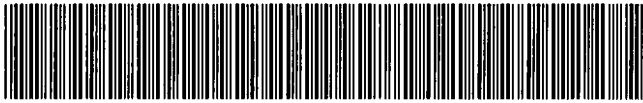




MISC 2016034362



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Misc
 33 FEE 202.00 FB 05-30530
 60 05-30533-Rep 3
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 DEL _____ SCAN _____ FV _____

Received - DIANE L. BATTIATO
 Register of Deeds, Douglas County, NE
 5/9/2016 14:26:58.81



2016034362

SECOND AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS
AND EASEMENTS OF PINE CREEK, A SUBDIVISION IN DOUGLAS COUNTY,
NEBRASKA

THIS SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS OF PINE CREEK (this "Amendment") is made on the date hereinafter set forth by and among the undersigned individual lot owners, and acknowledged by the Pine Creek Townhome Villas, Inc., a Nebraska non-profit corporation, hereinafter referred to as "Association".

RECITALS

- A. Pinnacle Homes, Inc. filed that certain Declaration of Covenants, Conditions, Restrictions and Easements of Pine Creek, a Subdivision in Douglas County, Nebraska on August 24, 2005 with the Douglas County, Nebraska Register of Deeds as Instrument No. 2005104676, as amended by that certain Amended Declaration of Covenants, Conditions, Restrictions and Easements of Pine Creek, a Subdivision in Douglas County, Nebraska filed on September 11, 2013 with the Douglas County, Nebraska Register of Deeds as Instrument No. 2013092837 (hereinafter referred to together as the "Declaration") against that certain real property legally described as Lots 617 through 649, inclusive, and Lots 652 through 676, inclusive, all in Pine Creek, a Subdivision as surveyed, platted and recorded in Douglas County, Nebraska, and Lots 1 and 2, Pine Creek Replat 3, a Subdivision as surveyed, platted and recorded in Douglas County, Nebraska.
- B. Paragraph 2 of Article VI of the Declaration provides that after August 24, 2015, the Declaration may be amended only by an instrument signed by not less than seventy-five percent (75%) of the Lots covered by the Declaration.
- C. Capitalized terms used herein and not otherwise defined shall have the definitions ascribed to them in the Declaration; and
- D. The undersigned wish to modify the Declaration in the manner set forth herein in this Amendment.

Full I

✓ 47417 ©

NOW, THEREFORE, the undersigned hereby declare the Declaration shall be amended as follows:

1. Paragraph 5 of Article I of the Declaration shall be amended by adding the following to the end of Paragraph 5 of Article I:

“In addition, notwithstanding the foregoing, up to four (4) political signs may be erected, placed or permitted to remain on a Lot, provided that such signs otherwise comply with the provisions of this Declaration. The permitted signs may remain on the affected Lot for the following time periods and must be removed thereafter:

- | | | |
|-----|----------------------|---|
| (1) | “For Sale” Signs | During the period of the sale; Directional signs permitted only during the period of an open house. |
| (2) | Garage/Estate Sales: | Two days prior to sale and removed immediately after sale has concluded. |
| (3) | Political signs: | Four weeks before election and taken down the day after the election. |

2. Paragraph 6 of Article I of the Declaration shall be amended by deleting the current language in its entirety and replacing it with the following:

“No exterior television or radio antenna or disc greater than 18” x 24” in size shall be permitted on any Lot, and any such television or radio antenna or disc the Owner of the Lot installing a television or radio antenna or disc shall use its reasonable efforts to screen such television or radio antenna or disc from view of any street or sidewalk. The foregoing notwithstanding, any earth station, satellite dish or other electronic antenna or aerial specifically exempted from restriction by statute, regulation, binding order of a court or governmental agency shall be maintained in accordance with the strictest interpretation or condition for such use as may be permitted by such order.”

3. Paragraph 13 of Article I of the Declaration shall be amended by adding the following to the end of Paragraph 13 of Article I:

“Appropriate erosion control measures shall be employed at all times during construction and until proper sod and vegetation has been established to control the same.”

4. Paragraph 22 of Article I of the Declaration shall be amended by deleting the reference to “Article VI, Paragraph I” and replacing the same with “Article III”.

