

FILED SARPY CO. NE  
INSTRUMENT NUMBER

2008-15863

2008 JUN -4 AM 8:44

*Sharon G. Lawless*

REGISTER OF DEEDS

|         |               |        |          |
|---------|---------------|--------|----------|
| COUNTER | <u>W</u>      | C.E.   | <u>W</u> |
| VERIFY  | <u>W</u>      | D.E.   | <u>P</u> |
| PROOF   | <u>2</u>      |        |          |
| FEE \$  | <u>119.00</u> |        |          |
| CHECK # | _____         |        |          |
| CHG.    | <u>FAT</u>    | CASH   | _____    |
| REFUND  | _____         | CREDIT | _____    |
| SHORT   | _____         | NCR    | _____    |

**FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS OF STOCKMANS HOLLOW, A SUBDIVISION IN SARPY COUNTY, NEBRASKA**

THIS FIRST AMENDMENT TO DECLARATION, is made the date hereinafter set forth by Hearthstone Homes, Inc., a Nebraska corporation, and Boyer Young Equities VII, LLC, a Nebraska limited liability company.

RECITALS

A. On October 23, 2007, a document entitled Declaration of Covenants, Conditions, Restrictions and Easements of Stockmans Hollow, a Subdivision in Sarpy County, Nebraska (hereinafter the "Declaration") for Lots 1 thru 188, inclusive, Lots 204 and 205, and Outlots "A" thru "E", inclusive, Stockmans Hollow, and Lots 1 thru 14, inclusive, Stockmans Hollow Replat One, as surveyed, platted and recorded in Sarpy County, Nebraska by Declarant, in the office of the Register of Deeds of Sarpy County, Nebraska as Instrument Number 200732100 of the Miscellaneous Records.

B. On October 23, 2007, a document entitled Revocable Assignment and Assumption of Declarant Rights and Notice (hereinafter the "Assignment") for Lots 1 thru 188, inclusive, Lots 204 and 205, and Outlots "A" thru "E", inclusive, Stockmans Hollow, and Lots 1 thru 14, inclusive, Stockmans Hollow Replat One, as surveyed, platted and recorded in Sarpy County, Nebraska, recorded by Declarant, in the office of the Register of Deeds of Sarpy County, Nebraska as Instrument Number 200732101 of the Miscellaneous Records.

C. The Assignment assigned the Declarant rights to Hearthstone Homes, Inc., (hereinafter referred to as "Declarant") a Nebraska corporation and any amendment to the Declaration requires the written approval of Boyer Young Equities VII, LLC, (hereinafter referred to as "Original Declarant".)

D. Paragraph 2 of Article IV of the Declaration provides that for a period of ten (10) years following at least October 15, 2007, the Declarant shall have the sole, absolute and exclusive right to waive, modify or amend all or any portion of the Declaration.

E. Declarant with the consent of the Original Declarant does hereby desire to amend Declaration for the following legally described property:

Lots 1 thru 188, inclusive, Lots 204 and 205, and Outlots "A" thru "D", inclusive, Stockmans Hollow, and Lots 1 thru 14, inclusive, Stockmans Hollow Replat One, as surveyed, platted and recorded in Sarpy County, Nebraska.

NOW, THEREFORE, Declarant and Original Declarant hereby declare that the Declaration should be and hereby are amended as follows:

1. Exhibit "A-1" is hereby deleted in its entirety and the Exhibit "A-1a" attached hereto and incorporated herein by reference is inserted in its place and stead. All references contained in the Declaration to Exhibit "A-1" shall refer to the Exhibit "A-1a" attached hereto.
2. By deleting therefrom paragraph 3 of Article III and adding in its place and stead the following:

3. A perpetual easement is hereby reserved in favor of the Stockmans Hollow Homeowners Association, Grantee, its successors and assigns, over, under, through and across a twenty (20') foot strip abutting the rear and/or side boundary lines of Lots 42 thru 53, inclusive; and, Lots 116 thru 133, inclusive, Stockmans Hollow, together with the right of ingress and egress from said easement area, for the purpose of constructing, inspecting, operating, maintaining, repairing and/or replacing subdivision perimeter fencing at the will of the Grantee, its successors and assigns.

All other terms of said Declartion shall remain in full force and effect.

The Declarant has executed this First Amendment to Declaration as of this 16 day of MAY 2008.

