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

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

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. <u>Governing Law</u>. This Amendment is made under and governed by the laws of the State of Nebraska.
- 10. <u>Severability</u>. 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. <u>No Other Amendments</u>. Except as set forth herein, the Declaration shall remain in full force and effect.
- 12. <u>Counterparts</u>. 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. <u>Joinder by Mortgagees</u>. 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 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.

GENERAL NOTARY - State of Nebraska

CHRISTIE K. GROEBLI My Comm. Exp. Jan. 1, 2017



CHERYEL A. CHRISTIANSEN, the

owner of Lot 618, Pine Creek

Cheryel A. Christiansen

STATE OF NEBRASKA

COUNTY OF Thus las)

The foregoing instrument was acknowledged before me this 21 day of March 2015, by Cheryel A. Christiansen, a Nebraska resident.

Notary Public

HILL CUSTOM HOMES, INC., a Nebraska corporation, the owner of Lots 621, 622, 625-627, and 641, Pine Creek

	Its: VICE PRES/TREAS - OF
STATE OF NEBRASKA)
COUNTY OF Jug Oss)ss.)
The foregoing instru	ment was acknowledged before me this 22 day of 6. 2015
by Janine C. HisO , kno Nebraska corporation, on be	of Hill Custom Homes, Inc.,
reoraska corporation, on oc	April or said corporation.
	Notary Public
	GENERAL NOTARY - State of Nebraska CHRISTOPHER T. CONNOR

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

Letoch Chumas
Walter L. Thomas

Enda K. Thomas

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

Notary Public

STATE OF NEBRASKA)

COUNTY OF long los)ss.

GENERAL NOTARY - State of Nebraska
CHRISTOPHER T. CONNOR
My Comm. Exp. April 23, 2017

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

Notary Public

Lyle G. Diayton
Lori V. Brayton
STATE OF NEBRASKA)
COUNTY OF Douglas)ss.
The foregoing instrument was acknowledged before me this 1 day of 1 day of 2015, by Lyle G. Brayton, a Nebraska resident.
Notary Public
STATE OF NEBRASKA) SS. GENERAL NOTARY - State of Nebraška CHRISTOPHER T. CONNOR My Comm. Exp. April 23, 2017
COUNTY OF (Varyles)
The foregoing instrument was acknowledged before me this 7 TH day of 2015, by Lori V. Brayton, a Nebraska resident.
Dentanto . Jonna Notary Public
GENERAL NOTARY - State of Nebraska CHRISTOPHER T. CONNOR My Comm. Exp. April 23, 2017

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

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

Bernard R. Livingston

Nancy I I wingston

STATE OF NEBRASKA

)ss

COUNTY OF 1

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

Notary Public

GENERAL NOTARY - State of Nebraska CHRISTOPHER T. CONNOR My Comm. Exp. April 23, 2017

STATE OF NEBRASKA

)ss.

COUNTY OF Jules

The foregoing instrument was acknowledged before me this **22** day of <u>04</u> 2015, by Nancy L. Livingston, a Nebraska resident.

Notary Public

	Pine Greek
	Ronald E. Eggeling
	Diane M. Eggeling
STATE OF NEBRASKA)	
COUNTY OF Douglas)ss.	
	ed before me this <u>Hother</u> 2015,
	00000100
	Notary Public
STATE OF NEBRASKA) COUNTY OF Bouglas)ss.	Notary Public BOB O BRIEN General Notary State of Nebraska My Commission Expires Jun 2, 2018
COUNTY OF Bouglas)ss.	BOB O'BRIEN General Notary State of Nebraska My Commission Expires Jun 2, 2018 ed before me this 26th day of 6th day of 2015,
COUNTY OF Douglas)ss. The foregoing instrument was acknowledge	BOB O'BRIEN General Notary State of Nebraska My Commission Expires Jun 2, 2018