5. Paragraph 1C of Article III of the Declaration shall be amended by deleting the current language in its entirety and replacing it with the following:

“The Owner of each Lot is responsible for the operation and maintenance of their underground water system, provided, however, that the Association shall be responsible for causing the underground water system to be turned on in each spring, at the expense of the Association, and for causing the Fall draining and winterizing of the underground watering system, at the expense of the Association. Any repairs and/or maintenance to the underground water system located on any individual Lot (e.g., repair, replacement, and/or adjustment of sprinkler heads, etc.) shall be the responsibility of such individual Lot owner.”

6. Paragraph 1F of Article III of the Declaration is hereby deleted in its entirety.

7. Paragraph 2 of Article III of the Declaration is hereby deleted in its entirety.

8. Paragraph 6 of Article IV of the Declaration is hereby deleted in its entirety.

9. Governing Law. This Amendment is made under and governed by the laws of the State of Nebraska.

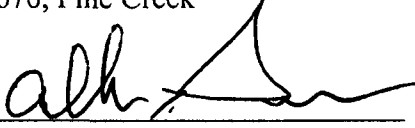
10. Severability. Each provision of this Amendment and the application thereof are hereby declared to be independent of and severable from the remainder of this Amendment. If any provision contained herein shall be held to be invalid or to be unenforceable or not to run with the land, such holding shall not affect the validity or enforceability of the remainder of this Amendment.

11. No Other Amendments. Except as set forth herein, the Declaration shall remain in full force and effect.

12. Counterparts. This Amendment may be executed in any number of counterparts, all of which shall constitute a single agreement. Signature pages may be detached from the counterparts and attached to a single copy of this Amendment to form one legally effective document.

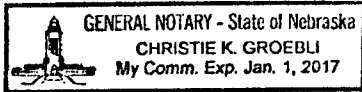
13. Joinder by Mortgagees. Each of the parties hereto represent and warrant to the other parties hereto that there are no holders of mortgages or other liens on its respective lot other than by those holders of mortgages and other liens joining in this Amendment.


LEGACY HOMES OMAHA, LLC, a
Nebraska limited liability company,
the owner of Lots 617, 619, 629, 649, and
667-676, Pine Creek

By: 
Name: Allen Grimes
Its: Manager

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged, subscribed and sworn to before me by
Allen Grimes, the Manager of Legacy Homes Omaha, LLC, a Nebraska
limited liability company, on behalf of said company this 10 day of January, 2016.




Notary Public

COPY

WALTER L. THOMAS AND LINDA K. THOMAS, the owners of Lot 623, Pine Creek

Walter L. Thomas
Walter L. Thomas

Linda K. Thomas
Linda K. Thomas

STATE OF NEBRASKA)
)ss.
COUNTY OF *Douglas*)

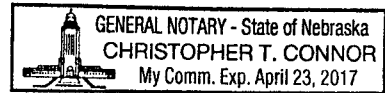
The foregoing instrument was acknowledged before me this 22nd day of Oct 2015, by Walter L. Thomas, a Nebraska resident.

Christopher T. Connor
Notary Public

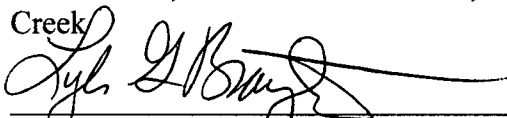
STATE OF NEBRASKA)
)ss.
COUNTY OF *Douglas*)

The foregoing instrument was acknowledged before me this 22nd day of Oct 2015, by Linda K. Thomas, a Nebraska resident.

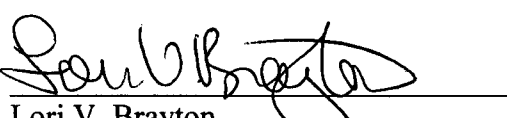
Christopher T. Connor
Notary Public



LYLE G. BRAYTON AND LORI V. BRAYTON, the owners of Lot 630, Pine Creek



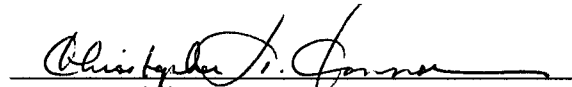
Lyle G. Brayton



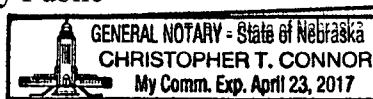
Lori V. Brayton

STATE OF NEBRASKA)
)ss.
COUNTY OF Douglas)

The foregoing instrument was acknowledged before me this 7th day of November 2015, by Lyle G. Brayton, a Nebraska resident.

