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BOOK 777 PAGE 643

AMENDMENT TO DECLARATION  
OF CONDITIONS AND RESTRICTIONS  
OF

THE ABBEY HOME OWNERS ASSOCIATION

THIS AMENDMENT to Declaration made on the date hereinafter set forth by JOHN J. MALONEY, President of TOWER INVESTMENTS, INC., also known as THE ABBEY HOME OWNERS ASSOCIATION, hereinafter referred to as "Declarant".

WITNESSETH:

Declarant herewith makes the following amendments to the document known as DECLARATION OF CONDITIONS AND RESTRICTIONS OF THE ABBEY HOME OWNERS ASSOCIATION (the "DECLARATION"), filed with the Register of Deeds, Douglas County, Nebraska, the same appearing at Book 749, Page 357.

1. The correct name and style of Declarant is TOWER INVESTMENTS, INC., and not, as erroneously set forth in the DECLARATION, TOWER INVESTMENTS INCORPORATION, and any reference to Declarant in the DECLARATION shall be deemed amended accordingly.

2. The following provisions of such DECLARATION shall be amended to read, in their entirety, as set forth below, and the remaining provisions are hereby ratified and reaffirmed without change.

ARTICLE I

DEFINITIONS

Section 5. "Lot" shall mean and refer to any plot of land shown upon any recorded document and upon which is located a single family dwelling unit, with the exception of the Common Area.

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ARTICLE II

PROPERTY RIGHTS

Section 1. Owner's Easements of Enjoyment.

(b) the right of the Association to dedicate or transfer all or any part of the Common Area to any public agency, authority, or utility for such purposes and subjects and subject to such conditions as may be agreed to by the members. No such dedication or transfer shall be effective unless an instrument agreeing to such dedication or transfer signed by members representing and holding two-thirds (2/3rds) of the total outstanding voting rights in the Association has been recorded.

ARTICLE III

MEMBERSHIP AND VOTING RIGHTS

Section 2. The Association shall have two classes of voting membership:

Class A. Class A members shall be all Owners, with the exception of the Declarants, and shall be entitled to one vote for each Lot owned. When more than one person holds an interest in any Lot, all such interests shall be exercised as they determine, but in no event shall more than one vote be cast with respect to any Lot.

Class B. The Class B member(s) shall be the Declarants and shall be entitled to three (3) votes for each Lot owned. The Class B membership shall cease and be

converted to Class A membership on the happening of either of the following events, whichever occurs earlier:

- (a) when the total votes outstanding in the Class A membership equal the total votes outstanding in the Class B membership, or
- (b) on December 31, 1991.

ARTICLE IV

COVENANT FOR MAINTENANCE ASSESSMENTS

Section 3. Maximum Annual Assessment.

(b) From and after January 1 of the year immediately following the conveyance of the first lot to an owner, the maximum annual assessment may be increased above 7.5% by a vote of two-thirds (2/3rds) of the members who are voting in person or by proxy at a meeting duly called for this purpose.

Section 4. Special Assessments for Capital Improvements. In

addition to the annual assessments authorized above, the Association may levy, in any assessment year, a special assessment applicable to that year only for the purposes of defraying, in whole or in part, the cost of any construction, reconstruction, repair, or replacement of a capital improvement upon the Common Area, including fixtures and personal property related thereto, provided that any such assessment shall have the assent of two-thirds (2/3rds) of the votes of the members who are voting in person or by proxy, at a meeting duly called for this purpose.

Section 5. Notice and Quorum for Any Action Authorized under Section 3 and 4. Written notice of any meeting called for the purpose of taking any action authorized under Section 3 or 4 shall be sent to all members not less than thirty (30) days nor more than sixty (60) days in advance of the meeting. At the first such meeting called, the presence of members or of proxies entitled to cast sixty percent (60%) of all of the votes of the membership shall constitute a quorum. If a required quorum is not present, another meeting may be called subject to the same notice requirements and the required quorum at the subsequent meeting shall be one-half (1/2) of the required quorum at the preceding meeting. No such subsequent meeting shall be held more than sixty (60) days following the preceding meeting.

Section 8. Effect of Nonpayment of Assessments: Remedies of the Association. Any assessment not paid within thirty (30) days after the due date shall bear interest from the due date at the rate of 12 percent (12%) per annum. The Association may bring an action at law against the owner personally obligated to pay the same, or foreclose the lien against the property. No owner may waive or otherwise escape liability for the assessments provided for herein by non-use of the Common Area or abandonment of his Lot.

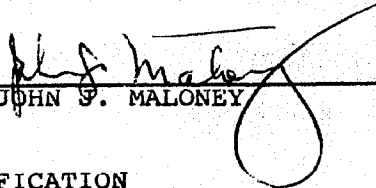
#### ARTICLE VI

##### GENERAL PROVISIONS

Section 4. Annexation. Additional residential property and Common Area may be annexed to the Properties upon the assent of

two-thirds (2/3rds) of the vote of the members voting in person or by proxy at a meeting duly called for this purpose in the manner provided in Article IV, Section 5.

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, has hereunto set his hand ~~and seal~~ this 11th day of June, 1986.

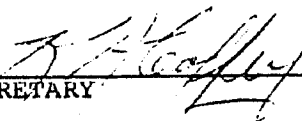
  
\_\_\_\_\_  
JOHN S. MALONEY

CERTIFICATION

I, the undersigned, do hereby certify:

That I am the duly elected and acting Secretary of THE ABBEY HOME OWNERS ASSOCIATION, a Nebraska Corporation; and that the foregoing Amendment to Declaration of Conditions and Restrictions of THE ABBEY HOME OWNERS ASSOCIATION was duly adopted at a meeting of the Board of Directors thereof, held on the 11th day of June, 1986.

IN WITNESS WHEREOF, I have hereunto subscribed my name ~~and~~ ~~affixed the seal of said Corporation~~ this 11th day of June, 1986.

  
\_\_\_\_\_  
SECRETARY

STATE OF NEBRASKA            )  
  ) SS.  
COUNTY OF DOUGLAS         )

On this 11th day of June, 1986, before me, the undersigned, a Notary Public in and for said County, personally came JOHN J.

MALONEY, President of TOWER INVESTMENTS, INC., to me personally known to be the President, and the identical person whose name is affixed to the above and foregoing Amendment to Declaration of Conditions and Restrictions of THE ABBEY HOME OWNERS ASSOCIATION, and acknowledged the execution thereof to be his voluntary act and deed as such officer, and the voluntary act and deed of said corporation, and that the corporate seal of the said corporation was thereto affixed by its authority.

WITNESS my hand and Notarial Seal at Omaha in said county the day and year last above written.

THOMAS M. HEER  
GENERAL NOTARY PUBLIC  
STATE OF NEBRASKA

*Thomas M. Heer*  
NOTARY PUBLIC

Lot One (1) through Sixty-Nine (69) inclusive, and Outlots A,B,C,D,E, and F, incorporated in "THE ABBEY" Addition, the same being a replat of Lots 229, 230, 231, 232, and 403 in Candlewood Addition, as surveyed, platted and recorded, Douglas County, Nebraska.

BK 777 Del VK N 89-735 etc KP Fee 67.50 KP  
PG 649-648 Indx VK/VK MC VK  
OF Misc Comp VK Comp OK

1986 JUN 17 AM 9:31  
GEORGE A. HORNBECK  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NEBR.

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