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By

RICHARD N. TAKECHI
REGISTER OF DEEDS
DOUGLAS COUNTY, NE

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James F. Kasher
CROKER, HUCK, KASHER, DeWITT,
ANDERSON & GONDERINGER, P.C.
2120 South 72nd Street, Suite 1250
Omaha, NE 68124

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**THIRD AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR ELK CREEK CROSSING, A SUBDIVISION
IN DOUGLAS COUNTY, NEBRASKA**

THIS THIRD AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS is made on the date hereinafter set forth by BENCHMARK HOMES, INC., a Nebraska corporation, hereinafter referred to as "Declarant".

WITNESSETH:

WHEREAS, the undersigned is the Declarant under a certain Declaration of Covenants, Conditions and Restrictions for Elk Creek Crossing, A Subdivision in Douglas County, Nebraska (the "Declaration"), which Declaration was filed for record in the office of the Register of Deeds of Douglas County, Nebraska, on January 13, 1994, in Misc. Book 1108 at Pages 697 through 710, inclusive, and which governs Lots 1 through 147 and Outlot 1, Elk Creek Crossing, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska; and

WHEREAS, the undersigned is the Declarant under a certain First Amendment to Declaration of Covenants, Conditions and Restrictions for Elk Creek Crossing, A Subdivision in Douglas County, Nebraska (the "First Amendment to Declaration"), which First Amendment was filed for record in the office of the Register of Deeds of Douglas County, Nebraska, on October 13, 1995, in Misc. Book 1158 at Pages 555 and 556, which governs Lots 148 through 312, inclusive, and Outlots 2 and 3, Elk Creek Crossing, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska; and

WHEREAS, the undersigned is the Declarant under a certain Second Amendment to Declaration of Covenants, Conditions and Restrictions for Elk Creek Crossing, A Subdivision in Douglas County, Nebraska (the "Second Amendment to Declaration"), which Second Amendment was filed for record in the office of the Register of Deeds of Douglas County, Nebraska, on August 19, 1998, in Misc. Book 1259 at Pages 616 to 618, which governs Lots 313 through 416,

inclusive, in Elk Creek Crossing, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska; and

WHEREAS, pursuant to the terms and conditions of the introductory paragraphs of the Declaration, Declarant is desirous of amending the text of Article V, Section 5, Billboards and Nuisances Prohibited.

NOW THEREFORE, Declarant hereby declares that Article V, Section 5 shall be amended and shall read as follows:

No sign, picture, banner, poster or other object of any kind shall be erected, placed, displayed to the public view, or permitted to remain on any Lot except one (1) sign per Lot consisting of not more than six (6) square feet advertising a lot as "For Sale"; nor shall the premises be used in any way for any purpose which may endanger the health or unreasonably disturb the owner or owners of any Lot or any resident thereof. Further, no business activities of any kind whatsoever shall be conducted on any Lot. Provided, however, the foregoing paragraph shall not apply to the business activities, signs and billboards or the construction and maintenance of buildings, if any, by Declarant, their agents or assigns, during the construction and sale of the Lots.

In all other respects, the Declaration heretofore executed, and its First and Second Amendments, are hereby ratified and confirmed in their original form.

IN WITNESS WHEREOF, the undersigned Declarant has executed this Third Amendment to Declaration this 18th day of Oct, 1999.

Attest:

Secretary

BENCHMARK HOMES, INC.
a Nebraska Corporation

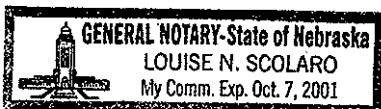
By:

John C. Czerwinski, Jr., President

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 18th day of Oct, 1999, by JOHN C. CZERWINSKI, JR., President of Benchmark Homes, Inc., a Nebraska Corporation, on behalf of the corporation.

62856.1



Notary Public