



BK 0856 PG 475



MISC 1988 12303

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INDEXING
PAGE DOWN FOR BALANCE OF INSTRUMENT

AMENDMENT TO
DECLARATION OF NEW PROTECTIVE COVENANTS
FILED JULY 3, 1975
BOOK 553, PAGES 595 TO 598

WHEREAS, Sanitary and Improvement District No. 265 of Douglas County, Nebraska (herein referred to as "S.I.D. #265") is the owner of the following described lots in Winchester Heights, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska, as follows:

4-5, 10-27, 30-33, 35-41, 43, 45-59, 61-99,
101-129, 133-139, 142, 145-147, 149, 151-153,
155, 159-194, 203, 208, 210, 214-217,
219-220, 222, 225, 228, 234, 239, 243,
248-250, 261-265, 268-274, 280, 285, 288,
292-296, 298-309, 311-331, 333-335; and

WHEREAS, Benchmark Homes, Inc., a Nebraska corporation (herein referred to as "Benchmark"), is the owner of the following described lots in Winchester Heights:

1-3, 100, 130, 132, 141, 143, 144, 148-150,
154, 156-158, 223, 224, 226, 229-233, 275,
277, 281-282, 332; and

WHEREAS, Benchmark and S.I.D. #265 are the present fee title owners to the above-described real property and they hereby declare, publish and state that the aforesaid lots referred to are, and shall be owned, conveyed and held under and subject to the conditions and restrictions in the Covenants at Book 553, Pages 595 to 598, recorded in the office of the Register of Deeds of Douglas County, Nebraska, as amended herein, for the purpose of controlling, governing and regulating the ownership, encumbrance, use and occupancy of said lots.

NOW, THEREFORE, the parties hereto desire to amend the Covenants at Book 553, Pages 595 to 598, recorded in the office of the Register of Deeds of Douglas County, Nebraska, by striking Paragraph 2 in toto, and in place thereof, adding the following provision:

2. The enclosed area of every single-family dwelling, including, but not limited to, ranch, split-level, step-up, one-and-one-half or two-story dwelling, and raised ranch homes, exclusive of open breezeways, basements and garages, shall be not less than One Thousand Twenty-Seven (1,027) square feet. All dwellings shall have not less than an attached or built-in double-car garage. The front side of all dwellings shall have a

brick finish and if any portion of the dwelling's foundation shall be exposed, such portion shall be painted to match the exterior color of the dwelling.

The Protective Covenants at Book 553, Pages 595 to 598, shall, in all other respects, remain in full force and effect.

IN WITNESS WHEREOF, S.I.D. #265 and Benchmark have executed this Amendment on the 27th day of July, 1988.

SANITARY AND IMPROVEMENT DISTRICT NO. 265 OF DOUGLAS COUNTY, NEBRASKA,

RECEIVED
1988 JUL 27 PM 3:26
GEORGE J. BUGLEWICZ
REGISTER OF DEEDS
DOUGLAS COUNTY, NEBR.

By Danko Paziak
Danko Paziak, Chairman

BENCHMARK HOMES, INC., a Nebraska corporation,

By John C. Czerwinski, Jr.
President

misc 12303

STATE OF NEBRASKA)
COUNTY OF DOUGLAS) ss.: BK 856 N CJO FEE 183.50
PG 475 N 85A/501 DEL VK MC WS
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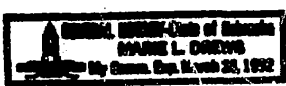
The foregoing instrument was acknowledged before me this 27th day of July, 1988, by Danko Paziak, Chairman of Sanitary and Improvement District No. 265 of Douglas County, Nebraska, on behalf of the District.



Alice J. Long
Notary Public

STATE OF NEBRASKA)
COUNTY OF DOUGLAS) ss.:

The foregoing instrument was acknowledged before me this 18th day of July, 1988, by John C. Czerwinski, Jr., President of Benchmark Homes, Inc., a Nebraska corporation, on behalf of the corporation.



Marie L. Drees
Notary Public