

BK 1349 PG 087-088



MISC 2000 11269

Nebr Doc Stamp Tax
Date
\$
By

RICHARD N TAKECH
REGISTER OF DEEDS
DOUGLAS COUNTY, NE

00 AUG 23 AM 11:04

RECEIVED

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

This First Amendment is made to the Declaration of Covenants, Conditions Restrictions and Easements of Stone Creek, a Subdivision in Douglas County, Nebraska (the "Declaration"), dated December 8, 1999, and recorded with the Douglas County Register of Deeds on December 9, 1999, in Book 1319 at Page 416, 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:

Lots 13 through 540, inclusive, in Stone Creek, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska,
now known as

Lots 13 through 45, inclusive, and 48 through 540, inclusive, in Stone Creek, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska, and Lot 1, Stone Creek Replat 2, a subdivision, as surveyed, platted and recorded in Douglas County, Nebraska.

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 I, Section 3, and Article I, Section 11. Article VI, Section 2, allows the Declarant to amend the Declaration in any manner 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 and protection afforded to the Lots by the Declaration.

Gaines, Mullen, Pansing,
+ Hogan
10050 Regency CR, Suite 200
Omaha, NE 68114

MISC 2773 50 FB 0J-37084
2 BKP 11 C/O MB COMP MB
527 DEL 11 SCAN ds FV 11
086191

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

1. Article I, Section 3, is amended and replaced in its entirety to provide as follows:

3. No single-family residence shall be created, altered, placed or permitted to remain on any Lot other than one detached single-family dwelling or, in the case of any townhome lots as approved for development in any plat for Stone Creek, one attached single-family dwelling, which single-family residences shall not exceed two and one-half stories in height.

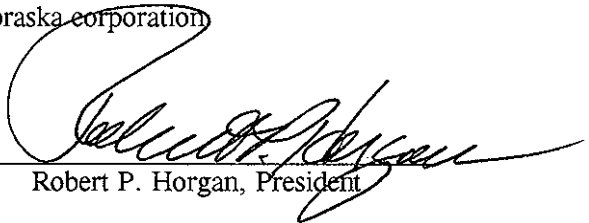
2. Article I, Section 11, is amended and replaced in its entirety to provide as follows:

11. All fences must be approved by Declarant pursuant to Section 2 of this Article I. Unless otherwise specifically approved by Declarant: (i) no fence shall extend beyond the center line of the main residence structure on the Lot; (ii) approved perimeter fences on Lots which have a common boundary with Golf Lots, as defined in Article II, Section 1, must be constructed of wood split-rail, wood picket, or other open type fencing approved by Declarant not to exceed four (4) feet in height or open wrought iron fence not to exceed six (6) feet; (iii) approved perimeter fences on Lots that do not have a common boundary with Golf Lots, as defined in Article II, Section 1, must be constructed of wood, wrought iron or other material approved by Declarant not to exceed six (6) feet in height; and (iv) no hedges or mass plantings (trees are not considered mass plantings) shall be permitted more than ten (10) feet in front of the building line of the residence on a Lot. Chain link fences will not be allowed.

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

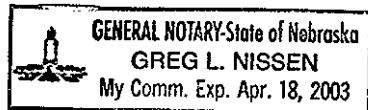
IN WITNESS WHEREOF, the Declarant has executed this First Amendment as of the 18th day of August, 2000.

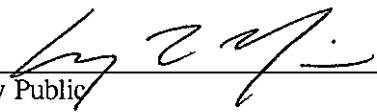
HORGAN DEVELOPMENT COMPANY,
a Nebraska corporation

By: 
Robert P. Horgan, President

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 18th day of August, 2000, by Robert P. Horgan, President of Horgan Development Company, a Nebraska corporation, on behalf of the corporation.




Notary Public

78431