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**FIRST AMENDMENT TO THE  
DECLARATION OF COVENANTS, CONDITIONS,  
RESTRICTIONS AND EASEMENTS OF SUMMER GLEN**

THIS AMENDMENT TO DECLARATION is made the day first set forth hereinafter by HEARTHSTONE HOMES, INC, a Nebraska corporation, "Declarant".

RECITALS

A. On December 14, 2006 a document entitled Declaration of Covenants, Conditions, Restrictions and Easements of Summer Glen, was recorded against Lots 1 through 225, inclusive, and Outlots "A" thru "H" all surveyed, platted and recorded in Douglas County, Nebraska, in the Register of Deeds, Douglas County as Instrument No. 2006141434 (hereinafter referred to as the "Declaration").

B. On October 23, 2007, a plat entitled Summer Glen Replat One, Lots 1 through 98 Summer Glen Replat One, being a replatting of Lots 42 thru 53, inclusive, Lots 71 thru 79, inclusive, Lots 89 thru 95 inclusive, and Lot 110 thru 164 inclusive, all in Summer Glen, was recorded in the Douglas County, Nebraska Register of Deeds as Instrument No. 2007119767.

C. On August 20, 2008 a plat entitled Summer Glen was recorded for Lots 226 thru 272, inclusive, and Outlot "I", Summer Glen, as surveyed, platted and recorded in Douglas County, Nebraska, in the Register of Deeds, Douglas County as Instrument No. 2008082787 (hereinafter referred to as the "Additional Summer Glen Lots").

D. On October 15, 2008 a plat entitled Bellewood, Lots 1 thru 73, inclusive and Outlot "A" was recorded in the Douglas County, Nebraska, Register of Deeds as Instrument No. 2008081080 (hereinafter referred to as the "Bellewood Lots").

E. The Declarant desires to amend the Declaration to reflect that the Bellewood Lots are not subject to this Declaration, but have their own set of Covenants, however the Bellewood Lots together with all the Lots in Summer Glen are part of the Summer Glen/Bellewood Homeowners Association.

F. The Declarant desires to amend the Declaration to correctly describe the lots in the Declaration and those lots in Summer Glen Replat One, and to include the Additional Summer Glen Lots as subject to the Declaration, the following lots legally described as:

Lots 1 thru 41, inclusive, Lots 54 thru 70, inclusive, Lots 80 thru 88, inclusive, Lots 96 thru 109, inclusive, Lots 165 thru 225, inclusive, and Outlots "A" thru "H", Summer Glen, all as surveyed, platted and recorded in Douglas County, Nebraska in the Register of Deeds; and Lots 1 through 98, Summer Glen Replat One, as surveyed, platted and recorded in Douglas County, Nebraska in the Register of Deeds; and Lots 226 thru 272, inclusive, and Outlot "I", Summer Glen, as surveyed, platted and recorded in Douglas County, Nebraska, in the Register of Deeds. *OC-37325*  
*OC-37326*  
*OC-37328*

NOW, THEREFORE, the Declarant for Lots 1 thru 41, inclusive, Lots 54 thru 70, inclusive, Lots 80 thru 88, inclusive, Lots 96 thru 109, inclusive, Lots 165 thru 225, inclusive, and Outlots "A" thru "H", Summer Glen, all as surveyed, platted and recorded in Douglas County, Nebraska in the Register of Deeds; and Lots 1 through 98, Summer Glen Replat One, as surveyed, platted and recorded in Douglas County, Nebraska in the Register of Deeds; and Lots 226 thru 272, inclusive, and Outlot "I", Summer Glen, as surveyed, platted and recorded in Douglas County, Nebraska, in the Register of Deeds, Douglas

*Box 15/MLA*

County does declare them to be subject to all of the covenants, conditions, restrictions and easements of the Declaration. Declarant does hereby amend the Declaration as follows:

1. All references to Lot, Lots or Summer Glen shall refer to all lots subject to the Declaration.

2. Article II, Paragraph 1(a) is amended to reflect the name of the Association is Summer Glen/Bellewood Homeowners Association, Inc.

