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AMENDMENT TO DECLARATIONS OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR NELSON'S CREEK SUBDIVISION

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

12371 Misc H BK 820 N 71 - 287th 339 C/O DEL. MC B.C. FEE 1.27.00

THIS DECLARATION, made on this date hereinafter set forth by JACOBS LIMITED PARTNERSHIP, a Nebraska Limited Partnership, organized under and subject to the Uniform Limited Partnership Act of Nebraska, hereinafter referred to as the "Declarant", and

This declaration is also made by the undersigned who are all of the corporations, partnerships or persons having an interest in and to the lots set forth opposite their names and signature block, or who have entered into a purchase agreement for same, although not yet fully executed.

WITNESSETH: WHEREAS, the Declarant, JACOBS LIMITED PARTNERSHIP, is the owner of the following real property: Lots 1 through 189, Nelson's Creek Subdivision in the County of Douglas, State of Nebraska, except such lots as are noted opposite the individuals, corporations and partnerships also signing this Amendment.

WHEREAS, the parties hereto desire to amend the Declaration filed and recorded in Book 800, Page 546, of the Miscellaneous Book of Records of the Douglas County Register of Deeds,

NOW, THEREFORE, the undersigned do hereby declare that all lots shall be governed by the Declarations and by this Amendment.

AMENDMENT

BUILDING REQUIREMENTS

4. AREA. No building shall be created, altered, placed or permitted to remain on any lot other than one detached single-family dwelling, not to exceed two stories in height, nor containing finished living areas, exclusive of porches, breezeways, carports and garages of less than the following: a two-story dwelling house constructed on any of said residential lots shall have a minimum of 2,100 square feet, exclusive of the basement area, with a first floor area, above the basement area, of not less than 1,050 square feet with an attached garage on the first floor level. A one-and-a-half story dwelling house shall have a total area of not less than 1,800 square feet, exclusive of the basement area, with a first floor area of not less than 1,350 square feet with an attached garage on the first floor level. A one-story dwelling house shall have a total of not less than 1,500 square feet with an attached garage on the first floor level above the basement level. Dwelling houses constructed of a split-level plan shall contain a total of not less than 1,600 square feet on the two levels above the basement level and have an attached garage. Dwelling houses constructed on a tri-level plan shall have a total area of not less than 1,750 square feet plus an attached garage. That said areas are exclusive of porches or attached garages. Each house shall have an attached garage for not less than two automobiles, however, additional garages may be put in the basement area as long as they do not face the street at the front of the house. The maximum height of a dwelling shall be two stories. A basement is not considered a story if it is 100% above grade on one side and essentially below grade on the other sides. Area means finished habitable space measured to the exterior of the enclosing walls, and does not include porches, breezeways, courtyards, patios, basements, garages or carports.

The old paragraph 4 is hereby deleted and the above and foregoing Amendment substituted in place thereof.

OFF. OF THE REGISTER OF DEEDS  
PAGE 278-288  
COMP.  F/B

IN WITNESS WHEREOF, the undersigned have executed these presents, this 17 day of July, 1987.

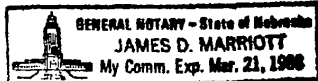
JACOBS LIMITED PARTNERSHIP, A  
Nebraska Limited Partnership

By: [Signature]  
Warren L. Jacobs, General  
Partner

STATE OF NEBRASKA)  
  ) ss.  
COUNTY OF DOUGLAS)

On the day and year last above written before me, the undersigned, a Notary Public, personally came Warren L. Jacobs, General Partner of Jacobs Limited Partnership, to me personally known to be the General Partner and the identical person whose name is affixed to the above Amendment, and acknowledged the execution thereof to be his voluntary act and deed as such General Partner and the voluntary act and deed of said partnership.

Witness my had and Notarial Seal at Omaha, in said County, the 17 day of July, 1987.



