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

Received - RICHARD TAKECHI Register of Deeds, Douglas County, NE

This Third 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 and the Second Amendment to Declaration of Covenants, Conditions, Restrictions and Easements Stone Creek, a subdivision in Douglas County, Nebraska dated September 18, 2001, and recorded with the Douglas County Register of Deeds on September 28, 2001, in Book 1400 at Page 704 (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 43 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.

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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.

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PANSING HOGAN ERNST & BACHMAN LLF COST ACCOUNT

PH. 397-5500 10250 REGENCY CIRCLE, SUITE 300 OMAHA, NE 68114

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:
- 6. <u>Abatement of Dues and Assessments.</u> 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 Third Amendment as of the ____ day of August, 2004.

HORGAN DEVELOPMENT COMPANY, a Nebraska corporation

Robert P. Horgan, President

STATE OF NEBRASKA)

) ss.

COUNTY OF DOUGLAS)

The foregoing instrument was acknowledged before me this day of August, 2004, by Robert P. Horgan, President of HORGAN DEVELOPMENT COMPANY, a Nebraska corporation, on behalf of the corporation.

GENERAL NOTARY-State of Nebraska
ALICE J. LONG
My Comm. Exp. March 7, 2005

Notary Public

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