

FILED SARPY CO. NE.  
INSTRUMENT NUMBER  
2007- 38169

2007 DEC 28 P 2:19

*Glenn J. Newling*  
REGISTER OF DEEDS

COUNTER   a   C.E.   a    
VERIFY   a   D.E.   a    
PROOF   a    
FEES \$ 193.50  
CHECK #             
CHG FAT 193.50 CASH             
REFUND            CREDIT             
SHORT            NCR           

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

This Third Amendment is made to the Declaration of Covenants, Conditions, Restrictions and Easements of Sugar Creek, a subdivision in Sarpy County, Nebraska, filed October 26, 2001, as Instrument No. 2001-35162 in the Register of Deeds of Sarpy County, Nebraska, the First Amendment to such Declaration filed June 12, 2002, as Instrument No. 2002-22056 in the Register of Deeds of Sarpy County, Nebraska, and the Second Amendment to such Declaration filed May 17, 2004, as Instrument No. 2004-17951 in the Register of Deeds of Sarpy County, Nebraska (hereinafter collectively referred to as the "Declaration") all of which were executed and filed by Sugar Creek, L.L.C., a Nebraska limited liability company (hereinafter referred to as the "Declarant").

PRELIMINARY STATEMENT

A. The Declarant is, or was, at all times material hereto, the owner of certain real property located within Sarpy County, Nebraska and described as follows:

See Attached Exhibit A

~~Lots 1 through 30, inclusive; Lots 32 through 58, inclusive; Lots 60 through 220, inclusive; Lots 221 through 358, inclusive, all in Sugar Creek, a subdivision as surveyed, platted and recorded in Sarpy County, Nebraska, and replats thereof and additions thereto;~~

B. Declarant desires to amend the Declaration to modify the architectural review provisions,

C. Declarant desires to provide for the preservation of the values and amenities of the Additional Lots, and for the maintenance of the character and residential integrity of the Additional Lots by encumbering and subjecting the Additional Lots to the covenants, conditions, restrictions and easements set forth in the Declaration,

D. Article III, Paragraph 3 and Article V, Paragraph 2 of the Declaration grants Declarant the authority to amend the Declaration, in its full and absolute discretion until October 24, 2011.

NOW, THEREFORE, pursuant to the authority granted to the Declarant in Article III,

\*15 FAT

38169

RECORDED NOTE: INDEXED  
AGAINST SUGAR CREEK ADDITION  
LAL 12-28-07  
LOTS 232 + 233 SUGAR CREEK ADDITION  
REPLATED INTO LOT 1 SUGAR CREEK ADDITION REA 4

A

Paragraph 3 and Article V, Paragraph 2 of the Declaration, Declarant hereby amends and supplements the Declaration as follows:

1. By deleting therefrom Subparagraph (E) of Article 1, Paragraph 2, in its entirety and adding in its place and stead the following:

At such time as there shall be a completed single family residence constructed and occupied on one hundred percent (100%) of all Lots, including all other phases of the Sugar Creek development, or ten (10 years), whichever shall occur first, all discretions of Declarant under this Article 1, Paragraph 2, shall transfer to the Homeowners Association and shall be administered pursuant to the provisions of Article III herein.

2. The Declaration is in all other matters ratified and affirmed.

3. Invalidation of any covenant by judgment or court order shall in no way affect any of the other provisions hereof, which shall remain in full force and effect.

The Declarant has executed this Second Amendment to Declaration as of this \_\_\_\_ day of October 2007.

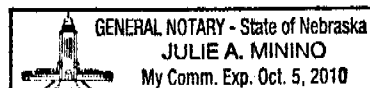
SUGAR CREEK, L.L.C., a Nebraska limited liability company, "Declarant,"

By: Barbara Udes Shaw  
Barbara Udes Shaw, Manager

STATE OF NEBRASKA     )  
  ) ss.  
COUNTY OF DOUGLAS    )

The foregoing instrument was acknowledged before me this 30 day of October 2007, by Barbara Udes Shaw, Manager of Sugar Creek, L.L.C., a Nebraska limited liability company, to me known to be the identical person who executed the foregoing instrument and acknowledged the same to be her voluntary act and deed on behalf of said limited liability company.

Julie A. Minino  
Notary Public



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Exhibit A

Lots 1-30, Sugar Creek

Lots 32-46, Sugar Creek

Lots 47-58 Sugar Creek, NKA Lots 1-61, Sugar Creek Replat 2

Lots 60-166, Sugar Creek

Lots 167-180 Sugar Creek, NKA Lots 1-61, Sugar Creek Replat 2

Lots 181-203 & OLF, Sugar Creek, NKA Lots 1-10 and 13-23, Sugar Creek Replat 1,  
and Lots 11, 12 & OLA, Sugar Creek Replat 1 NKA Lots 1-61, Sugar Creek Replat 2

Lots 204-210, Sugar Creek

Lots 211, 212, 229, 230, 243, 244 260, 261, 274, 275, 289, 290, 303, 304, 318, 319, 326  
thru 342 & OLA, E, G, H, I, J, K, L, Sugar Creek NKA Lots 1 thru 61 Sugar Creek  
Replat 2

Lots 213-228, 231-242, 245-259, 262-273, 276-288, 291-302, 305-317, 320-325,  
342-358, Sugar Creek

All in Sugar Creek, Sugar Creek Replat 1 and Sugar Creek Replat 2, a subdivision as  
surveyed, platted and recorded in Sarpy County, Nebraska.