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MISC 1990 13317

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GEORGE J. EMMETT  
REGISTER OF DEEDS  
DOUGLAS COUNTY, NE

Second Amendment

to

DECLARATION

Lots 398 through 413,

REGENCY 6th ADDITION

This SECOND AMENDMENT TO DECLARATION, made June 21, 1990, by

REGENCY TOWNHOMES II ASSOCIATION, a Nebraska nonprofit corporation with its registered office in Omaha, Douglas County, Nebraska, hereafter called "Declarant",

WITNESSETH: THAT,

Whereas Regency, Inc., a Nebraska business corporation wholly owned by United of Omaha Life Insurance Company (formerly named "United Benefit Life Insurance Company"), a Nebraska insurance corporation with its registered office in Omaha, Douglas County, Nebraska, hereafter called "United", and others then owning all of certain parts of Sections 20 and 21, Township 15 North, Range 12 East of the Sixth Principal Meridian, in Douglas County, Nebraska, have heretofore agreed, pursuant to an unrecorded Indenture executed May 19, 1968, that so much thereof as comprises Lots 372 through 416, Regency 6th Addition, formerly a subdivision in and now an addition to City of Omaha, Douglas County, Nebraska, hereafter called "Regency 6", would be subject to conditions and other terms appropriate, convenient, or necessary to preserve and promote its clustered private residential character, inclusive of membership in Declarant, in conformity to and coordination with the general scheme of development and use expressed in said Indenture;

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here

Whereas United has heretofore provided, pursuant to said unrecorded Indenture and to a certain Declaration executed October 24, 1978, and recorded at pages

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392 through 400 of Book 609 of the Miscellaneous Records of the Register of Deeds of Douglas County, Nebraska, as to Regency 6 for the creation and imposition thereon of certain conditions and other terms set out in said Declaration and for the inclusion of Lots 372 through 415 thereof in membership in Regency Homes Association, a Nebraska non-profit corporation hereafter called "Homes Association", and also in membership in Declarant; and both Declarant and Homes Association have heretofore accepted such respective inclusions in their respective membership;

Whereas both Declarant and Homes Association have heretofore provided upon due exercise of their respective corporate authority and power in the manner set out in their respective Articles of Incorporation and their respective By-Laws, as amended, pursuant respectively to Paragraph 7a and to Paragraph 4 of said Declaration executed October 24, 1978, and Paragraph 6a of a certain Declaration executed March 19, 1968, by said Regency, Inc. and recorded at Pages 103 through 115 of Book 461 of the Miscellaneous Records of the Register of Deeds of Douglas County, Nebraska, and further respectively to Paragraphs 1 and 3 of a certain Amendment and Extension of Declaration executed September 23, 1988, by Declarant and recorded at pages 107 through 109 of the Miscellaneous Records of the Register of Deeds of Douglas County, Nebraska, and to Paragraph 2 of a certain Amendment and Extension of Declarations and Supplementary Declarations executed August 23, 1988, by said Homes Association and recorded at Pages 741 through 749 of Book 859 of the Miscellaneous Records of the Register of Deeds of Douglas County, Nebraska, for extension of the applicability to Lots 372 through 415 of Regency 6 and enforceability of such conditions and other terms set out in said Declaration executed October 24, 1978, throughout the period to be ended after December 31, 2028, or such later

date as might be fixed through formal corporate action of Declarant and for extension of the inclusion in membership respectively in Declarant and in said Homes Association of Lots 372 through 415 of Regency 6th Addition throughout the period to be ended after December 31, 2028, or such later date as might be fixed through respective formal corporate action of Declarant or of said Homes Association;

Whereas said United has heretofore provided pursuant to said Indenture and to Paragraph 7a of said Declaration executed October 24, 1978, for modification by Declarant of said Declaration; and

Whereas Declarant has, by reason of the redivision of Lots 398 through 413 of Regency 6 into twelve tracts comprising a common development, determined to make such a modification of said Declaration executed October 24, 1978;

Now, Therefore, in consideration of the matters herein recited, upon due exercise by Declarant of its corporate authority and power in the matter set out in its Articles of Incorporation and its By-Laws, and the acceptance of this Second Amendment to Declaration by Homes Association, Declarant does hereby

AMEND said Declaration as follows, to-wit:

Paragraph 1a of said Declaration executed October 24, 1978, as affected by said Amendment and Extension of Declaration executed September 23, 1988, as to Regency 6 is and will be amended forthwith in its entirety; and the following does and will constitute new Paragraph 1a:

"a. Lot 416 of Regency 6, hereafter called 'common ground', and Lots 392 through 397, 414, and 415 of Regency 6 will be subjected to this Declaration."

IN WITNESS WHEREOF, Declarant has executed this Second Amendment to Declaration at Omaha, Douglas County, Nebraska.

REGENCY TOWNHOMES II ASSOCIATION

By *George D. Goos*  
George D. Goos  
Its President

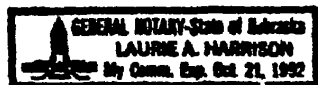
Attest:

By *Robert D. Shreve*  
Robert D. Shreve  
Its Secretary

STATE OF NEBRASKA )  
                                  ) ss.  
COUNTY OF DOUGLAS )

Before me, a Notary Public qualified for said County, personally appeared George D. Goos, President of Regency Townhomes II Association, a Nebraska nonprofit corporation, known to me to be the President and identical person who executed the foregoing instrument, acknowledged the execution thereof to be his voluntary act and deed as such officer and the voluntary act and deed of said corporation, and declared the execution and delivery thereof to be duly authorized and its corporate seal to be thereto affixed by its authority.

WITNESS my hand and Notarial Seal on June 28<sup>th</sup>, 1990.



*Laurie A. Harrison*  
Notary Public

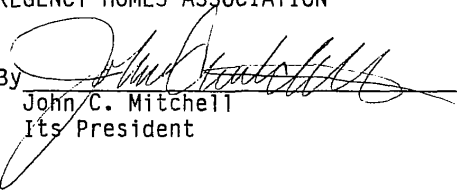
ACCEPTANCE

The undersigned, acting pursuant to Paragraph 7a of said Declaration executed October 24, 1978, and being thereunto duly empowered, hereby accepts and agrees to the foregoing Second Amendment to Declaration.

DATED at Omaha, Douglas County, Nebraska, on June 27, 1990.

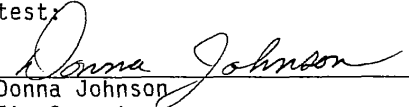
REGENCY HOMES ASSOCIATION

By

  
John C. Mitchell  
Its President

Attest:

By

  
Donna Johnson  
Its Secretary

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