[Signature]  
Notary Public

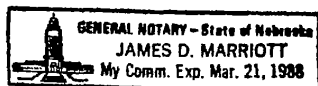
Pepperland, Inc.  
By: [Signature] Vice Pres.

STATE OF NEBRASKA)  
  ) ss.  
COUNTY OF DOUGLAS)

Owner or Purchaser of Lot(s)  
[Signature]  
9, 10, 13, 17, 18, 45, 60, 62, 70, 71, 72  
73, 74, 75, 76, 77, 82, 83, 84, 86, 96, 97  
102, 126, 127, 140, 141, 158, 159, 161, 162,  
167, 171, 174, 175, 176, 177, 185, 186

On the day and year last above written before me, the undersigned, a Notary Public, personally came GARY PAULSEN,    of Pepperland, Inc., a corporation, to me personally known to be the Vice President and the identical person whose name is affixed to the above Amendment, and acknowledged the execution thereof to be his voluntary act and deed as and the voluntary act and deed of the corporation.

Witness my had and Notarial Seal at Omaha, in said County, the 17 day of July, 1987.



[Signature]  
Notary Public

[Signature] Pres  
Sky Construction, Inc.  
By: [Signature]

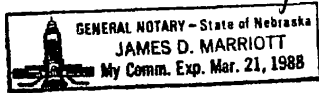
STATE OF NEBRASKA)  
  ) ss.  
COUNTY OF DOUGLAS)

Owner or Purchaser of Lot(s)  
5 and 111

On the day and year last above written before me, the undersigned, a Notary Public, personally came DAVID DOLINSKY,

\_\_\_\_\_ of Sky Construction, Inc., a corporation, to me personally known to be the President and the identical person whose name is affixed to the above Amendment, and acknowledged the execution thereof to be his voluntary act and deed as and the voluntary act and deed of the corporation.

Witness my had and Notarial Seal at Omaha, in said County, the 15<sup>th</sup> day of July, 1987.



James D. Marriott  
Notary Public

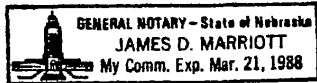
Ewald Homes Inc.  
BY: Ewald Sender

Owner or Purchaser of Lot(s)  
29, 50, 55, 57, 59, 66, 67, 85, 88,  
98, 112, 118, 125, 182, 184, 183

STATE OF NEBRASKA)  
) ss.  
COUNTY OF DOUGLAS)

On the day and year last above written before me, the undersigned, a Notary Public, personally came Ewald Sender, \_\_\_\_\_ of Ewald Homes, Inc., a corporation, to me personally known to be the President and the identical person whose name is affixed to the above Amendment, and acknowledged the execution thereof to be his voluntary act and deed as and the voluntary act and deed of the corporation.

Witness my had and Notarial Seal at Omaha, in said County, the 15<sup>th</sup> day of July, 1987.



James D. Marriott  
Notary Public

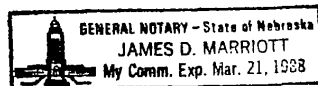
Sherwood Homes, Inc.  
BY: Glen Palmer

Owner or Purchaser of Lot(s)  
15, 31, 46, 47, 51, 52, 58, 69, 79, 121,  
160, 163, 168, 170, 179, 169

STATE OF NEBRASKA)  
) ss.  
COUNTY OF DOUGLAS)

On the day and year last above written before me, the undersigned, a Notary Public, personally came GLEN PALMER, \_\_\_\_\_ of Sherwood Homes, Inc., a corporation, to me personally known to be the President and the identical person whose name is affixed to the above Amendment, and acknowledged the execution thereof to be his voluntary act and deed as and the voluntary act and deed of the corporation.

Witness my had and Notarial Seal at Omaha, in said County, the 15<sup>th</sup> day of July, 1987.



