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FILED SARPY CO. NE.  
INSTRUMENT NUMBER  
2008-28213

2008 OCT -9 P 4:41 B

*Shawn J. Dawkins*  
REGISTER OF DEEDS  
*Stamped copy*

SECOND AMENDMENT TO DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS

This SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS ("the Second Amendment") is made by the undersigned owners of more than 75% of the following described real estate, to wit:

Lots 321 A & B through Lots 326 A & B, inclusive, and Lots 332 A & B through Lots 340 A & B inclusive, in Millard Park, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska and Lots 14 A & B, Millard Park Replat 5, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska ("the Initial Lots")

AND

Lots 1 through 10, inclusive, in Millard Park Replat 6 (being a replatting of Lots 8 A through 13 B, Millard Park Replat 5), a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska ("the First Additional Lots")

WITNESSETH:

**WHEREAS**, a Declaration of Covenants, Conditions and Restrictions ("the Declaration") was recorded in the office of the Register of Deeds of Sarpy County, Nebraska on October 19, 1998 as Instrument No. 98-029337, which covered the Initial Lots; and

**WHEREAS**, a First Amendment to Declaration of Covenants, Conditions and Restrictions ("the Amendment") was recorded in the office of the Register of Deeds of Sarpy County, Nebraska on September 25, 2002 as Instrument No. 2002-37609 which covered the First Additional Lots and subjected them to the terms and conditions of the Declaration; and

**WHEREAS**, the Declaration provides, at Article VII, Section 3, for amendment by an instrument signed by not less than 75% of the owners of property subject to the Declaration; and

*RLN* Return to:  
Larry R. Forman, Esquire  
7171 Mercy Road, #650  
Omaha, Nebraska 68106

A

WHEREAS, the undersigned, as owners of more than 75% of the lots currently subject to the Declaration, desire to amend the Declaration to subject additional lots to the terms and conditions thereof and to make certain amendments thereto.

NOW, THEREFORE, in consideration of the foregoing recitals, the undersigned declare as follows:

1. Addition of Property to Coverage by Declaration. The owners of the following described property:

Lots 1 A & B through Lots 7 A & B, inclusive in Millard Park Replat 5, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska ("the Second Additional Lots")

by execution of Exhibit "A" attached hereto and incorporated herein by reference, consent to the inclusion of their properties in the properties subject to the Declaration as amended by the Amendment and the Second Amendment, and the undersigned owners of the Initial Lots and the First Additional Lots, by execution of this document, hereby agree that the Declaration, as amended by the Amendment and Second Amendment, shall henceforth extend to and be applicable to the Initial Lots, the First Additional Lots, and the Second Additional Lots for all purposes from and after the date of filing of this Second Amendment with the Register of Deeds of Sarpy County, Nebraska.

2. Revisions to Provisions of Declaration:

A. Article I, Section 4 is amended to state as follows: "Lot" shall mean and refer to those plots of land shown as lots upon the subdivision plats showing those lots subjected to the Declaration by the Declaration and the First and Second Amendments thereto.

B. Article II, Section 3 is amended to state as follows: Each Owner shall be a voting member of the Association, provided that in no event shall more than one vote be cast with respect to any Unit or Lot.

C. Article III, Section 2 is amended to state as follows: The assessments levied by the Association shall be used exclusively for the expenses, charges, and costs of the operation of the Association and the exterior maintenance of the Lots and Units situated thereon as more particularly described herein. Expenses and costs of the operation of the Association shall include those associated with employment of a professional management firm to assist in the operations of the Association including but not limited to those operations dealing with preparation of budgets and discharging of maintenance functions.

D. Article III, Section 10, paragraph 1 is amended to add the following additional words at the end of the paragraph: Exterior painting of the Units shall be limited to existing earth tone colors unless approved by the Board of Directors.

E. Article V, Section 1(a) is amended to state as follows:

B

No noxious or offensive trade or activity shall be carried on in or from any Unit or Lot, nor shall anything be done thereon which may become an annoyance or nuisance to the neighborhood. No outside above-ground trash or garbage piles, burners, receptacles or incinerations shall be erected, placed or permitted on any Lot. Except while under construction, any wood storage piles and equipment shall be walled in or kept screened by adequate planting or by other means in such a manner as to conceal them from view from adjacent streets or other Units. Trailers, boats and recreational vehicles shall not be parked on any Lot for any continuous period in excess of 48 hours and during any calendar year for a total period in excess of 15 days unless stored entirely within an enclosed garage situated thereon.

