

RECEIVED

1988 APR -8 AM 9:46

AMENDED DECLARATION

GEORGE J. BUSLEWICZ  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NEBR.

THIS AMENDED DECLARATION made on the date hereinafter set forth by BENCHMARK HOMES, INC., a Nebraska corporation, hereinafter referred to as "Declarant".

WITNESSETH:

WHEREAS, Declarant is the same Declarant who filed that certain Declaration (the "Declaration") dated December 11, 1984 and filed on December 18, 1984 at Book 726, Page 419 of the Miscellaneous Records in the office of the Register of Deeds of Douglas County, Nebraska, with respect to that certain real property in Douglas County, Nebraska described as follows:

Lots One (1) through Seventy (70), inclusive, LINDEN PLACE, a cluster subdivision, as surveyed, platted and recorded in Douglas County, Nebraska; and

WHEREAS, Declarant retained the right in said Declaration to amend the same in any manner for a period of five (5) years; and

WHEREAS, Declarant has determined to amend said Declaration with respect to the following described lots (herein referred to as the "Amended Lots"):

Lots One (1) through Fourteen (14), inclusive, and Lots Sixteen (16) through Forty Two (42), inclusive, Linden Place Replat, being a replatting of Lots One (1) through Five (5), inclusive, and Lot Forty Six (46) through Seventy (70), inclusive, Linden Place, a cluster subdivision as surveyed, platted and recorded in Douglas County, Nebraska.

NOW, THEREFORE, Declarant hereby amends the Declaration in the following manner, such amendment to apply only with respect to the Amended Lots:

- Article III, Section 2 of the Declaration is hereby amended by deleting the last sentence thereof relating to the building of fences.
- Article III, Section 8 of the Declaration is hereby amended in its entirety to read as follows:

Section 8. General Building Restrictions. All Lots within the properties shall be used only for detached single family residences, and not more than one single family dwelling with garage built-in or attached shall be erected, altered, placed or permitted to remain

1. 845-79-7th Val  
33-357  
MC WS  
FEB 26 1988  
F/B

5/11/88

on any one of said Lots and no homes may be attached as duplexes by use of zero lot line and party wall. All telephone and electric power service from property line to the residence shall be underground. A dwelling on which construction has begun must be completed within one year from the date the foundation was dug for said dwelling. No dwelling shall exceed two and one-half (2 1/2) stories in height. All homes constructed on said Lots must have two-car built-in or attached garages. All homes must have a minimum building set-back from the closest part of the building to front lot line of at least twenty-five (25') feet. The above ground enclosed area of every shngle family dwelling, exclusive of open porches, open breeze-ways, basements and garages, shall not be less than one thousand one hundred (1,100) square feet. All exposed foundations of each improved lot shall be constructed to meet either one of the following requirements:

(a) The foundation facing the public or private street (front) shall be faced with brick, stone or other material approved by the Committee, and all other foundations shall be painted to harmonize with the exterior of the dwelling;

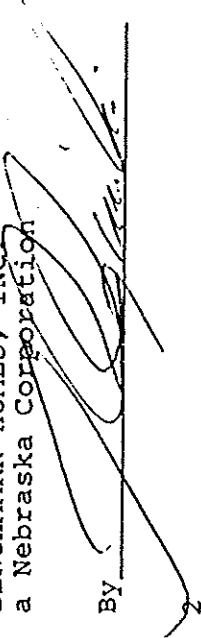
(b) All exposed foundations shall be bricked, brick-scored concrete block painted in brick colors to harmonize with the exterior of the home, concrete brick or painted, poured foundations with brick design. Foundations may also be finished with stucco provided the same shall harmonize with the architectural design of the dwelling.

3. In all other respects, the Declaration is hereby ratified and confirmed and shall remain in full force and effect. The amendments provided in this Amended Declaration shall apply to and affect only the Amended Lots and the Declaration shall not be affected with respect to the remaining lots comprising the Properties. Specifically, the Declaration shall apply to Lot Fifteen (15) of the Linden Place Replat described above.

IN WITNESS WHEREOF, the undersigned Declarant has executed this Amended Declaration this 5 day of April, 1988.

BENCHMARK HOMES, INC  
a Nebraska Corporation

BY



STATE OF NEBRASKA )  
                          ) ss.  
COUNTY OF DOUGLAS )

The foregoing instrument was acknowledged before me  
this 27 day of April, 1988, by JOHN C. CZERWINSKI, JR.,  
the President of Benchmark Homes, Inc., a Nebraska corporation,  
on behalf of the corporation.



*Louise N. Scolaro*  
\_\_\_\_\_  
Notary Public