

MISC 2010071977



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Received - DIANE L. BATTIATO  
 Register of Deeds, Douglas County, NE  
 8/13/2010 09:22:41.53



2010071977

AMENDMENT AND AFFIDAVIT TO DECLARATION OF  
COVENANTS, CONDITIONS, AND RESTRICTIONS  
OF SUMMERWOOD LOTS 125 - 277

STATE OF NEBRASKA     )  
                                           ) ss.  
 COUNTY OF DOUGLAS    )

COMES NOW, MARK A. BIETING, being first duly sworn upon oath, states as follows:

1. I am a resident of Omaha, Douglas County, Nebraska, and reside at 4673 S. 152<sup>nd</sup> Circle, Omaha, Nebraska 68137. It is Lot 30 of Summerwood, a Subdivision of Omaha, Douglas County, Nebraska; and during the years 2010 I was an elected as Co-President of the Summerwood Home Owners Association.

2. The Covenants for Lots 125-227 were filed at Book 750, Pages 356-363 dated September 5, 1985, with the Register of Deeds, Douglas County, Nebraska.

3. Part C-3 of the above-cited Covenants provides for their expiration Twenty-Five (25) years from their Declaration and that they can be amended by written instrument signed by the owners of not less than Ninety Percent (90%) of the lots covered by the Covenants.

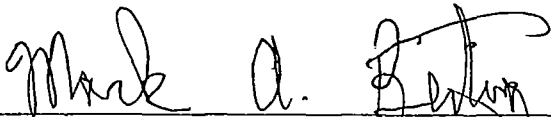
4. Since the annexation of the Subdivision in 2008, Russell S. Daub, Attorney at Law, has provided legal counsel on occasion to the Association and since the annexation I was designated to determine in writing if more than 90% of the then existing lot owners of Lots 125-277 approved of an extension of covenants. The lot owners of over 90% of the lot appointed me as their lawful attorneys-in-fact to execute a single Amendment instrument to be filed with the Douglas County Register of Deeds. I was also instructed to maintain on record a complete file of all who signed lot owner amendments for review by anyone who desired to verify the approval of the lot owners.

5. According to the documents, I have in my possession the written notarized agreement of more than 90% of the lot owners who agree to an extension of the Covenants For Lots 125-277 for another Twenty-Five (25) years from September 5, 2010.

6. I have placed of the signed Consents and Agreements on file with the above-named counsel.

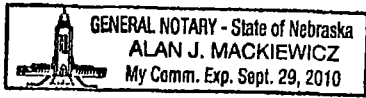
RUSSELL S. DAUB  
 2000 S. 110th Ct A | Omaha NE  
 68147

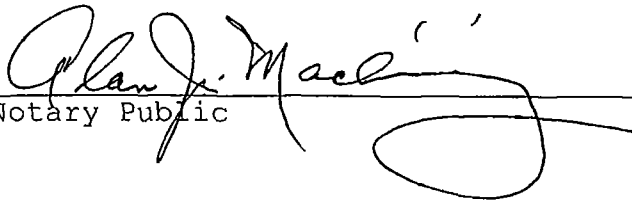
FURTHER AFFIANT SAYETH NOT.

  
\_\_\_\_\_  
MARK A. BIETING

STATE OF NEBRASKA    )  
                                  ) ss.  
COUNTY OF DOUGLAS    )

Subscribed, sworn to, and acknowledged before me by MARK  
A. BIETING this 12th day of August, 2010.



  
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Notary Public