F. Article V, Section 1(g) is amended to state as follows: All Lots and Units shall be used only for residential purposes and no commercial or business activity shall be conducted thereon except such as shall not involve pedestrian or vehicular traffic to and from individual Units by employees, co-workers, customers, clients or patients.

G. Article V, Section 1 is further amended with the addition of subsection (h) stating as follows: Occupancy of Units shall be limited to Owners of record and members of their immediate families. Leases or rental agreements in affect as of the date of filing of this Second Amendment shall not be modified or amended after such date and shall expire not later than one (1) year after the filing of this Second Amendment regardless of any terms or conditions contained therein to the contrary.

H. Article VII, Section 3 is amended to delete the words "by action of not less than seventy-five percent (75%) of the Owners" at the end of the first sentence thereof.

I. Article VII, Section 4 is deleted.

3. Defined Terms. All defined terms appearing in the Declaration shall, when appearing in this Second Amendment, have the same meanings as appear in the Declaration.

IN WITNESS WHEREOF, the undersigned, owners of the Lots set opposite their respective names, do hereby signify their approval of and consent to the above and foregoing Second Amendment to Declaration of Covenants, Conditions and Restrictions on the dates indicated hereafter.

C

MILLARD PARK TOWNHOMES II, INC.

WE THE UNDERSIGNED OWNERS OF THE FOLLOWING DISCRIBED PROPERTY DO HEARBY SIGNIFY THEIR APPROVAL OF AND CONSENT TO THE ABOVE AND FOREGOING SECOND AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS ON THE DATES INDICATED HEREAFTER.

| LOT # | ADDRESS                  | "THE INITIAL LOTS"<br>OWNER(S)               |
|-------|--------------------------|--|
| 321A  | 6937 S 163 <sup>RD</sup> | <u>Anthony W. Vail</u>                       |
| 321B  | 7001 S 163 <sup>RD</sup> | <u>Margaret M. Mangiameli</u>                |
| 322A  | 7005 S 163 <sup>RD</sup> | <u>Donald E. McCalligh, Susan R. Calligh</u> |
| 322B  | 7009 S 163 <sup>RD</sup> | <u>Linnise M. Stowell</u>                    |
| 323A  | 7013 S 163 <sup>RD</sup> | <u>Rodney E. &amp; Jena L. Poe</u>           |
| 323B  | 7017 S 163 <sup>RD</sup> | <u>Richard L. Johnson, Lois L. Johnson</u>   |
| 324A  | 7021 S 163 <sup>RD</sup> | <u>Janet L. Williams, Robert K. Williams</u> |
| 324B  | 7025 S 163 <sup>RD</sup> | <u>Gail J. Enig</u>                          |
| 325A  | 7029 S 163 <sup>RD</sup> | <u>Dan Galun</u>                             |
| 325B  | 7033 S 163 <sup>RD</sup> | <u>Priscilla J. Stibbe</u>                   |
| 326A  | 7103 S 163 <sup>RD</sup> | <u>Jinda E. Hammer</u>                       |
| 326B  | 7107 S 163 <sup>RD</sup> | <u>Gancy Davis</u>                           |