HEARTHSTONE HOMES, INC., a Nebraska corporation, "Declarant,"

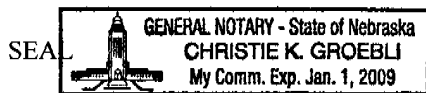
By: [Signature]  
Kent J. Geschwender, President

BOYER YOUNG EQUITIES VII, LLC, a Nebraska limited liability company,

By: [Signature]  
Timothy W. Young, Member

State of Nebraska )  
 )ss.  
County of Douglas )

The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of May, 2008 by Kent J. Geschwender, President of Hearthstone Homes, Inc. a Nebraska corporation, on behalf of the corporation.



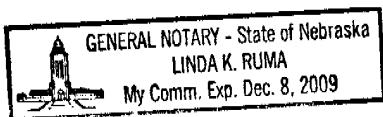
[Signature]  
Notary Public

State of Nebraska )  
 )ss.  
County of Douglas )

The foregoing instrument was acknowledged before me this 3 day of June, 2008 by Timothy W. Young, member on behalf of Boyer Young Equities VII, LLC, a Nebraska limited liability company.

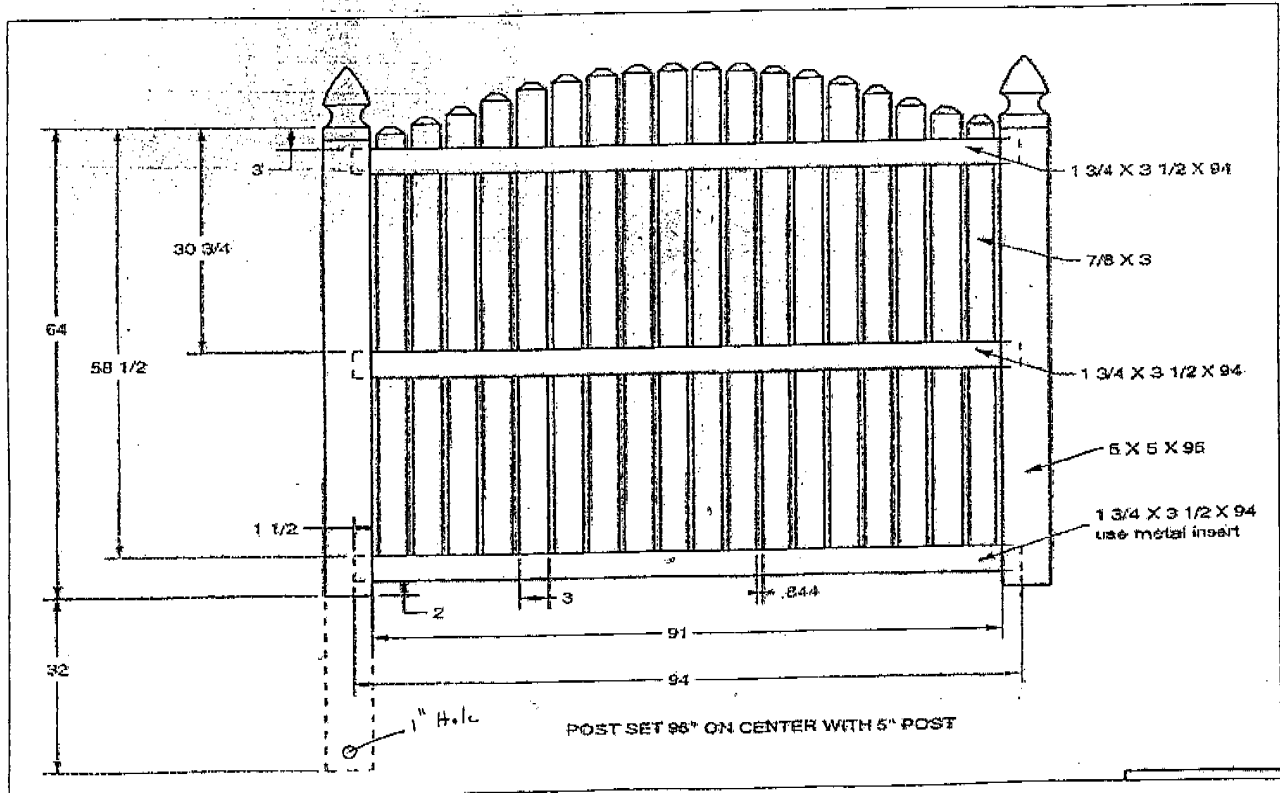
SEAL

[Signature]  
Notary Public



2008-15863 B

EXHIBIT "A - 1a"



WHITE VINYL FENCE DETAIL SCALLOP OVER 72" WITH 1" SPACING 8' WIDTH.