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Received - DIANE L. BATTIATO  
Register of Deeds, Douglas County, NE

2/13/2009 09:51:42.43



2009013047

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

THIS THIRD AMENDMENT TO DECLARATION made on the date hereinafter set forth, by Elkhorn Highlands, 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, 52, 57, 59, 60, 61, 62, 63, 64, 69, 70, 71, 72, 74, 75, 76, 83, 88, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 113, 114, 115, 116, 117, 118, 136, 138, 139, 141, 148, 150, 151, 157, 158, 164, 166, 181, 200, 204, 222, 225, 226, 227, and 232), 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 a First Amendment to the Declaration of Covenants, Conditions, Restrictions and Easements for the affected lots on January 18, 2007 under Instrument Number 2007007186; and a Second Amendment to the Declaration of Covenants, Conditions, Restrictions and Easements for the affected lots on June 11, 2007 under Instrument Number 2007065035; and

WHEREAS the Declarant wished to amend Article II, 1., B., 1) and Article II, 1., B., 2), as they relate to dwelling square footage requirements on lots; and Article II, 2., C., as it relates to material and finish on exposed foundation requirements on lots; and the Declaration, Attest, and Notary statements as they relate to the corporation name on the First Amendment; and the Declaration, Attest, and Notary statements as they relate to the corporation name on the Second Amendment; and

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 (excluding lots 21, 22, 23, 24, 52, 57, 59, 60, 61, 62, 63, 64, 69, 70, 71, 72, 74, 75, 76, 83, 88, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 113, 114, 115, 116, 117, 118, 136, 138, 139, 141, 148, 150, 151, 157, 158, 164, 166, 181, 200, 204, 222, 225, 226, 227, and 232) 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:

1) For Lots 1 through 118 (excluding lots 21, 22, 23, 24, 52, 57, 59, 60, 61, 62, 63, 64, 69, 70, 71, 72, 74, 75, 76, 83, 88, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 113, 114, 115, 116, 117, and 118):

i) Each one story dwelling shall be subject to Architectural Control Committee approval.

ii) Each one and one-half story dwelling shall be subject to Architectural Control Committee approval.

Elkhorn Highlands Inc  
16255 Woodland Dr.  
Omaha, NE 68136

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- iii) Each two story dwelling shall be subject to Architectural Control Committee approval.
- 2) For Lots 119 through 248 (excluding lots 136, 138, 139, 141, 148, 150, 151, 157, 158, 164, 166, 181, 200, 204, 222, 225, 226, 227, and 232):
  - i) Each one story dwelling shall be subject to Architectural Control Committee approval.
  - ii) Each one and one-half story dwelling shall be subject to Architectural Control Committee approval.
  - iii) Each two story dwelling shall be subject to Architectural Control Committee approval.

## ARTICLE II

### RESTRICTIONS FOR RESIDENTIAL DWELLINGS

- 2. General Restrictions. All dwelling units described above shall comply with the following restrictions.
  - C. Material and finish of exposed portions of the foundation on all sides of each dwelling are subject to Architectural Control Committee approval.

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

ATTEST:

ELKHORN HIGHLANDS, INC.

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 Highlands, 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.

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

ATTEST:

ELKHORN HIGHLANDS, INC.

On this 7th day of June, 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 Highlands, 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.

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 3rd day of February, 2009.

ATTEST:  
*JeAnn Sudbeck, Secretary*  
 JeAnn Sudbeck, Secretary

ELKHORN HIGHLANDS, INC., a Nebraska Corporation  
*Melvin J. Sudbeck*  
 Melvin J. Sudbeck, Its President

STATE OF NEBRASKA )  
 COUNTY OF Sarpy )

On this 3rd day of February, 2009, 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 Highlands, 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.



*Kara Kindle*  
 Notary Public