James D. Marriott  
Notary Public

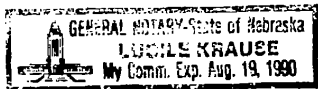
[Signature]  
P.A.T., Inc.  
BY: [Signature]

Owner or Purchaser of Lot(s)  
8, 19, 53, 54, 110, 145, 147, 150, 154,  
180, 188

STATE OF NEBRASKA)  
) ss.  
COUNTY OF DOUGLAS)

On the day and year last above written before me, the undersigned, a Notary Public, personally came DONN PATRICK, of P.A.T., Inc., a corporation, to me personally known to be the President and the identical person whose name is affixed to the above Amendment, and acknowledged the execution thereof to be his voluntary act and deed as and the voluntary act and deed of the corporation.

Witness my had and Notarial Seal at Omaha, in said County, the 7<sup>th</sup> day of July, 1987.



[Signature]  
Notary Public

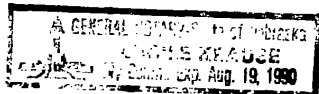
[Signature]  
Smith Custom Contracting, Inc.  
BY: [Signature]

Owner or Purchaser of Lot(s)  
27

STATE OF NEBRASKA)  
) ss.  
COUNTY OF DOUGLAS)

On the day and year last above written before me, the undersigned, a Notary Public, personally came CHRISTOPHER E. SMITH, of Smith Custom Contracting, Inc., a corporation, to me personally known to be the PRESIDENT and the identical person whose name is affixed to the above Amendment, and acknowledged the execution thereof to be his voluntary act and deed as and the voluntary act and deed of the corporation.

Witness my had and Notarial Seal at Omaha, in said County, the 7<sup>th</sup> day of July, 1987.



[Signature]  
Notary Public

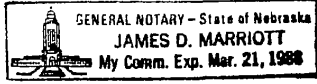
American Dream Unlimited, Inc.  
BY: [Signature]

Owner or Purchaser of Lot(s)  
32

STATE OF NEBRASKA)  
) ss.  
COUNTY OF DOUGLAS)

On the day and year last above written before me, the undersigned, a Notary Public, personally came GREGORY T. CRAFT, of American Dream Unlimited, Inc., a corporation, to me personally known to be the President and the identical person whose name is affixed to the above Amendment, and acknowledged the execution thereof to be his voluntary act and deed as and the voluntary act and deed of the corporation.

Witness my had and Notarial Seal at Omaha, in said County, the 1st day of July, 1987.



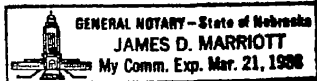
James D. Marriott  
Notary Public

Southfork Homes, Inc.  
BY: [Signature]  
STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF DOUGLAS )

Owner or Purchaser of Lot(s)  
28, 68, 80, 81, 87, 93, 132, 133, 142, 146  
and 181

On the day and year last above written before me, the undersigned, a Notary Public, personally came RONALD UHING, of Southfork Homes, Inc., a corporation, to me personally known to be the President and the identical person whose name is affixed to the above Amendment, and acknowledged the execution thereof to be his voluntary act and deed as and the voluntary act and deed of the corporation.

Witness my had and Notarial Seal at Omaha, in said County, the 1st day of July, 1987.



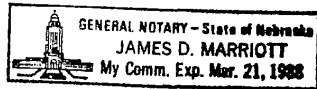
James D. Marriott  
Notary Public

R & R Industries, Inc.  
BY: [Signature]  
STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF DOUGLAS )

Owner or Purchaser of Lot(s)  
6, 2, 91, 100, 104, 115, 122, 149, 151, 152  
172, 178

On the day and year last above written before me, the undersigned, a Notary Public, personally came ROBERT D. QUINN, of R & R Industries, Inc., a corporation, to me personally known to be the Vice President and the identical person whose name is affixed to the above Amendment, and acknowledged the execution thereof to be his voluntary act and deed as and the voluntary act and deed of the corporation.

Witness my had and Notarial Seal at Omaha, in said County, the 1st day of July, 1987.



