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Received - DIANE L. BATTIATO
 Register of Deeds, Douglas County, NE
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Return to: Jerry M. Slusky, Slusky Law, LLC, 17445 Arbor Street, #300, Omaha, NE 68130

SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR FALLING WATERS

This Second Amendment to the Declaration of Covenants, Conditions, Restrictions and Easements for Falling Waters ("Second Amendment") is made effective as of the 1st day of July, 2007, by Dial Harrison, L.L.C., a Nebraska limited liability company, the Declarant ("Declarant") as set forth in the Declaration of Covenants, Conditions, Restrictions and Easements for Falling Waters recorded as instrument #2006070429 in the Register of Deeds Office of Douglas County, Nebraska (the "Declaration").

RECITALS

WHEREAS, Section 2, Article VI, provides covenants for the above ground finished and enclosed living area of main residential structures, exclusive of porches, breezeways, basements and garages, for R4 Single Family Housing; and

WHEREAS, the Declarant desires to amend such section to decrease the required square footage on R4 Single Family Housing on certain lots within Falling Waters; and

WHEREAS, such amendment shall apply to Lots 46-50 and 115-121 of Falling Waters; and

WHEREAS, the undersigned execute this Second Amendment with the express intent that the Declaration, as amended herein, be valid and binding upon Lots 46-50 and 115-121, and that each Declarant and Owner of a Lot upon which the Declaration

and any amendments are recorded be bound by the duties and obligations and have all rights and benefits set forth therein.

NOW, THEREFORE, the Declaration of Covenants, Conditions, Restrictions and Easements for Falling Waters is hereby amended as follows:

"The above ground finished and enclosed living area of main residential structures, exclusive of porches, breezeways, basements and garages, on Lots 46-50 and 115-121 will be not less than 2000 square feet on a two-story house."

Except as provided in this Second Amendment, all other terms and conditions of the Declaration and First Amendment remain unchanged, in full force and effect, and enforceable in accordance with the laws of the State of Nebraska and the terms of the Declaration as previously amended.

IN WITNESS WHEREOF, the undersigned have caused these presents to be executed on the 29 day of October, 2007.

DIAL HARRISON, L.L.C.

By: [Signature]
Its: Mgr. - Member

State of Nebraska)
) ss:
County of Douglas)

The foregoing instrument was executed before me, a notary public in and for the State of Nebraska, by Patrick G. Day on behalf of and as the duly authorized representative of Dial Harrison, L.L.C., and he acknowledged that execution of the foregoing is his voluntary act and deed in his authorized capacity on behalf of the Declarant. Such representative is personally known to me, or was identified to me through satisfactory evidence to be the identical person executing this instrument.

Wherefore I set my hand and seal this 29 day of October, 2007.

[Signature]
Notary Public

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