3. Article II, Paragraph 1(c) is deleted in its entirety and replaced as follows:

(c) "Properties" shall mean and refer to Lots 1 thru 41, inclusive, Lots 54 thru 70, inclusive, Lots 80 thru 88, inclusive, Lots 96 thru 109, inclusive, Lots 165 thru 225, inclusive, and Outlots "A" thru "G", Summer Glen, all as surveyed, platted and recorded in Douglas County, Nebraska in the Register of Deeds; and Lots 1 through 98, Summer Glen Replat One, as surveyed, platted and recorded in Douglas County, Nebraska; Lots 226 thru 272, inclusive, and Outlot "I", Summer Glen, as surveyed, platted and recorded in Douglas County, Nebraska, in the Register of Deeds; and to Lots 1 thru 73, inclusive, and Outlot "A", Bellewood, as surveyed, platted and recorded in Douglas County, Nebraska in the Register of Deeds.

4. Article II, Paragraph 1(f) is amended to include Outlot "I" in Summer Glen and Outlot "A" in Bellewood.

5. Article II, Paragraph 4 is deleted in its entirety and replaced as follows:

4. Membership. The membership of the Association shall consist of all Owners of the designated Lots within Summer Glen, Summer Glen Replat One and Bellewood. Membership in the Association shall be mandatory and no Owner during his ownership of a Lot shall have the right to relinquish or terminate his membership in the Association. The foregoing is not intended to include persons or entities who hold an interest merely as security for performance of an obligation.

6. Article II Paragraph 8 is amended to replace "including Outlots A - G, inclusive," with "including Outlots A - G, inclusive; and, Outlot "I", Summer Glen; and, Outlot "A", Bellewood,".

7. Article III, Paragraph 3 is deleted in its entirety and replaced as follows:

3. A perpetual easement is hereby reserved in favor of the Summer Glen/Bellewood Homeowners Association, Grantee, its successors and assigns, over, under, through and across a twenty (20') foot strip abutting the rear and/or side boundary lines of Lots 19 thru 30, inclusive, Lot 54, Lots 60 thru 68, inclusive, and Lots 226 thru 235, inclusive, Summer Glen, together with the right of ingress and egress from said easement area, for the purpose of constructing, inspecting, operating, maintaining, repairing and/or replacing subdivision perimeter fencing at the will of the Grantee, its successors and assigns.

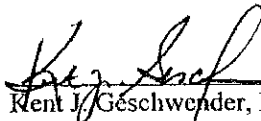


8. Article II is amended to add new paragraph 13 as follows:

13. Joint Association. Declarant intends that the Summer Glen/Bellewood Association be a joint association. The Summer Glen/Bellewood Association is already in existence at the time of recording of this Amendment. In the event there is a conflict between this Article II and the Article II under the Declaration of Covenants, Condition, Restrictions and Easements of Bellewood to be recorded (the "Bellewood Declaration"), this Summer Glen Declaration shall be controlling. Nothing contained herein should be deemed to be a limitation upon the right of the Declarant to amend this Declaration during its period of Declarant Control.

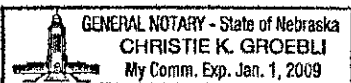
IN WITNESS WHEREOF, this First Amendment to Declaration was executed this 30<sup>th</sup> day of SEPTEMBER, 2008.


HEARTHSTONE HOMES, INC., a  
Nebraska limited liability company,

  
\_\_\_\_\_  
Kent J. Geschwender, President

STATE OF NEBRASKA )  
                                  )ss.  
COUNTY OF DOUGLAS )

The foregoing instrument was acknowledged before me this 30<sup>th</sup> day of September, 2008 by Kent J. Geschwender, President of Hearthstone Homes, Inc. a Nebraska corporation, on behalf of the corporation.

SEAL  GENERAL NOTARY - State of Nebraska  
CHRISTIE K. GROEBLI  
My Comm. Exp. Jan. 1, 2009

  
\_\_\_\_\_  
Notary Public