



MISC 2017037713



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Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE
05/18/2017 08:03:30.00



2017037713

After recording, please return to:

John M. Prosocki, Esq.
Dvorak & Donovan
13625 California Street, Suite 110
Omaha, Nebraska 68154

SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

THIS SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS (this "Second Amendment") is made on the date hereinafter set forth by the undersigned Owners of Lots subject to the Declaration (as hereinafter defined), which Owners constitute the Owners of not less than seventy-five percent (75%) of all the Lots subject to the Declaration and which Declaration is applicable to the following described real estate, to-wit:

Lots 1 through 23, inclusive, Grover Gallery, a subdivision of the City of Omaha, Douglas County, Nebraska, as surveyed, platted and recorded

WITNESSETH:

WHEREAS, a Declaration of Covenants, Conditions and Restrictions covering the above-described real estate was executed on June 30, 1980, and filed at Pages 725 through 734, inclusive, of Book 637 of the Miscellaneous Records in the office of the Register of Deeds of Douglas County, Nebraska (the "Declaration")(capitalized terms not otherwise defined herein are as defined in the Declaration);

WHEREAS, an Amendment to the Declaration was executed as of March 17, 1985, and filed at Pages 54 through 62, inclusive, of Book 771 of the Miscellaneous Records in the office of the Register of Deeds of Douglas County, Nebraska (the "First Amendment");

WHEREAS, the First Amendment amended the Declaration, in part, to provide that the Declaration may be further amended by an instrument signed by not less than seventy-five percent (75%) of the Lot Owners; and

WHEREAS, the undersigned are the Owners of not less than seventy-five percent (75%) of the Lots subject to the Declaration, and it is the desire of the undersigned Owners to make certain amendments, additions and clarifications to the Declaration.

NOW, THEREFORE, in consideration of the foregoing preambles and other good and valuable consideration, the undersigned hereby amend the Declaration (as previously amended by the First Amendment) as hereinafter set forth:

1. Article V of the Declaration is hereby deleted in its entirety and replaced with the following new Article V:

ARTICLE V

EXTERIOR MAINTENANCE

Section 1. Owner Exterior Maintenance. It shall be the duty, responsibility and obligation of each Owner, at such Owner's sole cost and expense, to care for, maintain, repair, and replace the following with respect to the Owner's Lot:

- (a) Any patios, decks, deck coverings, and railings now or hereafter existing on an Owner's Lot, including without limitation, repair of any damage to improvements on such Owner's Lot caused by water leaks;
- (b) Windows and other glass surfaces on an Owner's Lot, including periodic cleaning and any necessary repairs and replacements;
- (c) Siding and exterior trim on an Owner's Lot except for repairs and/or replacement to such areas caused by weather, natural forces, or such other events that also cause similar damage to the improvements on a substantial portion of other Lots;
- (d) Individual aesthetic updates or additions to all exterior portions of the improvements on an Owner's Lot, including without limitation, fences; and
- (e) Exterior home inspections of any kind (including both the costs of such inspections and the costs of repairs suggested by such inspections).

Section 2. Association Exterior Maintenance. Except as otherwise provided herein and in addition to maintenance upon the Common Area as described herein, the Association shall provide all other exterior maintenance and repair upon each Lot which is subject to assessment hereunder that is not otherwise the responsibility of the Owner as set forth in Article V, Section 1. Notwithstanding the foregoing, in the event that the need for maintenance or repair of a Lot or the improvements thereon is caused through the willful or negligent acts of its Owner, or invitees of the Owner of the Lot needing such maintenance or repair, the cost of such exterior maintenance shall be added to and become part of the assessment to which such Lot is subject.

2. In all other respects, the Declaration heretofore executed, as previously amended, is hereby ratified and confirmed in its original form.

3. This Second Amendment may be signed in two or more counterpart copies with the same effect as if the signature to each counterpart copy were on a single instrument. Each counterpart shall be deemed an original as to any party whose signature it bears and all such counterparts shall constitute one document.

IN WITNESS WHEREOF, the undersigned Owners have executed this Second Amendment to Declaration of Covenants, Conditions and Restrictions effective as of the date of the last of the signatures below.

[The Remainder of This Page Intentionally Left Blank and Signature Pages Follow]

**Signature Page to Second Amendment to Declaration of Covenants, Conditions, and
Restrictions of Grover Gallery, a Subdivision in Douglas County, Nebraska**

Lot Number: 1

Printed Name(s): Michael F. Huebner
Judith (Judy) E. Huebner

Signature(s): Michael F. Huebner
Judith E. Huebner

STATE OF NEBRASKA)
) SS:
COUNTY OF Douglas)



The foregoing instrument was acknowledged before me this 16 day of March,
2017, by Michael F. Huebner & Judith (Judy) E. Huebner.

