

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



SECOND AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS
OF CHERRY HILLS, A SUBDIVISION IN
DOUGLAS COUNTY, NEBRASKA

This Second Amendment is made to the Declaration of Covenants, Conditions, Restrictions and Easements of Cherry Hills, a subdivision in Douglas County, Nebraska, dated April 12, 1991, and recorded with the Douglas County Register of Deeds on April 17, 1991, Miscellaneous Records, in Book 960 at Page 91, as amended by the First Amendment to Declaration of Covenants, Conditions, Restrictions and Easements of Cherry Hills, a subdivision in Douglas County, Nebraska, dated January 17, 1992, and recorded with the Douglas County Register of Deeds on January 22, 1992, Miscellaneous Records, in Book 993 at Page 687 (as amended the "Declaration"), by Horgan Development Company, formerly known as MCJ Investment Company, a Nebraska corporation (referred to as the "Declarant").

PRELIMINARY STATEMENT

The Declaration was made by the Declarant in connection with the development of residential lots legally described as follows (such lots are herein referred to collectively as the "Lots", and individually as each "Lot"):

Lots 1 through 215, inclusive, in Cherry Hills, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska.

The Lots are part of Cherry Hills, a residential subdivision in Douglas County, Nebraska ("Cherry Hills").

Residential lots which are contiguous to the Lots are being developed as Phases 2 and 3 of Cherry Hills. Declarant desires to include Lots 219 through 336, inclusive (the "Phase 2 Lots"), and Lots 337 through 484, inclusive (the "Phase 3 Lots"), in Cherry Hills, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska, in the Cherry Hills Homeowners Association. Article IV, Section 2 of the Declaration allows the Declarant to amend the Declaration in any manner which it may determine in its full and absolute discretion for a period of five (5) years from the date of the Declaration and Article II, Section 3 of the Declaration allows the Declarant to execute and record an amendment to the Declaration setting forth the identity of additional residential lots to include in the Association. Declarant has investigated the effect which including the Phase 2 Lots and the Phase 3 Lots in the Association would have on the Lots and has concluded that inclusion of such additional residential lots would further the preservation of Cherry Hills, would further the maintenance of the character and residential integrity of Cherry Hills, and would further the intent, purpose and protection afforded to the Lots by the Declaration.

NOW, THEREFORE, pursuant to the authority granted to the Declarant in Article IV, Section 2 and Article II, Section 3 of the Declaration, Declarant hereby amends and supplements the Declaration as follows:

1. Declarant hereby includes the Phase 2 Lots and Phase 3 Lots in the Association, the effect being that the Owners of the Phase 2 Lots and the Phase 3 Lots shall be Members of the Association with all rights, privileges and obligations accorded or accruing to Members of the Association.
2. In each and every other respect, the Declaration shall remain in full force and effect according to its terms.

IN WITNESS WHEREOF, the Declarant has executed this Second Amendment as of the 11th day of April, 1994.

HORGAN DEVELOPMENT COMPANY, formerly known as MCJ INVESTMENT COMPANY, a Nebraska corporation, "Declarant"

By *Robert P. Horgan*
Robert P. Horgan, President

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FEE 117.50 R FB 04-06330
DEL. C/O COMP VP
LEGAL PG 74 SCAN FV

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

The foregoing instrument was acknowledged before me this 11th day of April, 1994, by Robert P. Horgan, President of Horgan Development Company, formerly known as MCJ Investment Company, a Nebraska corporation, on behalf of the corporation.



Alice J. Long

Notary Public

NOTARIAL SEAL AFFIXED
REGISTER OF DEEDS