



MISC 2004110879



AUG 19 2004 13:47 P 2

Received - RICHARD TAKECHI
Register of Deeds, Douglas County, NE
8/19/2004 13:47:10.74



2004110879

**SECOND AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS,
RESTRICTIONS AND EASEMENTS
FOR A PART OF STONE CREEK, A SUBDIVISION
IN DOUGLAS COUNTY, NEBRASKA**

FEE 31.50 FB See below
BKP _____ C/O _____ COMP PK
DEL _____ SCAN _____ FV PK

misc 2 43

This Second Amendment is made to the Declaration of Covenants, Conditions Restrictions and Easements of Stone Creek, a Subdivision in Douglas County, Nebraska (the "Declaration"), dated August 18, 2000, and recorded with the Douglas County Register of Deeds on August 23, 2000, in Book 1349 at Page 89, Miscellaneous Records, as amended by the First Amendment to Declaration of Covenants, Conditions, Restrictions and Easements for a part of Stone Creek, a subdivision in Douglas County, Nebraska dated September 25, 2001, and recorded with the Douglas County Register of Deeds on September 28, 2001, in Book 1400 at Page 700, Miscellaneous Records, by Horgan Development Company, a Nebraska corporation (the "Declarant").

Preliminary Statement

The Declaration was made by Declarant in connection with the development of the real estate legally described as follows:

36 Lots 1A, 1B, 2A, 2B, 3A, 3B, 4A, 4B, 5A, 5B, 6A, 6B, 7A, 7B, 8A, 8B, 9A, 9B, 10A, 10B, 11A, 11B, 12A, 12B, 13A, 13B, 14A, 14B, 15A, 15B, 16A, 16B, 17A, 17B, 18A, and 18B, Stone Creek Replat 1, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska (the "Townhome Lots").

OJ-37082

and

9 Lots 628 through 634, inclusive, Stone Creek, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska.

OJ-37078

Such lots are herein referred to collectively as the "Lots" and individually as each "Lot."

Declarant has considered amendment of the Declaration for purposes of amending Article IV, Section 6. Article VI, Section 2, allows the Declarant to amend the Declaration in any manner in which it may determine, in its full and absolute discretion, for a period of five (5) years from the date of the Declaration. Declarant has investigated the impact which the proposed amendment to the Declaration would have on the Lots and has concluded that the amendments would further the preservation of Stone Creek, would further the maintenance of the character and residential integrity of Stone Creek, and would further the benefits protection afforded to the Lots by the Declaration.

NOW, THEREFORE, pursuant to the authority granted to Declarant in Article VI, Section 2, of the Declaration, Declarant hereby amends and supplements the Declaration as follows:

1. Article IV, Section 6, is amended and replaced in its entirety to provide as follows:

PANSING HOGAN ERNST & BACHMAN LLP
COST ACCOUNT
PH. 397-6500
10250 REGENCY CIRCLE, SUITE 300
OMAHA, NE 68114

6. Abatement of Dues and Assessments. Notwithstanding any other provision of this Declaration, the Board of Directors may abate all or part of the dues or assessments due in respect of any Lot, and shall abate all dues and assessments due in respect of any Lot: (i) during the period such Lot is owned by the Declarant; and (ii) until such time as a house is constructed on such Lot and is first occupied. Lots owned by the Declarant on which a house has not been constructed and first occupied shall not be subject to an imposition of dues, assessments or Association liens.

2. Except as amended and modified herein, the Declaration shall remain in full force and effect according to its terms.

IN WITNESS WHEREOF, the Declarant has executed this Second Amendment as of the ____ day of August, 2004.

HORGAN DEVELOPMENT COMPANY,
a Nebraska corporation

By: 
Robert P. Horgan, President

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 18th day of August, 2004, by Robert P. Horgan, President of Horgan Development Company, a Nebraska corporation, on behalf of the corporation.




Notary Public

00202689