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

	Cindy Laurent
STATE OF NEBRASKA))ss.	
COLDIEN OF 17" 11"	th R. 1016 65
The foregoing instrument was act by Lance Laurent, a Nebraska resident.	knowledged before me this 30 th day of 3cn 2015,
STATE OF NEBRASKA) COUNTY OF () ss. The foregoing instrument was act by Cindy Laurent, a Nebraska resident.	COREY N STEEN General Notary State of Nebraska My commission Expires Jan 5, 2017 knowledged before me this 30 [†] day of Jan 2015,
	Notary Rublic
	COREY N STEEN General Notary State of Nebraska My Commission Expires Jan 5, 2017

Creek

Lance Laurent

LANCE LAURENT AND CINDY LAURENT, the owners of Lot 633, Pine

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

Douglas D. File

Charlene M. File

STATE OF NEBRASKA

COUNTY OF long (so.)

The foregoing instrument was acknowledged before me this 22 day of 04 2015, by Douglas D File, a Nebraska resident.

Notary Public

STATE OF NEBRASKA

COUNTY OF las

CHRISTOPHER T. CONNOR
My Comm. Exp. April 23, 2017

The foregoing instrument was acknowledged before me this <u>12</u> day of <u>Of</u> 2015, by Charlene M. File, a Nebraska resident.

Notary Public

GENERAL NOTARY - State of Nebraska CHRISTOPHER T. CONNOR My Comm. Exp. April 23, 2017

GENERAL NOTARY - State of Nebraska

C. TIMOTHY CONNOR, the owner of

Lot 635, Pine Creek

C. Timothy Connor

STATE OF NEBRASKA

COUNTY OF Douglas)ss.

GENERAL NOTARY - State of Nebraska FAYELEN M GERTEISEN My Comm. Exp. November 25, 2018

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

ETHEL J. KALLENMEYN, the owner of

Lot 637, Pine Creek

Ethel J. Kallenmeyn

STATE OF NEBRASKA

)ss.

COUNTY OF DOUGLAS

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

GENERAL NOTARY-State of Nebraska
VONDA D TURNER
My Comm. Exp. March 30, 2018

JOHN E. GRASSO AND LINDA J.
GRASSO, the owners of Lot 640, Pine
Creek
(on hu wess)
John E. Grasso /
Gender Masso
Linda J. Grasso

STATE OF NEBRASKA)

COUNTY OF Dougles)

The foregoing instrument v

GENERAL NOTARY - State of Nebraska
FAYELEN M GERTEISEN
My Comm. Exp. November 25, 2018

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

Notary Public

STATE OF NEBRASKA)

county of Dayles)ss.

GENERAL NOTARY - State of Nebrasika FAYELEN M GERTEISEN My Comm. Exp. November 25, 2018

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

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

Dale I Williamsen

Alice K. Williamsen

STATE OF NEBRASKA

COUNTY OF 1 dug las)ss.

The foregoing instrument was acknowledged before me this 22 day of 0£. 2015, by Dale L. Williamsen, a Nebraska resident.

Notary Public

STATE OF NEBRASKA

COUNTY OF law)ss.

GENERAL NOTARY - State of Nebraska
CHRISTOPHER T. CONNOR
My Comm. Exp. April 23, 2017

The foregoing instrument was acknowledged before me this <u>2</u>2 day of <u>6</u>2015, by Alice K. Williamsen, a Nebraska resident.

