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**AMENDMENT AND WAIVER
TO PROTECTIVE COVENANTS AND RESTRICTIONS**

On this 4th day of May, 1995, Rose Garden Estates, A Limited Partnership, pursuant to its right to modify, waive or amend the Protective Covenants and Restrictions dated August 15, 1978, recorded at Book 604, Page 88, Miscellaneous Records, in the Douglas County Register of Deeds, pertaining to all of Lots 1 through 263, inclusive, in Rose Garden Estates, a subdivision of Douglas County, Nebraska, does hereby state, publish and declare that all said Lots are and shall be held subject to the following Amendment to the Covenants, Conditions and Restrictions.

As provided in paragraph 23 of said Covenants, as amended in Book 870, Page 628, and filed with the Douglas County Register of Deeds on December 7, 1988, Rose Garden Estates Limited Partnership hereby waives the Application of these Covenants with respect to Lots 262 and 263, in Rose Garden Estate, a subdivision in Douglas County, Nebraska. The purpose for this Amendment is to prevent hardship and also, because the original covenants that were recorded August 15, 1978, did not include and were never intended to include said Lots 262 and 263. It was only due to inadvertence and oversight that Lots 262 and 263 were included within the scope of restrictive covenants.

IN WITNESS WHEREOF, the undersigned hereby amends the Protective Covenants and executes this document on this 4th day of May, 1995.

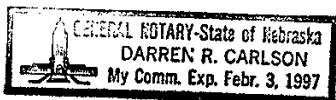
ROSE GARDEN ESTATES, L.P.

By: *Fred Bruning*
Fred Bruning, General Partner

STATE OF NEBRASKA)
) SS.
COUNTY OF DOUGLAS)

Be it known that on this ~~4th~~^{09th} day of May, 1995, before me personally appeared Fred Bruning, as General Partner of Rose Garden Estates Limited Partnership, a Nebraska Limited Partnership, known to me to be the person described in and who executed the above and foregoing Amendment and Waiver, and who acknowledged the same to be the Limited Partnership's free act and deed.

In testimony whereof, I have hereunto set my hand and affixed my official seal, the date last above written.



Darren R. Carlson
Notary Public
NOTARIAL SEAL AFFIXED
REGISTER OF DEEDS