

20762

SECOND AMENDMENT TO PROTECTIVE COVENANTS

WITNESSETH:

COME NOW THE UNDERSIGNED, the current owners of record at the time of the signing of this Second Amendment to Protective Covenants of Blocks 1 through 10, inclusive, Sevenoaks First Addition, Lincoln, Lancaster County, Nebraska, to-wit:

1. Paragraph IV(k) of the original Protective Covenants, Instrument #79-2789, is hereby revoked and a new paragraph IV(k) is adopted to read as follows:

k. The covenants and restrictions of these Protective Covenants shall run with and bind the land, for a term of twenty (20) years from the date these Protective Covenants are recorded, after which time they shall be automatically extended for successive periods of ten (10) years. These Protective Covenants may be amended during the first twenty (20) year period by an instrument signed by not less than ninety percent (90%) of the Lot Owners, and thereafter by an instrument signed by not less than seventy-five percent (75%) of the Lot Owners. Any amendment must be recorded. As long as there is a Class A membership, the following actions will require the prior approval of the Federal Housing Administration or the Veterans Administration: annexation of additional properties, dedication of Common Area, and amendment of these Protective Covenants.

Any amendment pertaining to Outlot B, Sevenoaks, and that part of Block 11, Sevenoaks First Addition, more particularly described as: beginning at the NE corner of said Block 11, Sevenoaks First Addition; thence S08°20'10"W, (assumed bearing), a distance of 329.75 feet; thence S12°57'57"E, a distance of 101.32 feet; thence S24°13'12"E, a distance of 298.40 feet; thence S75°46'48"W, a distance of 81.23 feet; thence N24°13'12"W, a distance of 339.59 feet; thence N00°07'12"E, a distance of 407.39 feet; to a point on the South right of way line of Old Cheney Road; thence N89°59'58"E along said right of way line of Old Cheney Road, a distance of 119.87 feet to the Point of Beginning, said tract containing an area of 1.479 acres, more or less, which was formerly part of Outlot A of Sevenoaks, Lincoln, Lancaster County, Nebraska, must be approved by the City of Lincoln prior to becoming effective.

2. Paragraph IV(m) of the original Protective Covenants, Instrument #79-2789, is hereby revoked and a new paragraph IV(m) is adopted to read as follows:

m. All owners of lots within Sevenoaks First Addition shall by such purchase become members of the Sevenoaks Home Owners Association, Inc., a non-profit corporation, and shall abide by all authorized rules and regulations properly promulgated by it and the rules and regulations governing the operation and maintenance of said Sevenoaks Homeowners Association, Inc., as the same may exist or be established at this time or from time to time. Such owners shall be association members of Class B as so provided in the Articles of Incorporation of said corporation.

The rights and obligations of Class B members are set forth in the Articles of Incorporation of the Sevenoaks Homeowners Association, Inc.,

a non-profit corporation. All Class B members shall be responsible for the following items, to-wit:

(1) The improvement, maintenance, repair, and replacement of the open storm sewer ditch liner located in the Common Area which Common Area is more particularly described as follows:

(a) Outlot B, Sevenoaks, Lincoln, Lancaster County, Nebraska; and

(b) that part of Block 11, Sevenoaks First Addition, Lincoln, Lancaster County, Nebraska, more particularly described as follows: beginning at the NE corner of said Block 11, Sevenoaks First Addition; thence S08°20'10"W (Assumed Bearing), a distance of 329.75 feet; thence S12°57'57"E, a distance of 101.32 feet; thence S24°13'12"E, a distance of 298.40 feet; thence S75°46'48"W, a distance of 81.23 feet; thence N24°13'12"W, a distance of 339.59 feet; thence N00°07'12"E, a distance of 407.39 feet to a point on the South right of way line of Old Cheney Road; thence N89°59'58"E along said right of way line of Old Cheney Road, a distance of 119.87 feet to the point of beginning, said tract containing an area of 1.479 acres, more or less, which was formerly part of Outlot A of Sevenoaks, Lincoln, Nebraska.