Notary Public

STATE OF NEBRASKA) ss. COUNTY OF		
The foregoing instrument was acknowledged before me this 22 day of 2015, by Richard L. Eaton, a Nebraska resident. Column	STATE OF NEBRASKA)	
The foregoing instrument was acknowledged before me this 22 day of 2015, by Richard L. Eaton, a Nebraska resident. Colored		
STATE OF NEBRASKA State of Nebraska State of Nebraska State of Nebraska CHRISTOPHER T. CONNOR My Comm. Exp. April 23, 2017 The foregoing instrument was acknowledged before me this 22 day of 2015, by Cathy A. Eaton, a Nebraska resident. Notary Public		d before me this 2 2 day of $\mathcal{O}\mathcal{A}$ 2015.
STATE OF NEBRASKA) SS. COUNTY OF The foregoing instrument was acknowledged before me this 22 day of 2015, by Cathy A. Eaton, a Nebraska resident.	by Richard L. Eaton, a Nebraska resident.	2010,
STATE OF NEBRASKA) SS. COUNTY OF The foregoing instrument was acknowledged before me this 22 day of 2015, by Cathy A. Eaton, a Nebraska resident.		Chilada S. Dame
COUNTY OF		Notary Public
The foregoing instrument was acknowledged before me this 22 day of 2015, by Cathy A. Eaton, a Nebraska resident.	STATE OF NEBRASKA)	GENERAL NOTARY - State of Nebraska CHRISTOPHER T. CONNOR
The foregoing instrument was acknowledged before me this 22 day of 0 2015, by Cathy A. Eaton, a Nebraska resident. Notary Public		My Comm. Exp. April 23, 2017
by Cathy A. Eaton, a Nebraska resident. Notary Public Notary Public	8	d hafana ma this 22 How of O A 2015
	by Cathy A. Eaton, a Nebraska resident.	d before the this 22 day of C22 2013,
		do:4.6Xd
GENERAL NOTARY - State of Nebraska		Notary Public
GENERAL NOTARY - State of Nebraska		
CHRISTOPHER T. CONNOR My Comm. Exp. April 23, 2017		CHRISTOPHER T. CONNOR

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

Richard L. Eaton

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

Andrew Kovacs

Nicole Morris

STATE OF NEBRASKA
)

Ss.

COUNTY OF

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

Notary Publi

GENERAL NOTARY - State of Nebraska CHRISTOPHER T. CONNOR My Comm. Exp. April 23, 2017
)ss.

COUNTY OF

Jong Las

State of Nebraska

COUNTY OF

Ss.

The foregoing instrument was acknowledged before me this 4 day of 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

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

Notary Public

		Shriley L.adarr	ington
STATE OF NEBRASKA)		
COUNTY OF 10 y los)ss.)		
The foregoing instruby Davis L. Darrington, a N		ed before me this	23 day of John 2015,
,		Die	06 X d
		Notary Public	
STATE OF NEBRASKA)	·	GENERAL NOTARY - State of Nebraska CHRISTOPHER T. CONNOR My Comm. Exp. April 23, 2017
COUNTY OF larges)ss.)		
The foregoing instru by S hriley L. Darrington, a l	ment was acknowledge Nebraska resident.	ed before me this	22 day of Od. 2015,
SHIRLEY &		Darieta	len 1. france
		Notary Public	
			GENERAL NOTARY - State of Nebraska CHRISTOPHER T. CONNOR My Comm. Exp. April 23, 2017

DAVIS L. DARRINGTON AND

of Lot 652, Pine Creek

Davis L. Darrington

SHIRLEY L. DARRINGTON, the owners

STATE OF NEBRASKA
) ss.

COUNTY OF Daudan

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

STATE OF NEBRASKA
) ss.

COUNTY OF Duglan
)

The foregoing instrument was acknowledged before me this my Commerce Dav. 28. 2016

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

Again and May Commerce Dav. 28. 2016

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

Creek

Blondina Blankenau

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

GENERAL NOTARY-State of 1

My Comm. Exp. Dec. 28, 2016

LINDA S. STEVENS, the owner of Lot

654, Pine Creek

Linda S. Stevens

STATE OF NEBRASKA

ss.

COUNTY OF

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

Notary Publi

JOAN M. MORACZEWSKI, the owner of

Lot 655, Pine Creek

STATE OF NEBRASKA

The foregoing instrument was acknowledged before me this 22 day of _______2015, by Joan M. Moraczewski, a Nebraska resident.