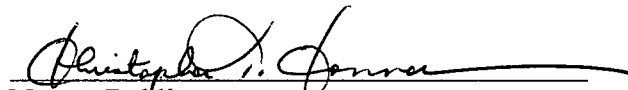


Notary Public

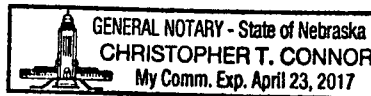


STATE OF NEBRASKA)
)ss.
COUNTY OF Douglas)

The foregoing instrument was acknowledged before me this 7th day of November 2015, by Lori V. Brayton, a Nebraska resident.



Notary Public



**BERNARD R. LIVINGSTON AND
NANCY L. LIVINGSTON**, the owners of
Lot 631, Pine Creek

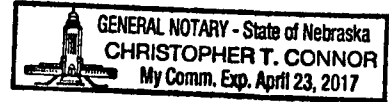
B. R. Livingston
Bernard R. Livingston

Nancy L. Livingston
Nancy L. Livingston

STATE OF NEBRASKA)
)ss.
COUNTY OF Douglas)

The foregoing instrument was acknowledged before me this 23rd day of October 2015,
by Bernard R. Livingston, a Nebraska resident.

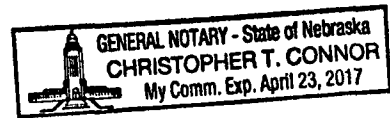
Christopher T. Connor
Notary Public



STATE OF NEBRASKA)
)ss.
COUNTY OF Douglas)

The foregoing instrument was acknowledged before me this 22nd day of Oct 2015,
by Nancy L. Livingston, a Nebraska resident.

Christopher T. Connor
Notary Public



RONALD E. EGGELING AND DIANE M. EGGELING, the owners of Lot 632, Pine Creek

Ronald E. Eggeling
Ronald E. Eggeling

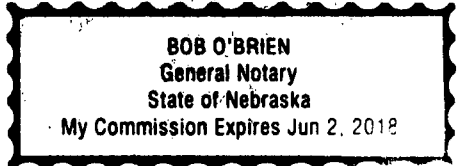
Diane M. Eggeling
Diane M. Eggeling

STATE OF NEBRASKA)
)ss.
COUNTY OF *Douglas*)

The foregoing instrument was acknowledged before me this 26th day of October 2015, by Ronald E. Eggeling, a Nebraska resident.

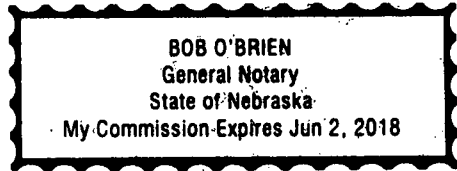
Bob O'Brien
Notary Public

STATE OF NEBRASKA)
)ss.
COUNTY OF *Douglas*)



The foregoing instrument was acknowledged before me this 26th day of October 2015, by Diane M. Eggeling, a Nebraska resident.

Bob O'Brien
Notary Public



**DOUGLAS D. FILE AND CHARLENE
M. FILE**, the owners of Lot 634, Pine
Creek

Douglas D. File
Douglas D. File

Charlene M. File
Charlene M. File

STATE OF NEBRASKA)
)ss.
COUNTY OF *Douglas*)

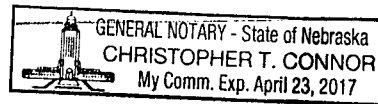
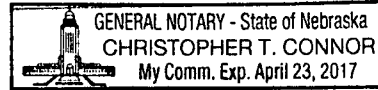
The foregoing instrument was acknowledged before me this 22nd day of Oct 2015,
by Douglas D File, a Nebraska resident.

Christopher T. Connor
Notary Public

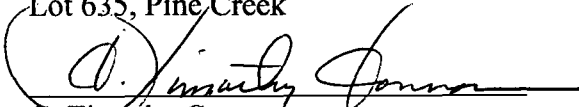
STATE OF NEBRASKA)
)ss.
COUNTY OF *Douglas*)

The foregoing instrument was acknowledged before me this 22nd day of Oct 2015,
by Charlene M. File, a Nebraska resident.

