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FILED SARPY COUNTY NEBRASKA  
 INSTRUMENT NUMBER

2016-25365

10/04/2016 2:21:39 PM

*Lloyd J. Dowling*

REGISTER OF DEEDS



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

THIS THIRD AMENDMENT TO THE DECLARATION (this "Amendment"), is made the date hereinafter set forth by Celebrity Homes, Inc., a Nebraska corporation ("Declarant").

RECITALS

A. On October 23, 2007, Declarant filed that certain 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 with the office of the Register of Deeds of Sarpy County, Nebraska as Instrument Number 200732100 of the Miscellaneous Records.

B. On October 23, 2007, Declarant filed that certain 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, with the office of the Register of Deeds of Sarpy County, Nebraska as Instrument Number 200732101 of the Miscellaneous Records (the "Assignment").

C. The Assignment assigned the Declarant rights to Hearthstone Homes, Inc., (hereinafter referred to as "Successor 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. On June 4, 2008 Declarant filed that certain First Amendment To Declaration of Covenants, Conditions, Restrictions and Easements of Stockmans Hollow 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, with the office of the Register of Deeds of Sarpy County, Nebraska as

R+R

RETURN TO:  
 FULLENKAMP, DOYLE & JOBEUN  
 11440 WEST CENTER ROAD  
 OMAHA, NEBRASKA 68144-4482  
 ATTN: BeW

Instrument Number 2008-15863 (hereinafter referred to as the "First Amendment"). Any reference to the Declaration contained herein shall also include the First Amendment.

E. On April 9, 2014 Declarant filed that certain Revocation of Assignment of Declarant Rights and Notice of Revocation; Assignment of Declarant Rights; and Second Amendment to the Declaration of Covenants, Conditions, Restrictions, and Easements of Stockmans Hollow, a Subdivision in Sarpy County, Nebraska with the office of the Register of Deeds of Sarpy County, Nebraska as Instrument Number 2014-06965 (hereinafter referred to as the "Second Amendment") wherein the Original Declarant revoked the rights of Hearthstone Homes, Inc. as Successor Declarant and irrevocably assigned declarant rights to Celebrity Homes, Inc., a Nebraska corporation. Any reference to the Declaration contained herein shall also include the First Amendment and Second Amendment.

F. Paragraph 2 of Article IV of the Declaration provides that for a period of ten (10) years following October 23, 2007, the Declarant shall have the sole, absolute and exclusive right to waive, modify or amend all or any portion of the Declaration. Paragraph 3 of Article IV also gives the Declarant the right to include additional real property to be subject to the Declaration.

G. Declarant desires to amend the Declaration to (i) add the following legally described properties to the terms of the Declaration, and (ii) add additional provisions to the Declaration to be applicable only against the following lots:

Lots 1 thru 62, inclusive, and Outlots "A" thru "D", inclusive, Stockmans Hollow Replat Five, all as surveyed, platted and recorded in Sarpy County, Nebraska (collectively referred to herein as the "Additional Lots").

NOW, THEREFORE, Declarant hereby declares that the Declaration should be and hereby is amended as follows:

1. Lots 1 thru 62, inclusive, and Outlots "A" thru "D", inclusive, Stockmans Hollow Replat Five, all as surveyed, platted and recorded in Sarpy County, Nebraska shall be subject to the Declaration and any future amendments thereto, in all respects. The Owners (as that term is defined in the Declaration) of the above-described Additional Lots shall be Members (as that term is defined in the Declaration) of the Association (as that term is defined in the Declaration) with all rights, privileges and obligations accorded or accruing to Members of the Association.

2. Article II, Paragraph 1(c) is deleted in its entirety and is replaced with the following:

"(c) "Properties" shall mean and refer to: Lots 1 thru 52, inclusive, and 54 thru 188, inclusive, Lots 204 and 205, inclusive, and Outlots "A" thru "E", inclusive, Stockmans Hollow; Lots 1 thru 14, inclusive, Stockmans Hollow Replat One; Lot 1, Stockmans Hollow Replat Two;

Lots 4 thru 31, inclusive, Lots 34 thru 49, inclusive, Stockmans Hollow Replat Three; Lots 86 thru 90, inclusive, Stockmans Hollow Replat Four; and Lots 1 thru 62, inclusive, and Outlots "A" thru "D", inclusive, Stockmans Hollow Replat Five, all as surveyed, platted and recorded in Sarpy County, Nebraska."

3. In addition to the terms, conditions, covenants, restrictions and easements set forth in the Declaration, Declarant wishes, as the Owner of the Additional Lots, to subject the Additional Lots, and only the Additional Lots, to the following provisions:
  - a. The maximum driveway slope on any Lot included in the Additional Lots shall be eight percent (8%) such that the driveway is constructed in compliance with ADA/PROWAG guidelines.
  - b. Each Lot within the Additional Lots grants to each and every other Lot within the Additional Lots a mutual benefit drainage easement over each Lot and agrees that no Owner of a Lot within the Additional Lots shall construct any improvement, ditch, dam or other thing or device which affects or alters the natural flow of surface waters from, upon, or across any Lot, or which affects or alters the flow of any waters in any natural or artificial stream, wash, or drainage channel from, upon, or across any Lot, and any Lot, without the express written approval of the Association.
  - c. The driveway constructed on each Lot within the Additional Properties that is located on a public street which is susceptible to street creep, including but not limited to curved streets, steeply sloped streets, T intersections, and cul-de-sacs, shall be constructed to accommodate for street creep. The construction measures taken to accommodate for street creep may include, by way of illustration, larger expansion joints in areas susceptible to creep, placing full-depth expansion material at additional locations throughout the driveway and at the edge along any foundation or other concrete slab, such as a garage floor or sidewalk. In addition, the Owner of a Lot abutting a section of public street susceptible to street creep may address the street creep issue by placing two inches of full-depth expansion material between the street curb and the private driveway.

**[Remainder of Page Left Intentionally Blank; Execution Page Follows.]**

The Declarant has executed this Amendment as of this 23 day of March 2015.

**DECLARANT**

CELEBRITY HOMES, INC.,  
a Nebraska corporation

By: [Signature]  
Its: VICE PRESIDENT

State of Nebraska            )  
  )ss.  
County of Douglas         )

The foregoing instrument was acknowledged before me this 23 day of March, 2015 by CHAD LARSEN, VICE PRESIDENT of Celebrity Homes, Inc. a Nebraska corporation, on behalf of the corporation.

SEAL

[Signature]  
Notary Public

