREEK, L.L.C., a Nebraska limited liability company, "Declarant,"

By: Barbara Udes Shaw
Barbara Udes Shaw, Manager

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 17th day of May 2004, by Barbara Udes Shaw, Manager of Sugar Creek, L.L.C., a Nebraska limited liability company, to me known to be the identical person who executed the foregoing instrument and acknowledged the same to be her voluntary act and deed on behalf of said limited liability company.

Jana L. McDonald
Notary Public

