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Kellth A. Green
MCGILL, GOTSDINER, WORKMAN & LEPP, P.C., L.L.O.
11404 W. Dodge Rd., Suite 600
Omaha, NE 68164-2584

**FOURTH AMENDMENT TO DECLARATION
OF COVENANTS, CONDITIONS AND RESTRICTIONS**

THIS AMENDMENT (this "Amendment") is entered into this 29th day of August, 2019 by **BOYER YOUNG EQUITIES XV - HERITAGE, LLC**, a Nebraska limited liability company ("Declarant").

RECITALS

WHEREAS, a Declaration of Covenants, Conditions and Restrictions dated November 6, 2006 was adopted with respect to certain property located in Douglas County, Nebraska as more particularly described in Schedule A hereto, and recorded in the Register of Deed, Douglas County, Nebraska as Instrument No. 2006127732, and was subsequently amended by Amendment dated December 17, 2007, recorded as Instrument No. 2008003995, by that Second Amendment dated November 19, 2009, recorded as Instrument No. 2009125842 and by that Third Amendment dated April 22, 2014, recorded as Instrument No. 2014030211 (collectively, the "Declaration"); and

WHEREAS, the rights of **NS - THE HERITAGE, LLC**, a Nebraska limited liability company ("The Heritage") as the original declarant under the Declaration were assigned to and assumed by Declarant pursuant to that certain Assignment and Assumption of Declarant Rights dated on or about November 12, 2015;

WHEREAS, the Declaration expressly provides that it may be amended by The Heritage or any entity designated in writing by The Heritage, and as provided below, The Heritage has designated Declarant to amend the Declaration to eliminate the dues and assessments against certain Lots which in their present condition are deemed unbuildable (for so long as such Lots remain unbuildable), which Lots are legally described as:

Lots 172 through 178, inclusive, all in The Heritage, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska.

DECLARATION

NOW THEREFORE, Declarant does hereby declare and state as follows:

1. Article II, Section 7 of the Declaration is hereby amended by deletion of said Section in its entirety, and the substitution of the following provisions as the new Section 7 to Article II to the Declaration:

7. Abatement of Dues and Assessments. Notwithstanding any other provision of this Declaration, the Board of Directors may abate all or part of the dues or assessments due in respect of any Lot, and shall in all events abate (i) all dues and assessments due in respect of any Lot during the period such Lot is owned by the Declarant or any of the Declarant's designated builders, and (ii) with respect to Lots 172 through 178, inclusive, all in The Heritage, which are currently unbuildable, all dues and assessments due (including any one-time assessments) in respect of each of such Lots, without regard to the ownership thereof, during such period as such Lot remains unbuildable.

2. All capitalized terms herein not otherwise defined shall have the meanings assigned under the Declaration.

3. Except as modified hereby the Declaration and all terms and conditions therein are hereby ratified and confirmed, and shall remain in full force and effect.

IN WITNESS WHEREOF, this Amendment has been adopted by the Declarant, effective as of the date set forth above.

DECLARANT:

BOYER YOUNG EQUITIES XV - HERITAGE, LLC,
a Nebraska limited liability company

By: [Signature]
Name: Tim Young
Title: ADM MEMBER

STATE OF NEBRASKA)
)ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 29 day of August 2019 by Tim Young, the Administrative member of BOYER YOUNG EQUITIES XV - HERITAGE, LLC, a Nebraska limited liability company, on behalf of such limited liability company.

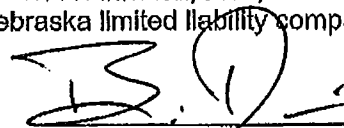
State of Nebraska - General Notary
HEATHER DEMBINSKI
My Commission Expires
August 16, 2022

[Signature]
Notary Public

Designation of Authority to Amend

In accordance with the provisions of Article IV, Section 2 of the Declaration, the undersigned does hereby designate **BOYER YOUNG EQUITIES XV - HERITAGE, LLC**, a Nebraska limited liability company, to amend the Declaration as set forth above.

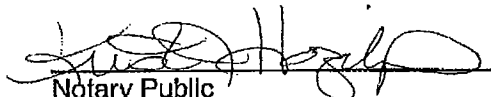
NS - THE HERITAGE, LLC,
a Nebraska limited liability company

By: 
Name: Brian Diedrichsen
Title: Vice President

STATE OF NEBRASKA)
)ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 29th day of August 2019 by **BRIAN DIEDRICHSEN**, the Vice President of **NS - THE HERITAGE, LLC**, a Nebraska limited liability company, on behalf of such limited liability company.




Notary Public

Schedule A

LEGAL DESCRIPTION

Lots 1 through 105, inclusive, 112-115, inclusive, 119-129 inclusive, and 133 through 194, inclusive, all in The Heritage, a subdivision as surveyed, platted and recorded in in Douglas County, Nebraska,

together with Lots 1 through 3, inclusive, The Heritage Replat One, a subdivision as surveyed platted and recorded in Douglas County, Nebraska,

together with Lots 1 through 7, inclusive, The Heritage Replat 2, a subdivision as survey, platted and recorded in Douglas County, Nebraska,

together with Lots 1 and 2, inclusive, The Heritage Replat 3, a subdivision as survey, platted and recorded in Douglas County, Nebraska, and

together with Lots 1 through 3, inclusive, The Heritage Replat 4, a subdivision as survey, platted and recorded in Douglas County, Nebraska.