



BK 0985 PG 449



MISC 1991 23490

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FIRST AMENDMENT TO RESIDENTIAL LOTS DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS OF LINDEN ESTATES, A SUBDIVISION IN DOUGLAS COUNTY, NEBRASKA

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THIS FIRST AMENDMENT TO the RESIDENTIAL LOTS DECLARATION of Linden Estates, made as of the date hereinafter set forth, and is made by LINDEN PARK PARTNERSHIP, a Nebraska general partnership, hereinafter referred to as the "Declarant".

PRELIMINARY STATEMENT

By its Residential Lots Declaration for Linden Estates, a Subdivision in Douglas County, Nebraska, dated November 15, 1989, and recorded on November 16, 1989, at Book 905, Pages 272 through 280, inclusive, of the Miscellaneous Records of the Register of Deeds of Douglas County, Nebraska (hereinafter referred to as the "Original Declaration"), Declarant subjected the following described lots to restrictions, covenants, conditions and easements:

Lots 74 through 121, inclusive, in Linden Estates, a Subdivision, as surveyed, platted and recorded in Douglas County, Nebraska.

Such lots are herein referred to collectively as the "Residential Lots" and individually as each "Residential Lot".

Declarant is desirous of amending the Original Declaration pursuant to the terms of Article V, General Provisions, Paragraph 2, as it relates to the Residential Lots:

The covenants and restrictions of this Declaration shall run with and bind the land in perpetuity. This Declaration may be amended by Linden Park Partnership a Nebraska general partnership, or any person, firm, corporation, partnership, or entity designated in writing by Linden Park Partnership, a Nebraska general partnership, in any manner which it may determine in its full and absolute discretion for a period of five (5) years from the date hereof. Thereafter this Declaration may be amended by an instrument signed by the owners of not less than sixty (60%) of the Residential Lots covered by this Declaration.

Declarant does hereby substitute, amend and restate the Declaration in the following particulars only:

1. The Declarant does hereby restate and substitute for Article I, Restrictions and Covenants, Paragraph 11, as follows:

No hedges or mass planted shrubs shall be permitted more than ten (10) feet in front of the front building line unless otherwise approved by Declarant. No fences or walls shall exceed a height of six (6) feet unless otherwise approved by Declarant. Lots 74, 78 through 82, inclusive, and 119 through 121, inclusive, may use wood or other material approved by the architectural review committee on their northernly most lot boundary. However, all lots bordering on the north side of Hamilton Street or touching Hamilton Street in any fashion must otherwise use wrought iron and/or wrought iron and brick columns for fencing materials, with such Residential Lots referred to being Lots 74, 78 through 82, inclusive, and 119 through 121, inclusive.

2. The Original Declaration is in all other matters ratified and affirmed.

The Declarant has executed this First Amendment to Residential Lots Declaration as of this 12th day of November, 1991.

LINDEN PARK PARTNERSHIP, a Nebraska general partnership, the "Declarant"

By: MAENNER/HORGAN DEVELOPMENT COMPANY, a Nebraska corporation, the Development Partner

By [Signature] President

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GEORGE J. BUGLEWICZ REGISTER OF DEEDS DOUGLAS COUNTY, NE

STATE OF NEBRASKA)) ss.: COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 12th day of NOVEMBER, 1991, by Robert P. Horgan, President of Maenner/Horgan Development Company, the Development Partner of Linden Park Partnership, a Nebraska general partnership, on behalf of the Partnership.

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[Signature] Notary Public

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