



MISC Inst. # 2021143032, Pg: 1 of 3 Rec Date: 10/29/2021 11:41:34.110
Fee Received: \$22.00 By: CM
Douglas County, NE Assessor/Register of Deeds DIANE L. BATTIATO

**SECOND AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS
AND EASEMENTS**

THIS SECOND AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS (hereafter "the Second Amendment"), is made on the date hereinafter set forth by KMS-168, L.L.C., a Nebraska limited liability company, hereinafter referred to as "Declarant," with regard to **Lots 1 through 160, inclusive, all in Summer Hill Farm, a subdivision in Douglas County, Nebraska (hereafter "the Property").**

WITNESSETH:

WHEREAS, a Declaration of Covenants, Conditions, Restrictions and Easements executed by the Declarant was filed for record as Instrument Number 2018087297 in the Miscellaneous Records in the office of the office of the Assessor/Register of Deeds of Douglas County, Nebraska, on November 1, 2018, and said Declaration was amended by the First Amendment to Declaration of Covenants, Conditions, Restrictions and Easements filed as Instrument Number 2020016426 in the Miscellaneous Records in the office of the office of the Assessor/Register of Deeds of Douglas County, Nebraska, on February 21, 2020 (hereafter together referred to as "the Declaration"), which encumbered the real property that included the Property;

WHEREAS, Article X, Section 3 of the Declaration provides the Declarant with the right to amend the Declaration in any manner which it may determine in its full and absolute discretion for a period of seven years from the date of the recording of the Declaration in the office of the Register of Deeds;

WHEREAS, Declarant desires to further amend the Declaration with regard to **Lots 1 through 160, inclusive, all in Summer Hill Farm, a subdivision in Douglas County, Nebraska (hereafter "the Property")**, in accordance with the terms of this Second Amendment in order to clarify a provision with regard to vinyl fences that was omitted inadvertently from the First Amendment; and

*After recording, please return original to:
Daniel D. Walsh
Attorney at Law
11330 Q St. # 231
Omaha, NE 68137*

Inst. # 2021143032, Pages: 2 of 3

NOW, THEREFORE, Declarant hereby amends the Declaration as to **Lots 1 through 160, inclusive, all in Summer Hill Farm, a subdivision in Douglas County, Nebraska (hereafter "the Property")**, as follows:

1. By replacing ARTICLE VI, Section 9, in its entirety, with the following:

"Exterior lighting installed on any Lot shall either be indirect or of such a controlled focus and intensity as not to disturb the residents of adjacent Lots. No fence shall be permitted to extend beyond the rear or back line of a main residential structure unless written approval is first obtained from the Declarant. No chain link fences or vinyl covered chain link fences or wire type fencing shall be permitted. Unless other materials are specifically approved in writing by the Declarant, fences shall only be composed of wrought iron, wrought iron look-alike, vinyl, or wood. Vinyl fences must be approved by the Declarant and may be denied in Declarant's sole discretion. Wood fences are allowed only on Lots 1-45, inclusive, and 110-160, inclusive, and must be approved by Declarant prior to installation of the fence. Fences along the rear property line for Lots 1 through 9, inclusive, all in Summer Hill Farm, a subdivision in Douglas County, Nebraska, shall only be a wooden fence that is 6 feet tall, board-on-board, with a scalloped top, and the placement of the rear fence for Lots 1 through 9, inclusive, all in Summer Hill Farm, a subdivision in Douglas County, Nebraska, which are located along 168th Street, shall be located no closer than twenty (20) feet from the rear lot line, so that said twenty (20) feet can be used for the planting of trees that will be planted between the right of way for 168th Street and said rear yard fences for Lots 1 through 9, inclusive, all in Summer Hill Farm, a subdivision in Douglas County, Nebraska. Fences along the rear property line for Lots 46 through 61, inclusive, all in Summer Hill Farm, a subdivision in Douglas County, Nebraska, which are Lots along 168th Street, shall only be comprised of wrought iron or wrought iron look-alike or vinyl, and shall be located no closer than twenty (20) feet from the rear lot line, so that said twenty (20) feet can be used for the planting of trees that will be planted between the right of way for 168th Street and said rear yard fences. The remaining portion of the fence for Lots 1 through 9, inclusive, and Lots 46-61, inclusive, all in Summer Hill Farm, which Lots are located along 168th Street, which is the fence in the side yard for said Lots, shall be whatever is approved by the Declarant or approved in conformity with ARTICLE VII of the Covenants. No hedges or mass planted shrubs shall be permitted more than ten (10) feet in front of the front building line. All produce or vegetable gardens must be planted and maintained only in the rear yards."

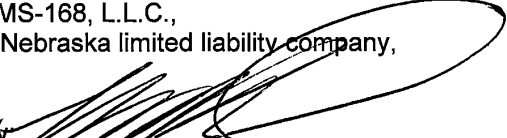
IN WITNESS WHEREOF, the foregoing First Amendment was executed by Declarant and Consenting Owners, effective as of October 18, 2021.


Inst. # 2021143032, Pages: 3 of 3

DECLARANT:

KMS-168, L.L.C.,
a Nebraska limited liability company,

By:


Michael J. Kahre, Manager


John Mabrey, Manager

State of Nebraska)
) ss.
County of Douglas)

On this 18th day of October, 2021, before me, a Notary Public in and for said county and state, personally came Michael J. Kahre, Manager, and John Mabrey, Manager, both managers of KMS-168, L.L.C., a Nebraska limited liability company, known to me to be the identical persons who executed the above instrument, and each of whom acknowledged the execution thereof to be his voluntary act and deed and the voluntary act and deed of said limited liability company.


Notary Public

State of Nebraska – General Notary
DANIEL D. WALSH
My Commission Expires
February 2, 2025