

FILED SARPY CO. NE.
INSTRUMENT NUMBER
2000-05442

2000 MR -9 PM 12:18

Stanley G. Kasher

REGISTER OF DEEDS

Counter *J*
Verify *M*
D.E. *M*
Proof *D*
Fee \$ 43.00
Ck Cash Chg

After recording, please return to:

R+R E 1 of 2

James F. Kasher

CROKER, HUCK, KASHER, DeWITT,

ANDERSON & GONDERINGER, P.C.

2120 South 72nd Street, Suite 1250

Omaha, NE 68124

**FIRST AMENDMENT TO DECLARATION
OF RESTRICTIONS, COVENANTS AND CONDITIONS
FOR LOTS 87 THROUGH 132, INCLUSIVE, SUNRISE ADDITION,
A SUBDIVISION IN SARPY COUNTY, NEBRASKA**

THIS FIRST AMENDMENT to a Declaration made on August 24, 1995, for Lots 87 through 132, inclusive, Sunrise Addition, a Subdivision in Sarpy County, Nebraska (the "Declaration"), is made on the date hereinafter set forth by BENCHMARK HOMES, INC., a Nebraska corporation, hereinafter referred to as "Benchmark".

WITNESSETH:

WHEREAS, the Declaration was filed for record in the office of the Register of Deeds of Sarpy County, Nebraska, on August 25, 1995, as Instrument No. 95-14120, and governs Lots 87 through 132, inclusive, Sunrise Addition, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska; and

WHEREAS, Declarants Donald M. Vervaecke, Trustee of the Maurice M. Vervaecke Family Trust, and Donald M. Vervaecke, Trustee of the Vervaecke Irrevocable Trust dated May 24, 1994, have hereunder designated the right to amend the Declaration to Benchmark, pursuant to the terms and conditions of the introductory paragraphs of the Declaration; and

WHEREAS, pursuant to the terms and conditions of the Declaration, Benchmark desires to amend the text of Article II; Article III, Covenants for Assessments, Section 3, Determination of Amount of Annual Assessments and Time for Making Such Determination; Article IV, Architectural Control; and the text of Article V, General Restrictions, Section 6, Billboards Prohibited.

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NOW THEREFORE, Benchmark hereby declares that Article II shall be amended to include a Section 3, which shall read as follows:

Section 3. The Sunrise Addition has been developed in phases, with each phase having its separate Declaration of Restrictions, Covenants and Conditions. The Association has been formed for the purpose of serving all the lots in several Sunrise phases and the Owners described in each of those Declarations will be members of the Association. The provisions for Class A and Class B membership shall apply within each of the Declarations, and so long as there is a Class B membership under any of the Declarations covering the Sunrise Addition, there shall be considered to be a Class B membership in all of them. As of the date of this Amendment, the Association will include Members being Owners of Lots 87 through 338, inclusive, in the Sunrise Addition in Sarpy County, Nebraska.

FURTHER, Benchmark hereby declares that Article III, Section 3, the seventh sentence shall be amended and shall read in part as follows:

As long as there is a Class B membership, the procedure for budgets, annual assessments and special assessments shall be waived and no assessments shall be levied;

FURTHER, Benchmark hereby declares that Article IV, the fourth sentence shall be amended and the fifth sentence shall be deleted and it shall read as follows:

After 90 percent of the Lots comprising the properties have been improved with residence buildings, all privileges, rights, powers and authority under this Article shall be exercised by and vested in a committee to be selected by the homeowners association, except that this provision shall not be applicable during any time when there is no such committee in existence.

FURTHER, Benchmark hereby declares that Article V, Section 6, shall be amended and shall read as follows:

No sign, picture, banner, poster or other object of any kind shall be erected, placed, displayed to the public view, or permitted to remain on any Lot except one (1) sign per Lot consisting of not more than six (6) square feet advertising a lot as "For Sale"; nor shall the premises be used in any way for any purpose which may endanger the health or unreasonably disturb the owner or owners of any Lot or any resident thereof. Further, no business activities of any kind whatsoever shall be conducted on any Lot. Provided, however, the foregoing paragraph shall not apply to the business activities, signs and billboards or the construction and maintenance of buildings, if any, by Declarant, their agents or assigns, during the construction and sale of the Lots.

In all other respects, the Declaration heretofore executed is hereby ratified and confirmed in its original form.

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IN WITNESS WHEREOF, Benchmark has executed this First Amendment to Declaration this 25 day of January, 2000.

BENCHMARK HOMES, INC.,
a Nebraska Corporation

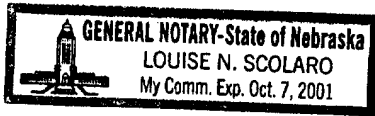
Attest:

Barbara J. Czerwinski
Secretary

By: John C. Czerwinski, Jr.
John C. Czerwinski, Jr., President

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 25th day of January, 2000, by JOHN C. CZERWINSKI, JR., President of Benchmark Homes, Inc., a Nebraska Corporation, on behalf of the corporation.



Louise N. Scolaro
Notary Public

2000-05442C

Donald M. Vervaecke, Trustee of the Maurice M. Vervaecke Family Trust, and Donald M. Vervaecke, Trustee of the Vervaecke Irrevocable Trust dated May 24, 1994, the Declarants under that certain Declaration dated August 24, 1995, pertaining to certain real estate known as Lots 87 through 132, inclusive, Sunrise Addition, Sarpy County, Nebraska, do hereby designate to Benchmark Homes, Inc., a Nebraska corporation ("Benchmark"), their successors and assigns, the right to amend said Declaration and the covenants contained therein in any manner as Benchmark shall determine in its full and absolute discretion to be appropriate and necessary.

IN WITNESS WHEREOF, the undersigned has caused these presents to be executed this 25 day of January, 2000.

Donald M. Vervaecke Trustee
Donald M. Vervaecke, Trustee of the
Maurice M. Vervaecke Family Trust

Donald M. Vervaecke Trustee
Donald M. Vervaecke, Trustee of the Vervaecke
Irrevocable Trust Dated May 24, 1994

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 25 day of January, 2000, by Donald M. Vervaecke as Trustee of the Maurice M. Vervaecke Family Trust and as Trustee of the Vervaecke Irrevocable Trust Dated May 24, 1994.



Patricia A. Whitley
Notary Public