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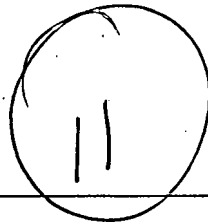
Received - DIANE L. BATTIATO  
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Keith A. Green  
MCGILL, GOTSDINER, WORKMAN & LEPP, P.C., L.L.O.  
11404 W. Dodge Rd., Suite 500  
Omaha, NE 68154-2584

### THIRD AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

**THIS AMENDMENT** (this "**Amendment**") is entered into this 22 day of April, 2014 by **NS - THE HERITAGE, LLC**, a Nebraska limited liability company (the "**Declarant**").

#### RECITALS

**WHEREAS**, a Declaration of Covenants, Conditions and Restrictions dated November 6, 2006 was adopted with respect to certain property located in Douglas County, Nebraska as more particularly described in Schedule A hereto, and recorded in the Register of Deed, Douglas County, Nebraska as Instrument No. 2006127732, and was subsequently amended by Amendment dated December 17, 2007, recorded as Instrument No. 2008003995, and that Second Amendment dated November 19, 2009, recorded as Instrument No. 2009125842 (collectively, the "**Declaration**"); and

**WHEREAS**, Declarant desires to further amend the Declaration to permit the assignment and assumption of certain rights and obligations of Declarant to third parties selected from time to time by Declarant.

#### DECLARATION

**NOW THEREFORE**, Declarant does hereby declare and state as follows:

1. Article IV of the Declaration is hereby amended by the addition of the following new Section 5 thereto:

5. The rights, obligations and duties of Declarant under this Declaration may be assigned and delegated from time to time, to one or more parties as Declarant may select in writing. Notwithstanding the provisions of Article IV, Section 3 to the contrary, any such delegation or assignment of rights and duties under the Declaration by Declarant in accordance with this Section 5 shall not act to terminate the Declaration or result in an assignment of rights thereunder from Declarant to the Association unless expressly stated by Declarant in writing.

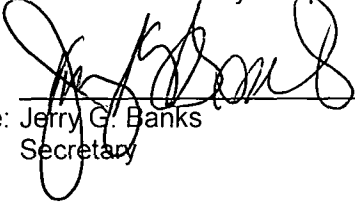
2. All capitalized terms herein not otherwise defined shall have the meanings assigned under the Declaration.

3. Except as modified hereby the Declaration and all terms and conditions therein are hereby ratified and confirmed, and shall remain in full force and effect.

**IN WITNESS WHEREOF**, this Amendment has been adopted by the Declarant, effective as of the date set forth above.

**DECLARANT:**

**NS - THE HERITAGE, LLC,**  
a Nebraska limited liability company

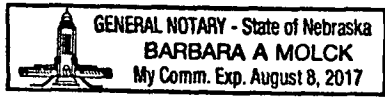
By:   
Name: Jerry G. Banks  
Title: Secretary

**ACKNOWLEDGMENTS**

STATE OF NEBRASKA     )  
  )ss.  
COUNTY OF DOUGLAS    )

The foregoing instrument was acknowledged before me this 22<sup>ND</sup> day of April 2014 by **JERRY G. BANKS**, Secretary of **NS - THE HERITAGE, LLC**, a Nebraska limited liability company, on behalf of such limited liability company.

  
Notary Public



Schedule A

LEGAL DESCRIPTION

Lots 1 through 105, inclusive, 112-115, inclusive, 119-129 inclusive, and 133 through 194, inclusive, all in The Heritage, a subdivision as surveyed, platted and recorded in in Douglas County, Nebraska,

OJ-16143

together with Lots 1 through 3, inclusive, The Heritage Replat One, a subdivision as surveyed platted and recorded in Douglas County, Nebraska,

OJ-16144

together with Lots 1 through 7, inclusive, The Heritage Replat 2, a subdivision as survey, platted and recorded in Douglas County, Nebraska,

OJ-16145

together with Lots 1 and 2, inclusive, The Heritage Replat 3, a subdivision as survey, platted and recorded in Douglas County, Nebraska, and

OJ-16146

together with Lots 1 through 3, inclusive, The Heritage Replat 4, a subdivision as survey, platted and recorded in Douglas County, Nebraska.

OJ-16147