



MISC 2005111551



SEP 08 2005 08:24 P 16

**When Recorded, Return To:**

Jon E. Blumenthal  
c/o Baird Holm Law Firm  
1500 Woodmen Tower  
Omaha, Nebraska 68102

Received - DIANE L. BATTIATO  
Register of Deeds, Douglas County, NE  
9/8/2005 08:24:14.65



2005111551

**FIRST AMENDMENT TO DECLARATION OF COVENANTS,  
CONDITIONS, RESTRICTIONS AND EASEMENTS, AND NOTICE OF TERMINATION  
OF STATUS OF DECLARANT**

This First Amendment to Declaration of Covenants, Conditions, Restrictions and Easements (this "Amendment") is made and entered into effective as of this 2nd day of September, 2005, by and between GRAND OAKS, INC., a Nebraska corporation (the "Declarant"), the undersigned owners of lots in Grand Oaks, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska (collectively, the "Owners"), and GRAND OAKS HOMEOWNERS' ASSOCIATION, INC., a Nebraska non-profit corporation (the "Association").

WHEREAS, Declarant entered into that certain Declaration of Covenants, Conditions, Restrictions and Easements dated June 12, 1987, and recorded June 15, 1987 in the office of the Register of Deeds of Douglas County, Nebraska in Book 817, Page 686 (the "Covenants"), regarding certain real property located in Douglas County, Nebraska, and legally described on Exhibit "A", attached hereto and incorporated herein by this reference (the "Property"), and

WHEREAS, the Covenants imposed certain restrictions and conditions upon the development and use of the Property, and

WHEREAS, the Declarant wishes to terminate its status as Declarant under the Covenants; and

WHEREAS, the Owners wish to amend the terms and conditions of the Covenants, extend the term of the Covenants, and appoint the Association to serve as new Declarant of the Covenants.

NOW, THEREFORE, for Ten Dollars (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby acknowledge and agree as follows:

Misc. <sup>9</sup>  
 16  
 17

FEE	<u>88.50</u>	FB	<u>see attached</u>
BKP	<u>91529V</u>	C/O	<u>see</u>
DEL	_____	SCAN	FV _____

V218990

1. Notwithstanding any provision in the Covenants to the contrary, Section 2 of Article I of the Covenants is hereby deleted in its entirety.

2. Notwithstanding any provision in the Covenants to the contrary, the covenants and restrictions of the Covenants, as amended hereby, shall run with and bind the Property for a term of thirty (30) years from the date of this Amendment. Hereafter, the Covenants may be amended or extended as set forth in the Covenants.

3. Notwithstanding any provision in the Covenants to the contrary, the record owners as of the date hereof of Lot 8, Grand Oaks, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska, shall be permitted to maintain a roof on all Improvements not covered with wood shingles; provided, however, that the roof on any and all Improvements on Lot 8 shall be covered with wood shingles upon the earlier of (i) the conveyance of Lot 8 by the record owners as of the date hereof to any other person, persons, or entity, or (ii) the construction of a new roof or substantial replacement of a material majority of the roof on any Improvements on Lot 8.

4. Declarant hereby terminates its status as Declarant under the Covenants.

5. Owners hereby appoint the Association to serve as declarant under the Covenants, and the Association shall hereafter serve as declarant under the Covenants with the same authority and powers as the original Declarant.

6. All other terms and conditions of the Covenants shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amendment effective as of the day and year first written above.

GRAND OAKS, INC., a Nebraska corporation

By: *Leo E. Dahlke*  
Leo E. Dahlke, Its President

GRAND OAKS HOMEOWNERS' ASSOCIATION, INC., a Nebraska non-profit corporation

By: *Morris Caudle*  
Morris Caudle, Its President

STATE OF NEBRASKA    )  
                                  ) ss.  
COUNTY OF DOUGLAS    )

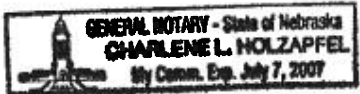
The foregoing instrument was acknowledged before me on Aug 30, 2005, by Leo E. Dahlke, as President of Grand Oaks, Inc., a Nebraska corporation, on behalf of the corporation.



*Don Venditte*  
Notary Public

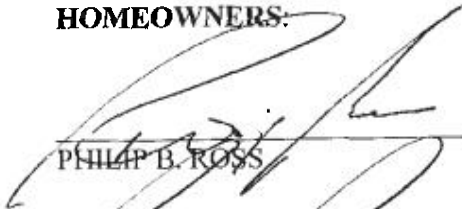
STATE OF NEBRASKA    )  
                                  ) ss.  
COUNTY OF DOUGLAS    )

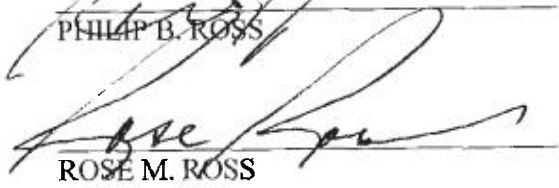
The foregoing instrument was acknowledged before me on Sept. 2, 2005, by Morris Caudle as President of Grand Oaks Homeowners' Association, Inc., a Nebraska non-profit corporation, on behalf of the Corporation.



