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DEC 23 2011 10:41 P 5

Received - DIANE L. BATTIATO  
Register of Deeds, Douglas County, NE  
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**FOURTH AMENDMENT TO  
DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS  
FOR SADDLEBROOK, A SUBDIVISION  
IN DOUGLAS COUNTY, NEBRASKA**

This Fourth Amendment to Declaration of Covenants, Conditions, and Restrictions (this "Amendment") is made on the date hereinafter set forth by First National Bank of Omaha, a national banking association, hereinafter referred to as "Declarant", to the Declaration of Covenants, Conditions, and Restrictions for Lots 73 through 229, Inclusive, and Outlots 5 through 12, Inclusive, Saddlebrook, a Subdivision as Surveyed, Platted, and Recorded in Douglas County, Nebraska dated October 25, 2000, and filed with the Douglas County Register of Deeds on November 9, 2000, as Instrument Number 200015249 (as Book 1358, Page 018), as amended by First Amendment to Declaration of Covenants, Conditions, and Restrictions for Saddlebrook, a Subdivision in Douglas County, Nebraska dated December 3, 2003 and filed with the Douglas County Register of Deeds on December 24, 2003, as Instrument Number 2003246714, as further amended by Second Amendment to Declaration of Covenants, Conditions, and Restrictions for Saddlebrook, a Subdivision in Douglas County, Nebraska dated June 27, 2005 and filed with the Douglas County Register of Deeds on October 31, 2005, as Instrument Number 2005136959, as further amended by Third Amendment to Declaration of Covenants, Conditions, and Restrictions for Saddlebrook, a Subdivision in Douglas County, Nebraska dated June 19, 2007 and filed with the Douglas County Register of Deeds on June 20, 2007 as Instrument Number 2007069869 (as amended, the "Declaration").

**PRELIMINARY STATEMENT**

WHEREAS, the Declaration governs the following real estate:

Lots 73 through 222, 227 through 229, 232, 240 through 246, 254, 258 through 325, 328 through 336, 339 through 375, 378, 381, 382, 386, 387, 396 through 413, 416 through 422, 425 through 427 and Outlots 5 through 16, inclusive in Saddlebrook, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska;

Lots 1 through 4, inclusive in Saddlebrook Replat 3, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska;

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*PANSI*

- Lots 1 through 7, inclusive in Saddlebrook Replat 12, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska; OJ-34484
- Lots 1 through 7, inclusive in Saddlebrook Replat 7, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska; OJ-34479
- Lots 1 through 3, inclusive in Saddlebrook Replat 6, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska; OJ-34478
- Lots 1 and 2, inclusive in Saddlebrook Replat 1, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska; OJ-34473
- Lots 1 and 2, inclusive in Saddlebrook Replat 2, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska; OJ-34474
- Lots 1 and 2, inclusive in Saddlebrook Replat 4, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska; OJ-34476
- Lots 1 and 2, inclusive in Saddlebrook Replat 5, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska; OJ-34477
- Lots 1 through 3, inclusive in Saddlebrook Replat 9, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska; OJ-34481
- Lots 1 through 8, inclusive in Saddlebrook Replat 8, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska; OJ-34480
- Lots 1 and 2, inclusive in Saddlebrook Replat 10, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska; OJ-34482
- Lots 1 and 2, inclusive in Saddlebrook Replat 11, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska; OJ-34483

WHEREAS, the Declarant is the successor declarant under the Declaration pursuant to Assignment dated July 18, 2006, and filed with the Douglas County Register of Deeds on July 24, 2006, as Instrument Number 2006083289; and

WHEREAS, the Declaration provides that the "Declaration may be amended by the Declarant, or any person, firm, corporation, partnership or entity designated in writing by the Declarant, in any manner it shall determine in its full and absolute discretion for a period ending January 1, 2012."

WHEREAS, the Declarant wishes to amend certain terms of the Declaration.

NOW, THEREFORE, the Declarant, pursuant to the rights granted to it under the Declaration, hereby amends the Declaration in the following particulars:

1. Extension of Amendment Rights. The third paragraph in the Witnesseth Section shall be deleted in its entirety and the following shall be inserted in lieu thereof:

NOW THEREFORE, Declarant hereby declares that all of the Properties shall be held, sold and conveyed subject to the following easements, restrictions, covenants and conditions which are for the purpose of protecting the value and desirability of, and which shall run with the real property above described and shall be binding on all parties having any right, title or interest in the Properties or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof for a period of twenty-five (25) years from the date of filing this Declaration, at which time this Declaration shall be automatically extended for successive periods of ten (10) years, unless terminated by written agreement of two-thirds (2/3) majority of the then owners of the Lots, said agreement to be executed and recorded in the manner provided by law for conveyance of real estate in the State of Nebraska. This Declaration may be amended by the Declarant, or any person, firm, corporation, partnership or entity designated in writing by the Declarant, in any manner it shall determine in its full and absolute discretion for a period ending January 1, 2013. Any Amendment must be recorded. The terms and provisions of Articles II and III herein, dealing with the structure and activities of the Association, shall not become effective until directed in writing by the Declarant or until January 1, 2012, whichever shall first occur.

2. Rate of Assessment. Article III, Section 6 shall be deleted in its entirety and the following shall be inserted in lieu thereof:

Section 6. Rate of Assessment. Both annual and special assessments must be fixed at a uniform rate for all lots, except that no lot shall be subject to dues or special assessments until a completed residence has been constructed thereon.

3. Architectural Control Committee. Article IV, Section 5 shall be deleted in its entirety and the following shall be inserted in lieu thereof:

Prior to January 1, 2012, all privileges, rights, powers and authority may be exercised exclusively by the Declarant. After January 1, 2012, or at such earlier date as may be directed in writing by the Declarant, all privileges, rights, powers and authority under this Article shall be exercised by and vested in a Committee to be selected by the Association, except as follows:

Declarant shall continue to retain the single and unilateral authority to approve or disapprove Plans for Lot 1 in Replat 1, Lots 1, 2, 3 and 4 in Replat 3, Lot 1 in Replat 4, Lots 1 and 2 in Replat 6, Lots 1 and 5 in Replat 7, Lots 1, 3, 5, 6, 7 and 8 in Replat

8, Lots 1, 2 and 3 in Replat 9, Lot 2 in Replat 5, Lot 1 in Replat 10, Lots 1 and 2 in Replat 11, Lots 2, 3, 4, 5, 6, and 7 in Replat 12, and Lots 217, 222, 229, 240, 273, 274, 275, 276, 282, 290, 312, 313, 355, 359, 386, 396, 397, 398, 399, 408, 420, 421, 422 and 427, in Saddlebrook, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska; (the "Declarant Lots") until such time as residences have been constructed and fully completed on all Declarant Lots. The right of Declarant to approve or disapprove construction on the Declarant Lots shall be assignable by Declarant, and shall expire upon the completion of all construction on all of the Declarant Lots.

4. Miscellaneous. Except as amended and modified herein the Declaration shall continue in full force and effect in accordance with its terms.

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Signature Page to Follow]**

**FIRST NATIONAL BANK**  
a national banking association

By: B. J. Be  
Printed Name: Bradley J. Drummond  
Title: VP

STATE OF NEBRASKA     )  
  )ss.  
COUNTY OF DOUGLAS    )

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of December, 2011,  
by Bradley Drummond, Vice President of First National Bank of  
Omaha, a national banking association, on behalf of the association.



Fallon Savage  
Notary Public