Christopher T. Connor
Notary Public



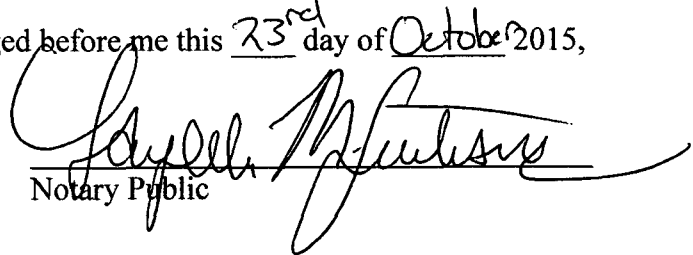
C. TIMOTHY CONNOR, the owner of
Lot 635, Pine Creek


C. Timothy Connor

STATE OF NEBRASKA)
)ss.
COUNTY OF Douglas)



The foregoing instrument was acknowledged before me this 23rd day of October 2015,
by C. Timothy Connor, a Nebraska resident.

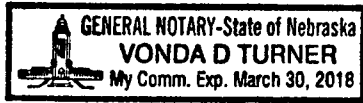

Notary Public

ETHEL J. KALLENMEYN, the owner of
Lot 637, Pine Creek

Ethel J. Kallenmeyn
Ethel J. Kallenmeyn


STATE OF NEBRASKA)
)ss.
COUNTY OF DOUGLAS)

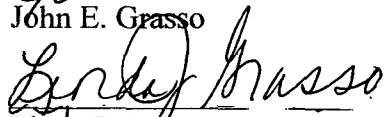
The foregoing instrument was acknowledged before me this 21 day of January 2015,
by Ethel J. Kallenmeyn, a Nebraska resident.



Vonda D Turner
Notary Public

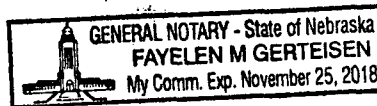
JOHN E. GRASSO AND LINDA J. GRASSO, the owners of Lot 640, Pine Creek



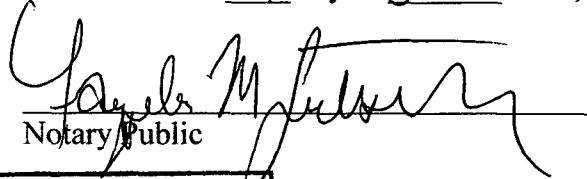
John E. Grasso


Linda J. Grasso

STATE OF NEBRASKA)
)ss.
COUNTY OF Douglas)



The foregoing instrument was acknowledged before me this 29th day of October 2015, by John E. Grasso, a Nebraska resident.

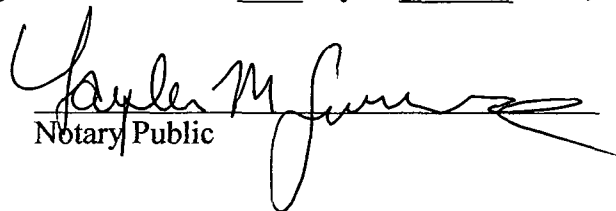


Notary Public

STATE OF NEBRASKA)
)ss.
COUNTY OF Douglas)



The foregoing instrument was acknowledged before me this 29th day of October 2015, by Linda J. Grasso, a Nebraska resident.



Notary Public

DALE L. WILLIAMSEN AND ALICE
K. WILLIAMSEN, the owners of Lot 642,
Pine Creek

Dale L. Williamsen
Dale L. Williamsen

Alice K. Williamsen
Alice K. Williamsen

STATE OF NEBRASKA)
)ss.
COUNTY OF *Douglas*)

The foregoing instrument was acknowledged before me this 22nd day of Oct. 2015,
by Dale L. Williamsen, a Nebraska resident.

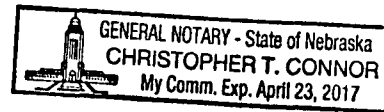
Christopher T. Connor
Notary Public

STATE OF NEBRASKA)
)ss.
COUNTY OF *Douglas*)




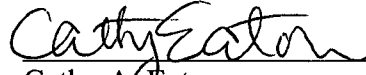
The foregoing instrument was acknowledged before me this 22nd day of Oct 2015,
by Alice K. Williamsen, a Nebraska resident.