Margaret H. Sexton
Notary Public

**Signature Page to Second Amendment to Declaration of Covenants, Conditions, and
Restrictions of Grover Gallery, a Subdivision in Douglas County, Nebraska**

Lot Number: 2 Printed Name(s): Rita Kahnk
Lyle Kahnk

Signature(s): Rita Kahnk
Lyle Kahnk

STATE OF NEBRASKA)
) SS:
COUNTY OF Douglas)



The foregoing instrument was acknowledged before me this 16 day of March,
2017, by Rita Kahnk & Lyle Kahnk.

MH Sexton
Notary Public

Signature Page to Second Amendment to Declaration of Covenants, Conditions, and Restrictions of Grover Gallery, a Subdivision in Douglas County, Nebraska

Lot Number: 3

Printed Name(s): Mary K. Narrati

Signature(s): Mary K. Narrati

STATE OF NEBRASKA)
) SS:
COUNTY OF Douglas)



The foregoing instrument was acknowledged before me this 15 day of March, 2017, by Mary K. Narrati.

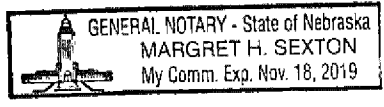
MH Sexton
Notary Public

**Signature Page to Second Amendment to Declaration of Covenants, Conditions, and
Restrictions of Grover Gallery, a Subdivision in Douglas County, Nebraska**

Lot Number: 4 Printed Name(s): CONNIE JO PHELPS

Signature(s): Connie Jo Phelps

STATE OF NEBRASKA)
) SS:
COUNTY OF Douglas)



The foregoing instrument was acknowledged before me this 11 day of March ,
2017, by Connie Jo Phelps .

 M H Sexton
Notary Public

**Signature Page to Second Amendment to Declaration of Covenants, Conditions, and
Restrictions of Grover Gallery, a Subdivision in Douglas County, Nebraska**

Lot Number: 5 Printed Name(s): JAMES R. MARTIN
LYNN M. MARTIN

Signature(s): James R. Martin
Lynn M. Martin

STATE OF NEBRASKA)
COUNTY OF Douglas) SS:



The foregoing instrument was acknowledged before me this 22 day of April,
2017, by James R. Martin & Lynn M. Martin.

MHS Sexton
Notary Public

**Signature Page to Second Amendment to Declaration of Covenants, Conditions, and
Restrictions of Grover Gallery, a Subdivision in Douglas County, Nebraska**

Lot Number: 6 Printed Name(s): Leona Hynek

Signature(s): Leona Hynek

STATE OF NEBRASKA)
) SS:
COUNTY OF Douglas)



The foregoing instrument was acknowledged before me this 13 day of March,
2017, by Leona Hynek

MHS Sexton
Notary Public

Signature Page to Second Amendment to Declaration of Covenants, Conditions, and Restrictions of Grover Gallery, a Subdivision in Douglas County, Nebraska

Lot Number: 7 Printed Name(s): Carroll Steiner
Mary Steiner
John F. Steiner
Signature(s): Carroll M. Steiner
Mary D. Steiner
John F. Steiner

STATE OF NEBRASKA)
COUNTY OF Douglas) SS:



The foregoing instrument was acknowledged before me this 22 day of April, 2017, by Carroll Steiner, Mary Steiner & John F. Steiner.

MH Sexton
Notary Public

Signature Page to Second Amendment to Declaration of Covenants, Conditions, and Restrictions of Grover Gallery, a Subdivision in Douglas County, Nebraska

Lot Number: 8 Printed Name(s): RICK MARSH
LINDA K. MARSH
 Signature(s): Rick Marsh
Linda K. Marsh

STATE OF NEBRASKA)
) SS:
 COUNTY OF Douglas)



The foregoing instrument was acknowledged before me this 18 day of March, 2017, by Rick Marsh & Linda K. Marsh.

MMA Sexton
 Notary Public

**Signature Page to Second Amendment to Declaration of Covenants, Conditions, and
Restrictions of Grover Gallery, a Subdivision in Douglas County, Nebraska**

Lot Number: 10 Printed Name(s): M. Arline Oliver

Signature(s): M Arline Oliver

STATE OF NEBRASKA)
) SS:
COUNTY OF Douglas)



The foregoing instrument was acknowledged before me this 17 day of March ,
2017, by M. Arline Oliver .

 M H Sexton
Notary Public

**Signature Page to Second Amendment to Declaration of Covenants, Conditions, and
Restrictions of Grover Gallery, a Subdivision in Douglas County, Nebraska**

Lot Number: 11

Printed Name(s): Robert Stephen Sheldon

Signature(s):

[Handwritten Signature]

STATE OF NEBRASKA)
) SS:
COUNTY OF Douglas)



The foregoing instrument was acknowledged before me this 10 day of March,
2017, by Robert Stephen Sheldon.

