

BK 0977 PG 437-442



MISC 1991 18022

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SECOND AMENDMENT TO DECLARATION
OF CONDITIONS AND RESTRICTIONS
OF
THE ABBEY HOMEOWNERS ASSOCIATION

THIS AMENDMENT to Declaration made on the date hereinafter set forth by Linda Novak, Secretary and a member of the Board of Directors of the Abbey Homeowners Association, and all lot owners, said Association hereinafter referred to as "Declarant".

Said Declarant has joined with Tower Investment, Inc. and Commercial Federal Mortgage Corporation (herein collectively "Tower") in a settlement agreement dated as of June 25, 1991 (herein the "Agreement"). The ratification of this Second Amendment to Declaration (herein the "SECOND AMENDED DECLARATION") hereby ratifies said Agreement, and the Declarant and all lot owners agree to be bound by, and to execute all documents necessary, to effect the intent of the Agreement, and the Second Amendment to the Declaration.

WITNESSETH:

Declarant herewith makes the following amendments to the document known as DECLARATION OF CONDITIONS AND RESTRICTIONS OF THE ABBEY HOMEOWNERS ASSOCIATION (herein the "DECLARATION"), filed with the Register of Deeds, Douglas County, Nebraska, on August 23, 1985, the same appearing at Book 749, Page 357, and to the document known as AMENDMENT TO DECLARATION OF CONDITIONS AND RESTRICTIONS OF THE ABBEY HOMEOWNERS ASSOCIATION (herein the "AMENDED DECLARATION"), filed with the Register of Deeds, Douglas County, Nebraska, on June 17, 1986, the same appearing at Book 777, Page 643.

1. The correct name and style of Declarant is the ABBEY HOMEOWNERS ASSOCIATION (herein the "ASSOCIATION") and not, as formerly set forth in the AMENDED DECLARATION, TOWER INVESTMENTS, INC., and any reference to Declarant in the DECLARATION, or in the AMENDED DECLARATION, shall be deemed amended accordingly.

2. Declarant is the owner of certain common areas located in The Abbey Addition, Douglas County, Nebraska, and the combined members of the Association own certain property located in Douglas County, Nebraska, which is legally described, when properly amended, as: Lots One (1) through Twenty-eight (28) inclusive, and Outlots A, B and C in the Abbey Addition as surveyed, platted and recorded in Douglas County, Nebraska. See Exhibit "A."

3. Lots 29-69, inclusive, and Outlots D, E and F, in the Abbey Addition (herein "North Abbey") as surveyed, platted and recorded in Douglas County, Nebraska are no longer properties within the Association and are not encumbered by the conditions and restrictions of this Second Amended Declaration or any previous Declaration or Amended Declaration affecting the North Abbey.

4. The following provisions of the DECLARATION and AMENDED DECLARATION are herewith amended as set forth below, and the remaining provisions of the Declaration and Amended Declaration are hereby ratified and reaffirmed without change:

ARTICLE I

DEFINITIONS

Section 1. "Association" will hereafter refer to the Abbey Homeowner's Association, its successors and assignees.

Section 3. "Properties" shall mean and refer to that certain real property more particularly described as: Lots One (1) through Twenty-Eight (28) inclusive, and Outlots A, B, and C in the Abbey Addition as surveyed, platted and recorded in Douglas County, Nebraska.

Section 6. "Declarant" shall mean and refer to the Association.

ARTICLE III

MEMBERSHIP AND VOTING RIGHTS

Section 2. Upon the date of the ratification of the SECOND AMENDED DECLARATION, voting membership in the Association is henceforth limited to those individuals who own any of the Properties. All owners 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.

ARTICLE V

ARCHITECTURAL CONTROL

Tower agrees that all buildings, fences, walls and other structures that are commenced, erected or maintained in the

North Abbey will be in general conformity, as to external design, height, materials, location, kind, and nature, as those buildings, fences, walls and other structures that exist, or will exist, in or on the Properties.

Tower further agrees that they will not change the current zoning of North Abbey to that of a higher density without submitting such plans to, and approved in writing by, the Board of Directors of the Association. In the event that said Board fails to approve or disapprove such change in zoning within thirty (30) days after said proposal has been submitted to it, approval shall not be required.

ARTICLE VI

GENERAL PROVISIONS

Section 5. Class B membership's in the Association are herewith eliminated. The Association shall have the power to annex property, dedicate Common Areas, and amend the DECLARATION without receiving prior approval from either the Federal Housing Administration or the Veterans Administration.

Section 6. The owners of the Properties and the Association in consideration of one (1) dollar, and other good and valuable consideration, hereby quitclaim and transfer to Tower Investment, Inc., of the county of Douglas, state of Nebraska, all right, title, and interest in and to the following-described real estate, situated

in the County of Douglas, State of Nebraska, to wit: Lots 29-69 and Outlots D, E and F in the Abbey Addition as surveyed, platted and recorded in Douglas County, Nebraska.

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, states that the Association is a corporation duly organized, validly existing and in good standing under the laws of the State of Nebraska and has all requisite power and authority to enter into this Second Amended Declaration and to carry out the transactions contemplated hereby, and all documents delivered or to be delivered in connection herewith, executed by the Association are valid and binding upon the Association and enforceable in accordance with their terms, and has hereunto set his hand and seal this 7th day of August, 1991.

Linda Novak

CERTIFICATION

I, the undersigned, do hereby certify:

That I am the duly elected and acting secretary of THE ABBEY HOMEOWNERS ASSOCIATION, A Nebraska Corporation, and, that the foregoing Amendment to Declaration of Conditions and Restrictions of THE ABBEY HOMEOWNERS ASSOCIATION was duly adopted at a duly called meeting of the Abbey Homeowners Association, that said meeting was called according to the

By-Laws of the Association, that a quorum existed among those Association members present, a necessary precentage of the vote was obtained and that said meeting was held on the 25th day of June, 1991.

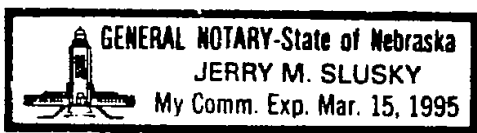
IN WITNESS WHEREOF, I have hereunto subscribed my name this 13 day of Aug., 1991.

Linda Novak
SECRETARY

STATE OF NEBRASKA)
) ss.
COUNTY OF)

On this 13th day of August, 1991, before me, the undersigned, a Notary Public in and for said County, personally came LINDA NOVAK, Secretary of the Abbey Homeowners Association, identical person whose name is affixed to the above Second Amendment to Declaration of Conditions and Restrictons, and acknowledged the execution thereof to be their voluntary act and deed and the voluntary act and deed of said corporation.

WITNESS my hand and notarial seal of Omaha, Nebraska, the day and year last above written.



Jerry M. Slusky
Notary Public

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GEORGE J. BUELEWICZ
REGISTER OF DEEDS
DOUGLAS COUNTY, NE