James D. Marriott  
Notary Public

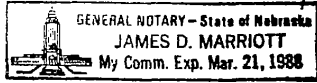
Dennis Homes Partnership  
BY: [Signature]  
STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF DOUGLAS )

Owner or Purchaser of Lot(s)  
7, 116, 117, 120, 123, 124, 129, 131, 165  
166 and 189

On the day and year last above written before me, the undersigned, a Notary Public, personally came CHARLES C. DENNIS,

\_\_\_\_\_ of Dennis Homes Partnership, a Partnership, to me personally known to be the PARTNER and the identical person whose name is affixed to the above Amendment, and acknowledged the execution thereof to be his voluntary act and deed as and the voluntary act and deed of the partnership.

Witness my had and Notarial Seal at Omaha, in said County, the 12 day of JULY, 1987.



James D. Marriott  
Notary Public

Sky Construction, Inc.

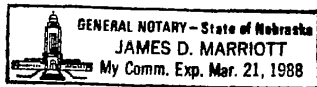
By: David Dolinsky

STATE OF NEBRASKA)  
                                      ) ss.  
COUNTY OF DOUGLAS)

Owner or Purchaser of Lot(s)  
14, 48, 49, 65, 99, 114, 134, 139, 164, 187

On the day and year last above written before me, the undersigned, a Notary Public, personally came DAVID DOLINSKY, \_\_\_\_\_ of Sky Construction, Inc., a corporation, to me personally known to be the PRESIDENT and the identical person whose name is affixed to the above Amendment, and acknowledged the execution thereof to be his voluntary act and deed as and the voluntary act and deed of the corporation.

Witness my had and Notarial Seal at Omaha, in said County, the 12 day of JULY, 1987.



James D. Marriott  
Notary Public

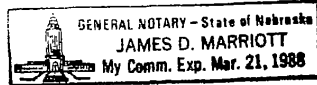
Randall R. Bailey  
Randall R. Bailey

STATE OF NEBRASKA)  
                                      ) ss.  
COUNTY OF DOUGLAS)

Owner or Purchaser of Lot(s)  
14, 48, 49, 65, 99, 114, 134, 139, 164, 187

On the day and year last above written before me, the undersigned, a Notary Public, personally came Randall R. Bailey to me personally known to be the identical person whose name is affixed to the above Amendment, and acknowledged the execution thereof to be his voluntary act and deed.

Witness my had and Notarial Seal at Omaha, in said County, the 12 day of JULY, 1987.



James D. Marriott  
Notary Public

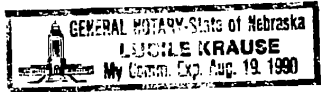
Masters Real Estate  
By: [Signature]

Owner or Purchaser of Lot(s)  
16, 61, 89, 90, 94, 101, 105, 106, 156  
and 157

STATE OF NEBRASKA)  
  ) ss.  
COUNTY OF DOUGLAS)

On the day and year last above written before me, the undersigned, a Notary Public, personally came ROBERT MASTERS, of Masters Real Estate, a \_\_\_\_\_, to me personally known to be the PRESIDENT and the identical person whose name is affixed to the above Amendment, and acknowledged the execution thereof to be his voluntary act and deed as and the voluntary act and deed of the CORPORATION.

Witness my had and Notarial Seal at Omaha, in said County, the 1st day of July, 1987.



Lucile Krause  
Notary Public

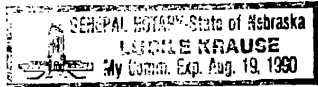
Mark Renner & Associates, Inc.  
Mark Renner & Associates, Inc.  
By: Mark A. Renner

Owner or Purchaser of Lot(s)  
78, 95, 103, 107, 108, 109, 143, 148, 153  
and 173

STATE OF NEBRASKA)  
  ) ss.  
COUNTY OF DOUGLAS)

On the day and year last above written before me, the undersigned, a Notary Public, personally came MARK A. RENNER, of Mark Renner & Associates, a corporation, to me personally known to be the PRESIDENT and the identical person whose name is affixed to the above Amendment, and acknowledged the execution thereof to be his voluntary act and deed as and the voluntary act and deed of the corporation.