JERRILYN A. PETZNICK, TRUSTEE OF THE JERRILYN A. PETZNICK REVOCABLE TRUST DATED JULY 8, 1998, the owner of Lot 656, Pine Creek

Jourlynn a Skreik Treestee Jerrilyn A. Petznick, Trustee

STATE OF NEBRASKA

COUNTY OF

)ss.

The foregoing instrument was acknowledged before me this 22 day of 04. 2015, by Jerrilyn A. Petznick, Trustee of the Jerrilyn A. Petznick Revocable Trust dated July 8, 1998.

Notary Public

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

Duane L. Mittlieder

Doughthur Millieder

GENERAL NOTARY - State of Nebraska CHRISTOPHER T. CONNOR My Comm. Exp. April 23, 2017

Dorthy A. Mittleder

STATE OF NEBRASKA)
COUNTY OF thus las
The foregoing instrument was acknowledged before me this 31 day of John 2015, by
Duane L. Mittlieder, a Nebraska resident.
Alistople . Jonne
Notary Public
STATE OF NEBRASKA) GENERAL NOTARY - State of Nebraska CHRISTOPHER T. CONNOR My Comm. Exp. April 23, 2017
COUNTY OF language)ss.
A M
The foregoing instrument was acknowledged before me this 31 day of 2015,

by Dorthy A. Mittlieder, a Nebraska resident.

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

Jayne L. Gundrum

STATE OF NEBRASKA

Caudre

The foregoing instrument was acknowledged before me this day of 1. 2015, Jayne L. Gundrum, a Nebraska resident.

A GENERAL NOTARY-State of Nebraska
HOLLY A HAMILTON
My Comm. Exp. July 21, 2019

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

STATE OF NEBRASKA))ss.

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

Notary Public

BILLI R. HARRILL, the owner of Lot

660, Pine Creek

Billi R. Harrill

STATE OF NEBRASKA

)ss.

COUNTY OF Douglas

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

Notary Public

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

Suzanne M. Rogers

STATE OF NEBRASKA

COUNTY OF January

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

Notary Public

REBECCA ANN STEVENSON, the

owner of Lot 662, Pine Creek

Rebecca Anne Stevenson

STATE OF NEBRASKA

)ss.

COUNTY OF

The foregoing instrument was acknowledged before me this 31 2 day of the 2015, by Rebecca Anne Stevenson, a Nebraska resident.

Notary Pub

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, Trustee

Henry J. Evans, Trustee

Janet L. Evans, Trustee

STATE OF NEBRASKA)
)ss.
COUNTY OF louglas)

The foregoing instrument was acknowledged before me this <u>32</u> day of <u>/ O</u> 2015, by Henry J. Evans, Trustee under the Henry and Janet Evans Revocable Trust.

Notary Public

STATE OF NEBRASKA

COUNTY OF Jan les)ss.

GENERAL NOTARY - State of Nebraska
CHRISTOPHER T. CONNOR
My Comm. Exp. April 23, 2017

The foregoing instrument was acknowledged before me this 21 day of 2015, by Janet L. Evans, Trustee under the Henry and Janet Evans Revocable Trust.

Notary Public

STATE OF NEBRASKA)
COUNTY OF 100gles)
The foregoing instrument was acknowledged before me this 23 day of 2015, by Gary W. Reese, a Nebraska resident.
Olistople ! James
Notary Public GENERAL NOTARY - State of Nebraska CHRISTOPHER T. CONNOR
STATE OF NEBRASKA) My Comm. Exp. April 23, 2017
COUNTY OF 1 engles)
The foregoing instrument was acknowledged before me this <u>zz</u> day of <u>CJ</u> 2015, by Adrienne E. Reese, a Nebraska resident.
Christophe S. Jonne
Notary Public C
GENERAL NOTARY - State of Nebraska CHRISTOPHER T. CONNOR

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

Replat 3

How W. Reese

Adrienne E. Reese