Christopher T. Connor
Notary Public



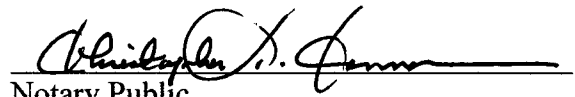
RICHARD L. EATON AND CATHY A. EATON, the owners of Lot 643, Pine Creek


Richard L. Eaton

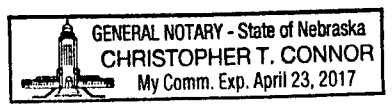

Cathy A. Eaton

STATE OF NEBRASKA)
)ss.
COUNTY OF Douglas)

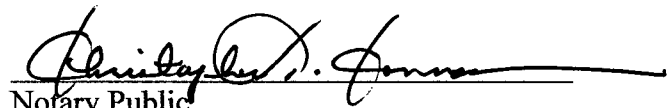
The foregoing instrument was acknowledged before me this 22nd day of Oct 2015, by Richard L. Eaton, a Nebraska resident.

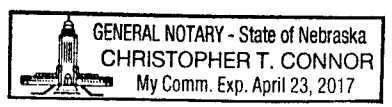

Notary Public

STATE OF NEBRASKA)
)ss.
COUNTY OF Douglas)




The foregoing instrument was acknowledged before me this 22nd day of Oct 2015, by Cathy A. Eaton, a Nebraska resident.



Notary Public



ANDREW KOVACS AND NICOLE MORRIS, the owners of Lot 644, Pine Creek




Andrew Kovacs



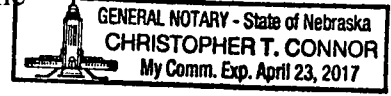
Nicole Morris

STATE OF NEBRASKA)
)ss.
COUNTY OF Douglas)

The foregoing instrument was acknowledged before me this 4TH day of November 2015, by Andrew Kovacs, a Nebraska resident.




Notary Public

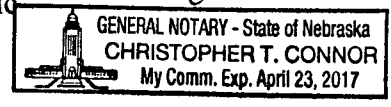


STATE OF NEBRASKA)
)ss.
COUNTY OF Douglas)

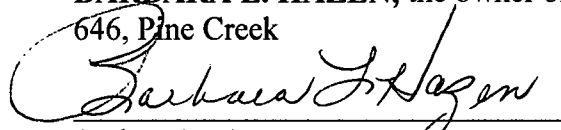
The foregoing instrument was acknowledged before me this 4TH day of November 2015, by Nicole Morris, a Nebraska resident.



Notary Public



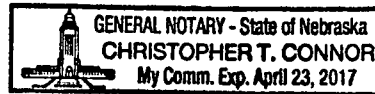
BARBARA L. HAZEN, the owner of Lot
646, Pine Creek


Barbara L. Hazen

STATE OF NEBRASKA)
)ss.
COUNTY OF Douglas)

The foregoing instrument was acknowledged before me this 24th day of October 2015,
by Barbara L. Hazen, a Nebraska resident.


Notary Public



DAVIS L. DARRINGTON AND
SHIRLEY L. DARRINGTON, the owners
of Lot 652, Pine Creek

Davis L. Darrington
Davis L. Darrington

Shirley L. Darrington
Shirley L. Darrington

STATE OF NEBRASKA)
)ss.
COUNTY OF *Douglas*)

The foregoing instrument was acknowledged before me this 23RD day of October 2015,
by Davis L. Darrington, a Nebraska resident.

Christopher T. Connor
Notary Public

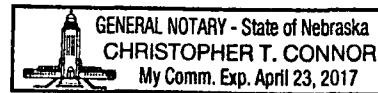


STATE OF NEBRASKA)
)ss.
COUNTY OF *Douglas*)


The foregoing instrument was acknowledged before me this 22nd day of Oct. 2015,
by ~~Shirley~~ L. Darrington, a Nebraska resident.

SHIRLEY
&C

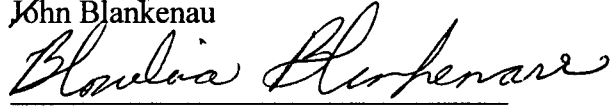
Christopher T. Connor
Notary Public



**JOHN BLANKENAU AND BLONDINA
BLANKENAU**, the owners of Lot 653, Pine
Creek



John Blankenau



Blondina Blankenau

STATE OF NEBRASKA)
)ss.
COUNTY OF Douglas)

The foregoing instrument was acknowledged before me this 5th day of Nov. 2015,
by John Blankenau, a Nebraska resident.



