

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

THIS THIRD 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 171, inclusive, and Outlots A, B, C, D, E, F, G, H, I, J, K and L, 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, and amended by the Second Amendment to Declaration of Covenants, Conditions, Restrictions and Easements filed as Instrument Number 2021143032 in the Miscellaneous Records in the office of the office of the Assessor/Register of Deeds of Douglas County, Nebraska, on October 29, 2021 (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 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, by substituting the Exhibit A of said Declaration to replace said Exhibit A with the attached Exhibit A that is attached hereto and incorporated herein by this reference, so that the definition of Properties includes the following: **Lots 1 through 171, inclusive, and Outlots A, B, C, D, E, F, G, H, I, J,**

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

K and L, inclusive, all in Summer Hill Farm, a subdivision in Douglas County, Nebraska, as surveyed, platted and recorded.

NOW, THEREFORE, Declarant hereby amends the Declaration as to **Lots 1 through 171, inclusive, and Outlots A, B, C, D, E, F, G, H, I, J, K and L, inclusive, all in Summer Hill Farm, a subdivision in Douglas County, Nebraska (hereafter "the Property")**, as follows:

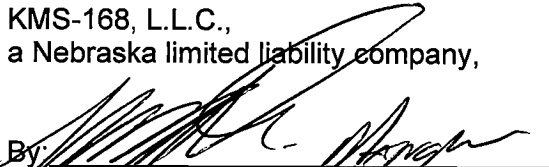
1. By replacing in its entirety the Exhibit A that was attached to the Declaration was filed for record as Instrument Number 2018087297 in the Miscellaneous Records in the office of the office of the Assessor/Register of Deeds of Douglas County, Nebraska, on November 1, 2018, with the Exhibit A that is attached hereto and incorporated herein by this reference.
2. By replacing in its entirety Article I Definitions, Section 6, that contains the definition of "Common Area" of the Declaration 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, with the following Section 6:


""Common Area" shall mean and refer to Outlots A, B, C, D, E, F, G, H, I, J, K and L, all in Summer Hill Farm, a subdivision as surveyed, platted and recorded in Douglas County, Nebraska, which Outlots will be used as follows: Outlots C, F and K are an existing drainage way, will continue to be a drainage way, and will be owned and maintained by the Association and its successors and assigns; Outlots A, E, H and L shall be used for a buffer and landscaping and access and shall be owned by the Association and its successors and assigns; Outlot J shall be used as a wetland mitigation area and shall be owned by the Association and its successors and assigns; and Outlots B, D, G and I shall be used for post construction storm water management facilities and will be owned and maintained by Sanitary and Improvement District No. 581 of Douglas County, Nebraska (hereafter SID 581), and its successors and assigns."

IN WITNESS WHEREOF, the foregoing Third Amendment was executed by Declarant, effective as of May 30, 2023.

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 30th day of May, 2023, 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

Exhibit A

Lots 1 through 171, inclusive, and Outlots A, B, C, D, E, F, G, H, I, J, K and L, inclusive, all in Summer Hill Farm, a subdivision in Douglas County, Nebraska, as surveyed, platted and recorded.