

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

This First Amendment to Declaration is made on the date hereinafter set forth by MCJ INVESTMENT COMPANY, a Nebraska corporation, hereinafter referred to as the "Declarant".

PRELIMINARY STATEMENT

By Declaration for Cherry Hills, a Subdivision in Douglas County, Nebraska, dated April 12, 1991, and recorded at Book 960, Page 91 through 101 of the Miscellaneous Records of the Register of Deeds of Douglas County, Nebraska (herein referred to as the "Declaration"), Declarant subjected the following described lots to restrictions, covenants, conditions and easements:

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

Article IV, Paragraph 2 of the Declaration provides as follows:

The covenants and restrictions of this Declaration shall run with and bind the land for a term of thirty (30) years from the date this Declaration is recorded. This Declaration may be amended by Declarant, or any person, firm, corporation, partnership, or entity designated in writing by Declarant in any manner which it may determine in its full and absolute discretion for a period of three (3) years from the date hereof. Thereafter this Declaration may be amended by an instrument signed by the owners of not less than seventy-five percent (75%) 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, Section 3 the following amendment:

No single-family residence shall be created, altered, placed or permitted to remain on any Lot other than one detached single-family dwelling which does not exceed two and one-half stories in height. Residences on all Lots shall have a minimum front set back of twenty-five (25) feet.

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

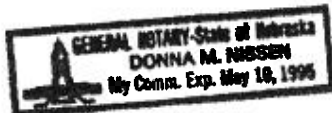
The Declarant has executed this First Amendment to Declaration as of this 12th day of January, 1992.

MCJ INVESTMENT COMPANY, a Nebraska corporation, "Declarant"

By [Signature] President

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

The foregoing instrument was acknowledged before me this 12th day of January, 1992, by Robert P. Horgan, President of MCJ INVESTMENT COMPANY, a Nebraska corporation, on behalf of the corporation.



[Signature] Notary Public

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JAN 22 9 40 AM '92 GEORGE J. BUCKLEWICZ REGISTER OF DEEDS DOUGLAS COUNTY, NE

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