

SECOND AMENDMENT TO DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIIONS

THIS Second Amendment to the Declaration of Covenants, Conditions and Restrictions of the Allen Hills Subdivision is made and entered into this 30<sup>th</sup> day of April 1999 by Heartland Acreage Developers, Inc., a Nebraska corporation, hereinafter referred to as "Declarant".

WITNESSETH:

WHEREAS, Declarant is the developer of the Allen Hills Subdivision more particularly described as lots 1-63, inclusive, in Allen Hills Subdivision, a subdivision of Washington County, Nebraska, and

WHEREAS, pursuant to the terms and provisions of the Declaration of Covenants, Conditions and Restrictions recorded against the Allen Hills Subdivision at Book 285 Pages 8-19 on June 30<sup>th</sup>, 1998, in the land records of Washington County, Nebraska, Declarant being the owner of at least thirty-five percent (35%) of the lots in such subdivision, hereby amends the Declaration of Covenants, Conditions and Restrictions ("Declaration") as follows:

FILED  
99 AUG 10 AM 9:00  
WASHINGTON COUNTY  
RECORDS & CLERK

1. By deleting §D (2) in its entirety and substituting the following:

"2. One and one-half story houses shall contain a minimum of 1,700 square feet in total area above the basement level, exclusive of garage area. Two story houses shall contain a minimum of 2,000 square feet in total area above the basement level, exclusive of garage area. For the purpose of these covenants, two-story height shall, when the basement wall is exposed above finished grade, be measured from the basement ceiling on the exposed side(s) to the eave of the structure on the same side(s). Area means finished habitable space, measured to the exterior of the enclosing walls, and does not include porches, stoops, breezeways, courtyards, patios, decks, basements, garages or carports. The basement will not be considered a story even if it is 100% above grade on one or more sides and essentially below grade on the other sides."

2. By deleting §U in its entirety and substituting the following:

"U. Prior to the commencement of construction of any improvement on any residential building lot, a plot plan and a complete set of the plans and specifications therefor, including elevations and proposed septic system, shall be submitted to the Committee for approval. The Committee shall be composed of members of the Association appointed as provided in the Bylaws. The review shall be conducted in a manner to

assure that the construction is consistent with this Declaration. Until such time as forty-eight (48) lots have been sold, Declarant shall be a member of the Committee and in all cases of disagreement between Declarant and other members of the Committee, the Declarant shall make the final decision. Provided further, that where the Committee deems it to be in the best interests of the Allen Hills Subdivision, or in the case of undue hardship, the Provisions of these Covenants regarding dwelling size and configuration may be waived."

Except as herein modified, the Declaration of Covenants, Conditions and Restrictions shall remain in force and fully enforceable according to their term subject only to modification as provided therein.

HEARTLAND ACREAGE DEVELOPERS, INC.,  
a Nebraska corporation,

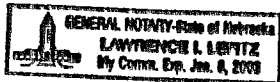
By: *Jeff L. Pruess*  
Jeff L. Pruess, President

STATE OF NEBRASKA    )  
                                  ) ss.  
COUNTY OF DOUGLAS    )

Be it known that on the 30<sup>th</sup> day of April 1999, before me personally appeared JEFF L. PRUESS, above-named, who is to me known to be the person described in and who executed the above First Amendment to Declaration of Covenants, Conditions and Restrictions, and acknowledged the same to be his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

*Lawrence L. Leptiz*  
Notary Public



Recorded ✓  
General ✓  
Numerical ✓  
Photostat ✓  
Proofed ✓

993948  
STATE OF NEBRASKA COUNTY OF WASHINGTON) SS  
ENTERED IN NUMERICAL INDEX AND FILED FOR RECORD  
THIS 10<sup>th</sup> DAY OF August A.D. 19 99  
AT 9:08 O'CLOCK A M AND RECORDED IN BOOK  
306 AT PAGE 231-232  
COUNTY CLERK Charlotta B. Petersen  
DEPUTY Karen Madsen