



MISC 2007007186



JAN 18 2007 15:41 P 2

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Register of Deeds, Douglas County, NE
1/18/2007 15:41:24.85



2007007186

THE ABOVE SPACE IS FOR THE REGISTER OF DEEDS RECORDING INFORMATION

RETURN TO:

Melvin Sudbeck Hanes
16255 Woodland Dr.
Omaha NE 68136

Misc 2/234

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**FIRST AMENDMENT TO THE DECLARATION
OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS
FOR ELKHORN HIGHLAND RIDGE, A SUBDIVISION IN
DOUGLAS COUNTY, NEBRASKA**

THIS FIRST AMENDMENT TO DECLARATION made on the date hereinafter set forth, by Elkhorn Highland Ridge, Inc., a Nebraska corporation ("Declarant").

PRELIMINARY STATEMENT

WHEREAS, the Declarant is the owner of the following described real property: Lots 1 through 248 (excluding lots 21, 22, 23, 24, 57, 111, 136, 138, 139, 150, 181, 222, 225, and 226), which have been divided, in Elkhorn Highland Ridge, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska; and

WHEREAS, the Declarant has filed an original Declaration of Covenants, Conditions, Restrictions and Easements for the affected lots on September 23, 2004 under Instrument Number 2004125770; and

WHEREAS the Declarant wished to amend Article II, 1., B., 2), as it relates to dwelling square footage requirements on lots.

NOW, THEREFORE, the Declarant hereby declares that said Lots shall be held, sold, and conveyed subject to the following amended restriction:

**ARTICLE II
RESTRICTIONS FOR RESIDENTIAL DWELLINGS**


1. Single Family Lots. Lots 1 through 248 shall be subject to the following restrictions.
 - B. General Restrictions. No dwelling shall be created, altered, placed or permitted to remain on any Lot other than the single family dwellings referred to above, and said dwellings shall conform to the following requirements:
 - 2) For Lots 119 through 248:
 - i) Each one story dwelling shall contain no less than 1200 square feet of living area above the basement level and exclusive of garage area on all lots.
 - ii) Each one and one-half story dwelling shall contain no less than 1400 square feet of total living area above the basement level with a minimum of 900 square feet on the main floor, exclusive of garage area on all lots.
 - iii) Each two story dwelling shall contain no less than 1600 square feet of living area above the basement level, exclusive of garage area on all lots.


The Declarant ratifies and restates all covenants, conditions, restrictions and easements for the Elkhorn Highland Ridge Subdivision in Douglas County, Nebraska other than as amended herein.

IN WITNESS WHEREOF, the Declarant has caused these presents to be executed this 17th day of January, 2007.

ATTEST:

ELKHORN HIGHLAND RIDGE, INC., a Nebraska Corporation

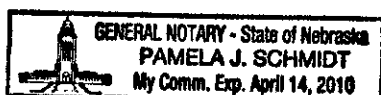

JeAnn Sudbeck, Secretary

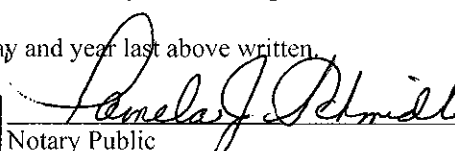

Melvin J. Sudbeck, Its President

STATE OF NEBRASKA)
COUNTY OF SARPY)

On this 17th day of January, 2007, before me, a Notary Public, duly commissioned and qualified in and for said County, appeared Melvin J. Sudbeck, personally known by me to be the President of Elkhorn Highland Ridge, Inc., and JeAnn Sudbeck, personally known by me to be the Secretary of said corporation, and the identical persons whose names are affixed to the foregoing instrument, and they acknowledged the execution thereof to be their voluntary act and deed.

WITNESS my hand and Notarial Seal the day and year last above written.




Notary Public