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REGISTER

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

This Second Amendment is made to the Declaration of Covenants, Conditions, Restrictions and Easements for Stone Creek, a Subdivision in Douglas County, Nebraska, 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, as amended by the First Amendment to Declaration of Covenants, Conditions, Restrictions and Easements of Stone Creek, a Subdivision in Douglas County, Nebraska, dated August 18, 2000, and recorded with the Douglas County Register of Deeds on August 23, 2000, in Book 1349 at Page 87 (collectively, the "Declaration") by Horgan Development Company, a Nebraska corporation ("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

³⁷ 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 4, and adding a new Article I, Section 25. 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.

JDB
Gaines, Pansing & Hogan
10050 Regency Circle, Ste. 200
Omaha, Nebraska 68114

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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 I, Section 4, is amended and replaced in its entirety to provide as follows:

4. Except as otherwise specifically approved by Declarant, the exposed front and street side(s) foundation walls and, subject to the sole determination of the Declarant, such other exposed foundation walls, of all residential structures must be constructed of or faced with brick or simulated brick. All driveways must be constructed of concrete, brick, paving stone, or laid stone. All foundations shall be constructed of concrete, brick or stone. The roof of all improvements shall be covered with Tamco Heritage II weathered wood asphalt shingles, or other shingle colors and materials approved in writing by Declarant. Hardboard, pressed wood, bonded wood, and like type shingles will not be approved by Declarant for coverage of any roof.

2. A new Article I, Section 25, is added to the Declaration to provide as follows:

25. All Lots must be fully sodded concurrently with or immediately following completion of construction of the residential structure on the Lot, as weather permits.

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

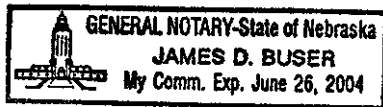
IN WITNESS WHEREOF, the Declarant has executed this First Amendment as of the 14 day of September, 2001.

HORGAN DEVELOPMENT COMPANY,
a Nebraska corporation

By: [Signature]
Robert P. Horgan, President

STATE OF NEBRASKA)
) ss.
COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this 14 day of September, 2001, by Robert P. Horgan, President of HORGAN DEVELOPMENT COMPANY, a Nebraska corporation, on behalf of the corporation.



[Signature]
Notary Public