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Received - RICHARD TAKECHI Register of Deeds, Douglas County, NE 10/26/2004 11:57:56.87

FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR A PART OF WALNUT RIDGE, A SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA

This First Amendment is made to the Declaration of Covenants, Conditions, Restrictions and Easements for a part of Walnut Ridge, a Subdivision in Douglas County, Nebraska, dated July 11, 2002, and recorded with the Douglas County Register of Deeds on July 12, 2002, in Book 1449 at Page 478, Miscellaneous Records (the "Declaration"), by Rogers Development, Inc., a Nebraska corporation (the "Declarant").

Preliminary Statement

The Declaration was made by the Declarant in connection with the development of real estate legally described as follows:

Lots 294 through 382, inclusive, in Walnut Ridge, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska.

Such Lots are herein referred to collectively as the "Lots" and individually as each "Lot".

Declarant has considered amendment of the Declaration for purposes of adding an Article I, Section 18. Article V, Section 2, allows the Declaration to amend the Declaration in any manner which it may determine in its full and absolute discretion for a period of four (4) years from the date of the Declaration. Declarant has investigated the impact which the proposed amendment of the Declaration would have on the Lots and has concluded that the amendment would further the preservation of Walnut Ridge, would further the maintenance of the character and residential integrity of Walnut Ridge, and would further the benefits and protection afforded to the Lots by the Declaration.

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NOW, THEREFORE, pursuant to the authority granted to the Declarant in Article V, Section 2 of the Declaration, Declarant hereby amends and supplements the Declaration as follows:

1. A new Article I, Section 18, is added to the Declaration as follows:

Section 18. Additional restrictions on Lots 331 through 345, inclusive, are as follows: no residence shall be constructed on Lots 331 through 345, inclusive less than sixty (60) feet from the south line of the Walnut Ridge subdivision, in Douglas County, Nebraska. Such restricted areas shown on the plat of Walnut Ridge; this restriction shall apply only to inhabited portions of residences, but not related accessory improvements.

2. Except as amended and modified herein the Declaration shall remain in full force and effect according to its terms.

IN WITNESS WHEREOF, Declarant has executed this First Amendment as of the 24 day of October, 2004.

ROGERS DEVELOPMENT, INC., a Nebraska corporation,

Michael F. Rogers, Presiden

STATE OF NEBRASKA) ss. COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 21 day of October, 2004, by Michael F. Rogers, President of Rogers Development, Inc., a Nebraska corporation, on behalf of the corporation.

Notary Public

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