332A 7030 S 163RD

332B 7026 S 163RD

Walter L. Patten, Jr. - Mary S. Patten

333A 7022 S 163RD

Jean Kelly

333B 7018 S 163RD

John Mayo Mary L. Mayo

334A 7014 S 163RD

Gay Miller

334B 7010 S 163RD

Debrah Young Trustee

335A 7006 S 163RD

Emilia Mae Gilmore

335B 7002 S 163RD

336A 6938 S 163RD

Quonita Budne Wilson Buske

336B 6934 S 163RD

Juan J. Kuen Michael J. Kuen

337A 6930 S 163RD C

Debra L. Anderson

337B 6926 S 163RD C

Paul B. Lynch Rosalie A. Lynch

338A 6922 S 163RD C

338B 6918 S 163RD C

339A 6915 S 163RD C

Michael A. Ehlers

339B 6911 S 163RD C

Orland Pitt

340A 6907 S 163RD C

Steven D. Cook

340B 6903 S 163RD C

James R. Roney Gwen K. Roney

E

14A 7111 S 163<sup>RD</sup> Susan Walsh

14B 7115 S 163<sup>RD</sup> \_\_\_\_\_

**MILLARD PARK REPLAT 6  
FIRST ADDITIONAL LOTS**

| LOT# | ADDRESS                  | OWNER(S)                                       |
|------|--------------------------|--|
| 1    | 7015 S 164 <sup>TH</sup> | <u>Steve [unclear]</u>                         |
| 2    | 7023 S 164 <sup>TH</sup> | <u>Karen J. Dorset, Trustee</u>                |
| 3    | 7035 S 164 <sup>TH</sup> | _____  |
| 4    | 7041 S 164 <sup>TH</sup> | <u>Robert A Biss</u> <u>Nedra B Biss</u>       |
| 5    | 7057 S 164 <sup>TH</sup> | <u>Elizabeth Page</u>                          |
| 6    | 16336 JOSEPHINE          | <u>Ronald H. Heston</u> <u>James D. Heston</u> |
| 7    | 16330 JOSEPHINE          | <u>Betty Heston</u>                            |
| 8    | 16324 JOSEPHINE          | _____  |
| 9    | 16318 JOSEPHINE          | <u>Scott [unclear]</u>                         |
| 10   | 16312 JOSEPHINE          | <u>James E. Bess</u>                           |

STATE OF NEBRASKA )  
 )ss.  
COUNTY OF SARPY )

On this 23<sup>rd</sup> day of September, 2008 before me, a Notary Public in and for said County and State, personally appeared the following named persons, owners of the Lots set opposite their respective names, who acknowledged the execution of the above and foregoing document to be their voluntary act and deed:

**MILLARD PARK:**

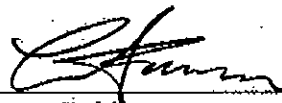
Genevieve M. Stilwell, single (322B), Rodney E. & Tena L. Poe, husband and wife (323A), Richard L. & Lois A. Johnson, husband and wife (323B), Marie E. Stibbs, Trustee (325B), Linda E. Hammer, single (326A), Walter L. Patterson Jr., married (332B), Jean L. Kelly, single (333A), John E. Mayo, married (333B), Gary L. Miller, single (334A), Werner G. & Juanita Buske, husband and wife (336A), Michael J. & Susan J. Knier, husband and wife (336B), Paul F. & Rosalie A. Lynch, Trustees (337B) and John E. & Gwen K. Ritchey, husband and wife (340B).

**MILLARD PARK REPLAT 6:**

Elizabeth J. Page, single (5), Ron G. Skartvedt, married (6), Betty J. Stauffer, married (7), Scott P. Henderson, single (9) and Joyce Bray, single (10).

Witness my hand and notarial seal the day and year first above written at La Vista, Nebraska.



  
\_\_\_\_\_  
Notary Public

My commission expires: 3/21/12

G

Page 1, of 1  
Description of Document 2<sup>nd</sup> Amendment Home Owner Consent Form

**Acknowledgement**

State of Nebraska

s.s.

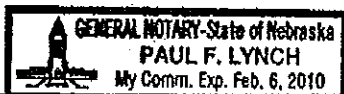
County of Sarpy )

The foregoing instrument was acknowledged before me this

7<sup>th</sup> day of October, 2008  
(month)

by Steve Cooley, Shandra D. Pettit, Michael Elvers, Debra Anderson, Dorothy Vail, Margaret M. Mangiameli, Eula Mae Gilmore, Donald E. McCullough, Isabel J. McCullough, Debroah L. Young, Mary F. Mayo, Janet F. Williams, Robert K. Williams, Gail Emig, Mary Patterson, Daniel Carlson, Nancy L. Vanis, Susan L. Ludholz, Karen J. Dorste, Robert A. Biss, Arda Rae Biss, Bonnie B. Skartvedt.

(printed name of person acknowledged)



Notary Public  
† Affix Official Notary seal here †

*Paul F. Lynch*  
Paul F. Lynch



H

Page 1 of 1

Description of Document REPLAT 5 AGREEMENT

**Acknowledgement**

State of Nebraska

S.S.