*Charlene L. Holzappel*  
Notary Public

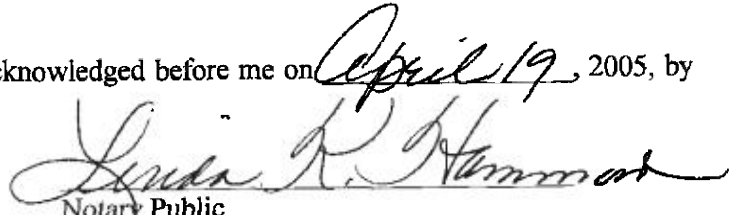
**HOMEOWNERS:**

  
PHILIP B. ROSS

  
ROSE M. ROSS

STATE OF NEBRASKA    )  
  ) ss.  
COUNTY OF DOUGLAS    )

The foregoing instrument was acknowledged before me on April 19, 2005, by Philip B. Ross and Rose M. Ross.

  
Notary Public



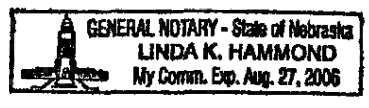
*Morris Caudle*  
MORRIS CAUDLE

*Marilyn Caudle*  
MARILYN CAUDLE

STATE OF NEBRASKA    )  
                                  ) ss.  
COUNTY OF DOUGLAS    )

The foregoing instrument was acknowledged before me on April 19, 2005, by  
Morris Caudle and Marilyn Caudle.

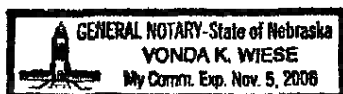
*Linda K. Hammond*  
Notary Public



D K O'Neill  
DANIEL K. O'NEILL

STATE OF NEBRASKA    )  
                                  ) ss.  
COUNTY OF DOUGLAS    )

The foregoing instrument was acknowledged before me on May 27, 2005, by Daniel K. O'Neil.



Vonda K. Wiese  
Notary Public

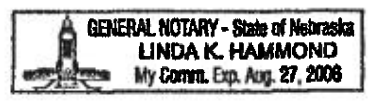
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Kathryn A. Stemm  
KATHRYN A. SCOTT

STATE OF NEBRASKA    )  
  ) ss.  
COUNTY OF DOUGLAS    )

The foregoing instrument was acknowledged before me on April 19, 2005, by  
Kathryn A. ~~Scott~~  
Stemm

Linda K. Hammond  
Notary Public



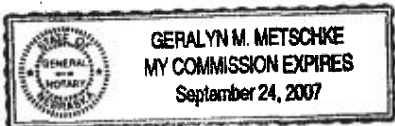
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*Alden Awerkamp*  
ALDEN AWERKAMP, TRUSTEE OF THE  
MAURICE M. UDES IRREVOCABLE TRUST

STATE OF NEBRASKA    )  
  ) ss.  
COUNTY OF DOUGLAS    )

The foregoing instrument was acknowledged before me on 22 of April, 2005, by Alden Awerkamp, trustee.

*Geraldyn M. Metschke*  
Notary Public



1

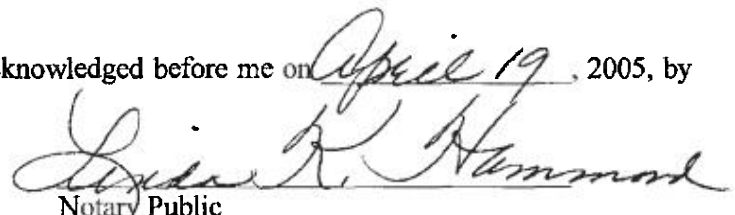


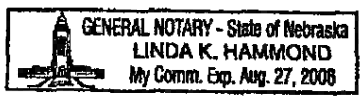
  
TROY W. PERRY

  
CATHERINE V. PERRY

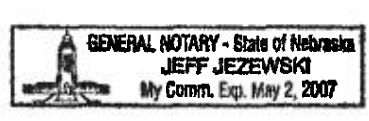
STATE OF NEBRASKA    )  
                                  ) ss.  
COUNTY OF DOUGLAS    )


The foregoing instrument was acknowledged before me on April 19, 2005, by ~~Troy W. Perry and~~ Catherine V. Perry.

  
Notary Public



The foregoing instrument was acknowledged before me on April 20, 2005, by Troy W. Perry.



