

FILED SARPY CO. NE.  
INSTRUMENT NUMBER  
2003-34510

2003 JUN 24 A 10:40

*Glenn J. Anderson*  
REGISTER OF DEEDS

Counter [Signature]  
Verify [Signature]  
D.E. [Signature]  
Proof [Signature]  
Fee \$ 64.50  
Ck  Cash  Chg   
143964

*RRE*

After recording, please return to:

James F. Kasher  
CROKER, HUCK, KASHER, DeWITT,  
ANDERSON & GONDERINGER, P.C.  
2120 South 72nd Street, Suite 1250  
Omaha, NE 68124

**FIRST AMENDMENT TO THE AMENDED AND RESTATED  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR LOTS 87 THROUGH 338, INCLUSIVE, SUNRISE ADDITION,  
A SUBDIVISION IN SARPY COUNTY, NEBRASKA**

THIS FIRST AMENDMENT TO THE AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS is made on the date hereinafter set forth by BENCHMARK HOMES, INC., a Nebraska corporation, hereinafter referred to as "Declarant".

**WITNESSETH:**

WHEREAS, the undersigned is the Declarant under a certain Amended and Restated Declaration of Covenants, Conditions and Restrictions for Lots 87 through 338, inclusive, Sunrise Addition, a Subdivision in Sarpy County, Nebraska (the "Declaration"), which Declaration was filed for record in the office of the Register of Deeds of Sarpy County, Nebraska, on June 18, 2002, at Instrument Number 2002-22721, and which governs Lots 87 through 338, inclusive, in Sunrise Addition, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska; and

WHEREAS, Declarant is the owner of certain real estate hereinafter referred to as the "Properties" in the County of Sarpy, State of Nebraska, described as follows:

Lots 340 through 448, inclusive, in Sunrise Addition, a Subdivision as surveyed, platted, and recorded in Sarpy County, Nebraska; and

WHEREAS, pursuant to the terms and conditions of the Declaration, the Declarant is desirous of subjecting the Properties to the easements, restrictions, covenants and conditions for use set forth in the Declaration for the purpose of protecting the value and desirability of the Properties.

**NOW THEREFORE**, Declarant hereby declares that all of the Properties shall be held, sold and conveyed subject to the easements, restrictions, covenants and conditions set forth in the Declaration as if same had been included at the time of the execution and filing of the Declaration. The Properties now being included in the Declaration shall be subject to all of the time periods referenced in the Declaration in the same manner as if they had originally been included in the Declaration. It is the intent

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hereof that the Properties shall be considered to have been covered by the Declaration from the time of its filing to allow for continuity among all of the Lots covered by the Declaration.

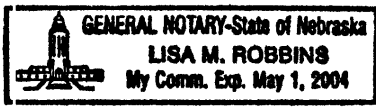
IN WITNESS WHEREOF, the undersigned Declarant has executed this Amendment to Declaration this 17 day of June, 2003.

BENCHMARK HOMES, INC.,  
a Nebraska corporation

By: [Signature]  
John C. Czerwinski, Jr., President

STATE OF NEBRASKA     )  
  ) ss.  
COUNTY OF DOUGLAS    )

The foregoing instrument was acknowledged before me this 17 day of June, 2003, by JOHN C. CZERWINSKI, JR., President of Benchmark Homes, Inc., a Nebraska corporation, on behalf of the corporation.



[Signature]  
Notary Public

CONSENT AND APPROVAL

GREAT WESTERN BANK, hereby acknowledges receipt of notice of Declarant's intent to record the foregoing First Amendment to the Amended and Restated Declaration of Covenants, Conditions and Restrictions For Sunrise Addition with respect to the real property described therein, and does further approve the contents thereof and consent to filing of same in the office of the Register of Deeds of Sarpy County, Nebraska.

Dated this 19<sup>th</sup> day of June, 2003.

GREAT WESTERN BANK

Attest:  
[Signature]  
Secretary

By: [Signature]  
Its: Senior Vice President

STATE OF NEBRASKA     )  
  ) ss.  
COUNTY OF DOUGLAS    )

The foregoing instrument was acknowledged before me this 19 day of June, 2003, by Paul Timothy Stiesen, Senior Vice President of GREAT WESTERN BANK, on behalf of the bank.



[Signature]  
Notary Public

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