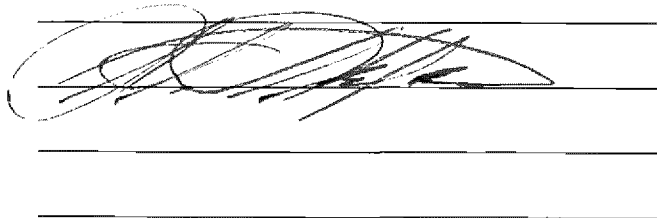
MH Sexton
Notary Public

**Signature Page to Second Amendment to Declaration of Covenants, Conditions, and
Restrictions of Grover Gallery, a Subdivision in Douglas County, Nebraska**

Lot Number: 12

Printed Name(s): Robert Stephen Sheldon

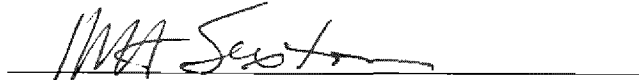
Signature(s):



STATE OF NEBRASKA)
) SS:
COUNTY OF Douglas)



The foregoing instrument was acknowledged before me this 10 day of March, 2017, by Robert Stephen Sheldon.


Notary Public

**Signature Page to Second Amendment to Declaration of Covenants, Conditions, and
Restrictions of Grover Gallery, a Subdivision in Douglas County, Nebraska**

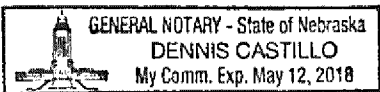
Lot Number: 13

Printed Name(s): Donald Ostdiek
officer - KORE, LLC

Signature(s): *Donald Ostdiek*

STATE OF NEBRASKA)
) SS:
COUNTY OF Douglas)

The foregoing instrument was acknowledged before me this 25 day of April,
2017, by ~~Dennis Castillo~~ Donald Ostdiek as an officer of KORE, LLC.



Dennis Castillo
Notary Public

Signature Page to Second Amendment to Declaration of Covenants, Conditions, and Restrictions of Grover Gallery, a Subdivision in Douglas County, Nebraska

Lot Number: 14 Printed Name(s): MARK M. MAHAFFEY

Signature(s): Mark M. Mahaffey.

STATE OF NEBRASKA)
) SS:
COUNTY OF Douglas)



The foregoing instrument was acknowledged before me this 10 day of March , 2017, by Mark M. Mahaffey .

 M H Sexton
Notary Public

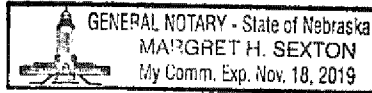
**Signature Page to Second Amendment to Declaration of Covenants, Conditions, and
Restrictions of Grover Gallery, a Subdivision in Douglas County, Nebraska**

Lot Number: 15

Printed Name(s): Karla Bergen

Signature(s): Karla Bergen

STATE OF NEBRASKA)
) SS:
COUNTY OF Douglas)



The foregoing instrument was acknowledged before me this 20 day of March,
2017, by Karla Bergen.

MH Sexton
Notary Public

**Signature Page to Second Amendment to Declaration of Covenants, Conditions, and
Restrictions of Grover Gallery, a Subdivision in Douglas County, Nebraska**

Lot Number: 17 Printed Name(s): MARY K. Cahill
DAVID E. Cahill II

Signature(s): Mary K Cahill
David E Cahill II

STATE OF NEBRASKA)
) SS:
 COUNTY OF Douglas)



The foregoing instrument was acknowledged before me this 16 day of March,
 2017, by Mary K. Cahill & David E. Cahill.

MHA Sexton
 Notary Public

Signature Page to Second Amendment to Declaration of Covenants, Conditions, and Restrictions of Grover Gallery, a Subdivision in Douglas County, Nebraska

Lot Number: 18 Printed Name(s): ALTHEA RIZA

Signature(s): Althea Riza

STATE OF NEBRASKA)
) SS:
COUNTY OF Douglas)



The foregoing instrument was acknowledged before me this 15 day of March, 2017, by Althea Riza.

MH Sexton
Notary Public

**Signature Page to Second Amendment to Declaration of Covenants, Conditions, and
Restrictions of Grover Gallery, a Subdivision in Douglas County, Nebraska**

Lot Number: 19 Printed Name(s): Margret H. Sexton

Signature(s): MH Sexton

STATE OF NEBRASKA)
COUNTY OF DOUGLAS) SS:

The foregoing instrument was acknowledged before me this 20 day of MAR 14,
2017, by MARGARET H. SEXTON

Christina M. Leahy
Notary Public



Signature Page to Second Amendment to Declaration of Covenants, Conditions, and
Restrictions of Grover Gallery, a Subdivision in Douglas County, Nebraska

Lot Number: 20 Printed Name(s): AMY BLANCHARD

Signature(s): A Blanchard

STATE OF NEBRASKA)
) SS:
COUNTY OF Douglas)



The foregoing instrument was acknowledged before me this 23 day of March,
2017, by Amy Blanchard

M H Sexton
Notary Public