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80 - 871 +

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SUPPLEMENTARY DECLARATION

THIS SUPPLEMENTARY DECLARATION made May 23, 1973
by BLACK AND ELLIOTT DEVELOPMENT COMPANY, a partnership,
hereinafter called "Declarant",

W I T N E S S E T H :

WHEREAS, Declarant is the owner of the following
described real estate (hereinafter referred to herein as "the
premises") situated in Douglas County, Nebraska, to-wit:

All of lots 24 through 35, both inclusive; all of
Lots 42 through 55, both inclusive; Lot 62 and
Lot 66, Escalante Hills, a Subdivision in Douglas
County, Nebraska, as surveyed, platted and re-
corded; and

All of Lots 87 through 110, both inclusive; Lots
121 through 126, both inclusive, Lots 159 and
Lot 160 of Escalante Hills Replat, a Subdivision
in Douglas County, Nebraska, as surveyed, platted
and recorded,

and

WHEREAS, Declarant, the then owner of Lots 170 through
187, inclusive, and Lot 63 of Escalante Hills Subdivision in
Douglas County, Nebraska, in order to preserve and promote
the private residential character of said Lots in accordance
with a plan of development expressed therein, made and exe-
cuted a certain Declaration of covenants, easements, restric-
tions and conditions (hereinafter referred to as "Declaration")
dated August 21, 1972 and recorded at Page 459 through
467 inclusive of Book 513 of the Miscellaneous Records of the
Register of Deeds of Douglas County, Nebraska, and

WHEREAS, Declarant, in order to preserve and promote the
private residential character of the premises in accordance
with the plan of development expressed in said Declaration is
desirous of annexing the premises to said Declaration and subject-
ing the premises to all the terms and conditions thereof in
the manner provided in Section 4 of Article XI of said Declara-
tion;

NOW, THEREFORE, in consideration of the matters herein
recited, Declarant does hereby declare as follows, to-wit:

ITEM I.

A. THE PREMISES

1. Residential Property. Certain of the real property
subject to this Supplementary Declaration and legally described
as: All of Lots 24 through 35, both inclusive, all of Lots 42
through 55, both inclusive, Escalante Hills, a Subdivision in
Douglas County, Nebraska, as surveyed, platted and recorded; and
all of Lots 87 through 110, both inclusive, Lots 121 through
126, both inclusive, of Escalante Hills Replat, a Subdivision
in Douglas County, Nebraska as surveyed, platted and recorded
is and will be acquired, conveyed, devised, inherited, sold or
otherwise transferred and is and will be occupied and used
subject to all and each of the conditions and other terms set

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out in this Supplementary Declaration and, pursuant to Section 4 of Article XI thereof, to all conditions and other terms imposed upon any "Lot", as therein defined at Section 5 of Article I thereof in said Declaration, with the express additions and modifications set out in this Supplementary Declaration.

B. COMMON AREA

2. Covenants. Certain of the real property subject to this Supplementary Declaration and legally described as Lots 62 and 66 of Escalante Hills, a Subdivision in Douglas County, Nebraska and Lots 159 and 160 of Escalante Hills Replat, a Subdivision in Douglas County, Nebraska (hereinafter referred to as "Common Area") is and will be acquired, conveyed, devised, inherited, sold or otherwise transferred and is and will be occupied and used subject to all and each of the conditions and other terms set out in this Supplementary Declaration and pursuant to Section 4 of Article XI thereof, to all conditions and other terms imposed upon any "Lot" as therein defined at Section 5 of Article I thereof in said Declaration with the express additions and modifications set out in this Supplementary Declaration; provided, however, that said Common Area will be and become common area as that term is defined in Section 4 of Article I of said Declaration and will be and become subject to each and every restriction, easement and condition therein imposed upon the common area by said Declaration or as amended by Amendments to Declaration.

3. Association. The involved property is and will be through January 1, 1990, or for such longer or other period as may otherwise be fixed included in membership in Association as a benefit or burden running with and charge upon the ownership of each lot, pursuant to Article I through Article VII, inclusive of said Declaration or as amended by Amendments to said Declaration.

4. Extension, Modification, Termination: Association will have the right by an express written Permit for the purpose of avoiding undue hardship to waive partly or wholly the application to any lot of any covenant; and Association will have the right in the manner set out in its Articles of Incorporation or its By-Laws, as from time to time amended, at any time or from time to time to extend, modify, or terminate all or any part or parts of this Supplementary Declaration.

IN WITNESS WHEREOF, Declarant has executed this Supplementary Declaration at Omaha, Douglas County, Nebraska.

BLACK AND ELLIOTT DEVELOPMENT
COMPANY, a partnership

Witness

By:

Partner

Witness

Partner

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STATE OF NEBRASKA)
)
 COUNTY OF DOUGLAS) SS.

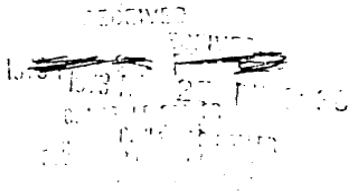
Before me, a Notary Public qualified for said county,
 personally appeared LEON F. BLACK and DON W. ELLIOTT,
 known to me to be the identical persons who exe-
 cuted the foregoing instrument, and acknowledged the execution
 thereof to be their voluntary act and deed.

WITNESS my hand and Notarial seal on May 23,, 1973.



Mark Laughlin
 Notary Public

14 pages
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Entered in _____
 Index and Map _____
 of the Register of _____
 Deeds of said County and recorded in _____
 Book 522 of Deed
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By C. H. H. H. Deputy
 Re: Black & Laughlin
711 - 1st N. 20th St.
79 - 591st
80-871st
28.75
80
86
75