

m



MISC 2005136959



OCT 31 2005 14:40 P 4

After recording, please return to:

James F. Kasher
CROKER, HUCK, KASHER, DeWITT,
ANDERSON & GONDERINGER, P.C.
2120 South 72nd Street, Suite 1200
Omaha, NE 68124

Received - DIANE L. BATTIATO
Register of Deeds, Douglas County, NE
10/31/2005 14:40:11.61



2005136959

**SECOND AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR SADDLEBROOK, A SUBDIVISION
IN DOUGLAS COUNTY, NEBRASKA**

THIS SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS is made on the date hereinafter set forth by SADDLEBROOK PROPERTIES, LLC, a Nebraska limited liability company, hereinafter referred to as "Declarant".

WITNESSETH:

WHEREAS, the undersigned is the Declarant under a certain Declaration of Covenants, Conditions and Restrictions for Saddlebrook, a Subdivision in Douglas County, Nebraska (the "Declaration"), which Declaration was filed for record in the office of the Register of Deeds of Douglas County, Nebraska, on November 9, 2000, in Misc. Book 1358 at Pages 018 through 029, inclusive, and which governs Lots 73 through 229, inclusive, and Outlots 5 through 12, inclusive, in Saddlebrook, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska; and

WHEREAS, the undersigned is the Declarant under a certain First Amendment to Declaration of Covenants, Conditions, and Restrictions for Saddlebrook, a Subdivision in Douglas County, Nebraska (the "First Amendment to Declaration") which was filed for record in the office of the Register of Deeds of Douglas County, Nebraska, on December 24, 2003, in Instrument 2003246714 and which governs Lots 232 through 382, inclusive, in Saddlebrook, a subdivision as surveyed, platted, and recorded in Douglas County, Nebraska; and

WHEREAS, Declarant is the owner of certain real estate hereinafter referred to as the "Properties" in the County of Douglas, State of Nebraska, described as follows:

misc $\frac{4}{362}$ FEE 201.00 FB 05-34472
BKP _____ C/O _____ COMP CP
DEL PW SCAN _____ FV [Signature]

D

C

149087

Lots 383 through 427, inclusive, and Outlot 16, inclusive, in Saddlebrook, a subdivision as surveyed, platted, and recorded in Douglas County, Nebraska; and

WHEREAS, pursuant to the terms and conditions of Article VI, Section 3 of the Declaration, Declarant is desirous of subjecting the Properties to the easements, restrictions, covenants and conditions for use set forth in the Declaration for the purpose of protecting the value and desirability of the Properties.

NOW THEREFORE, Declarant hereby declares that all of the Properties shall be held, sold and conveyed subject to the easements, restrictions, covenants and conditions set forth in the Declaration as if same had been included at the time of the execution and filing of the Declaration. The Properties now being included in the Declaration shall be subject to all of the time periods referenced in the Declaration in the same manner as if they had originally been included in the Declaration. It is the intent hereof that the Properties shall be considered to have been covered by the Declaration from the time of its filing to allow for continuity among all of the Lots covered by the Declaration.

In addition, under Section 7 of Article I of the Definitions of the Declaration, Declarant adds the following Outlot:

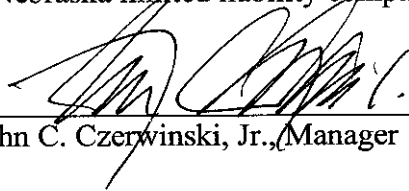
Outlot 16: Common facilities for path, sidewalk and/or green area.

In addition, under Section 1 of Article IV of the Architectural Control of the Declaration, Declarant adds mailboxes to the list of external improvements that require express prior written approval of the Declarant.

IN WITNESS WHEREOF, the undersigned Declarant has executed this Amendment to Declaration this 18 day of May, 2005.

SADDLEBROOK PROPERTIES, LLC,
a Nebraska limited liability company

By:



John C. Czerwinski, Jr., Manager

THE FIRST NATIONAL BANK OF OMAHA,
a national banking association

By:

Its:



Vice Pres

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

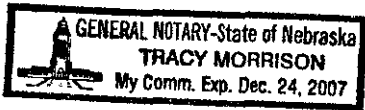
The foregoing instrument was acknowledged before me this 18 day of May, 2005, by JOHN C. CZERWINSKI, JR., Manager of Saddlebrook Properties, LLC, a Nebraska limited liability company, on behalf of the company.



Lisa M. Robbins
Notary Public

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 27th day of JUNE, 2005, by ROBERT J. HORAK, VICE PRESIDENT of The First National Bank of Omaha, a national banking association, on behalf of the corporation.



Tracy Morrison
Notary Public

CONSENT AND APPROVAL

FIRST NATIONAL BANK OF OMAHA, N.A., a national banking association, hereby acknowledges receipt of notice of Declarant's intent to record the foregoing Second Amendment To Declaration of Covenants, Conditions and Restrictions for Saddlebrook with respect to the real property described therein, and does further approve the contents thereof and consent to filing of same in the office of the Register of Deeds of Douglas County, Nebraska.

Dated this 27th day of JUNE, 2005.

Attest:

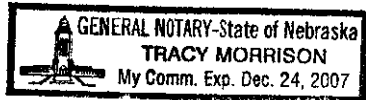
Sir W. Mueggen
Secretary J.P.

FIRST NATIONAL BANK OF OMAHA, N.A.

By: Robert J. Horzak
Its: Vice Pres

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 27th day of JUNE, 2005, by ROBERT J. HORZAK, VICE PRESIDENT of FIRST NATIONAL BANK OF OMAHA, N.A., on behalf of the bank.



Tracy Morrison
Notary Public