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SECOND AMENDMENT TO DECLARATION OF EASEMENTS WITH COVENANTS AND RESTRICTIONS FOR LOTS 1, 8 AND OUTLOT C, SUGAR CREEK NEIGHBORHOOD CENTER, LOTS 1 AND 2, SUGAR CREEK NEIGHBORHOOD CENTER REPLAT 1, LOTS 1, 2 AND 3, SUGAR CREEK NEIGHBORHOOD CENTER REPLAT 2, AND LOTS 1 AND 2, SUGAR CREEK NEIGHBORHOOD CENTER REPLAT 3

THIS SECOND AMENDMENT TO DECLARATION OF EASEMENTS WITH COVENANTS AND RESTRICTIONS FOR LOTS 1, 8 AND OUTLOT C, SUGAR CREEK NEIGHBORHOOD CENTER, LOTS 1 AND 2, SUGAR CREEK NEIGHBORHOOD CENTER REPLAT 1, LOTS 1, 2 AND 3, SUGAR CREEK NEIGHBORHOOD CENTER REPLAT 2, AND LOTS 1 AND 2, SUGAR CREEK NEIGHBORHOOD CENTER REPLAT 3 ("Second Amendment") further amends the DECLARATION OF EASEMENTS WITH COVENANTS AND RESTRICTIONS dated April 26, 2006 and recorded May 1, 2006 in the office of the Register of Deeds, Sarpy County, Nebraska, as Instrument Number 2006-14188 ("Declaration"), as previously amended by the FIRST AMENDMENT TO DECLARATION OF EASEMENTS WITH COVENANTS AND RESTRICTIONS recorded on May 9, 2008 in the office of the Register of Deeds, Sarpy County, Nebraska, as Instrument Number 2008-13284 ("First Amendment"), is made by United Republic Bank, a Nebraska State Chartered Bank ("Successor Declarant"), to be effective April 15, 2016, pursuant to the NOTICE OF APPOINTMENT OF SUCCESSOR DECLARANT AND TERMINATION OF STATUS AS DECLARANT dated effective March 24, 2016, and recorded on April 1, 2016, at the Office of the Register of Deeds, Sarpy County, Nebraska, Instrument Number 2016-06852 ("the Appointment").

RECITALS:

WHEREAS, the Declaration as amended by the First Amendment sets forth certain use restrictions for the lots in Sugar Creek Neighborhood Center, Sugar Creek Neighborhood Center Replat 1, Sugar Creek Neighborhood Center Replat 2 and Sugar Creek Neighborhood Center Replat 3 ("the Lots"); and

WHEREAS, Successor Declarant desires to amend the use restrictions set forth in the Declaration as hereinafter set forth.

NOW, THEREFORE, in accordance with Section 8.1 of the Declaration, Successor Declarant hereby amends the Declaration as follows:

1. Section 2.4 is hereby deleted in its entirely and the following inserted in its place:

2.4 Uses. Except as otherwise provided for in this Declaration, as may be amended from time to time, no Lot within the Development shall (i) be used in violation of any applicable federal, state or local laws, ordinances, rules or regulations; (ii) be used, operated or maintained in a dangerous or hazardous condition; (iii) constitute a nuisance or be used, operated or maintained in an obnoxious manner by reason of unsightliness or excess emission of odors, dust, fumes, smoke, liquid waste, noise, glare, vibration or radiation; (iv) be used for the operation and maintenance of a circus, carnival, auction house, flea market, unemployment office, bingo or other game room, teen club, gambling enterprise, warehouse operating or manufacturing or assembling operation, storage (except incidental to the primary commercial use and also except for the operation of a mini storage facility), or auction sales are conducted, establishment selling or exhibiting pornographic materials, striptease clubs, ballroom; or (v) be used for any fire sale, bankruptcy sale (unless pursuant to a court order) or auction house operations, provided that any Owner or Occupant that goes out of business shall be entitled to hold one going out of business sale not exceeding four (4) weeks in duration.

2. Section 3.1 is hereby deleted in its entirely and the following inserted in its place:

3.1 All Improvements will be designed and built so as to present an appearance on all sides consistent with that of a first class retail, commercial, and office development or a mini storage facility and shall be designed so that the exterior elevations of Improvements shall be architecturally and aesthetically compatible with Improvements to be constructed on other Lots in the Development, and in the case of any mini storage facility compatible with other high end mini storage facilities in terms of design and landscaping in the metropolitan Omaha area, as determined in the sole and absolute discretion of Declarant and the Architectural Design Committee.

3. Section 9.9 is hereby deleted in its entirely and the following inserted in its place:

9.9 Notice. All notices and demands to be given one party to another party under this Declaration shall be given in writing to the following:

To the Declarant: United Republic Bank
ATTN: Michael Pate
111 North 181st Street
P. O. Box 540126
Omaha, NE 68154-0126

With copy to:

4. To the extent that this agreement is inconsistent with a provision in the Declaration, as amended by the First Amendment, the terms of this Second Amendment shall control. Except as amended herein, all the provisions of the Declaration as amended by the First Amendment thereto are hereby ratified and confirmed and shall remain in full force and effect against all Lots and shall be and shall remain enforceable in accordance with these terms.

5. If any term, provision or covenant of this Second Amendment shall to any extent be deemed invalid and/or enforceable by judgment or court order, the remainder of this Second Amendment shall not be affected thereby and the terms, provisions and covenants of this Second Amendment shall be valid and shall be enforced to the extent permitted by law.

IN WITNESS WHEREOF, the undersigned has caused these presents to be effective on the day and year first above written.

SUCCESSOR DECLARANT:

UNITED REPUBLIC BANK,
a Nebraska State Chartered bank

By: _____
Michael Pate, President and CEO

STATE OF NEBRASKA)
)ss.
COUNTY OF Douglas)

The foregoing instrument was acknowledged before me this 21 day April, 2016, by Michael Pate, President and CEO of United Republic Bank, a Nebraska State Chartered Bank, on behalf of the bank.

GENERAL NOTARY-State of Nebraska
REBECCA L. JOHN
My Comm. Exp. August 15, 2018

Rebecca L. John
Notary Public