

2018-02238

01/30/2018 1.45 36 PM

Clay J. Dowling

REGISTER OF DEEDS

COUNTER	<u> </u>	C.E.	<u> </u>
VERIFY	<u> </u>	D.E.	<u> </u>
PROOF	<u> </u>		<u> </u>
FEES \$	<u>16.00</u>		
CHECK #	<u>5776</u>		
CHG	<u> </u>	CASH	<u> </u>
REFUND	<u> </u>	CREDIT	<u> </u>
SHORT	<u> </u>	NCR	<u> </u>



**AMENDMENT TO THE DECLARATION OF COVENANTS,
EASEMENTS AND RESTRICTIONS**

THIS AMENDMENT TO THE DECLARATION OF COVENANTS, EASEMENTS AND RESTRICTIONS (this "Amendment") is made on the date hereinafter set forth by MDM Mangelsen, LLC, a Nebraska limited liability company ("Declarant").

RECITALS

- A. On November 8, 2016 a document entitled Declaration of Covenants, Easements and Restrictions was recorded in the Office of the Register of Deeds of Sarpy County Nebraska as Instrument No. 2016-28953 (the "Declaration") against the property legally described as Lots 1 through 8, inclusive, Prairie Toehold, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska.
- B. Section 16 of the Declaration provides that for a period of ten (10) years the Declarant has the exclusive right to amend, modify or supplement any portion of the Declaration.

NOW, THEREFORE, Declarant hereby declares the Declaration shall be amended as follows:

- 1. Amendment to Paragraph 1. Paragraph 1 of the Declaration shall be deleted in its entirety and replaced with the following:

"1. The Lots shall be used for residential purposes only; provided, however that prior to the initial construction of improvements on any Lot, and as otherwise permitted by Paragraph 7, below, the owner of such Lot shall be permitted to plant, grow and harvest trees, corn, beans, or similar agricultural crops on the areas of any such Lot which are inside the applicable building set-back requirements established by the local governing jurisdiction. Livestock farming of any nature for commercial purposes shall not be permitted. Household pets may be kept and maintained on the premises for use, benefit and pleasure of the owner of a Lot and his or her guests provided they are not kept, bred, or maintained for any commercial purpose. The number of horses or ponies or both permitted on each Lot shall not exceed more than two (2). No cattle, swine or goats shall be kept on any of the Lots. Poultry shall be permitted on the Lots provided that the poultry on any such Lot is for the use and benefit of the owners/occupants of such Lot and not for commercial purposes and that no roosters shall be permitted on any Lot."

- 2. Amendment to Paragraph 7. Paragraph 7 of the Declaration shall be deleted in its entirety and replaced with the following:

*RE Sullenkamp Doyle & Osburn
StoC
11440 W Center Rd
Omaha, Neb 68144*

"7. No weeds or other vegetation will be grown or otherwise permitted to commence or continue, and no dangerous, diseased or otherwise objectionable shrubs or trees, or unreasonably long/unkept grass, will be maintained on any Lot so as to constitute an actual or potential public nuisance, create a hazard or undesirable proliferation, or detract from a neat and trim appearance; provided that the planting and maintaining of alfalfa and prairie grass shall be permitted on the Lots No objectionable, unlawful or offensive trade or activity shall be carried on upon any Lot nor shall anything be done thereon which may be or become a nuisance or annoyance to the neighborhood or surrounding Lots."

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

4. 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.

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

IN WITNESS WHEREOF, this Amendment was made this 18 day of JAN., 2018.

DECLARANT:

MDM Mangelsen, LLC,
a Nebraska limited liability company

By: David M Mangelsen
Name: David M. Mangelsen
Its: Manager

STATE OF NEBRASKA)
COUNTY OF Douglas) ss.

Before me, a Notary Public qualified for said County and State, personally came David M. Mangelsen, Manager of MDM Mangelsen, LLC, known to me to be the identical person who signed the foregoing instrument and acknowledged the execution thereof to be his voluntary act and deed and the voluntary act and deed on behalf of said limited liability company.

WITNESS my hand and Notary Seal on this 18th day of January 2018.



Margaret K Parker
Notary Public