Witness my had and Notarial Seal at Omaha, in said County, the 6th day of July, 1987.



Lucile Krause  
Notary Public

Laurence C. Gaughran  
Laurence C. Gaughran

Owner or Purchaser of Lot(s)  
- 130 -

Jean M. Gaughran  
Jean M. Gaughran

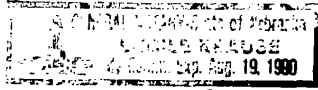
Owner or Purchaser of Lot(s)  
- 130 -

STATE OF NEBRASKA)  
  ) ss.  
COUNTY OF DOUGLAS)

On the day and year last above written before me, the undersigned, a Notary Public, personally came Laurence C. Gaughran and Jean M. Gaughran, husband and wife, to me personally known to be the identical persons whose names are affixed to the above Amendment, and acknowledged the execution thereof to be their voluntary act and deed.



Witness my had and Notarial Seal at Omaha, in said County, the 5<sup>th</sup> day of July, 1987.



Lucile Krause  
Notary Public

John Henry Berger  
John Henry Berger

Owner or Purchaser of Lot(s)  
- 92 -

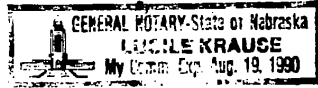
Elaine D. Berger  
Elaine D. Berger

Owner or Purchaser of Lot(s)  
- 92 -

STATE OF NEBRASKA)  
) ss.  
COUNTY OF DOUGLAS)

On the day and year last above written before me, the undersigned, a Notary Public, personally came John Henry Berger and Elaine D. Berger, husband and wife, to me personally known to be the identical persons whose names are affixed to the above Amendment, and acknowledged the execution thereof to be their voluntary act and deed.

Witness my had and Notarial Seal at Omaha, in said County, the 30<sup>th</sup> day of June, 1987.



Lucile Krause  
Notary Public

Charles Louis Nilius III  
Charles Louis Nilius, III

Owner or Purchaser of Lot(s)  
- 128 -

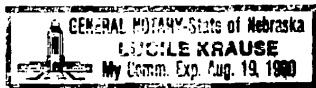
Katherine Anne Nilius  
Katherine Anne Nilius

Owner or Purchaser of Lot(s)  
- 128 -

STATE OF NEBRASKA)  
) ss.  
COUNTY OF DOUGLAS)

On the day and year last above written before me, the undersigned, a Notary Public, personally came Charles Louis Nilius, III and Katherine Anne Nilius, husband and wife, to me personally known to be the identical persons whose names are affixed to the above Amendment, and acknowledged the execution thereof to be their voluntary act and deed.

Witness my had and Notarial Seal at Omaha, in said County, the 30<sup>th</sup> day of June, 1987.



Lucile Krause  
Notary Public

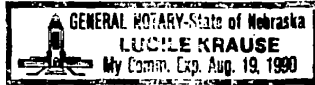
Nilius Builders, Inc.  
By: Charles L. Nilius, III

Owner or Purchaser of Lot(s)  
- 113 -

STATE OF NEBRASKA)  
) ss.  
COUNTY OF DOUGLAS)

On the day and year last above written before me, the undersigned, a Notary Public, personally came CHARLES L. NILIUS, JR., of Nilius Builders, Inc., a corporation, to me personally known to be the President and the identical person whose name is affixed to the above Amendment, and acknowledged the execution thereof to be his voluntary act and deed as and the voluntary act and deed of the corporation.

Witness my hand and Notarial Seal at Omaha, in said County, the 8<sup>th</sup> day of July, 1987.



Lucile Krause  
Notary Public