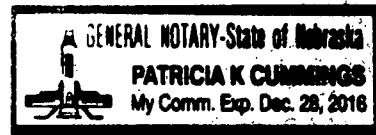
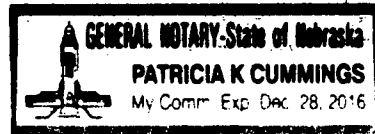
Notary Public

STATE OF NEBRASKA)
)ss.
COUNTY OF Douglas)

The foregoing instrument was acknowledged before me this 5th day of Nov 2015, by
Blondina Blankenau, a Nebraska resident.



Notary Public



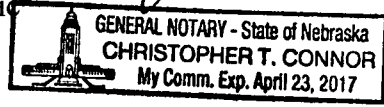
LINDA S. STEVENS, the owner of Lot
654, Pine Creek

Linda Stevens
Linda S. Stevens

STATE OF NEBRASKA)
)ss.
COUNTY OF Douglas)

The foregoing instrument was acknowledged before me this 7TH day of November 2015,
by Linda S. Stevens, a Nebraska resident.

Christopher T. Connor
Notary Public



JOAN M. MORACZEWSKI, the owner of
Lot 655, Pine Creek

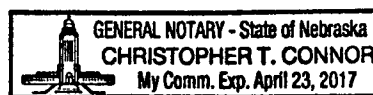
Joan M. Moraczewski
Joan M. Moraczewski

STATE OF NEBRASKA)
)ss.
COUNTY OF Douglas)

The foregoing instrument was acknowledged before me this 22nd day of Oct, 2015, by Joan M. Moraczewski, a Nebraska resident.

Christopher T. Connor

Notary Public



**DUANE L. MITTLIEDER AND
DORTHY A. MITTLIEDER**, the owners
of Lot 657, Pine Creek

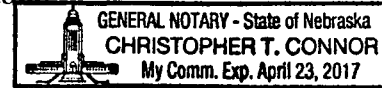
Duane L. Mittlieder
Duane L. Mittlieder

Dorothy A. Mittlieder
Dorothy A. Mittlieder

STATE OF NEBRASKA)
)ss.
COUNTY OF *Douglas*)

The foregoing instrument was acknowledged before me this 31st day of October 2015, by
Duane L. Mittlieder, a Nebraska resident.

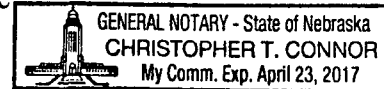
Christopher T. Connor
Notary Public



STATE OF NEBRASKA)
)ss.
COUNTY OF *Douglas*)

The foregoing instrument was acknowledged before me this 31st day of October 2015,
by Dorthy A. Mittlieder, a Nebraska resident.

Christopher T. Connor
Notary Public



JAYNE L. GUNDRUM, the owner of Lot
658, Pine Creek

Jayne L. Gundrum
Jayne L. Gundrum

STATE OF NEBRASKA)
COUNTY OF Douglas)ss.

The foregoing instrument was acknowledged before me this 2nd day of Nov. 2015, by
Jayne L. Gundrum, a Nebraska resident.

Holly A. Hamilton
Notary Public



FRANCES M. MEIER, the owner of Lot
659, Pine Creek

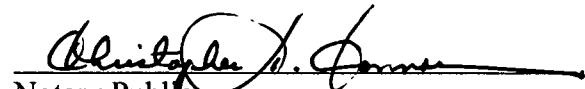
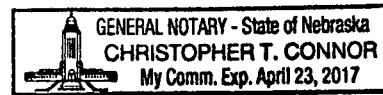


Frances M. Meier

STATE OF NEBRASKA)

COUNTY OF Douglas)ss.

The foregoing instrument was acknowledged before me this 22nd day of Oct 2015, by
Frances M. Meier, a Nebraska resident.