  
Notary Public



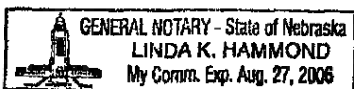
*Lance E. Pittack*  
LANCE E. PITTACK

*Becky S. Pittack*  
BECKY S. PITTACK

STATE OF NEBRASKA    )  
  ) ss.  
COUNTY OF DOUGLAS    )

The foregoing instrument was acknowledged before me on *April 19*, 2005, by ~~Lance E. Pittack and~~ Becky S. Pittack.

*Linda K. Hammond*  
Notary Public



The foregoing instrument was acknowledged before me on *April 20<sup>th</sup> 2005* by *Lance Pittack*.



*SUE THOMAS*

*W. J. Caskey*  
WILLIAM J. CASKEY

*K. L. Caskey*  
KATHY L. CASKEY

STATE OF NEBRASKA    )  
                                  ) ss.  
COUNTY OF DOUGLAS    )



The foregoing instrument was acknowledged before me on April 20, 2005, by William J. Caskey and Kathy L. Caskey.

*Patricia R. Kahre*  
Notary Public

1668 LLC

By: Mary D. Lundgren

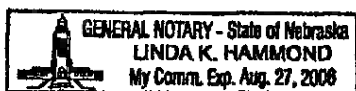
Name: Mary D. Lundgren

Title: Member

STATE OF NEBRASKA    )  
  ) ss.  
COUNTY OF DOUGLAS    )

The foregoing instrument was acknowledged before me on April 19, 2005, by Mary D. Lundgren as Member of 1668 LLC.

Linda K. Hammond  
Notary Public

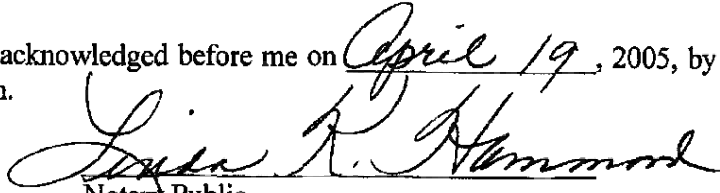


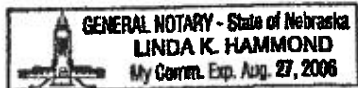
  
KENNETH C. COON

  
VIRGINIA A. COON

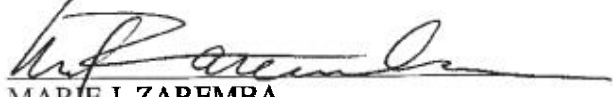
STATE OF NEBRASKA    )  
  ) ss.  
COUNTY OF DOUGLAS    )

The foregoing instrument was acknowledged before me on April 19, 2005, by  
Kenneth C. Coon and Virginia A. Coon.

  
Notary Public

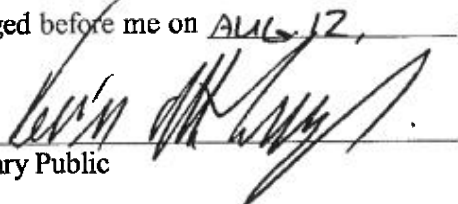


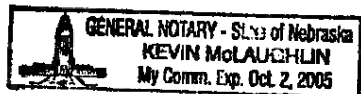
  
BRIAN W. LOGGIE

  
MARIE J. ZAREMBA

STATE OF NEBRASKA    )  
                                  ) ss.  
COUNTY OF DOUGLAS    )

The foregoing instrument was acknowledged before me on AUG 12, 2005, by  
Brian W. Loggie and Marie J. Zarembo.

  
Notary Public



*Randy J. Stevenson*  
RANDY STEVENSON

*Laura D. Stevenson*  
LAURA D. STEVENSON

STATE OF NEBRASKA    )  
                                  ) ss.  
COUNTY OF DOUGLAS    )

The foregoing instrument was acknowledged before me on *April 19*, 2005, by Randy J. Stevenson and Laura D. Stevenson.

*Linda K. Hammond*  
Notary Public

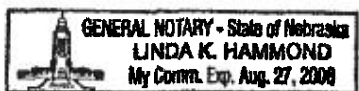


EXHIBIT "A"

## Legal Description

57-14080  
Lots 1, 2, 3, 4, 5, 6, 7, 8, 13, 14, 15, and 16, and part of Lots 10, 11, and 12, Grand Oaks, a Cluster Subdivision as surveyed, platted and recorded in Douglas County, Nebraska;

and

57-14087  
Lots 1 and 2, Grand Oaks Replat 2, being a replat of Lots 1, 2 and 3, Grand Oaks Replat 1, being a replat of all of Lot 9 together with parts of Lots 10, 11 and 12 of Grand Oaks, a Subdivision as surveyed, platted and recorded in Douglas County, Nebraska;

Such legal description encompasses original Lots 1 through 16, inclusive, in Grand Oaks, a Subdivision, as surveyed, platted and recorded in Douglas County, Nebraska, as described in the original Covenants.

DOCS/625312.1

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