

CRINES, MULLEN, PANSING &
HOGAN
10050 REGENCY CIRCLE, SUITE 200
OMAHA, NEBRASKA 68114

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**FIRST AMENDMENT TO
DECLARATION
OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS
OF BAY WOOD, A SUBDIVISION
IN DOUGLAS COUNTY, NEBRASKA**

This First Amendment to the Declaration of Bay Wood, made as of the date hereinafter set forth, and is made by LANOHA DEVELOPMENT COMPANY, INC., a Nebraska corporation, hereinafter referred to as the "Declarant".

PRELIMINARY STATEMENT

By its Declaration for Bay Wood, a Subdivision in Douglas County, Nebraska, dated December 16, 1993, and recorded on January 19, 1994, at Book 1109, Pages 315 through 323, inclusive, of the Miscellaneous Records of the Register of Deeds of Douglas County, Nebraska (hereinafter referred to as the "Original Declaration"), Declarant subjected Lots 1 through 103, inclusive, in Bay Wood, a Subdivision, as surveyed, platted and recorded in Douglas County, Nebraska, to restrictions, covenants, conditions and easements (herein referred to collectively as the "Lots" and individually as each "Lot").

Lots 51 and 52, inclusive, Bay Wood, have been replatted into two (2) individual lot as shown on the administrative subdivision recorded in the Miscellaneous Records with the Douglas County Register of Deeds on June 29, 1995, in Book 1150, Page 335 (herein referred to collectively as the "Lots" and individually as each "Lot").

Due to the various replattings, the above-identified Lots are now legally described as follows:

Lots 1 through 50, inclusive, and Lots 53 through 103, inclusive, in Bay Wood, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska; and

Lots 1 and 2, inclusive, Bay Wood Replat 1, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska.

Except as specifically provided herein, for purposes of the Declaration, each of the above-identified Lots shall be deemed individual Lots governed by the provisions of the Declaration.

Declarant is desirous of amending the Original Declaration pursuant to the terms of Article IV, General Provisions, Paragraph 2, as it relates to the Lots:

The covenants and restrictions of this Declaration shall run with and bind the land in perpetuity. This Declaration may be amended by LANOHA DEVELOPMENT COMPANY, INC., a Nebraska corporation, or any person, firm, corporation, partnership, or entity designated in writing by LANOHA

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DOUGLAS COUNTY, NE

DEVELOPMENT COMPANY, INC., in any manner which it may determine in its full and absolute discretion for a period of five (5) years from the date hereof. Hereafter this Declaration may be amended by an instrument signed by the owners of not less than sixty percent (60%) of the Lots covered by this Declaration.

Declarant does hereby substitute, amend and restate the Declaration in the following particulars only:

1. The Declarant does hereby restate and substitute for Article I, Restrictions and Covenants, Paragraph 2(d), as follows:

(d) No Lot owner, or combination of Lot owners, or other person or persons shall have any right to any action by Declarant, or to control, direct or influence the acts of the Declarant with respect to the approval or disapproval of any proposed Improvement. No responsibility, liability or obligation shall be assumed by or imposed upon Declarant by virtue of the authority granted to Declarant in this Section, or as a result of any act or failure to act by Declarant with respect to any proposed Improvement. Any approval by Declarant of the plans and specifications submitted under this paragraph shall be deemed binding and conclusive as to all Lot owners, or combination of Lot owners, or other person or persons making any claim or seeking any action concerning any actions pertaining to these Covenants.

2. The Original Declaration is in all other matters ratified and affirmed.

The Declarant has executed this First Amendment to Declaration as of this 23 day of April, 1996.

LANOHA DEVELOPMENT COMPANY, INC., a
Nebraska corporation,

By David F. Lanoha
David F. Lanoha, President

STATE OF NEBRASKA)
) ss.:
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 23 day of April, 1996, by David F. Lanoha, President of LANOHA DEVELOPMENT COMPANY, INC., a Nebraska corporation, on behalf of the corporation.



Patricia A. Borensen
Notary Public

NOTARIAL SEAL AFFIXED
REGISTER OF DEEDS