Notary Public

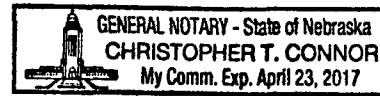
BILLI R. HARRILL, the owner of Lot
660, Pine Creek

Billi R Harrill
Billi R. Harrill

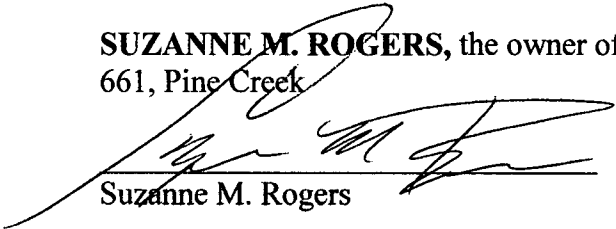
STATE OF NEBRASKA)
)ss.
COUNTY OF *Douglas*)

The foregoing instrument was acknowledged before me this *26th March* day of *2016* 2015, by Billi R. Harrill, a Nebraska resident.

Christopher T. Connor
Notary Public



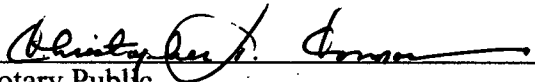
SUZANNE M. ROGERS, the owner of Lot
661, Pine Creek



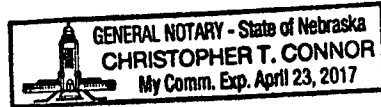
Suzanne M. Rogers

STATE OF NEBRASKA)
)ss.
COUNTY OF Douglas)

The foregoing instrument was acknowledged before me this 22nd day of Oct. 2015, by
Suzanne M. Rogers, a Nebraska resident.



Notary Public



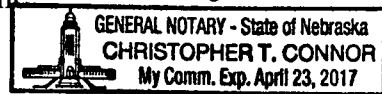
REBECCA ANN STEVENSON, the
owner of Lot 662, Pine Creek

Rebecca Ann Stevenson
Rebecca Anne Stevenson

STATE OF NEBRASKA)
)ss.
COUNTY OF Douglas)

The foregoing instrument was acknowledged before me this 31st day of October 2015, by
Rebecca Anne Stevenson, a Nebraska resident.

Christopher T. Connor
Notary Public



HENRY J. EVANS AND JANET L. EVANS, TRUSTEES UNDER THE HENRY AND JANET EVANS REVOCABLE TRUST, the owner of Lot 663, Pine Creek

Henry J. Evans
Henry J. Evans, Trustee

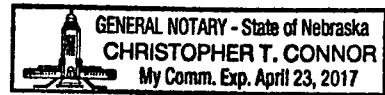
Janet L. Evans
Janet L. Evans, Trustee

STATE OF NEBRASKA)
)ss.
COUNTY OF Douglas)

The foregoing instrument was acknowledged before me this 22 day of 10 2015, by Henry J. Evans, Trustee under the Henry and Janet Evans Revocable Trust.

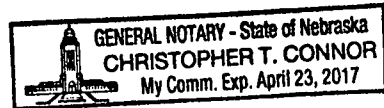
Christopher T. Connor
Notary Public

STATE OF NEBRASKA)
)ss.
COUNTY OF Douglas)

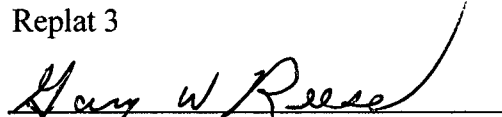


The foregoing instrument was acknowledged before me this 22nd day of Oct 2015, by Janet L. Evans, Trustee under the Henry and Janet Evans Revocable Trust.


Christopher T. Connor
Notary Public



GARY W. REESE AND ADRIENNE E. REESE, the owners of Lot 1, Pine Creek Replat 3




Gary W. Reese



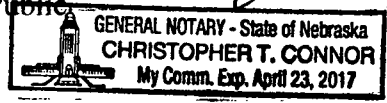
Adrienne E. Reese

STATE OF NEBRASKA)
)ss.
COUNTY OF Douglas)

The foregoing instrument was acknowledged before me this 23rd day of October 2015, by Gary W. Reese, a Nebraska resident.

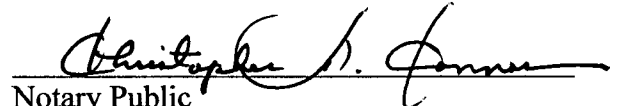


Notary Public



STATE OF NEBRASKA)
)ss.
COUNTY OF Douglas)

The foregoing instrument was acknowledged before me this 22nd day of Oct 2015, by Adrienne E. Reese, a Nebraska resident.



Notary Public