County of SARPY

The foregoing instrument was acknowledged before me this

30<sup>TH</sup> day of AUGUST, 2008  
(month)

by ATTACHED LISTED OWNERS SCHEDULE  
(printed name of person acknowledged)



Paul F. Lynch  
Notary Public

† Affix Official Notary seal here †

### MILLARD PARK TOWNHOMES II, INC.

THE OWNERS OF THE FOLLOWING DISCRIBED PROPERTY IN MILLARD PARK REPLAT 5, AGREE AND REQUEST THAT OUR PROPERTY BE ADDED TO THE COVENANTS, CONDITIONS AND RESTRICTIONS FOR MILLARD PARK TOWNHOMES II, INC.

| LOT # | ADDRESS                   | OWNER(S)                   |                          |
|-------|---------------------------|----------------------------|--------------------------|
| 1A    | 16432 AUDREY              | All                        | XX XXX XX                |
| 1B    | 16428 AUDREY              | Marilyn Kuehner            | XXXXXXX                  |
| 2A    | 16424 AUDREY              | All                        | XXXXXXXXXX               |
| 2B    | 16420 AUDREY              | All                        | XXXXXXX                  |
| 3A    | 16416 AUDREY              | Barrie A. Lauer            | XXXXXXXXXX               |
| 3B    | 16412 AUDREY              | Robert J. White<br>TRUSTEE | Masala Kinsey<br>TRUSTEE |
| 4A    | 16408 AUDREY              | James J. Quinn             | Kathleen E. Pennington   |
| 4B    | 16404 AUDREY              | Wm. Dennis Wright          | Carolyn Wright           |
| 5A    | 6901 S. 164 <sup>TH</sup> | Jan A. Hanz                | Christine M. Hanz        |
| 5B    | 6905 S. 164 <sup>TH</sup> | W. C. Stutz                | Cheryl Schmidt           |
| 6A    | 6909 S. 164 <sup>TH</sup> | [Signature]                | XXXXXXXXXX               |
| 6B    | 6913 S. 164 <sup>TH</sup> | Amalia A. Meraguti         | XXXXXXXXXX               |
| 7A    | 7003 S. 164 <sup>TH</sup> | Shirley Bear               | XXXXXXX                  |
| X 7B  | 7007 S. 164 <sup>TH</sup> | Femmelopy & Rogers         |                          |

7

### MILLARD PARK TOWNHOMES II, INC.

**THE OWNERS OF THE FOLLOWING DISCRIBED PROPERTY IN MILLARD PARK REPLAT 5, AGREE AND REQUEST THAT OUR PROPERTY BE ADDED TO THE COVENANTS, CONDITIONS AND RESTRICTIONS FOR MILLARD PARK TOWNHOMES II, INC.**

| <b>LOT #</b> | <b>ADDRESS</b>            | <b>OWNER(S)</b>             |
|--------------|---------------------------|-----------------------------|
| 1A           | 16432 AUDREY              |                             |
| 1B           | 16428 AUDREY              |                             |
| 2A           | 16424 AUDREY              |                             |
| 2B           | 16420 AUDREY              |                             |
| 3A           | 16416 AUDREY              |                             |
| 3B           | 16412 AUDREY              |                             |
| 4A           | 16408 AUDREY              |                             |
| 4B           | 16404 AUDREY              |                             |
| 5A           | 6901 S. 164 <sup>TH</sup> |                             |
| 5B           | 6905 S. 164 <sup>TH</sup> |                             |
| 6A           | 6909 S. 164 <sup>TH</sup> |                             |
| 6B           | 6913 S. 164 <sup>TH</sup> |                             |
| 7A           | 7003 S. 164 <sup>TH</sup> |                             |
| X 7B         | 7007 S. 164 <sup>TH</sup> | <i>Ainda Diane Williams</i> |

2008-28713K

# CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of KERN

On 9-5-2008 before me, Shirley J. Hornbeck Notary Public  
(Print name and title of the officer)

personally appeared LINDA DANE WILLIAMS

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal,  
Shirley J. Hornbeck  
Signature of Notary Public

(Notary Seal)