(2) The improvement, maintenance, repair and replacement of the monument markers noting the name "Sevenoaks" which are located on Lot 1, Block 1, and Lot 1, Block 7, Sevenoaks; and on the NW corner of Block 11, Sevenoaks First Addition, and a similar monument marker to be located on Lot 1, Block 3, Sevenoaks First Addition; and

(3) The improvement, maintenance, repair and replacement of the center island in Sevenoaks located on South 31st Street at its intersection with Old Cheney Road, which maintenance shall include the maintaining of the existing underground water sprinkler system in said island as well as the cost of the city water used therein which has been separately metered for that purpose.

The Developer of Sevenoaks First Addition shall be a Class A member of the Sevenoaks Homeowners Association, Inc., a non-profit corporation, and so long as the Developer owns a lot within Sevenoaks First Addition, it shall have the same obligations and be subject to the same assessments as are the Class B members for each lot owned by the Developer.

3. A new paragraph is hereby adopted to be known as Paragraph V to read as follows:

V.

DEFINITIONS

Section 1. "Association" shall mean and refer to Sevenoaks Homeowners Association, Inc., a non-profit corporation, its successors and assigns.

Section 2. "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of a fee simple title to any Lot which is a part of the Properties, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.

Section 3. "Properties" shall mean and refer to Blocks 1 through 10, inclusive, Sevenoaks First Addition, Lincoln, Lancaster County, Nebraska, hereinbefore described, and such additions thereto as may hereafter be brought within the jurisdiction of the Association.

Section 4. "Common Area" shall mean all real property (including

the improvements thereto) owned by the Association for the common use and enjoyment and for the protection of the general health, safety, and welfare of the owners. The Common Area to be owned by the Association is described as follows:

(a) Outlot B, Sevenoaks, Lincoln, Lancaster County, Nebraska.

(b) That part of Block 11, Sevenoaks First Addition, more particularly described as follows: beginning at the NE corner of said Block 11, Sevenoaks First Addition; thence S08°20'10"W (assumed bearing), a distance of 329.75 feet; thence S12°57'57"E, a distance of 101.32 feet; thence S24°13'12"E, a distance of 298.40 feet; thence S75°46'48"W, a distance of 81.23 feet; thence N24°13'12"W, a distance of 339.59 feet; thence N00°07'12"E, a distance of 407.39 feet to a point on the South right of way line of Old Cheney Road; thence N89°59'58"E along said right of way line of Old Cheney Road, a distance of 119.87 feet to the Point of Beginning, containing an area of 1.479 acres, more or less, which was formerly part of Outlot A of Sevenoaks, Lincoln, Lancaster County, Nebraska.

Section 5. "Lot" shall mean and refer to any plot of land shown upon any recorded subdivision map of the Properties with the exception of the Common Area.

Section 6. "Developer" shall mean and refer to RJS, a general partnership, and Robert J. Rentfro and Jerry C. Joyce, individuals, their successors and assigns, if such successors or assigns should acquire more than one undeveloped Lot from the Developer for the purpose of development.

Dated this 26<sup>th</sup> day of JULY, 1979.

DJR Development Company, a corporation BY: Ronald B. Banta  
Owner of Lots 1 thru 47, Block 1, Its President

RJS, a general partnership,  
Owner of Lots 48 thru 52, Block 1;  
Lots 19 thru 21, Block 2; and all of  
Blocks 3, 4, 5, 6, 7, 8, 9 and 10

BY: Robert J. Rentfro  
Robert J. Rentfro - Partner  
Jerry C. Joyce  
Jerry C. Joyce - Partner

State Security Savings Co., a corporation, - Partner

BY: Harold H. Hape  
Its President  
Wallace B. Collingsworth  
Its President

Sunrise Homes Inc., a corporation  
Owner of Lots 53 thru 62, Lot 65,  
and Lots 67 thru 70, Block 1; and  
Lots 1, 5, 9, 11, 13, and 22 thru 31,  
Block 2

Bounty Homes Co., a corporation,  
Owner of Lots 63, 64 and 66, Block 1;  
and Lots 2, 3, 6, 7, 8, 10, 12, 14, 15,  
16, and 17, Block 2

BY: Wallace B. Collingsworth  
Its President

x Wallace B. Collingsworth x Gloria G. Collingsworth  
Wallace B. Collingsworth Gloria G. Collingsworth  
Husband and Wife, Owners of Lots 71 through 80, Block 1

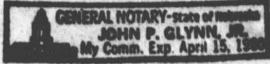
20762  
X James C. Tiemann  
James C. Tiemann  
Husband and Wife, Owners of Lots 81 thru 83, Block 1, and Lots 4, 18 and 32, Block 2

- 4  
X Ruth H. Tiemann  
Ruth H. Tiemann  
BY Gerald K. Wittre  
Its President

VVA, Inc., a Corporation  
Owner of Lot 84, Block 1

STATE OF NEBRASKA, COUNTY OF LANCASTER:

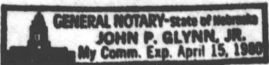
The foregoing instrument was acknowledged before me July 26<sup>th</sup>, 1979, by Ronald B. Brestler, President of DJR Development Company, a corporation, and he stated that the signing of the same was his voluntary act and deed as such officer and the voluntary act and deed of said corporation.



John P. Glynn, Jr.  
Notary Public

STATE OF NEBRASKA, COUNTY OF LANCASTER:

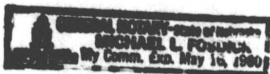
The foregoing instrument was acknowledged before me July 26<sup>th</sup>, 1979, by Robert J. Rentfro, Jerry C. Joyce, and \_\_\_\_\_, of State Security Savings Co., a corporation, Partners of RJS., a general partnership, and the President of State Security Savings Co. stated that the signing of the same was his voluntary act and deed as such officer and the voluntary act and deed of said corporation.



John P. Glynn, Jr.  
Notary Public

STATE OF NEBRASKA, COUNTY OF LANCASTER:

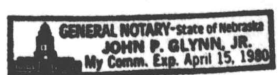
The foregoing instrument was acknowledged before me 7/30, 1979, by Ruth B. Johnson, President of Sunrise Homes, Inc., a corporation, and he acknowledged that the signing of the same was his voluntary act and deed as such officer and the voluntary act and deed of said corporation.



Michael L. Foshick  
Notary Public

STATE OF NEBRASKA, COUNTY OF LANCASTER:

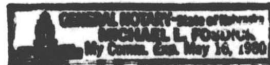
The foregoing instrument was acknowledged before me July 26<sup>th</sup>, 1979, by Gary Elston, President of Bounty Homes Co., a corporation, and he acknowledged that the signing of the same was his voluntary act and deed as such officer and the voluntary act and deed of said corporation.



John P. Glynn, Jr.  
Notary Public

STATE OF NEBRASKA, COUNTY OF LANCASTER:

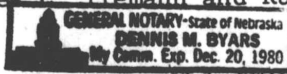
The foregoing instrument was acknowledged before me 8-3, 1979, by Wallace B. Collingsworth and Gloria G. Collingsworth, husband and wife.



Michael L. Foshick  
Notary Public

STATE OF NEBRASKA, COUNTY OF LANCASTER:

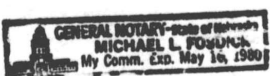
The foregoing instrument was acknowledged before me 8-10-, 1979, by James C. Tiemann and Ruth H. Tiemann, husband and wife.



Dennis M. Byars  
Notary Public

STATE OF NEBRASKA, COUNTY OF LANCASTER:

The foregoing instrument was acknowledged before me 7/31, 1979, by Gerald K. Wittre, President of VVA, Inc., a corporation and he stated that the signing of the same was his voluntary act and deed as such officer and the voluntary act and deed of said corporation.



Michael L. Foshick  
Notary Public

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LANCASTER COUNTY W. DR.  
 Kenneth L. Ferguson  
 REGISTER OF DEEDS  
 1979 AUG 14 PM 2:29  
 ENTERED ON  
 NUMERICAL INDEX  
 FILED FOR RECORD AS:  
 INST. NO. 79- 20762

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John Glynn, atty  
 245 R. 84 '10